

Land And Agrarian Reform In South Africa: Caught By Continuities - DPRN Six



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Introduction

Land and agrarian reform is often implemented with a view to breaking with the past, particularly by transforming ownership of land and its uneven distribution. The post 1994 land and agrarian reform in South Africa began with a similar agenda. In fact land reform was launched and implemented even before Apartheid was dissolved and the new ANC-led government took control. The Apartheid government under F.W. De Klerk initiated some kind of limited land reform during the period from 1990 to 1993.

In March 1991, De Klerk's government repealed the 1913 and 1936 Land Acts. In November of the same year it appointed an Advisory Committee on Land Allocation (later renamed as the Commission on Land Allocation). The Commission made recommendations on state land disposal and the restoration of land to those disposed of formal land rights. This happened first in Natal, where dispossessed communities in Richards Bay (van Leynseele and Hebinck, 2008), Roosboom, Charlestown and Alcockspruit got their land rights formally restored in the years 1992-93 through this process (Walker 2004). The strengths and weaknesses of the pre-1994 land reforms were replicated post-1994 in the form of a lack of 'coherent state procedures and institutional inadequacies' to manage the land reform process (Walker 2004; 2005).

This paper explores the institutional dynamics by pursuing the argument that contemporary land reform policy and practices are characterised by continuities, rather than by discontinuities. Given the radical policy discourse of Reconstruction and Development, political and economic transformation, one may expect more discontinuities to occur than continuities. The shift from the early emphasis on human rights to paternalism and 'productionism' (from LRAD to SLAG) is testimony of what we would brand as continuities. The assumption of our investigation is that during Apartheid land use on white-owned farms was production and market oriented. Discontinuities no doubt occur; towards the end of the paper we will provide a few examples that show that land once designated for white ownership and 'commercial agriculture' is now being redeveloped into land owned by black people who by and large use the land - quoting an informant one of us spoke to in November 2007 in the Eastern Cape - 'the African way'.**[i]**

The organising notion of continuity (and discontinuity) is useful for an analysis of changes over time. Continuity refers to the state of uninterrupted flow or coherence, or the property of a continuous and connected period of time (Oxford English Dictionary). Synonyms are persistence, enduringness, durability, lastingness, strength or permanence by virtue of the power to resist stress or force. The continuities that will be explored in this paper relate to the agricultural expert system that has gradually evolved in South Africa and which plays a prominent role in the design of land reform. The persistence of continuities would then indicate the extent to which dramatic transformations of the institutional infrastructure in agriculture have occurred. Historical analysis allows us to underline the continuity of prescriptions and modes of ordering in the past and present. Distinctions between the pre-apartheid, apartheid and post-apartheid periods belie the existence of important continuities.

The setting is the Eastern Cape Province, notably the regions formerly known as Ciskei and Transkei. The case material to underline the argument of continuity rather than discontinuity are entrenched in the prescriptive policies of the state with regard to land use as well as in the multiple responses of land users. Such policies are largely informed by agricultural expert opinions with regard to land use such that they have helped to create and order South Africa's agrarian landscapes. The Glen Grey Act of 1894 evolved into Betterment Planning practices dictating and attempting to change land use patterns. Current land reform policies aim to prescribe similarly land use by paternalistically fixing land reform subsidies to forms of land use that fit into the category of 'commercial

agriculture'. Like James (2007), we intend to pursue the provoking argument that the current Department of Land Affairs (DLA) and National and Provincial Departments of Agriculture are rather similar to their Apartheid era predecessors, the Department of Native Affairs and the Native Agricultural and Lands Branch.

Land reform experiences reveal contestations over such prescriptions because of generic solutions, sometimes casted in inflexible ways, incompatible and out of sync with the desires and needs of people. Emergent land use patterns on land reform farms vary enormously, ranging from betterment-like situations to land for settlement. Elements of betterment-like planning can be found in the proposals in the Chatha restitution settlement and Dwesa-Cwebe Development Plan for the 'rationalization' of land use in the communal areas outside Dwesa-Cwebe. The continuity lies in the normative role of development planners, agrarian scientists and the thinking in terms of man-land ratio (or perceived economic units).

Through examining past and present conflicts between the state and peasantry in South Africa, and the institutions and social actors that bridge this divide, the paper argues that the cores of such conflicts are knowledge contestations, particularly between the state's bureaucrats, the experts they hire and local people.

We warn, however, against the dangers of an analysis solely focused on experts (i.e. consultants, academics, policy makers); one should not ignore the roles of other social actors. Experts may attempt to direct and prescribe the course of events (and these often occur in situations that can be understood as intervention), but they certainly do not have the power to structure (or determine) the behaviour of a range of other social actors. Agency is not simply embedded in the expert system, but is situated as well among social actors such as farmers, land users, land reform beneficiaries and extension agents (Long 2001). A range of studies have demonstrated that they contest and rework such intervention programmes. Long (ibid.) explored these processes and pointed at the continuous adaptation, struggle and meshing of cultural elements and social practices (see also van Leynseele and Hebinck 2008). Technology development and transfer necessarily involves an interface between the world of designers and experts and that of the users (Hebinck 2001). Focusing on how farmers and other social actors redesign external prescriptions and thus how adaptations take place, may enable us to explain why certain modes of utilisation proposed by experts are often

contested by local people (Arce 2003; Van der Ploeg 2003; 2008; Mango and Hebinck 2004).

In a concluding note, ideas about alternative scenarios will be explored. It is imperative that such alternatives need to take into account the continuities in expert thinking within state institutions.

Agricultural expert systems and knowledge

Experts, expert knowledge and networks play a key role in contemporary agriculture. Likewise they are key to the implementation of land reform, certainly so in situations like South Africa where consultants have come to play an important role in the design of business plans for land reform project and their beneficiaries.

Giddens (1990: 27) defines an expert system as 'a system of technical accomplishment [and] professional expertise that organises large areas of the material and social environments in which we live today'. Besides size, more importantly perhaps is that the agricultural expert system represents a set of *practices* by which the development of the agricultural sector is directed: problems are identified and solutions forged, proposed and implemented. Knowledge (and thus the control over what constitutes knowledge) plays a key role in any expert system. Van der Ploeg (2003: 229) in his analysis of Dutch agriculture adds another specific characteristic to agricultural expert knowledge. It does not concern so much 'agriculture as it is now, let alone (recent) agricultural history. The expertise involves agriculture as it is expected to look in the future'. An expert system thus defines the trajectory and means to arrive at this future. This provides experts with the power to create 'the rules that define and authorise participants', and which distinguish them from those who are in their way. The expert system embodies the knowledge and expertise that imply and define agency: rules, participants and resources. Needless to say, such knowledge is neither neutral nor objective, but rather normative and regulatory; it has the power to identify (and label accordingly) winners and losers, and thus the power to order the agricultural sector in South Africa, now and in the future.

The agricultural expert system in South Africa consists of an extremely condensed set of networks linking together state structures at national, provincial and municipal level, various professional organisations and individuals. Most experts have in common that their past training has been in Faculties of Agriculture (notably of the Universities of Pretoria, Stellenbosch, Free State, KwaZulu-Natal

and Fort Hare), and that they gained experience in state-funded institutions such as the Agricultural Research Council. In addition, most experts have a background in either commercial, large scale agriculture or in so-called homeland agriculture.

To pursue a critical analysis of knowledge and experts, the analysis has to take into account two ingredients that are situational. One of analytical ingredients is the positioning of expert knowledge within the political project of the state and society. The second is the particular way in which agrarian science has evolved.

The development of an expert system cannot be separated from political and economic relations and broader questions of political economy. State interventions in agriculture in South Africa, for example, have often related to attempts to address scarcities of labour and land. A substantial body of literature has addressed this dimension of the agrarian question (of capital and labour) in South Africa (Bernstein 1998; 2007; Ntsebesa and Hall 2007; Atkins 2007; James 2007). This literature, however, does not really address the political economy of knowledge and has ignored the key role agricultural knowledge plays in development. A relatively recent body of STS literature (Science, Technology and Society studies) has engaged with the relationship between politics, knowledge and power. Scientists, because of their position as network builders, play a key role in the strategic positioning of science in society and politics. Latour's (1983) treatment of the production of knowledge by Pasteur and his group is interesting in that he shows that experts like Pasteur often succeed in deriving political positions and influence from their scientific breakthroughs. The Green Revolution would not have been there without the political and scientific prestige of Norman Borlaugh (Hebinck 2001). Nor would Agroforestry have been what it is now without Pablo Sanchez, the founding father of the World Centre for Agroforestry (ICRAF). Beinart (2003: 336) calls the development of the expert system in South Africa 'unilateral [state] interventions and centralised planning'. Beinart argues that, particularly during the early years of the 20th century and after that time, the agricultural expert system became associated in rhetoric and policy with attempts to forge a unified and modern white nation. Heinrich Sebastian Du Toit, a highly committed senior official in the Department of Agriculture, played a key role in the construction of an agricultural expert discourse and practice. Du Toit had travelled worldwide and his experiences convinced him that the advances of science should be incorporated in farming, which would both stimulate production and secure conditions for a proper reproduction and till the land in

difficult and marginal environments. These advances needed to spread not just to white farmers but specifically to the mass of white, Afrikaner landowners. Du Toit felt that many of them were bypassed by the current department's research and publicity (Beinart 2003: 237). Agricultural development, experts and expertise, Afrikaner nationalism and modernisation became intertwined. The frame of reference for most agricultural experts thus became the white settler farm whose social and cultural environment was familiar to them. Black farming or peasant agriculture was virtually absent or unknown to agricultural experts, despite the fact that in the early years of interventions some experts drew on peasant farming techniques.

The positioning of expert knowledge *vis-à-vis* the state has allowed experts, whether academics, retired academics acting as consultants or former officials of Departments of Agriculture to give directions to pre-apartheid, apartheid and post-apartheid agrarian policies and simultaneously shape the domain of agrarian sciences. The importance of this is that such knowledge generation and institutional culture has produced the current crop of experts but continues to train the next crop of experts, thereby reproducing expert practice and knowledge.

The South African expert system participates in this way in a political project that needs participants (in this case land reform beneficiaries and willing sellers) and supporters (political organisations, the broader public, key state apparatuses such as the Ministry of Finance) and which has as its main objective to connect the many different projects of the landless, the poor, the upcoming black entrepreneurs, corporate agribusiness groups, banks, merchants, consumers and last but not least the polity.

The second ingredient for a situational analysis of expert knowledge is that agrarian sciences and knowledge over time have moved from a local perspective and localised practice to a particular institutional practice. During the early years of agronomy, for instance, its practice was clearly embedded in the context of and in close relationship with the everyday practices of farming. However, it became more and more disconnected from that daily practice and gradually moved from the field to experimental farms, research stations and university farms and laboratories. Van der Ploeg (2003) understands such a transformation as the processes of '*scientification of agriculture*' which drives many of the current externalisation and commoditisation processes in agriculture. Latour (1983)

singles out an essential element of that process in Louis Pasteur's approach to find a medical solution to anthrax in France: *decontextualisation*. This signifies that solutions for problems such as animal diseases, pests, and low crop yields and so on are produced in environments that can be controlled for influencing factors. Beinart (2003) pointed at the networked nature of the development of South African science regarding farming, conservation, soils, plants, animals, etc. Networking - travelling abroad and inviting peers from the UK and USA to South Africa - has played a major role in separating expert knowledge from local environments, allowing the decontextualised importing of concepts and notions of farming that had developed in very different conditions.

Decontextualisation and scientification together have led to a scientific practice that is largely (perhaps totally in certain situations) alienated from the local cultural, social, economic and political situation. Van der Ploeg (2003), while pointing at the tight relationship between such sciences and policy environments, argues that empirical realities are reduced to virtual, non-existing realities, often expressed in aggregate terms such as averages.

Prescriptions and continuities: From the Glen Grey Act to land reform

Contemporary expert recommendations on African agriculture echo 19th century policies. The Glen Grey Act (Cape Act No. 25 of 1894) is generally known as a piece of legislation aimed at limiting the amount of land Africans could hold. It introduced the 'one man one plot' principle and most of its measures were extended to the former Ciskei and Transkei areas. **[ii]** The Act is one of the first examples of regulating land use by fixing size (about 3 *morgen* in the former Ciskei and about 5 and larger in the former Transkei). Limiting the size of plots ensured that landholders had to seek additional income off-farm and making the plots indivisible destined all but the eldest son of the landowner to find off-farm livelihoods (Yawitch 1982; Beinart 2003). Land surveyors and agricultural officers subdivided the land into three land use categories, each with specific tenure arrangements: 1) land allotted for crops, 2) land intended for residential purposes and 3) commonage. The first two categories were allocated in combination under a quitrent arrangement. Title deeds were issued and access was secured through annual payments. **[iii]** The remaining land was designated as 'commonage' for cattle to graze, for people to collect firewood and other services the environment provided. All this was specified on the title deeds. This neat, explicit and sometimes exclusionary distinction provided in the eyes of the colonial expert

system an opportunity for the viable cultivation of crops and livestock. The quitrent and payments served the purpose of securing notions of property as individually-owned, as well as drawing people into the monetary economy. Raising taxes also increased rural Africans' need for cash, further pressing them to seek paid employment (Lewis 1984; Bundy 1988; Switzer 1993). This pattern of land use and institutional arrangements contrasted starkly with peoples' previously existing patterns of settlement and use of the landscape (Bundy 1998, Schapera 1937). The aspect of individual land tenure in the Grey Act cannot be generalised, however.

Until the early 20th century, the state had only actively intervened to address access to land and labour. In the early decades of the 20th century, however, the state began to aggressively support white-dominated agriculture: 'Between 1910 and 1935, there were 87 Acts passed ... rendering permanent assistance to farmers' (Mbongwa et al. 1996: 48). These policies institutionalised a marketing policy aimed at raising agricultural prices well above competition level, assisted poorer whites in their attempt to rationalise their enterprises economically, and provided agricultural credit. As part of this support, the state began to develop an agricultural expert system through the establishment of a National Department of Agriculture in 1924 as well as a network of agricultural colleges and research stations in the country (Wilson 1975; Beinart 2003). Experimental farms and training colleges were established at Elsenburg (in 1917) in the Western Cape, Cedara in Natal, Fort Cox Agricultural College (early 1930s) in the Ciskei and Tsolo Agricultural College in the Transkei. The Tomlinson Report (1955: 74) narrated that the 'first Bantu agricultural school was only founded in 1905 (in the Transkei) and a special technical agricultural service in the Native Affairs department - the Native Agricultural and Lands Branch - was only brought into being in 1929'. Previously, the report mentions, various commissions had reported on destructive agricultural methods and their recommendations to teach the natives to use their land efficiently. The Faculty of Agriculture of University of Fort Hare played - and still does - a role in the implementation of these programmes by training students to advise people living in communal areas about modern farming (Morrow 2007).



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This expert system began to turn its eyes on the 'Native Areas' where land degradation in the form of soil erosion, denudation, and drying-up of springs began to receive governmental attention of the South African Government. The 1932 Native Economic Commission called for a development programme to *teach* Africans how to use their land more economically, and to halt resource degradation (Yawitch 1981). The 1936 Native Trust and Land Act No 18 provided the legal framework for the government interventions known as Betterment planning, involving the reclamation and rehabilitation of the 'Native Areas'. The ostensible key concern of early (1936 to 1950) betterment planning was to protect and rehabilitate the natural resource. Government introduced policies aimed at limiting and culling livestock numbers to address perceived denudation of the rangeland, and engaged in the construction of contour banks in an attempt to prevent soil erosion. Areas were designated as residential, arable and grazing land, and rural Africans were instructed (and often forced) to move into the designated residential areas. Implementation of the planning started in the late 1930s but was subject to much resistance, thus proceeding rather slowly (Switzer 1993; McAllister 1989; de Wet 1987; 1989; Beinart 2003; Hendricks 1989). While resistance was widespread, there are also examples of villages accommodating betterment ideas (i.e. rotational grazing) and embracing some other aspects (i.e. provision of schools, roads and other facilities).

While a certain variant of a Malthusian view may underlay the conception of betterment planning as a check on environmental degradation (Trollope 1985; Laker et al. 1975; Tomlinson Commission 1955), population dynamics (rather than population growth per se: Switzer 1993) were the context for environmental problems. Labour migration and land tenure had pushed rural people off the land rather than facilitating their continued presence on the land, which would allow them to care for the land and monitor degradation (see Hebinck and Monde 2007).

Experts like Trollope (1985) maintained that soil erosion is the outcome of the interplay between a series of factors such as tenure, population pressure, lack of education and skills, and a 'complete lack of sound scientific background'. Together these factors are seen to limit the understanding, acceptance and implementation of new and improved farming methods. The Laker Report (Laker et al. 1975) explains soil erosion repeatedly as incorrect land use and overstocking. Together with poor soils and inadequate moisture, yields are poor and can only be low. Stocking rates should be brought in line with prevailing veld conditions. **[iv]** Contestation of the restrictions placed on livestock numbers may be explained by contrasting views about carrying capacity and the significance of cattle. Limiting stock numbers and subsequent measures to cull were instigated by agricultural experts' view that overstocking ruined the land and weakened cattle. The widely used system of kraaling among both white and black farmers was seen as the prime example of ignorant farming causing overgrazing as well as selective grazing. These views emerged during the great drought at the beginning of the 20th century, which brought environmental concerns to the fore within state circles and the general public (Wilson 1975; Beinart 2003). Beinart (1984) situates the contradicting views of local people and experts in the often contradictory nature of the relations between the state and the peasantry. Beinart (1984: 53) also points at the confrontation of ideas, knowledge and practices leading to 'a preoccupation amongst officials with soil erosion, the necessity of combating it, and the preservation of natural resources. The welfare of the soil often emerges as the cutting edge of justification for intervention in peasant agriculture'.

Such views were also sustained by the idea that communal (that is, homeland or black) farming (in contrast to private farming) entailed an inadequate exploitation of cattle as an economic resource. For government officials and experts, the very nature of peasant agriculture seemed destined to trigger environmental or ecological collapse. These views came to dominate expert thinking and fed betterment planning some twenty to thirty years later. Culling contradicted a 'peasant' logic that focused on maintaining as many stock as possible. For black farmers sheep and wool stood for means to pay their taxes. Social science researchers have shown that the 'peasant' principle of cattle rearing is embedded in the multiple meanings of cattle. Cattle represents both consumptive (*lobola*, milk, meat, status) and productive (draught power, manure, savings) values (Cousins 1996; Lahiff 2000; Shackleton et al. 2005; Ainslie 2005).

In summary, from the Glen Grey Act to Betterment Planning period, emerged a trend of interface and collaboration between knowledge and power, between the experts and the political elite whilst on the contrary, traditions of opposition, contestation and resistance by communities for whom solutions were prescribed were on the ascendance.

Land reform and knowledge networks in South Africa: Continuity or change?

The critical question now is whether current land reform practices have managed to escape from the expert system that emerged from a white settler frame of reference, which has ideologically favoured farming by Afrikaner landholders and that departed from normative and institutionalised views about how, and in what direction, agricultural development should proceed. Can we indeed identify continuities, and if so, how do these look?

Continuities, as we set out to argue, are embedded in practices of state institutions with regard to planning, personnel, relationships and policy languages. Clear continuities can be identified if one examines the state bureaucracy involved in land and agrarian reforms. During the period 1994-1999 the institutions of the new democratic state were predominantly manned by Apartheid era policymakers and planners. This situation continued despite the enrolling of NGO staff and other anti-apartheid organisations in the state's institutions. Moreover, during this period a predominantly white consultancy industry[v] played a key role in the planning and implementation of agrarian reforms. Each land reform project (redistribution and restitution) was assigned to consultants (i.e. experts) who compiled feasibility studies and prepared management and business plans. The consultants assessed the economic feasibility of the 'project' and drafted a plan for knowledge transfer (implicitly assuming an absence of knowledge among the beneficiaries). In many instances, the sophistication of business plans is not synchronised to the needs and wishes of beneficiaries, hence the implementation of a business plan often does not correlate with the plan. A recent study done on behalf of the Department of Land Affairs by the Sustainable Development Consortium indicated that the work of consultants, especially in the development of business plans, does not always cohere with community practices and aspirations (SDC 2007). Expert knowledge played and still plays a role *par excellence* in the *ordering of the future* of agriculture, and is an embodiment of the continuities that shape land and agrarian reforms in South Africa.

Land reform, scale and experts

The experiences of current land reform projects can be grouped into two categories, each with their own specific but contrasting patterns of continuity. The first category deals with farms that have been handed over to new owners without changes made to the farm enterprise. Size and scale of operation, production and business plans, input and output relations have remained virtually unaltered. In many cases, notably in the Western Cape, farms that are undercapitalised because of neglect and lack of investment are turned over to new owners who lack capital. Most of these now called land reform projects, are at the verge of bankruptcy. Continuity in such cases is also facilitated by the so-called mentors (often the previous owners) whose experience is firmly grounded in large-scale, capital-intensive farming. Interviews held by one of us in November 2005 with some of these mentors made this awfully clear. In some cases, new owners have appointed a farm manager to oversee the continuity of their farm (see de Wet 1998). The farm that is transferred is typically a farm that has evolved from a settler farm into a highly mechanised and capitalised farm run by an owner (or a company), assisted by a manager responsible for the workforce and daily operations.

Current land reform experiences point to two closely related issues which have as much to do with the expert system as a continuing factor in the land reform process, as with the complex relationships between actor and structure alluded to earlier. First, the current expert system strongly believes in the received wisdom that the future is fixed by the past. This becomes manifest in two simultaneously operating discourses that are best described as 'Leave existing land use intact' and 'Do not subdivide the farm into numerous smaller farms'. It is only the driver who has to change but not the car (to paraphrase Van der Brink 2003), which is a good characterisation of what has happened so far. Current land use, in this view, has proven its use and efficiency (and is well embedded in local and global networks of power) while small farms by and large are perceived as inherently inefficient. This is in contrast to experiences elsewhere that are well documented in the literature. [vi] Lipton and Lipton (1993) translate these and other experiences to the South African context. A smallholder model is preferred because of the relative efficiency of resource use on small farms. The Department of Land Affairs seems to favour this form of agriculture (DLA 1996; van der Brink et. al 2007), but it is unclear whether this is done out of genuine involvement or only to speed up the land redistribution process and/or to hide the failures so far.

Only time will tell.

The pro-small farm argument has been heavily critiqued. Sender and Johnston (2004) - James (2007) as well as Bernstein (1998, 2007) support their views - are particularly critical of a smallholder model because of the lack of changes in the political economy (e.g. the nature of relations between production and consumption, between small scale producers and agribusiness and other market institutions). The counter critique of this position is not just an academic exercise but forms an essential element in our critique of the agricultural expert system in South Africa and the many received wisdoms and orthodoxies.

1. Sender and Johnston (2004) explore the state of agriculture as it currently is; their analysis ignores the opportunities and potential for change or alternative trajectories.
2. range of classic studies (referred to in footnote 6) point at past dynamics of African and small scale agriculture, both now and in the past (see Bundy 1988). It is extremely important to analyse the reason for its decline rather than to assume it is inherent to agriculture and a structural character of agricultural development.
3. The argument of inefficiency and problems of small-scale or other forms of production are associated with distorted and missing markets. This is also explored by Ellis (1993) and such reasoning ignores the possibility that the nature of market-induced relations may be part of the problem. That markets can be redesigned and/or that one could debate the issue of what constitutes 'good' markets, is not taken into account in their analysis.
4. Similar to the South African experts and policy makers, Sender and Johnston apparently simply assume that 'commercial' or entrepreneurial (and preferably Black Economic Empowerment (i.e. commercial)) forms of production are productive, profitable and create employment. This is assumed and hardly tested through empirical and comparative research. The South African example shows the opposite: commercial farms are expulping labour rather than creating rural employment (Atkinson 2007).

It is important to point out that Sender and Johnston c.s. and South African experts *assume* large-scale and extensive farming to be *profitable* compared to agriculture practiced intensively and on a smaller scale. South Africa's expert system basically has only experience with large-scale extensive agriculture. Thus, they are either ignoring or lacking the imagination to figure what small-scale

agriculture would look like in a different agrarian structure or denying the capacity of smallholders to redesign and resists existing market and technology structures. The attraction of land- and labour-intensive agriculture, as Boserup (1981), Lipton and Lipton (1993) and van der Ploeg (2000; 2008) have pointed out, is that it is intrinsically driven by *increasing the value added* to the farm or field and in this way using as well as increasing the use of labour on the farm and in the local agrarian economy. A similar argument has been explored by Hebinck and Van Averbeke (2007) and Moyo (2007).

Scale is not to be mixed up with size only but should include aspects of quantity and quality of labour (e.g. knowledge), the nature of the labour process and the positioning *vis-à-vis* markets and technology. An important orthodoxy within land reform projects and among experts largely concerns scale and the associated worker-land ratio. A recent study clearly bears the permutations and continuities. The study was outsourced by the Department of Agriculture in Pretoria to a group of consultants (Agri-Africa). The research was called a 'Minimum Viable Farm Size Study' and the report of the study was initially submitted in January 2007. The study was intended to provide the Department with guidelines so as to be able to decide what constitutes a minimum viable farm in South Africa, in order to inform government policy on agrarian reforms. The terms of reference clearly indicated government intentions, which included de-concentrating land ownership and encouraging (more) intensive utilisation of land as well as the freeing of underutilised portions of land in large-scale farming operations for redistribution purposes. Instead of exploring the labour process in relation to size and livelihoods, the research focused on how to reduce farm sizes for land reform beneficiaries in order to create small farms. Furthermore, size was considered as only related to agro-ecological conditions and not to the livelihood needs of the beneficiaries. The report proposes small-scale farms as a policy solution to meet the needs for land of potential black farmers/beneficiaries of land reform. The study is silent about large-scale farms owned by white commercial farmers.

The reasons for proposing small-scale farms as a solution are premised on (i) the failure of farming settlements made under the Settlement and Land acquisition Grants during the initial phase of land and agrarian reforms in South Africa, and (ii) the history of successful African small-scale farmers at the end of the 18th century, implicitly suggesting that these successes can be repeated in our time. As the experts put it, South African agricultural history has evidence that small-

scale farming has played a major role in the livelihood of the rural populace. History shows that small-scale farming played a significant role in the development of South African diamond and gold mining industries by supplying food to these industries during the latter part of the 19th century. Productivity and innovation displayed by these farmers is widely acclaimed (Agri-Africa: 11).

The problem with such a view is partly that by invoking the past and adjusting profit margins to present market dynamics, the reasoning is that South Africa will have addressed policy questions around what constitutes the minimum viable farm size. Given that the intention of government (which contracted experts to do the research), was to check whether existing farms, owned by white commercial farmers, were the viable minimum for farming, and if not, how much land in excess of the minimum can be expropriated for land reform purposes, via an intended policy on the land ceilings, the study seems to have gone off the tangent to focus on the size of farms for land reform beneficiaries.



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Policy language and classifications schemes

Other orthodoxies that embody continuity are the dichotomised classification schemes experts use to order South Africa's agricultural sector. **[vii]** Subsistence farming versus commercial farming with the 'emergent farmer' as the bridging notion between the two extremes are continuously used in policy documents, peer reviewed articles in journals such as *Agrekon* and *Development Southern Africa* and reading material for students. This set of virtual categories not only reflects the (way the expert sees the) future but are based on assumptions that are seldom empirically tested. Modernisation of agriculture is the trajectory according to which agriculture should unfold. **[viii]** Many experts (continue to) view agricultural development as best realised in entrepreneurial or commercial farming, highly commoditised forms of agriculture thus seen as superior to and more advanced than forms of production hinging on substantially lower degrees of commoditisation. Peasant farming is often (wrongly) equated with subsistence

farming and is marginally linked to markets and thus holds no future. Within current land reform practices in South Africa the received wisdom is that the market is uncontested and continues to be the ideal domain for access to key agricultural resources (knowledge, technology, land and labour).

Creative and imaginative ideas of small-scale agriculture and its dynamics in terms of use of endogenous resources and the creation of value added, employment and social security is virtually absent. Expert knowledge ignores in this way a history of relatively vibrant forms of peasant production in South Africa and elsewhere (Lewis 1984; Bundy 1988; van Onselen 1996). Such experiences are, however, seen as irrelevant and unable to provide a trajectory to the future. Of course we need to realise that it is difficult to generalise: historical and comparative studies have shown that in certain conditions and circumstance small-scale or peasant agriculture may flourish while in others it may not. It is imperative for any expert system to identify such conditions. However, there is also a need to realise that more productive or more efficient does not necessarily translate into wealth (as opposed to poverty) and equality (as opposed to differentiation). Rich and poor are characteristics of both entrepreneurial and peasant forms of production.

Land reform experiences: Betterment-like responses

Another category of continuities in land reform consists of farm operations and land use resembling betterment planning. For example, the land use on a former commercial and white-owned farm visited in February 2006 was an almost perfect copy of Betterment Planning land use designs of the 1950s. The previous large maize field was subdivided into smaller units and individually managed (similar to the arable land allocations) while the pastures were designated as common grazing land with some form of grazing rotation scheme applied. Most of the new land owners *cum* land beneficiaries live elsewhere in the country (James 2007) and continue to straddle as in the past farming with labour migration and/or remittances, pensions and social grants. There are numerous LRAD farms in the country that reflect rather similar betterment-like continuities in terms of land use and/or situations where the land reform beneficiaries are not living or working on their newly acquired farm. On these farms there is substantial evidence of land reform beneficiaries actively redesigning the previously large farm. Below two cases will be explored in some detail with the view to examine the role of experts. The cases underline that neither the expert system, nor the

responses by land beneficiaries are homogeneous.

Chatha, Keiskamahoek

The story of the Chatha community restitution claim is well documented and widely publicised. Chatha community was forcibly removed from land previously occupied by them or their ancestors through the implementation of the policy of betterment planning from the early 1960s onwards. The policy was implemented under the provisions of sections of the Native Administration Act 38 of 1927 and the Native Trust and Land Act 18 of 1936, and the various proclamations made under these statutes. The implementation of the betterment policy resulted in the community being dispossessed of their rights in land. The right to manage and allocate the land was taken over by the State and resulted in families being moved from one piece of land to another, reduction in sizes of residential sites and arable fields as well as demarcation of residential sites from arable fields. The community also lost the right of control of the communal rangelands (see for more details De Wet 1995).

The community lodged a claim for compensation which was approved and the agreement was signed in 2000 (Minkley and Westaway 2006; De Wet and Mgujulwa 2006). The resolution and settlement of the claim between the community and the State contained three interesting elements.

1. Monetary compensation for losses incurred as a result of the dispossession to the 344 claimant families (which is half the total payment of R31 697);
2. A development plan for the community (utilising the remaining portion of the monetary compensation);
3. Transfer of ownership and control of communal rangelands back to the community.

The development plan included an agricultural plan for both stock farming and crop production for domestic and commercial purposes, a forest plan and one for eco-tourism and a multi-purpose community centre. Consultants were hired and paid to develop the plan and a project steering committee which included municipality, the commission, beneficiaries and the project managing NGO, the Border Rural Committee (BRC), was set up. Most interestingly, the transfer of the rangeland to the community was not based on any new stipulations regarding usage. The plots of land presently utilised by families for residential and arable purposes were preserved as they were in the past. The forestry project is

underway despite problems with coordination and adherence to time lines among stakeholders. The community hall has been constructed out of the restitution development funds. The old irrigation scheme has since 2000 been revitalised and is now producing food. Roads are being upgraded. All in all development work triggered off by restitution in Chatha provided employment for some 60 people ranging between R 40 to R 60 per day. However, from the beginning of the restitution process, political cleavages emerged, threatening the political sustainability of developments after restitution. De Wet and Mgululwa (2006) argue that these political cleavages are linked to the headmanship being contested already since the 1880s. Furthermore, the role of the BRC was such that it virtually managed the restitution process. All that this demonstrates, is how the continuities with the past weigh like a nightmare as a burden of the present. When development is caught by such continuities, restitution produces ambiguities.

Dwesa-Cwebe

Dwesa-Cwebe provides another dimension of continuity which points more at the expert systems' role. Even in a document compiled through a long participatory process, biases associated with the agricultural expert system and reflecting the legacies of Glen Grey and betterment are evident. Our analysis here focuses on the August 2003 draft of the Dwesa-Cwebe development plan. **[ix]**

In the Executive Summary, the plan repeatedly affirms the value of expert knowledge against local practices: 'the environment is not managed properly', 'there is a need for proper settlement planning' and 'proper land use management' (DCDP: 2). There are 'proper' ways to manage land and the environment, which are seen as lacking in the Dwesa-Cwebe communities. Indeed, the discussion of agriculture reads like a catalogue of community deficiencies, implying that the communities are not sufficiently dependent on the market: 'lack of insect and disease control, lack of input capital, lack of traction equipment ... lands not fenced' (35). To this is added 'lack of knowledge' (35). The list of 'key issues' links this lack of knowledge to the absence of contact with agricultural experts: 'lack of agricultural education and training [;] lack of support from Agricultural Government Departments' (36). It then makes its assumptions explicit: 'Communal system does not provide opportunities for commercial agriculture' (36).

Likewise, the quantitative terms in which the plan evaluates local agriculture and

livestock-keeping practices do not take into account farmers' objectives. Their methodology was based on simply asking farmers how many bags they harvested, an approach which has been proven to be prone to severe underestimation in the rural Transkei (see McAllister 2000). The plan's authors conclude that maize yields 'a R500 income per hectare, which is not profitable for the producer' (38) - without explaining the input costs that lead to the characterization as 'not profitable'. This characterization also neglects to consider that even R500 would be more than five percent of the annual income of a pension-dependent household, or that most purchased maize is bought on credit, effectively doubling its price (Fay 2003: 287-9). **[x]** This yield might not satisfy a commercial farmer producing for the market, but for a cash-strapped rural household, it is an important way of setting aside money for other needs.

The report also reflects the biases of the agricultural expert system in its discussion of livestock. Based on a classification of local veld types and estimates of 'carrying capacity' from the Department of Agriculture, the plan concludes that the area can support 1.7 large stock units per household, adding the patronizing comment that 'it will benefit the farmers in the long term if they adhere to this recommendation' (27). While no mention is made of culling, other recommendations echo those proposed for the communal areas for decades: 'The Department of Agriculture will have to educate the farmers on the long-term benefits to reduce their stock. ... The excess stock and unproductive animals will have to be sold and a breeding programme to breed animals with higher economic value should be introduced' (28). Again, the (faulty) assumption is that local farmers aim to maximize the economic value of individual animals in order to sell them. Likewise, the 'communal system of grazing' (36) is blamed for creating an 'inability to adapt stock numbers to grazing capacity' (36). Local practices are seen as failing by comparison to commercial farming practices: 'rotational grazing cannot be practised as there are no camp fences' (36).

Finally, the plan takes up a favourite topic of agricultural experts, individual land titling, ignoring the many known adverse consequences of incomplete tenure reforms in Africa. The budget allocates R3.4 million - nearly a quarter of the total funds the communities are receiving in their land restitution claim - to land use planning and surveying. It calls for determination of property boundaries and registration of individual ownership, although the details of the procedures to be followed are not specified. Given that there are 2,270 homesteads in the Dwesa-

Cwebe communities, most of which have more than one discrete land parcel, this seems like a recipe for an incomplete tenure reform, likely to create ambiguity and conflict.

The current drama is that land reform beneficiaries are seldom aware of alternatives, nor do they have easy access to such knowledge. Not all land beneficiaries have experienced agriculture nor has knowledge been transferred from generation to generation. Secondly, current land reform farms are incompatible with the experience of most beneficiaries. Hence the attempts to apply Betterment-like solutions to recently acquired farms. Most of their experience is related to some kind of compound or homestead agriculture in the former homelands, driven by women and older people while men are absent, based on irregular cropping and produce for the local market (where market production exists), a form of agriculture supported by off-farm income (remittances, pensions). The *compound* or *homestead* fulfils the role of the central and coordinating social and spatial unit, rather than only the market and new technologies.



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Conclusions

This paper has drawn attention to dimensions of knowledge that embody key continuities. These continuities and the social relationships behind them may explain why less than 4.2% of the target 30% of land is redistributed, why land reform farms do not perform as planned, and why land reform farms have been transferred to new owners, not all of them land reform beneficiaries. This is evidence of expert knowledge not being applicable to the immediate land reform beneficiaries. Guided by orthodoxies rather than curiosity, there have been few attempts to redesign the size of the farm (e.g. by subdivision) and to go beyond

collectively owned farms. Land reform beneficiaries in their turn are not always aware of alternative scenarios, nor do they have easy access to information on alternatives. Experiences in South and Southern Africa and elsewhere (e.g. Europe) with the dynamics of relatively small family farms have been ignored (willingly or unwillingly). This has certainly limited the windows of opportunity for alternative scenarios. Farms that have been transferred have in most cases remained under the model of a settler farm, transformed into a highly mechanised and capitalised farm run by an owner (or a company) assisted by a manager responsible for the workforce and daily operations. In this sense, the expert system has evolved largely disconnected from the majority of African smallholders and potential land reform beneficiaries. As a result, current land reform farms are often incompatible with beneficiaries' experience, leading in some cases to attempts to apply betterment-like solutions to recently acquired farms.

The current expert system requires realignment to the variety of social and natural conditions in the country. This should include more attention to small scale agriculture, revisiting current curricula at schools, colleges and universities and redesigning agricultural research programs. More experience is required on the conditions which may have favoured small scale production in the past and their implications for the present and future. In the domain of conservation this requires more serious commitments to joint management of protected areas, a better understanding of the long-term human roles in shaping and managing ecosystems, a willingness to collaborate in practice as well as on paper and an acknowledgment of local rights, and attention to the potential for local biodiversity monitoring. Adopting and applying theoretical notions like co-evolution (or co-production) and non-equilibrium thinking opens new ways for exploring the complex interactions between the social and the natural. It may help agrarian sciences and scientists to go beyond some of the orthodoxies discussed in this paper.

Certain components in the expert system (such as the Sustainable Livelihood Division of the Agricultural Research Council) have found support in a livelihood approach to development to identify a new *modus operandi*. With substantial international support a process of institutional transformation is taking place, but has so far remained rather rigid, mechanistic and bureaucratic with old tendencies still in place (i.e. top down, and rather prescriptive and normative) despite the discourse of participation. Key to a livelihood approach would be to begin with a

focus on the skills and resources that rural people possess, and their existing activities, rather than a largely preconceived set of expert prescriptions about what they should be doing. A good application is Timmermans (2004). At Dwesa-Cwebe, for instance, Timmermans identified eight other locally-significant purposes for maize cultivation besides sales on the market (which would be considered important by experts): production of food for home consumption, income stretching, bartering, brewing of maize beer, supplementary animal feed, status building, reinforcing an entitlement to arable land (Timmermans 2004: 96) and the cultural imperative to 'build the homestead' (cf. McAllister 2001).

While arguing for a reconfigured expert system we should thus neither ignore the capacity of experts to revisit their approaches and practices, nor should we perceive land reform beneficiaries to be simply passive recipients of knowledge. Experts may attempt to direct and prescribe the course of events, but they certainly do not have the power to structure (or determine) the behaviour of a range of social actors in the agricultural and related sectors. The potential for action is situated in many locations in society, not merely embedded in the expert system, which is evident for example from the productivity and dynamism of agriculture in the coastal Transkei (McAllister 2001). Examining the agency of social actors irrespective of their level of operation ('micro', or 'macro'; local or global) we may be able to understand the gaps between expert and local knowledge(s) and practices. These aspects of land reform have slowly begun to be documented (e.g. James 2007; van Leynseele and Hebinck 2008); more work is required to better understand land reform and the potential for future change, as it provides a window for a processes of re-contextualisation (as opposed to de-contextualisation) for the expert system to be able to re-connect with rural actors. Perhaps then we can say that the transformation of the Department of 'Native Affairs' and the associated expert system has been achieved.

NOTES

* This is a reworked and elaborated version of Hebinck, P. and Fay, D. (2006) *Land reform in South Africa: Caught by continuities*, Paper presented at the Conference 'Land, Memory, Reconstruction and Justice: Perspectives on Land Restitution in South Africa, Houw Hoek, 13-15 September.

- i.** Wolmer (2007) explored a similar entry point in the land reform debate in Zimbabwe.
- ii.** Expanding private tenure 'fell away as a central administrative objective. Even

in those districts where [the Glen Grey Act] was introduced, the principles of primogeniture and the non-divisibility of plots were largely sacrificed to older practices. The original Act clearly stipulated that individual tenure would become operative in every district where the Glen Grey terms applied; but by 1903 its adoption became optional, and surveys for individual title were carried out in only a handful of Transkeian districts' (Beinart and Bundy 1987: 141).

iii. All title deeds are stored in the Deeds Registry at King Williams Town. In the Victoria East District, most land was allocated to individuals by the late 1890s (Hebinck and Lent 2007).

iv. Such views have led to policy interventions in the 'reserves' based on equilibrium think dominant at the time in ecology and biology. This paradigm is now challenged by a non-equilibrium interpretation of ecological change and environmental transformation (Scoones 1999; Baker 2000).

v. It appears that most consultants were former employees of the various Department of Agriculture. They resigned after 1994 and became private knowledge brokers. James (2007) points at similar continuities This is an aspect of the expert system that has not received sufficient critical attention; it is a key aspect of the knowledge continuities explored here.

vi. Feder (1973) summarised a range of studies of the Central and Latin American experiences. Classical studies by Hill (1963) about Nigeria's cacao farmers, by Boserup (1981) about the relationship between demographic growth and agricultural expansion, as well as Richards' (1985) account of small-scale farming as performance are prime examples of studies showing the dynamic nature of small-scale or peasant forms of agriculture. The smallholder experience in Kenya and Zimbabwe in particular is well documented.

vii. See van Averbeke and Mohammed (2006) for a critique and alternative analysis.

viii. During a Workshop '*Post Apartheid Agrarian Policies*' held in Wageningen in 1989, the modernisation perspective as the future for agriculture became extremely clear and particularly voiced by the 'exiles' among the participants. The 'non-exile' participants expressed more locally based views. In the Mandlazini land restitution case experts' advice from Cedara showed similar views (van Leynseele and Hebinck 2008).

ix. We have not been able to observe the effects (if any) of planning at Dwesa-Cwebe. The draft plan called for land use planning to be completed by 2005, but the Amatola District Council had only appointed a consultancy to oversee the plan's implementation in October 2005.

x. In 1998, when pensions were R490 / month, Fay estimated maize output in the Cwebe community of Hobeni based on stores on hand and concluded that an average household would save R733-R1466 / year (depending on their use of credit) by cultivating maize and beans, an amount comparable to two months' pension (R980) or the average monthly wage reported by homesteads who had members employed (R926).

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Donors and Governance in Southern Africa. The Case of Zambia, with Zimbabwe as a Counterpoint - DPRN Seven



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Introduction: On donors and governance [1]

A key change in development policy since the early 1990s has been donors' shift towards a principal concern with governance. Earlier, donors' policy and practice

had been mainly focused on filling gaps in knowledge, capital or foreign exchange. This implied that development was fundamentally a mechanical, technical undertaking. Gradually, however, development policy is being seen more and more as a political enterprise. Issues such as the division of power between the elite and society at large, basic freedoms and economic inclusiveness are at least as important for societal and economic development as technical considerations.**[2]**

This concern with governance has given rise to a considerable body of literature that has a paradoxical tendency to de-politicise the debate. A reason for this is that politics traditionally does not fit into the non-political mandate of international organisations. Also, declaring a political interest seems to clash with the altruistic rhetoric of the development community. Nevertheless, recent evaluations and analyses have begun to explicitly address the political nature of both the environment in which donors intervene as well as the political influence donors have in processes of change. As an example the Swedish development agency (Sida) commissioned explicit political evaluations of conditional lending, program aid or ownership.**[3]** The British Department for International Development (DfID) has had a series of studies carried out on 'Drivers of Change'**[4]** and Netherlands embassies have undertaken Strategic Corruption and Governance Analyses that aim to look 'behind the façade' at what drives political and bureaucratic behaviour.**[5]** These analyses see aid as an influence on local society that is, in turn, shaped by the local political process. This thus explicitly links aid effectiveness to the quality of governance.

One issue of confusion for policy makers is how to operationalize the realisation that aid effectiveness is linked to the quality of governance. Should governance be seen as a criterion for deciding whether a donor-recipient relationship should be initiated or ended? Should governance be a yardstick for determining the level of aid flowing to a country? Should attention to governance spark a series of discreet projects or comprehensive programmes of reforms? Or is a focus on governance something that is to be mainstreamed into any decision made by donors? In this paper we will not take such questions as a starting point. Rather, we will start by describing empirical cases of donor-government interaction, which in turn might allow us to draw conclusions that are relevant for shaping donor-behaviour.

A more fundamental controversy than donor preoccupations with operationalising

governance, arises from concerns about sovereignty: to what extent do recipient countries lose control over their own political process through donor concerns with governance questioning the legitimacy of incumbent governments? Thomas Carothers, a democratisation activist, wrote for example:

The very act of one society trying to engage itself in the political affairs of another society naturally provokes concerns: what is this really all about? In the past several years, I have encountered a qualitatively greater level of concern - in fact substantial amounts of bewilderment, suspicion and sometimes open hostility and anger - than ever before to this subject. The subject of democracy promotion has become intensely controversial. [6]

Carothers refers especially to the Middle East - the invasion of Iraq, the refusal to recognise Hamas as an electoral successful movement.

The concern with good governance and aid conditionality is also challenged as being ineffective. The arguments of Nicolas van de Walle about partial reform are particularly influential:

>Standing between their own societies and their donors, top state elites have sought to use the policy reform process to gain maximum autonomy from both ... With little knowledge of local politics, remarkably little institutional memory, and a bias towards optimism about the course of reform, donors are easily fooled. The big losers are of course to be found among the vast majority of Africans whose welfare continues to decline. [7]

A third line of thought argues that concerns with good governance are irrelevant. That is especially argued in writing about the rise of East and South-East Asia. David Kang [8] argued for example that corruption in South Korea led to the realisation of private and public goods while in the Philippines it led to the realisation of private goods to the detriment of public goods.

This paper will argue that to rake up the arguments surrounding ownership or sovereignty. Rather, we will start from the premise that donors have the ambition to influence political processes. This is a perfectly logical and legitimate concern: when a private individual wants a loan from a bank then conditions will also have to be met. Many concerns about good governance are also universal public goods; freedom of expression for example is valuable irrespective of a development context. We will address the question to what extent donors are able to exert influence. The question that remains is whether it is effective and/or whether it is relevant. To address this we will examine key experiences of donor-government

interaction in Zambia and Zimbabwe.

The major focus of this paper lies on Zambia, a country where recent history cannot be written without taking donor involvement into account. As a counterpoint we will take Zimbabwe, a classical example of confrontation between donors and a recipient government on governance issues. We will show that while there seems to be a confrontation between Zambian government and the donor community, a general convergence on governance issues can be witnessed that is missing in Zimbabwe. Raising governance issues in a development dialogue is therefore in the first place shaped by its salience in the local political culture. The relatively open and democratic nature of Zambian society gives the impression of endemic conflict between government, opposition and donors, but it is the relatively equal playing field that leads to outcomes that are profitable to all. In the Zimbabwean case, it may seem as if donor concerns are unimportant because the government has embarked on a ruthless confrontation with the opposition as well as with the donor community. Donor concerns lack influence because there is no viable opposition. The fundamental conflict between the Zimbabwean government and the donor community cannot be denied, but from the viewpoint of Zimbabwean society the donor concerns are material.

This paper is not meant primarily as a treatise in the social sciences. It has been written from our personal experiences as an academic and a civil servant dealing with governance issues in southern Africa. The aim of the paper is in the first place to open up a debate that is too often carried out in a stalemate: one side argues against intervening in sovereignty and the other side argues that all aid is wasteful as long as these governance issues are not sorted out. We want to arouse insight in the value of the place of governance on the development policy agenda by looking at the actual practice of policy making and implementation.

The emergence of governance as an issue in Zambia

Structural adjustment and macro-economic stability



Zambia was a frontrunner in the democratisation processes that affected many parts of post-cold war Africa in the early 1990s. Broad popular protest led to the abolition of the one-party state in Zambia and multi-party elections ended the rule of Kenneth Kaunda and the United National Independence Party in 1991. It has not been generally noted that this protest was also directed at state intervention in the economy. The Movement for Multi-party

Democracy (MMD) led by Frederick Chiluba was thus elected on a reformist platform. In the early days of the first MMD government macro-economic reform was pursued with vigour. In a short span of time Zambia had moved to a floating exchange rate and raised interest rates to levels above the inflation rate. In the early Chiluba years there was also a considerable amount of privatisation of industries and agricultural marketing and the trade in food were liberalised.

This reformist drive tied in well with the donor community's structural adjustment agenda driven by the World Bank and IMF. Donors therefore supported these reforms by providing technical assistance, by supporting relevant project units and by providing programme aid: balance of payments or budget support. As such they became deeply involved in financing recurrent expenditure of the Zambian government. In this situation of high confidence between government and donors in specific sectors, a change in aid-modalities took place. Whereas donors had previously mainly been involved in projects, they now moved towards various forms of basket financing and what was to become known as sector wide approaches. This new extent of involvement with government understandably gave donors a particular stake in government's behaviour.

In later years however, a new tenor appeared in donor discourse about Zambia. Whereas relatively simple reforms that did not directly challenge powerful interests had been rather swiftly implemented, the so-called second generation of reforms such as cutting government employment and privatisation of the copper mines were more problematic. Donors began to place the blame on government for blocking these reforms. Nevertheless, it can be maintained that over the period 1991-2001 there was a relatively harmonious relationship between the donor community and Zambia, regarding economic issues. Eventually, the mines were privatised in 2001 and what happened to government employment in Zambia was not very different from what happened elsewhere in Africa. One could conclude that with respect to macro-economic stabilization and structural adjustment there has been more cooperation than conflict between Zambia and

the donor community since 1991. Governance became an issue over the course of time, but this was especially pertinent and contested in political matters.[9]

The 1996 elections

The elections of 1991 were seen as exemplary for Africa: a peaceful transition and the re-establishment of a multi-party system. This was universally seen as progress. Relations between donors and the Zambian government had however strongly deteriorated in the run-up to the elections of 1996. The so-called Kaunda clause was crucial to this. The new constitution of 1991 contained an article stating that the president was not allowed to serve more than two five-year terms, consecutively. Therefore, the previous president, Kenneth Kaunda, argued that he was allowed to stand again in 1996 as presidential candidate. The MMD, then amended the constitution so that only people whose grandparents were born in what now was Zambia could qualify. Kenneth Kaunda's father originated from what would later become Malawi and went to work at Lubwa mission in Chinsali in Zambia's Northern Province. Chiluba defied protests from the donor community as well as from influential African friends of Kaunda. Mandela sent a prominent constitutional lawyer, Judge Goldsmith, who concluded that the elections of 1996 could only be postponed if a state of emergency would be declared. Chiluba argued that there was no reason for this as the country was in a peaceful state.

Kaunda called for a boycott, but this was followed up only by a minority of the staunchest supporters of his UNIP-party. Donors refused to send observers or to support the electoral process. However, Chiluba won a landslide victory and even if one assumed dirty tricks at play, this election result could not be ignored.

Donor pressure had thus proven to be irrelevant in the face of a verdict of the Zambian people. Ironically, it was at the time suggested in the fiercely independent *Post* newspaper, that Chiluba had not wanted to insert the Kaunda clause into the constitution. In fact, his own parentage was being challenged as it appeared that his origins lay in Zaire, while he attempted to trace a Zambian lineage. In any case, the 1996 election demonstrated the limits of donor intervention. The Zambian population voted in relatively large numbers despite disapproval about the electoral provisions by the donors. Attempted influence by donors had thus openly manifested itself in these elections, but certainly not as a determinant factor.[10]

The end of the Chiluba era

The third term debates

Towards the end of Chiluba's second term in office, the MMD had become so entrenched in the political centre of power that it seemed unavoidable that Zambia would remain a dominant party state. The MMD, however, needed to select a new candidate, as Chiluba was constitutionally limited to two terms. Chiluba forbade campaigning among aspirant candidates and wanted the successor to emerge in the way that Mbeki for example had emerged as a successor to Mandela. Nevertheless there were more and more stage-managed calls from within the party asking for a third term of Chiluba, who managed through a ruthless campaign to be selected as leader for the party in a third term. He then needed to be elected as presidential candidate. This would require the support of the MMD's parliamentary caucus to push the needed constitutional amendment.



In the meantime, there was a broad mass-movement protesting against a third term for Chiluba. Civil society organisations, to a significant extent operating on donor funds, coordinated a vocal campaign. Donors expressed their positions in no uncertain terms. Undoubtedly the impact of this lapse in confidence influenced donors' allocation decisions or certainly had the potential to do so. On the local political scene it became clear that a parliamentary candidate who supported Chiluba would have little chance of being elected. The MMD parliamentarians voted against the third term amendment. Chiluba thus had little choice but to select what he hoped would become a strawman, while trying to retain the reins on power as party president. Essentially, this episode characterises that donor support played a role, but in support of a widely based popular Zambian movement rather than in dialogue with the government. The third term issue is an example where donor support could have a beneficial impact, because it was aligned with a genuine, widely felt concern in Zambian society.

2001 elections

The third term issue had created disarray in the Zambian political scene. There had been a split from MMD and MMD had to select a presidential candidate. The latter was Levy Mwanawasa, a lawyer who had been prominent in MMD. He had stood against Chiluba in the leadership contest running up to the 1996 elections and lost bitterly. He had resigned from party posts and his health had suffered

badly from a car accident. Surprisingly, he was said to be handpicked by Chiluba as a 'safe' successor.

As the elections were delayed to allow the MMD to prepare to face a hostile political scene, a strong opposition party emerged. The United Party for National Development (UPND) was formed under the leadership of Anderson Mazoka. This resulted in a tight race for the leadership between Mwanawasa and Mazoka which was narrowly won by Mwanawasa. Donors were heavily involved in these elections and there were various international and local observer teams. The most prominent among them was the European Union election observation mission. This mission especially queried the election results and narrowly avoided issuing an outright accusation of fraud. This meshed in with the local political scene in which concern was aired about the closeness of the election results. Mazoka was convinced that he had been robbed of his victory and supported a long winding petition. At his inauguration, Mwanawasa accused donors in the audience of intervening in the elections. This prompted EU ambassadors, preceded by the Dutch ambassador to leave demonstratively. In short, the impotence of donors was demonstrated in the events surrounding the 2001 elections. They moved themselves into a position where the charge could be made that Zambian sovereignty was undermined. **[11]**

Dealing with the New Deal Government: Fighting the kleptocracy

The fight against corruption

After Levy Mwanawasa's New Deal government came to power in 2001 there was a strong call for a break with the past. During his election campaign, corruption did not feature as one of the priorities. In the background, there was concern about Chiluba being succeeded by a puppet of his making. Towards the end of Chiluba's rule, donors had funded a big accountants survey into the mining sector, which found massive disappearances of resources, particularly of cobalt. These concerns were also widely expressed in popular opinion and some MPs ventured to call Chiluba a thief. Chiluba brought a libel case to court, which he later came to regret bitterly. After the elections, one of the MPs involved used his parliamentary privilege to ask for the records of Zambia's bank accounts in London. This revealed massive theft of Zambian money and Mwanawasa, the new president, was approached with this information.

The independent *Post* newspaper vigorously gave publicity to this major corruption case involving the so-called ZAMTROP-account, an account of the

Zambian Security Intelligence Service in London, which was used by president Chiluba as a slush fund. This case, involving various members of the political elite, was also referred to as the *Zambian Money Matrix* and led to an outcry amongst civil society [12] and in the *Post's* editorials. [13] These revelations came in the wake of public denouncement of the fact that two tainted politicians from the previous administration were appointed to senior positions in the New Deal government. [14]

In this atmosphere, facing an opposition majority in parliament and in need of restoring donor confidence, which had been dashed by Chiluba's alleged kleptocracy, the third-term debate and the irregular 2001 elections, Mwanawasa declared zero tolerance on corruption. In July 2002 the president made a dramatic address before the National Assembly, exposing Chiluba's 'matrix of corruption' and calling for the removal of his immunity from prosecution, as was called for by civil society. Soon afterwards the Task Force on Corruption was established to investigate and prosecute cases of plunder under Chiluba's ten years in government.

This Task Force was put together from staff on secondment from the Anti-Corruption Commission (ACC), the Drug Enforcement Commission (DEC), the police, the Zambian Security Intelligence Service (ZSIS) and the Director of Public Prosecutions (DPP). It also outsourced much of its work. The Task force had its own private prosecutors, the Nchito brothers. Donors broadly offered their support under a joint memorandum of understanding signed by the UK, the Netherlands, Denmark, Norway, Sweden and Ireland. The Task Force subsequently set to work investigating cases, arresting various politicians and civil servants including ex-president Chiluba. [15]

Chiluba's London court case

Early in Mwanawasa's second term, Chiluba was yet to be convicted of the theft he is alleged to have perpetrated. Whereas millions of dollars were gradually recovered and various cases were started it took until October 2006 for the first successful conviction to be secured. Chiluba's trials barely inched ahead. One of the reasons for this was that he was flying up and down to South Africa because of health reasons. While the status quo persisted, so did claims that the case against Chiluba was merely a witch-hunt or alternatively that the pyramid of patronage prevented swift actual legal action. A lack of convictions also impeded the process of impounding stolen goods and money. A civil case was therefore opened at the London High Court by the Zambian government against Chiluba

and others on the charge of defrauding the Zambian government. It was opened specifically against the London-based legal representatives in order to have a respondent.[16] Chiluba refused to testify as it was in his view an infringement of Zambian sovereignty.

The London judgement[17] did not only lead to the order to repay huge amounts of money, but it also gave abundant information about the practices that the accused indulged in. The judgement was beamed directly to Zambia and was reported on elaborately. Therefore it in no small measure dented Chiluba's prospects and reputation in Zambia. The progress in registering the English verdict in Zambia and the advancement of the criminal trials remained slow. But Chiluba's denials lost credibility. It is questionable whether these arguments especially hurled by Chiluba himself managed to make much of an impression beyond his closest supporters. Chiluba considered the judgment racist and talked of imperialist plots by the donors funding the government, especially the former colonial power. It is true that this court case was funded by donors,[18] but it was brought on by the Zambian government. This case could thus be seen as an example of the possible efficacy of donors supporting and catalysing a process emanating from genuine Zambian concerns.

Show me the money

Donor involvement in the name of good governance does not only deal with spectacular cases such as the one mentioned above. Early 2007 the Zambian newspapers reflected a vibrant public debate dealing with the management of public resources. This was preceded by the publication of a book by the Zambian chapter of Transparency International (TIZ) called *Show Me the Money* which, following the report of the Auditor General, explored public spending and accounting. This book made such issues understandable for a broader public than merely those experts normally dealing with technical issues of public finance management. When launched, TIZ explicitly targeted parliamentarians with the book and sold over a hundred copies amongst the 158 members of Parliament[19].

Shortly thereafter the Auditor General published its annual report which was considered more critical and timelier than earlier reports. When the report was discussed in the Parliamentary Accounts Committee considerable controversy emerged, particularly over the audit of the Ministry of Health. The Auditor General complained over the lack of cooperation in the ministry and the

Permanent Secretary was sent away from the hearing for failing to give satisfactory answers to the committee. All three major newspapers in Zambia explicitly reported the event. [20] While the Permanent Secretary kept his position, the minister was soon replaced by a former minister, allegedly to resolve the situation.

Arguably the fall-out of these debates extends beyond this particular case. In the perspective of an official of the Office of Auditor General this episode enhanced the credibility of the Auditor General. Reportedly, after reading about this controversy one accounting officer refused to cooperate with the OAG as it could cause problems. Subsequently he was suspended. Conversely other departments and authorities became more forthcoming to the OAG and stricter towards contractors, so as to avoid problems. [21]

Donors, while being enthusiastic observers, do not seem to be central in such debates. They either lack the capacity to substantiate hard claims in these excessively complex cases or they are apprehensive of rocking the boat and damaging donor-government relations with unsubstantiated allegations. Equally they can be argued to duly observe the respect for government ownership that they profess in policy rhetoric. Nevertheless, donors do provide support to some of the protagonists in this arena. They support watch-dog organisations such as TIZ and the OAG. Under the Public Expenditure Management and Financial Accountability (PEMFA) reform programme donors such as Norway and the Netherlands have supported the OAG to expand its coverage and effectiveness, by allowing for the training of auditors, the procurement of vehicles and the building of provincial offices. Also under the same programme the Parliamentary Accounts Committee has been supported in its institutional strengthening. In short, supporting processes important to donors' governance concerns need not imply that donors actually take up visible roles on stage. Rather they can be indirectly instrumental in catalysing processes aimed at addressing legitimate Zambian concerns.

The Bulaya incident

Donor concerns can also go immediately against government interests. That was the case when George Kunda, the attorney general gave instruction to the Director of Public Prosecutions not to proceed in preparing a case against dr. Bulaya, the ex-permanent secretary of health. He had been accused of manipulating the tender procedure for the delivery of nutritional supplements in

favour of a certain Bulgarian company. He was found to have brought this case to a regular procurement meeting, which he chaired in August 2001 without supplying the proper documents. The nutritional supplements, which were controversially seen as part of AIDS treatment, were delivered to the government's medical stores. Subsequently, some of these drugs were delivered to a private clinic owned by Bulaya, from which it was sold. Other parts of this shipment were reportedly going to waste in government storage, as the drugs were not registered for use in Zambia. For services rendered, Bulaya was paid a hefty commission of roughly a billion Kwacha (€ 180,000) by the company that had delivered the nutritional supplements. [22] The case had been prepared by Utembo Nchito, one of the prosecutors of the Task Force.



Photo: en.wikipedia.org

This led to a protest of the Law Association of Zambia. Firstly they were concerned about political interference. The decision to proceed with a case or not should be based on legal arguments. It was widely assumed that Mwanawasa himself had intervened. The constitutional position of the task force to enquire into the Chiluba cases was also problematic: what was their relation to the Director of Public Prosecutions? [23] There was indignation in the press as well for the simple reason that somebody could get away with corrupt behaviour.

An additional complication was that the Finnish and Swedish ambassadors spoke on the issue: it was better for all parties involved if the case would go to court. This was no matter for an administrative or political decision. Mwanawasa was hurt and replied that these issues were within the sovereignty of the Zambian state. The ex-minister of foreign affairs considered this a matter for disciplinary action by the dean of the diplomatic corps, the Libyan ambassador. Zambia may be poor, but it had its dignity. This exchange was followed up by the French ambassador. He reminded the Zambian government that they had signed a treaty against corruption. Also, Zambia received large amounts of money from the

international community and donor governments were responsible to their taxpayers. [24]

In the course of this dispute it also became clear that there the dispute was not primarily one between the task force prosecutor and the ministry of legal affairs. It appeared that the then acting DPP, Mrs. Zulu-Sokoni, had refused to follow up the order from above. Subsequently the *nolle prosequi* was dropped, the law took its course again and Bulaya was sentenced. Bulaya was prosecuted and it resulted in a conviction to five years imprisonment with hard labour. [25] The Bulaya case shows donor pressure in alignment with the independent press and a professional organisation in support of good governance opposed to the government of the day.

Electoral and constitutional reform [26]

To the outside observer it may seem that issues of electoral and constitutional reform provide the first and foremost concern in Zambian politics. The donor community plays an obvious role in this. They support NGOs who are advocating constitutional reform, back up a government sponsored commission of enquiry into constitutional reform and above all they are expected to pay for the expensive process of a constitutional conference. There are two distinct narratives about the process of constitutional reform: one that is exemplified by a coalition of NGOs under the name of OASIS and one of the Mwanawasa government.

Constitutional reform has been on the governance agenda for a long time. The Constitutional Commission of Enquiry is the favourite instrument that Zambian governments have used in these matters. These reported after their hearings to the President, who thereafter formulated a bill that was submitted to parliament for approval and amendment. There is a recurrent pattern in that the green paper usually contains provisions to strengthen parliament and to weaken the powers of the president. These are rejected in the proposals to parliament with one exception. The proposal to limit the number of presidential terms to two was maintained. That achievement was however under attack when Chiluba wanted to push through an amendment which would have allowed him to stand for a third term. It is therefore not surprising that the issue of constitutional reform re-emerged after Chiluba's attempt was thwarted. A coalition of NGOs under the name of OASIS had been especially instrumental to stop Chiluba's third term and this name was adopted by a coalition of NGOs that wanted a constitutional revision.

Their main point of contention was that the usual constitutional procedures to amend the constitution can never lead to a curtailment of the powers of the executive. The previous procedures entailed a commission of enquiry into the desirability of constitutional reform that can only recommend to the President, after which the President has the freedom to choose which recommendations to pass on for approval to a parliament that is dominated by the ruling party. The president will in such a procedure not propose reforms that will limit his powers and neither will a parliament dominated by the ruling party do so. The only way out of this conundrum is through a Constitutional Assembly that is composed outside the power structure of the ruling party. As OASIS stressed tirelessly: they wanted a people-driven constitution.

Mwanawasa reacted to the demand for constitutional reform by installing another Commission of Enquiry into the desirability of such reform under the chairmanship of a highly respected lawyer: Willie Mung'omba. One could reasonably ask for a rationale for this as there had been a similar commission during the second term of Chiluba under the chairmanship of the veteran politician John Mwanakatwe. The OASIS network called for a boycott of the Mung'omba commission. On previous occasions there had also been calls for such boycotts, but the hearings of these commissions got a momentum that made them into a significant forum. These boycotts were then forgotten and the opposition testified as well. In the case of the Mung'omba commission testimonies went in the direction wished for by OASIS. Mung'omba reported therefore on the desirability of a Constitutional Assembly.

Mwanawasa accepted the idea of a Constitutional Assembly, but with many reservations. Mwanawasa's main argument against a Constitutional Assembly was from the beginning that it was too expensive. Money would be needed for selection of a Constitutional Assembly and for their meeting. But the need for money was wider than that and this was a result of the issues of constitutional law raised by a Constitutional Assembly. For the same reason of constitutional law, the government argued that changing the constitution by a special assembly was a long process. The reason is that it involves not merely a constitutional change but a change in the procedure to change the constitution.

In the Zambian independence constitution there was a clause calling for a referendum in case the procedure to change the constitution was to be changed. Kaunda organised in 1968 a referendum to allow parliament to remove that

clause from the constitution. This constitutionally opened the way for Kaunda to embark on the one party state and to ignore during the following years human rights provisions incorporated in the independence constitution. It is thus not surprising that the need for a referendum was inserted in the 1991 Zambian constitution that reintroduced multi-party democracy. Mwanawasa argued therefore that the establishment of a Constitutional Assembly involved a change in the procedure to change the constitution and therefore required a referendum. According to him a national census was needed in order to prepare for a genuine referendum. Voting cards should not only be distributed to registered voters but to all eligible citizens. Parliament should after the referendum pass a law establishing a Constitutional Assembly. Thereafter a constitutional Assembly could be elected and start its work. According to Mwanawasa, the obviously large expense and the length of time involved are necessary to stay within the law.

Mwanawasa restated his opposition to a Constitutional Assembly many times and the argument was developed more and more in legal terms. The idea of a Constitutional Assembly had already been raised in 1991. Then president Kaunda refused on the grounds that this was only necessary if the present government would lose legitimacy. Its historical roots are in post-revolutionary situations and that was not the case in Zambia. That was not explicitly stated in the recent conflicts, but the establishment of a Constitutional Assembly could be interpreted as a denial of the legitimacy of the present government. Essential in the argument is that the present selection of president and parliament is not legitimate. It could be a stepping stone to grab power. The selection of delegates to the Constitutional conference would be in the opposition's proposal in the hands of civil society and that in OASIS' interpretation was virtually synonymous with the NGO community.

It would be wrong, however, to present Mwanawasa's position as one that was only determined by reason, since he proved to be capable of authoritarian behaviour on this issue. At one point he threatened to arrest the people involved and denied the legitimacy of the registration of the NGOs involved. He argued that these were not NGOs but political parties and that this was especially objectionable as they accepted foreign funding. Therefore these were illegal organisations. The NGO community reacted swiftly by establishing a new coalition under the name of 'Citizen coalition'. Mwanawasa retracted quietly from his opposition to the NGOs. A big demonstration on the constitution that went ahead despite lack of police permission was however brutally disbanded by the police.

On the other hand, there seemed to be less popular support for the OASIS position than was claimed. The OASIS movement managed to organize one mass event at the opening of parliament in 2006. They carried on the name OASIS from the mass movement against a third term for Chiluba. OASIS however, failed to get appeal for the protest tactics that were used at the time: wearing armbands that signified opposition or hooting concerts of cars at assigned moments. UPND, the biggest opposition party, organised the demonstration that was violently broken up. The opposition political parties have been ambivalent on this score. The suggestion is that they object far more to the present constitution if their chances to gain power are slim. When UPND organized this demonstration, they were doing badly. The Patriotic Front and its leader Michael Sata became more and more hopeful during Mwanawasa's first term. He considered constitutional reform a non-issue in his campaign for the presidency.

In the background there was always the issue of donor involvement. Con. OASIS appealed for resources to participate in the elections of 2006. They did not want to field their own candidates, but they intended to 'decampaign' candidates who did not endorse their position on constitutional reform. This 'decampaigning' did not materialize. The reason was, according to OASIS, the lack of support from donors, but there was also little political mileage for the NGO community to be had from 'decampaigning'. Election research indicated that constitutional reform was not an issue in these elections:

Zambians are mostly concerned with agriculture. Slightly over a third of the electorate (33.6%) consider agriculture as an important issue of concern in this election year. This was followed by general living conditions (19.5%), education and unemployment (14.1%) and health (10%). The constitution is not of much concern to the electorate as only an insignificant 0.1% considered it an issue. While 6.5% of the electorate either did not know or expressed no opinion at all on this question.

It appeared that constitutional reform was only an issue for a minority of the population: mainly educated urban people. The NGO community appeared to have little roots in the community.

This narrative continues after the election, but the relevant points for our topic can be made from this truncated version. It is clear that one cannot locate unambiguously a cause of good governance among some authorities and movements and not among others. There are many contradictory processes in the

quest for good governance: a vocal civic community can express merely elite interests; a government that can react in an authoritarian way against proponents of constitutional reform may do that from a legally well argued position of defense of human rights. The donor community is a player in these fields to whom insights emerge in the political process as is the case with other actors. It is however obvious that the donor community was in these issues not in a position to dictate.

Zimbabwe as a counterpoint

In Zimbabwe, recent relations between international donors and government have gradually become characterised by a breach in trust. Initially, from the early 1980s onward, Zimbabwe was seen as a potential success story; an African country endowed with relatively well-developed infrastructure, a productive agricultural and commercial sector and a state that was capable of providing reasonable education to large parts of the population. Early events in post-colonial history, that would spark serious governance concerns such as the Matabeleland massacres, the elimination of ZAPU by repression and the cooptation and the centralisation of power by the establishment of an executive president, did not rupture the relations. Perhaps this was due to diplomatic/political correctness, ambivalence or cold-war interests. Gradually, however, donor-government relations began to deteriorate, in part in reaction to western public opinion.



Harare - Photo:
nl.wikipedia.org

In 1995 at the annual Harare Book Fair president Mugabe publicly held a tirade against homosexuals, proclaiming them to be 'worse than dogs and pigs'. This led to public outrage in much of Northern Europe. Then in 1998, while the economy was suffering from the effects of the economic crisis then prevalent in many parts of Africa, Zimbabwe embarked on a costly campaign into the Congo, in support of president Kabila senior. Relations with the international financial institutions

which had been strained over defaulting on loans and bad performance under structural adjustment programmes reached a low point. In 1999 the government severed ties with the IMF over claimed interference in domestic policies and complaints about Harare's Congo campaign.**[27]** While the IMF later that year offered a \$200 mln. standby loan**[28]** the terms were never met and to this day there is no regular working relationship between IMF and the Zimbabwean government.

As relations with the multilateral agencies became tense, bilateral donors were also losing confidence in the Zimbabwean government. As issues of good governance had become more prominent, concerns over governance were also beginning to influence donor's decisions. This is best illustrated by the decision of the Dutch government in 1999 to abandon its government to government development cooperation programme. While this was part of a broader reduction of the list of partner countries, in the case of Zimbabwe concerns of human rights and governance justified the decision to end cooperation.**[29]**

A serious factor in the rupture in confidence between donors and government emerged after a change in government in the UK in 1997. Since independence, the UK had been funding a land-reform programme based on the willing buyer, willing seller principle. According to the UK Foreign and Commonwealth office a total of £44 mln. has been spent on land reform.**[30]** The new Labour Government declared it would only continue to fund land reform if it were in line with a broader poverty reduction programme and adhered to certain good-governance principles.**[31]** The Mugabe government saw this as a British refusal of its historic responsibilities.

This issue became mixed up with internal political unrest stemming from disappointed war veterans in the guerrilla campaign that brought Zimbabwe independence. Initially, disaffected Zimbabweans, many claiming to be 'war vets', had spontaneously occupied parts of white-owned farms. This put pressure on the government to deal with the land issue.**[32]** After a 1998 land reform conference the government embarked on a phased land reform programme that initially aimed to resettle poor rural families to government land and subsequently would compensate white farmers for land confiscated. Various donors pledged support for the resettlement of these rural families, including the World Bank, which pledged \$ 5 million.**[33]** The pace and impact of this process, however, were not sufficient to satisfy the call for land redistribution. In June 2002, after controversial elections kept Mugabe in power, but with shattered popularity and

legitimacy, Zimbabwe embarked on a 'fast-track land reform programme'.^[34] In a violent campaign farms were appropriated without compensation. The rule of law was maintained less and less and Zimbabwe became more and more ruled by rogue vigilante groups. This led to the collapse of the white-dominated commercial farming sector, exacerbating the economic crisis.

Moreover, the major beneficiaries of this government-sanctioned land grabbing were the ZANU-PF: ministers and military officers^[35] rather than the intended rural poor.

Various factors stemming from Zimbabwe's political context can be identified as factors leading to the decision to undertake these land reforms. The economic downturn, combined with the negative socio-economic effects of structural adjustment had led to a new opposition movement. Trade union forces had aligned with parts of civil society and representatives of the white minority to form the MDC, the first credible opposition party since the demise of ZAPU.^[36] A campaign against a new constitution to replace the Lancaster House Constitution, led president Mugabe to experience a political defeat, something he had grown unused to. At the same time, the ZANU government felt pressure from former combatants, whose pensions had been cut due to structural adjustments and who felt they were yet to experience the economic dividend of independence. By employing nationalist rhetoric, unleashing war veterans and ignoring human rights abuses, the regime tried to maintain its base of power.

Then in the 2002 presidential elections president Mugabe barely survived the most serious challenge to his grasp of power in decades. Many international and civil society observers claimed widespread manipulation and violent intimidation of the opposition. And based on an extremely critical report from the EU Electoral Observation Mission the EU decided to implement 'targeted measures'. These banned members of the regime from travelling to the EU, froze their assets and put into place an arms embargo. Also, under article 96 of the Cotonou treaty, the European Commission and Member States mostly stopped its development cooperation with government. Instead support was sourced to international organisations and NGOs providing humanitarian relief and fighting HIV/Aids, as well as to various human rights and other civil society organisations. As many non-EU donors adopted similar policies, the government of Zimbabwe essentially became isolated from the international donor community.

The government of Zimbabwe and international donors have thus become locked

into uneasy trench-warfare in which rhetoric, propaganda and megaphone diplomacy are hurled from one side to the other. Whenever the discussion is taken to multi-lateral forums such as the UN Security Council, the human rights council or the Bretton Woods institutions, it risks being perverted into a battle between the 'West' and the 'non-aligned' movement. Depending on the division of power, voting and veto arrangements in the respective organisations this has differing effects. For UN institutions this has meant that, notwithstanding the humanitarian assistance flowing to Zimbabwe, problems in the country are extremely difficult to address. Human rights or security issues rarely make it to the table and credible UN action has never been mandated as it can be in various other socio-political crises.**[37]** Within IMF and the World Bank, conversely, de facto a similar line is followed as is pursued by most donor countries. As such Zimbabwe is isolated from institutional lending or any credible programmes aimed to support prudent macro-economic policy.

But the breach of confidence between the government and donors is also felt beyond macro-economic policy. Any dialogue on governance and human rights in Zimbabwe is impossible. Rather, donors provide support to the civil and political opposition in the context of their governance and human rights programmes. This certainly empowers the reform-minded elite to articulate a vision of a democratic, prosperous Zimbabwe and to denounce any step government might take that counters that vision. On the other hand, such support also fuels Mugabe's claims that his detractors are merely the lackeys of the West, part of a conspiracy scheming for regime change. Consequently, the goals of civil and political advocates for change are effectively de-legitimised and Mugabe's siege mentality and its associated repression are reinforced.**[38]** This arguably further entrenches the political impasse in the country.

The government of Zimbabwe blames the 'illegal sanctions' imposed by donors for the economic decline the country has faced in recent years. Gideon Gono, the Governor of the Reserve Bank of Zimbabwe points out that the fact that balance of payments support has been withheld from Zimbabwe since 1998 and that foreign investments have been discouraged by donors' stances.**[39]** As such donors are accused of deliberately sabotaging the Zimbabwean economy in their quest for regime change, in revenge for taking land away from white farmers. In short the West is starving poor Zimbabweans to induce revolt.

Northern governments on the other hand largely attribute Zimbabwe's socio-

economic problems to bad policies and bad governance. Patronage spending is draining coffers already empty due to the costly adventure in the Congo. Money is printed to plug up budgetary debts and to pay off loyalists with jobs and seats. The commercial farming sector has been gutted as the result of the 'fast track land reform' policies of the government. Small-scale agriculture has suffered the collapse of the government's grain and input marketing system. These have been debilitated by excessive use or abuse for political goals, while government's ability to fund them is limited at best. Moreover, in its elusive quest to lower skyrocketing inflation rates the government has criminalised the most banal economic deeds, setting sale prices above cost price and buying produce in rural parts and selling them in town.

In our view, the truth of the matter combines both perspectives. It cannot be denied that the economic and social policies of the current government in Zimbabwe are in no way conducive to economic stability or the country's productive capacity. On the other hand a point may be made that sanctions have worsened the economic situation in Zimbabwe that is rooted in bad governance. A breach of confidence felt by donors expressed by means of targeted measure will certainly have a knock on effects on investor and lender confidence. Also, withholding aid, in the form of loans, balance of payment support or programme aid must have a debilitating effect on the public finance management or public service delivery. Despite the current impasse between donors and Mugabe's revolutionary government, no attempt at recovery of the situation in Zimbabwe is conceivable without considerable balance of payment support. Also foreign investment[40] would be essential for turning around the current situation. Investor confidence would be boosted if donors re-declared their trust. So is there any merit in Mugabe's rants about the impact of 'illegal sanctions'? Equally, is it legitimate that donors do not put their money into a government in which they have no trust?

Meanwhile, the wait is on for the elusive day when the socio-economic situation has become so dire that the regime's power-base cracks, the masses (and the powerbrokers) revolt and a transition (to democracy?) arrives. Unfortunately however the humanitarian and economic cost of this process of *Verelendung* is tremendous further consuming Zimbabwe's assets. Equally, it is far from certain when, or even if, at the end of the day the new dawn associated with this implicit paradigm of revolutionary change will come to pass. Can the controversial elections of 2008 be seen as the masses' revolt and are the protracted

negotiations between government and the opposition part of a transition back to normality? Only time will tell.



On influence and effectiveness, relevance and legitimacy

Discussion and conclusions

We have presented narratives of the interaction between donors and recipient countries with the aim to get more insight in the effectiveness and legitimacy of donor concerns with governance. Below we enumerate the main features of this interaction and our main conclusion is that in the case of Zambia donors are undoubtedly actors on the political scene, but that they are not necessarily influential or dominating actors. On the contrary, donor influence on governance issues is only effective if it fits into dominant local political processes. Donor involvement in the Zambian political scene can therefore not merely be seen as undermining sovereignty.

When looking at the Zambian case, the issue of relevance, effectiveness and legitimacy does not arise. Donors are a factor in the local political scene and are only effective and relevant if they connect to broad political movements or sentiments that are widely felt. Legitimacy is given or denied.

The interaction between donors and the Zambian government has often been characterised as full of conflicts. However, there is as much consensus as conflict to be found. There have been conflicts about economic conditionality, but with respect to macro economic stabilization and structural adjustment there has been much more cooperation than conflict between Zambia and the donor community since 1991.

The zeal with which Zambia confronts economic mismanagement and theft dating from the Chiluba time is exceptional among African countries. Donor financing is essential in this campaign. It automatically involves supporting one particular faction on the political scene, but this is the party in government and as such supporting legitimate government.

Donors do not always support the party in government. The opposition to Chiluba's campaign for a third term is the clearest example of donor support joining a broad popular opposition movement. The actual set of alliances is also often much more complicated than a mere categorisation in donor and opposition

or donor and government. Donor support for an NGO-initiative led to influence through parliament and the revival of the National Audit Office.

The democratic vibrancy of the Zambian political system militates against both the authoritarian government - as in the third term campaign - and against donors imposing their political preferences. That can be clearly seen in the 1996 elections when a landslide victory of Chiluba made a mockery of international concern about the elections.

The interactions surrounding constitutional reform bring to light how the donors are a factor but not a determining factor in Zambian political life. Mwanawasa sees donors here unambiguously as interfering in Zambian politics. The NGOs concerned are in his opinion political organisations financed from abroad. The NGOs themselves got a shock in the last election when their concerns appeared to be irrelevant to the general electorate. Yet, the government continues to negotiate with these NGOs and donors remain part of the political scene.

Whereas donors North of the Zambezi can be argued to have a catalysing influence on political and civil society processes through connecting to the democratic processes in society, the same cannot be said in Zimbabwe.

A major difference in donor-government interaction is that in Zimbabwe there is no agreement on macro-economic stabilisation and economic reform. The detrimental effect is felt in hyper-inflation that hits harder if one has less assets. The poor are thus hit hardest. Hyper-inflation leads to destabilization of economic life especially if parallel markets are suppressed. A simple comparison with a country where there is donor interaction to bring macro-economic stability shows the broad benefits of this.

Political life in Zimbabwe is stultified through government repression. All outside political influence is seen as an intrusion on national sovereignty. International human rights NGOs have no or little access.

In the case of Zimbabwe national sovereignty in economic as well as in political terms is absolutized. There is little benefit to be seen in this. On the contrary donor influence in African political and economic systems make these more vibrant. Allowing for donor influence will not logically lead to donor dominance; if there is a vibrant political and economic life, government cannot dominate in an absolute sense and neither can donors.

Notes

- 1 This paper reflects the personal views of the authors. It does not necessarily reflect the official position of the Ministry of Foreign Affairs.
- 2 For an overview of this development: Stephen Browne (2006) *Aid and Influence; do donors help or hinder?* London and Stirling VA: Earthscan, Chapter III: Evolving Development Fashions.
- 3 This resulted in a volume by Howard White and Geske Dijkstra (2003) *Programme Aid and Development: Beyond conditionality*, London: Routledge.
- 4 <http://www.gsdr.org/go/topic-guides/drivers-of-change>.
- 5 <http://www.minbuza.nl/binaries/pdf/dossiers/goed-bestuur/sgaca-framework-oktober-2007.pdf>.
- 6 Thomas Carothers, 'Does democracy promotion have a future' in Bernard Berendsen (ed.) *Democracy and development* Amsterdam: KIT publishers 2008.
- 7 Nicolas van de Walle, *African economies and the politics of permanent crisis, 1979-1999* Cambridge: Cambridge University Press 2001 p. 62/3.
- 8 David C. Kang, *Crony capitalism: Corruption and development in South Korea and the Philippines* Cambridge: [Cambridge University Press](http://www.cambridge.org), 2002.
- 9 For the 1991 elections: Jan Kees van Donge (1995) Kaunda and Chiluba: Enduring patterns of political culture in Zambia, in J. Wiseman (ed.), *Democracy and political change in Sub-Saharan Africa*, London: Routledge, pp. 193-219; Baylies, C. and Szeftel, M. (1992) [The fall and rise of multi-party politics in Zambia](#), *Review of African Political Economy*, 19(54): 75-91. For contrasting views on donor involvement: Stressing conflict: Rakner, L. (2003) *Political and economic liberalisation in Zambia 1991-2001*, Uppsala: The Nordic African Institute; Bigsten, A. and Kayizzi-Mugerwa, S. (2000) *The political economy of policy failure in Zambia*, Göteborg University: Department of Economics, Working Papers in Economics no 23. Stressing cooperation: White, H. and Dijkstra, G. (2003) *Programme aid and development*, Chapter 11: A black sheep among the reformers? Zambia in the 1990s; Donge, J.K. van (2007) Flexible SWAPs for strategic policy-making: Reflections on the Zambian experience, *Development Policy Review*, 25(4).
- 10 Donge, J.K. van (1998) Reflections on donors, opposition and popular will in the 1996 Zambian general elections, *The Journal of Modern African Studies*, 36(1): 71-99. For a contrasting view: Baylies, C. and Szeftel, M. (1997) The 1996 Zambian elections: Still awaiting democratic consolidation, *Review of African Political Economy*, 24(71): 113-28.
- 11 Donge, J.K. van (2008) The EU observer mission to the Zambian Elections 2001: The politics of election monitoring as the construction of narratives,

Commonwealth & Comparative Politics, 46(3): 296-317. For an opposing view: Tordoff, W. and Young, R. (2005) Electoral politics in Africa: The experience of Zambia and Zimbabwe, *Government and Opposition*, 40(3): 403-23.

12 Including Transparency International Zambia

13 Some *Post* editorials that team up with protests in society: 'Chilujba and the Theft Money Matrix', *The Post*, 27 June 2008; 'Zambia: Web of deceit', *The Post*, 15 July 2002; 'Zambia: we salute you all', *The Post*, 17 July 2002.

14 V.J. Mwaanga, a political dinosaur who had been minister of Foreign Affairs and minister for Broadcasting and Services under President Chiluba, but who was later fired under donor pressure on account of drug-smuggling, had been appointed as Minister for Information Services. Katele Kalumba, former minister of Finance, who was implicated in corruption scandals, had been appointed minister of Foreign Affairs. IRIN, 8 January 2002: 'New President unveils cabinet team, policies'.

15 Donge, J.K. van (2008) The plundering of Zambian resources by Frederick Chiluba and his friends; A case study of the interaction between national politics and the international drive towards good governance, *African Affairs*, 107(429).

16 The lawyers Iqbal Meer and his partner Naynesh Desai were ordered to pay back US\$ 11 million in the London trial of Chiluba and his co-accused. On appeal, the court decided that they had been negligent.

17 Neutral Citation Number: [2007] EWHC 952 (Ch) Case No: HC04C03129 IN THE HIGH COURT OF JUSTICE CHANCERY DIVISION Royal Courts of Justice Strand, London, WC2A 2LL 04/05/2007 Before: MR JUSTICE PETER SMITH Between: Attorney General of Zambia for and on behalf of the Republic of Zambia Claimant - and - Meer Care & Desai (a firm) & Ors Defendants.

18 UK lawyers helped Zambia's ex-president launder GBP23 million', *The Guardian [UK]*, 6 February 2008.

19 Personal comment Goodwell Lungu, Executive Director TIZ.

20 *Post*, Auditor General, Dr Miti differ, 5 April 2007; *Times of Zambia*, PAC sends Health permsec away, 5 April 2007; *Daily Mail*, Health Ministry leads in audit queries, 5 April 2007.

21 Personal comment OAG official.

22 'Tender board did not approve Bulgarian Aids concoction', *The Post*, 25 July 2005; 'Magistrate views money matrix in Bulaya case', *The Post*, 8 November 2005.

23 'Levy, George found with a case to answer', *The Post (Lusaka)*, 20 April 2005; Govt Admits ordering DPP to forgive Bulaya' *The Post (Lusaka)*, 20 May 2008;

- 'Mweembe is jealous of my achievements- Kunda', The Post, 8 November 2005.
- 24 'Chiluba protests against French envoy', The Post (Lusaka), 12 December 2005.
- 25 'Zambian state urges High court to reject Bulaya's appeal', Times of Zambia, 18 June 2008.
- 26 This section compresses an elaborate debate and numerous references from the Zambian press can be made. Please go to the archive of <http://allAfrica.com> and search on reform of the constitution in The Post/Zambia and the Times of Zambia.
- 27 Associated Press, 2 April 1999.
- 28 Africa Confidential, 40(16), 6 August 1999.
- 29 BBC news website, 29 September 1999, <http://news.bbc.co.uk/2/hi/africa/460759.stm>, accessed on 30 September 2008.
- 30 UK High Commission in South Africa website, <http://ukinsouthafrica.fco.gov.uk/en/working-with-south-africa/uk-policy-zimbabwe/land-reform>, accessed on 4 October 2008.
- 31 Clare Short, 'One bad letter with long lasting consequences', New African, May 2007.
- 32 'Zimbabwean land reform: Mugabe's bid for land reform', The Economist, 13 November 1997, <http://www.economist.com/world/mideast-africa>.
- 33 Copson, R.W. (2001) Zimbabwe: Current issues, Washington: Congress Research Service.
- 34 Africa Confidential, 43(13), 28 June 2002.
- 35 Africa Confidential, 44(4), 21 February 2003.
- 36 Africa Confidential, 40(6), 19 March 1999.
- 37 With the possible exception of Anna Tibaijuka's mission following Operation Murambatvina, in which informal urban settlements harbouring opposition supporters were rigorously 'cleaned up'.
- 38 Paradoxically, by financing the civil and political opposition to Mugabe, donors are essentially funding the lobbying they themselves undergo. Civil and political activists regularly tour the world calling for further sanctions against government and tougher condemnations of the regime. This leads one to wonder who in fact is walking on whose leash.
- 39 Gono, G. (2007) 'Zimbabwe will not die', New African, September.
- 40 With the exception of the predatory buying up of productive assets.

About The Authors

Melle Leenstra studied rural development in Wageningen. Even while attaining a degree in development economics, he was driven by a strong interest in socio-political and institutional issues. Following an internship at the poverty reduction and institutional development division and a temporary contract at the NGO division of the Netherlands Ministry of Foreign Affairs, he formally joined the Ministry in 2004. In combination with a posting as desk officer for Zambia and Zimbabwe, and now Uganda, Melle Leenstra has developed a PhD-project on the Zambian Health Sector, from a political science/public administration perspective. This research is being made possible by the IS-Academy partnership between the African Studies Centre of Leiden University and the Africa Department of the Ministry of Foreign Affairs. Currently, Melle Leenstra is seconded to the African Studies Centre under the PhD-facility of the Ministry, so as to allow him to finalize his dissertation.

Jan Kees van Donge taught for a total of twenty years at three African universities, the University of Zambia, the University of Dar es Salaam, Tanzania and the University of Malawi. In the Netherlands he started as a teaching assistant at VU University Amsterdam, where he obtained his first degrees in political science. Since 1997 he has taught, with an interruption of three years as an independent consultant, at the Institute of Social Studies in The Hague, recently combined with teaching stints at the University of Namibia. Van Donge obtained his PhD in 1993 at Wageningen University on a sociological analysis of economic life in the Uluguru Mountains Tanzania. He has not only published on rural sociology, but also on African politics and public management type subjects.

Censuur en zelfcensuur in de klassieke islamitische wereld



Ibn Hazm (Cordoba 994 -
Niebla 1064)

Ills.:

www.biografiasyvidas.com

*'Verbrand rustig papier, want wat u daar leest
zit veilig opgeborgen in mijn geest
Het gaat met me mee, waarheen ik ook rijd,
staat stil als ik stop en sterft als ik overlijd
Zwijg over 't branden van papier en perkament;
zeg wat u weet, en men zal zien dat u verstandig bent'*
(Ibn Hazm)

De Spaans-Arabische denker Ibn Hazm (Cordoba 994 - Niebla 1064) leeft in de westerse wereld voort door de 'Ring van de duif', een jeugdwerk vol melancholieke en misschien ook wel vroegwijze bespiegelingen over de liefde. Het boek is in vele talen vertaald, onder andere in het Nederlands in een vertaling van Remke Kruk en J.J. Witkam (Amsterdam, Meulenhoff, 1977, 2e dr. 1985). De islamitische wereld kent hem echter vooral als schriftgeleerde en grondlegger van een eigen islamitische rechtsschool. Hij was een moeilijk mens, buitengewoon onbuigzaam en principevast, en hij had daarnaast de gewoonte vrijelijk zijn mening te geven. Hij was voortdurend in conflicten verwickeld met de schriftgeleerden van de gevestigde Malikitische rechtsschool, die hij als meelopers van het gezag beschouwde. In politiek opzicht was hij loyaal aan het Umayyadenkalifaat van Cordoba, hoewel dat tijdens zijn leven ter ziele ging en opgevolgd werd door een aantal lokale dynastieën die in het Spaans bekend staan als de 'Reyes de Taifas,' partijkoningen. Hij kwam in aanvaring met de machthebber van Sevilla door hem in een van zijn boeken te ontmaskeren als een fraudeur en een moordenaar. Het was deze zelfde heerser die op gegeven

moment de opdracht gaf om zijn boeken publiekelijk te verbranden, waarop Ibn Hazm de bovengenoemde dichtregels schreef (Asín Palacios 1927-32, I, p. 230-235). In het gedicht lijkt hij het incident te willen bagatelliseren omdat alleen de papieren dragers van zijn gedachten vernietigd worden, niet de geest die deze gedachten heeft geproduceerd. Dat komt wat naïef over, omdat hij niet lijkt te beseffen dat het papier wel degelijk essentieel is om zijn gedachten te kunnen verbreiden, en verbreiding van zijn gedachten is wat elke auteur tenslotte wil.

Dit voorval illustreert het aloude spanningsveld tussen de behoefte van de individuele burger om zijn mond open te doen en het belang van de samenleving als geheel. Dit belang bestaat uit twee elementen, het morele belang van de openbare zeden en het politieke belang van de openbare orde. In vrijwel alle samenlevingen zijn het de geestelijke en wereldlijke autoriteiten die over dit tweeledige belang waken. In het Westen hadden we, vooral sinds de uitvinding van de drukpers, het instituut van de censuur, uitgeoefend door Staat of Kerk. Deze censuur moest noodzakelijkerwijs op strakke, ambtelijke wijze georganiseerd worden. De drukpers gaf de mogelijkheid om zeer snel en op grote schaal ideeën te verspreiden, en er moest dus slagvaardig worden opgetreden om de verspreiding van ongewenste ideeën te voorkomen. In de periode daarvoor, toen boeken nog moeizaam met de hand gekopieerd moesten worden, ging de verspreiding van teksten veel minder snel en waren er minder schrijvers en minder lezers. Beide laatste categorieën behoorden daarenboven tot de sociale laag die het dichtst bij het officiële gezag stond. Dat betekende dat de controle over het geschreven woord makkelijker uitvoerbaar was en dat er dus geen grote organisatie of ingewikkelde regelgeving nodig was om die controle te realiseren.

De uitvinding van de boekdrukkunst mag dan gelden als beginpunt van de censuur als ambtelijke instelling, maar dat betekent nog niet dat er daarvoor in het Westen geen samenhangende pogingen werden ondernomen om het geschreven woord te controleren. Zo woedde er in de dertiende eeuw aan de universiteit van Parijs een debat over de verhouding tussen de christelijke orthodoxie en de filosofie van Aristoteles en diens Arabische commentatoren, zoals Averroës. In 1210 en 1215 werden de 'Arabische commentatoren' verboden, in 1231 werden ze gecensureerd toegelaten en in 1255 werden ze officieel aan het curriculum toegevoegd. Uiteindelijk stelde Étienne Tempier, bisschop van Parijs, in 1277 een lijst van verboden opvattingen op. Ieder die bijvoorbeeld de opvatting verkondigde dat de wereld eeuwigdurend was of dat God niet rechtstreeks kon ingrijpen in de gebeurtenissen op aarde kon rekenen op excommunicatie (Wilson 1996, II, p. 1017-1018, Piché 1999, p. 160).

De 'klassieke' islamitische samenleving en de burgerlijke vrijheden

De controle op het geschreven woord en de inperking van de menings-vrijheid van het individu zijn vrijwel altijd gangbaar in samenlevingen die het collectieve belang stellen boven het individuele belang. Samenlevingen die van dit model uitgaan stellen ook nog vaak een eind-doel aan de samenleving, een politieke of godsdienstige vervolmaking. Het ligt dus voor de hand dat individuen die doelbewust dit streven saboteren geneutraliseerd moeten worden. Deze gedachte wordt treffend verwoord door de vierde editie van de Duitse 'Grosse Herder' encyclopedie, die gedeeltelijk tijdens de Hitlerperiode verscheen:

'Im nationalsozialist[ischen] Staat ist die Meinungsfreiheit des Einzelnen ersetzt durch das Recht der Volksgemeinschaft, alle volksfeindl[iche] Kräfte fernzuhalten.' ('Der Grosse Herder' 1931-1935, lemma 'Zensur,' XII, kol. 1445-46)

In tegenstelling tot de sterk geïndividualiseerde, moderne westerse maatschappij geldt de islamitische samenleving als een collectief met religieus geïnspireerde doelstellingen, waarbij het belang van het individu ondergeschikt is aan het groepsbelang of de heilsverwachting van de groep als geheel. Dit is vanzelfsprekend een generalisatie, want het gaat hier om een enorm groot en divers gebied met een geschiedenis van bijna veertienhonderd jaar. Het beeld wordt in ieder geval bevestigd door een interview van Elma Drayer in het dagblad Trouw van 6 april 2001. Hierin omschreef arabist/diplomaat Marcel Kurpershoek de samenleving in Saoedi-Arabië als volgt:

'Bij ons [in Nederland] zijn individualisme, experimenteren, zelf iets nieuws bedenken, de hoogste waarden. In Saoedi-Arabië is het omgekeerd. Daar heerst een sterke drang tot conformisme. Ze lopen allemaal in dezelfde, zakachtige gewaden, dragen dezelfde hoofd-doeken. En het is heel verkeerd om in je eentje te geloven.'

Nu heeft Kurpershoek het hier over het moderne Saoedi-Arabië, maar voor dit land geldt dat het zich meer dan andere islamitische landen vastklampt aan de oude waarden van de klassieke islamitische samenleving. Deze klassieke samenleving, die min of meer intact bleef tot aan de komst van het Europese kolonialisme in de negentiende eeuw, leek nog het meest op de westerse middeleeuwse standenmaatschappij. Alle macht kwam van God en de machthebber was diens plaatsvervanger op aarde, of zoals de Osmaans-Turkse sultans zichzelf noemden, 'Gods schaduw op aarde'. Het geldend recht was gebaseerd op de onaantastbare en onveranderlijke, en vooral ook onfeilbare Goddelijke Openbaring. Als iedereen zich maar aan deze wet hield zou de

volmaakte samenleving vanzelf tot stand komen, net als in de dagen dat de profeet Mohammed zelf nog de scepter zwaaide over zijn kleine groepje geloofsgenoten. Het was aan de machthebber om gehoorzaamheid aan deze wet af te dwingen, en hij werd daarbij ter zijde gestaan door drie groepen: het leger, dat de orde met geweld beschermde, de klasse van religieuze schriftgeleerden, die de heilige wet interpreteerden en toepasten, en tenslotte het administratieve overheidsapparaat. De kringen aan het hof, de schriftgeleerden en de ambtenaren vormden de klasse van geletterden, de makers en lezers van teksten. Verder was er natuurlijk het gewone volk, vaak als de 'kudde' aangeduid. Deze kudde was onderverdeeld in vrijen en slaven. Het concept 'vrijheid' (in het Arabisch: 'hurriyya') werd dan ook in die termen gedefinieerd: een vrije = geen slaaf. Hoewel de ene onderdaan meer geprivilegieerd was en meer macht en geld kon hebben dan de andere kon uiteindelijk niemand rechten doen gelden tegenover het overheidsgezag, of zoals de Amerikaanse oriëntalist Franz Rosenthal het zegt: *'The greatest threat to individual freedom resulted from the fact that the government - that is, the ruler in actual possession of the power - had the right to exercise judicial power in most cases concerning public order and safety. The ruler also had the right to imprison people at will whenever he decided that it was necessary to do so. That this was his right cannot be denied. It followed from the fact that in Islam, the ruler had jurisdiction over the whole vast area not covered by the religious law [...] The government would send to prison actual or alleged heretics, religious fanatics who took the law into their own hands, charlatans, and, in general, all those guilty of violating public order in any one of countless ways.'* (Rosenthal 1960, p. 53-54)

Dat wil niet zeggen dat er op basis van volstrekte willekeur geregeerd werd. Voor het duurzaam handhaven van gezag is legitimiteit nodig, en de vorst ontleende deze aan de godsdienst en de heilige wet. Bij het uitoefenen van zijn gezag moest hij dus bij voorkeur handelen in de geest van die wet. De toepassing en de interpretatie van de islamitische wet waren voorbehouden aan de klasse van schriftgeleerden. Binnen die klasse bestond er ruimte voor de uitwisseling van ideeën, en bij het ontbreken van een officieel leergezag zoals in het christelijke Westen konden tegenstrijdige opinies vaak naast elkaar bestaan. Dat klinkt in theorie mooier dan het in de praktijk was: in de loop der eeuwen consolideerde de orthodoxie zich en konden alleen zeer grote geesten zich werkelijk afwijkende opinies veroorloven, die vervolgens de nieuwe orthodoxe opvatting vormden.

Degenen die het te bont maakten in hun opvattingen over het geloof of de religieuze wet wachtte in laatste instantie een aanklacht wegens ketterij, een middel dat met enige spaarzaamheid gebruikt werd. Bij ketterverklaringen vonden wereldlijke en geestelijke autoriteiten elkaar moeiteloos, omdat de religieuze legitimering niet in het geding was en de wereldlijke overheid dus zonder terughoudendheid kon optreden. Het was een vonnis dat bijvoorbeeld prominente soefi's trof, islamitische mystici. Soefi's bestonden in alle soorten en maten, van in zichzelf gekeerde asceten tot losgeslagen figuren die beweerden dat zij God zo dicht genaderd waren dat de islamitische wet voor hen niet gold, een opinie met duidelijke gevolgen voor de openbare orde. Een dergelijk vonnis trof de mysticus al-Hallaj in het jaar 922, omdat hij zozeer geloofde in de versmelting van zijn persoon met het Goddelijke dat hij gezegd zou hebben: 'Ik ben de Waarheid.' Het technische detail dat hem fataal werd was zijn verklaring dat een gelovige ook de pelgrimstocht zou kunnen maken naar een bij hem thuis geconstrueerde Kaäba, zodat hij zich de reis naar Mekka zou kunnen besparen: een overduidelijk kettters standpunt. De kalief wist na veel discussie een ketterverklaring aan de schriftgeleerden te ontfutselen en al-Hallaj werd ter dood veroordeeld. Hij kreeg duizend zweepslagen, zijn handen en voeten werden afgehakt en men liet hem 's nachts aan een kruis hangen. De volgende dag werd hij onthoofd en werd zijn lijk verbrand (Kritzeck 1964, p. 112-113). Het is begrijpelijk dat onder deze omstandigheden de meer exuberante opvattingen niet lang overleefden. De drang tot conformisme en zelfregulering was sterk.

Deze bovenstaande kwestie viel binnen het domein van de islamitische wet, maar de schriftgeleerden probeerden ook hun invloed te laten gelden op het terrein dat Rosenthal omschreef als 'the whole vast area not covered by the religious law' (zie hierboven). De jurist al-Mawardi (974-1058) schreef een handboek over bestuurskunde, getiteld 'Al-Ahkam al-sultaniyya' ('De vorstelijke decreten'), waarin hij het gedrag van de wereldlijke overheid zo veel mogelijk koppelde aan de koran en de islamitische wet (Al-Mawardi 1996). Ook hoge ambtenaren lieten met regelmaat een soort traktaten het daglicht zien dat wij in het Westen herkennen als 'vorstenspiegels': geschriften waarin auteurs zich uiten over de meest wenselijke bestuursvorm en het ideale gedrag van de vorst.

De islamitische schriftgeleerden probeerden zich als hoeders van de moraal ook te bemoeien met teksten die weinig met de islam van doen hadden, zoals poëzie en verhalend proza. Waren deze frivoliteiten wel toelaatbaar? Is het volgens de islam wel geoorloofd om dingen op te schrijven die niet echt gebeurd zijn of die

niet echt gebeurd kunnen zijn zoals fabels, waarin immers pratende dieren worden opgevoerd? De Nederlandse arabist Bonebakker ziet in principe een negatieve grondhouding van de islamitische geleerden tegenover literaire teksten, zonder overigens tot harde conclusies te komen (Bonebakker 1992, passim). Een dergelijke houding lijkt van alle tijden en van alle religies te zijn: in Nederlandse evangelische boekhandels zal men ook weinig fictie aantreffen, en in het moderne Midden-Oosten zijn het vooral de seculier ingestelde boekhandelaren die dichtbundels en romans verkopen.

Anders dan bij ketterij schoot de islamitische wet te kort bij het aanpakken van lasterlijke of obscene teksten. Vooral waar het ging om de seksuele moraal konden de juristen weinig kanten op: de islamitische wet respecteert in principe alles wat zich binnen de vier muren van het huis afspeelt, en het bekende koranvers 'Uw vrouwen zijn een akker voor u, zo komt dan tot uw akker zoals gij maar wilt...' (koran 2:223), gaf nauwelijks een handvat om een bepaald seksueel gedrag op te leggen. De islamitische wet verbiedt wel uitdrukkelijk seksuele handelingen tussen mannen en vrouwen die niet met elkaar gehuwd zijn of die niet in een meester-slavin verhouding tot elkaar staan, maar verder is het allemaal nogal ongewis. Daarnaast weet de islamitische wet in al zijn formalisme geen raad met *het schrijven over* verwerpelijke of verboden handelingen. Om een voorbeeld te geven: als Hasan overspel pleegt onder de ogen van vier, meerderjarige mannelijke getuigen, dan is hij zonder meer strafbaar. Als Hasan echter een boek schrijft waarin hij zegt: 'Er was eens een man die overspel pleegde,' dan is daar vanuit juridisch standpunt weinig tegen te doen. Het wordt echter weer een heel andere zaak als Hasan schrijft dat overspel uitdrukkelijk toelaatbaar is, want dan ontkent hij een bestaande islamitische rechtsregel en dat betekent ketterij.

Zelfcensuur

Buiten het gebied van het islamitisch recht had de wereldlijke overheid dus een grote vrijheid van handelen om op te treden tegen lasterlijke, obscene of zo maar onwelgevallige teksten van welk genre dan ook, fictie of geen fictie. Dat er in de klassieke wereld van de islam schrijvers waren die dat soort teksten maakten kan men duidelijk genoeg zien aan het voorbeeld van de recalcitrante Ibn Hazm. Schrijvers wisten dat er grenzen waren die niet overschreden mochten worden, maar waar die grenzen lagen moet van periode tot periode en van plaats tot plaats verschild hebben. Ook is hierboven al even aangestipt dat eigenlijk niemand rechten kon doen gelden tegenover de overheid, maar dat er toch

verschillen waren in privileges en macht. Zo was de meest obscene dichter van de Arabische literatuur, Ibn al-Hajjaj (gestorven in 1001), tegelijkertijd als ambtenaar verantwoordelijk voor de handhaving van de goede zeden in Bagdad. De Nederlandse arabist Geert Jan van Gelder noemt dit verschijnsel een voorbeeld van een inconsequentheid die hij ook tegenkomt bij bloemlezers die zich druk maken over vieze gedichten, maar tegelijkertijd die gedichten citeren in hun bundels (Van Gelder 1988, p. 81-82), maar je kunt het misschien ook anders zien: door zijn sociale positie en zijn functie kon hij het zich wellicht veroorloven om obscene teksten te schrijven en te verspreiden, omdat hij in dit geval zelf de overheid vertegenwoordigde en dus een zekere onaantastbaarheid genoot.

Een schrijver die niet in zo'n benijdenwaardige positie verkeerde kon verschillende dingen doen om een aanvaring met de autoriteiten te voorkomen. Hij kon bijvoorbeeld zijn hart luchten en vervolgens de benen nemen. Zowel in politiek als in ideologisch opzicht is de islamitische wereld nooit iets anders dan een lappendeken geweest, en veel schrijvers vonden wel ergens een heerser die met hun opvattingen kon leven. Deze 'intellectuele ballingschap' klinkt dramatischer dan het in werkelijkheid was. Intellectuelen hadden voor hun levensonderhoud vaak een patroon nodig, en het eindeloos rondreizen 'op zoek naar kennis' was een universele islamitische traditie waaraan velen van naam meededen, op zoek naar teksten, collega-geleerden of een beschermheer (Sourdell 1985, p. 126-127).

Zover hoefde het natuurlijk niet te komen. Als een auteur een boek maakte kon hij van verschillende strategieën gebruik maken om te zeggen wat hij wilde, maar tegelijkertijd negatieve reacties op zijn tekst te voorkomen of te verzachten. We zouden dat nu zelfcensuur noemen. Nu is het in de regel erg lastig om uit te maken wat een auteur in zijn tekst heeft veranderd of aangepast onder druk van zijn omgeving, de autoriteiten of wat dan ook. Het enige wat we hebben is de tekst zelf, en wie probeert uit te maken wat de tekst had kunnen zijn in de beste van alle mogelijke werelden verzeilt al gauw in speculaties. Nu zijn er rondom de 'eigenlijke tekst,' zoals in voor- en nawoorden en ook wel in het gedrag van de auteur ten opzichte van zijn eigen tekst, wel momenten waar te nemen waarop de auteur gepoogd heeft eventuele negatieve reacties vóór te zijn.

Disclaimers en verontschuldigingen

Zo kan de auteur bijvoorbeeld een 'disclaimer' aan zijn tekst toevoegen of zijn verontschuldigingen aanbieden. De auteur verklaart dat hij de inhoud van zijn tekst zelf verwerpt of niet serieus neemt: hij heeft het boek alleen maar

geschreven om mensen te waarschuwen. Zo'n disclaimer vinden we in het prozawerk van de Arabische auteur al-Hariri (gestorven in 1122). In zijn - puur fictieve - tekst biedt hij uitgebreid verontschuldigingen aan voor het feit dat zijn verhalen niet echt gebeurd zijn, maar dat zijn bedoeling niets anders is dan lering, niet frivol vermaak. Wordt volgens de islamitische wet iemand niet op zijn bedoelingen beoordeeld? Al-Hariri aarzelt niet om zijn eigen werk als nonsens te betitelen om eventuele kritiek te pareren (Bonebakker 1992, p. 7).

Een ander aardig voorbeeld van een verontschuldiging voor een tekst die mogelijk als aanstootgevend beschouwd zou kunnen worden is het boek 'De verkwikking van de ziel, of wat de zuurpruim aan het lachen maakt,' een vreemde verzameling van humoristische gedichten en verhaaltjes over eten en drinken, hasjiesj en feestvieren, gemaakt door de Egyptische auteur 'Ali Ibn Sudun (1407-1464). In deze tekst staat een verhaal waarin de hoofdpersoon een bidkleedje steelt van een vrome man en vervolgens het kleedje verpatst om er hasjiesj van te kopen. Stelen mag natuurlijk niet en al helemaal niet van een vrome bidder, en het kopen van hasj is ook niet in de haak. Het is zeker niet het enige fragment waarin dingen gebeuren die God verboden heeft, en in het colofon staat dan ook een rijmpje waarin de auteur nederig boete doet voor wat hij geschreven heeft:

*'Als ik in mijn overdrijving te ver ben gegaan
en niets wat ik maakte de toets der kritiek doorstaat,
dan smEEK ik de goede God dat Hij vergeeft wat ik heb gedaan,
in het volle besef dat Hij geen smekeling vallen laat'*
(Vrolijk 1998, p. 175 Arabic text)



Ook in de Westerse oriëntalistische traditie komen deze disclaimers voor. Zo is er een Nederlandstalige versie van een Duitse vertaling van de koran, verschenen in 1641 onder de titel 'De Arabische Alkoran door de Zarazijnsche en de Turcksche Prophete Mahometh... uyt de Arabifche sprake nu nieuwelijcks int Hoochduytsch getrañlateert ... door Salomon Swigger ... ende nu wederom uyt de Hooghduy[t]sche in onse Nederlantsche spraecke overgheset.' De (overigens onbekende) Nederlandse vertaler onderkende het risico dat hij kritiek over zich heen zou kunnen krijgen bij het publiceren van een dergelijke onchristelijke tekst, en hij voorzag zijn boek van het

volgende 'ten geleide':

'De Arabische translateur tot den Leser.

Hier uyt kont ghy verstaen ende vernemen, wanneer ende van waer haer valsche Prophete Mahometh zijnen oorspronck ende begin genomen heeft, ende met wat ghelegenheit die selve dit sijn fabelwerck, lacherlicke ende dwaesachtige leere ghedicht ende ghevonden heeft: want hier in vindt ghy van alle sijn Droomen, listen ende practijcken, ende alle sijn verleydische menschen-vonden.'

(Swigger 1641, p. [ii])

Anonimiteit

Een ander middel voor een auteur om zijn ideeën te verspreiden zonder persoonlijk erop aangesproken te worden is de anonimiteit. De tiende-eeuwse secretaris, hoveling en schrijver Abu Hayyan al-Tawhidi schreef het volgende over het 'Genootschap van de Zuivere Broeders,' een auteurscollectief dat een verzameling traktaten uitbracht over de gewenste vereniging tussen het islamitische geloof en de filosofie:

'They claimed that perfection is achieved when Greek philosophy and the Arab religious law are combined. And they composed fifty epistles on all parts of philosophy, theoretical and practical, and made a special index for them. They called them The Epistles of the Sincere Brethren and Loyal Friends. Remaining anonymous, they distributed them among the bookdealers...'

(Kraemer 1986, p. 169)

Verbranding van eigen boeken

Franz Rosenthal noemt in een recentere publicatie het verhaal van auteurs die er voor kozen om hun eigen boeken te verbranden, vaak aan het eind van hun leven. Hij vermoedt dat het hier om een 'topos' gaat, een vaste wending zonder feitelijke betekenis. In alle door hem gesignaleerde gevallen ging het namelijk om buitengewoon vrome mannen, die tot deze daad kwamen vanuit een gevoel van zelfreiniging of het achterlaten van alle aardse beslommeringen. Misschien waren ze ook bezorgd over hun reputatie na hun dood en pasten ze een preventieve censuur toe op hun eigen werk (Rosenthal 1995, p. 40-42).

Verschuilen achter God en de autoriteiten

Het is de gewoonte in islamitische boeken om te beginnen met een lofprijzing van God en Zijn profeet. Soms is die heel kort, maar vaak worden de loftuitingen omgewerkt tot een soort kapstok, waarbij men de eigen motieven om een boek te schrijven rechtstreeks aan God zelf ophangt. Men verschuilt zich als het ware

achter Gods brede rug. Dat kan heel onschuldig zijn, zoals in het monumentale verslag van de wereldreizen van Ibn Battuta (gestorven in 1368), waarin God degene is die 'de aarde heeft onderworpen aan Zijn dienaren, opdat ze over haar wegen kunnen trekken,' en die de kamelen en de boten geschapen heeft (Ibn Battuta 1997, p. 7-8), en op de eerste pagina van het bestuurskundeboek van al-Mawardi wordt God geprezen als degene die recht en wet geschapen heeft zodat Zijn dienaren op de juiste wijze bestuurd kunnen worden.

In een wat minder onschuldige variant verwijst de Egyptenaar 'Ali Ibn Sudun naar God in de inleiding van zijn humorboek en hij noemt Hem degene die 'opluchting schenkt bij beklemming, die verdriet uitwist en laat verdwijnen door het scheppen van blijdschap.' God zelf heeft de humor geschapen om de mensen hun verdriet te laten vergeten, en wie zou dan nog kritiek uit kunnen oefenen op de grapjes van de auteur? (Vrolijk 1998, p. 2 Arabic text).

Muhammad ibn Muhammad al-Nafzawi, de vijftiende-eeuwse auteur van een soort Arabische Kama Soetra, doet het niet anders. Zijn boek, 'de Zoetgeurende Tuin,' is een buitengewoon nuchter commentaar op de verhouding tussen mannen en vrouwen. Zo verklaart hij onomwonden dat het mannelijk orgaan minstens zes vingerbreedtes lang moet zijn om voor vrouwen enig nut te hebben. Er staan tips in hoe men een abortus kan opwekken, hoe men erectieproblemen behandelt en wat men kan doen tegen okselgeur. In de inleiding op zijn werk noemt ook hij God als degene die de wereld zo gemaakt heeft dat mannen en vrouwen genot ontlennen aan elkaars geslachtsorganen en dat zij geen rust kennen voordat die twee bij elkaar gekomen zijn (Al-Nafzawi 1999, p. 3). Al-Nafzawi laat het echter niet bij het inroepen van Gods autoriteit. In zijn inleiding noemt hij uitdrukkelijk de grootvizier van de heerser van Tunis, die hem aanspoorde het boek te schrijven en ook nog enkele suggesties deed voor het verhogen van de kwaliteit ervan (Ibid., p. 4).

Wie zou zijn stem kunnen verheffen tegen het onverslaanbare koppel van God en sultan?

Staatscensuur

Tot zover de strategieën die schrijvers zelf konden hanteren om niet in de problemen te geraken. Maar wat als dit allemaal niet mocht baten en de auteur tegelijkertijd niet verstandig genoeg was om met de noorderzon te vertrekken? Wat deed het overheidsapparaat zelf om controle uit te oefenen over ongewenste boeken als de genoemde zelfregulerende mechanismen niet werkten?

Soms vonden er op initiatief van de autoriteiten boekverbrandingen plaats, zoals

in het geval van Ibn Hazm. Hoe vaak dit gebeurde weten we niet. Beroemde gevallen werden geboekstaafd, maar misschien waren er veel andere auteurs die hetzelfde overkwam, maar van wie we nu niets meer weten. In ieder geval kwam het vaak genoeg voor om het voor de islamitische schriftgeleerden de moeite waard te maken om er een opinie over te formuleren. De strenge Hanbalitische rechtsschool, een der vier orthodoxe juridische richtingen, ging hierin het verst. Volgens de veertiende-eeuwse Hanbalitische jurist Ibn Qayyim al-Jawziyya kon het vernietigen van een boek nooit een onrechtmatige daad opleveren en waren dezelfde regels van toepassing als bij de vernietiging van onwettige goederen als wijn en hasjiesj. Andere rechtsscholen gingen niet zo ver (Rosenthal 1995, p. 39-40).

Waren er echter ook andere, minder extreme middelen beschikbaar voor de overheid om censuur uit te oefenen? In de klassieke islam bestond er niet zoiets als een aparte, officiële organisatie die deze taak had, maar wel was er het instituut van de 'hisba,' in principe een soort economische controledienst annex zedenpolitie annex dienst openbare werken onder leiding van een 'muhtasib,' een woord dat vaak vertaald wordt met marktmeester. De hoofdtaak was de controle van de soeks, de maten en gewichten et cetera. In de praktijk had de marktmeester het recht om naar eigen inzicht corrigerend op te treden voor zo ver het niet om de in de koran zelf genoemde vergrijpen ging. Hij kon daarbij naar eigen inzicht handelen en hoefde niet te wachten op een officiële klacht. In het al eerder genoemde boek over bestuurskunde van al-Mawardi staat een passage volgens welke de marktmeester het recht heeft om bedrog of de verspreiding van verkeerde ideeën tegen te gaan: wie knoeit in het vak van de jurisprudentie zonder de juiste kwalificaties dient terechtgewezen te worden. Als religieuze commentatoren opinies verspreiden die in tegenspraak zijn met de orthodoxie, dan dient de marktmeester daar een eind aan te maken (Al-Mawardi 1996, p. 269-270).

De vraag is nu of de marktmeester niet alleen de personen vervolgde die ongewenste opinies verspreidden, maar ook degenen aanpakte die boeken verspreidden waarin die opinies opgeschreven stonden? Met andere woorden: werden de boekhandelaren aansprakelijk gesteld voor de inhoud van hun handelswaar? De boekhandel was een florerende bedrijfstak, waarin de handel in papier en schrijfmaterialen samenging met het leveren van kant-en-klare handschriften van veelgevraagde teksten of het bemiddelen in diensten van professionele kopiisten. Hiertoe dienden de boekhandels vaak als een soort

uitleenbibliotheek: ze leenden de handschriften in hun handelsvoorraad uit om ze op bestelling af te laten schrijven. Zoals dat in de Midden-Oosterse bazareconomie annex gildensysteem gebruikelijk is klonterden de boekhandelaren bij elkaar in aparte wijken of delen van de soek. Over de boekhandel is het een en ander geschreven (zie bijvoorbeeld Pedersen 1984), maar er wordt geen gewag gemaakt van een eventuele controle over de boekhandel om ongewenste boeken te weren, van razzia's of inbeslagnames. Dat wil niet zeggen dat er geen controle was: naar analogie met de 'would-be' juristen en korancommentatoren mag je aannemen dat ook boekhandelaren vervolgd konden worden of dat in ieder geval hun handelswaar het voorwerp van controle was. Toch is de situatie verre van duidelijk. Van het genootschap van de 'Zuivere Broeders' is al vermeld dat zijzelf liever in de anonimiteit bleven, maar dat ze wel hun religieus-filosofische traktaten onder de boekhandels verspreidden. Kennelijk waren ze wel bang voor repercussies ten aanzien van henzelf, maar hoefden ze niet te vrezen voor invallen bij de boekhandel en confiscatie van hun teksten.

Wederom geeft het geruchtmakende proces tegen de Perzische mysticus al-Hallaj wat nuttige informatie. Bij zijn proces riep hij volgens de overlevering uit: 'Julie hebben het recht niet om mij op basis van een technisch detail buiten de wet te stellen. Boeken van mij, die de orthodoxie hooghouden, liggen op dit moment in de boekhandels.' Het feit dat zijn boeken, waarvan de inhoud als orthodox gold, vrij verkrijgbaar waren suggereert dus dat boeken die dat niet waren wel degelijk uit de boekwinkels geweerd werden, misschien door zelfcensuur van de handelaren, maar misschien ook onder druk van de autoriteiten. Na het proces en de executie van al-Hallaj besloten de autoriteiten om zijn boeken tot niet-orthodox te verklaren, en er wordt expliciet vermeld dat 'alle boekhandelaren opgeroepen werden om onder ede te verklaren dat ze nooit meer een werk van al-Hallaj zouden kopen of verkopen' (Kritzeck 1964, p. 109, 113).

Conclusie

In de religieus geïnspireerde klassieke islamitische wereld werd de vrijheid van meningsuiting door de islamitische wet beperkt, met de doodstraf als ultieme sanctie. In het gebied dat niet door de islamitische wet bestreken werd konden de autoriteiten naar eigen inzicht optreden. Er bestond censuur, maar dan voornamelijk in de vorm van zelfcensuur binnen de groep der geletterden. Auteurs bedienden zich van allerlei strategieën om minder aanvaardbare teksten toch geaccepteerd te krijgen of om problemen met het gezag te voorkomen. Het is aannemelijk dat de autoriteiten controle uitoefenden over de florerende

bedrijfstak van de boekhandel via de 'hisba,' eigenlijk een controledienst voor de markten. De autoriteiten konden actief verhinderden dat teksten verspreid werden, bijvoorbeeld door een directe aanwijzing aan de boekhandelaren of door de verbranding van boeken.

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Wind als inkomstenbron voor de leefbaarheid ~ Stichting Windmolens Ternaard



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Maart 2014. In de provincie Utrecht zoeken pioniers elkaar op om alternatieve energiebronnen aan te boren en gezamenlijk zonnepanelen te plaatsen. In Friesland zijn ze een stap verder, daar spelen organisaties van dorpsbelang al jarenlang een actieve rol bij de energiewinning. Zoals in Ternaard, waar de winst uit vijf dorpswindmolens de hele dorpsgemeenschap ten goede komt. Jaarlijks kunnen ze daar circa 20- tot 30.000 euro besteden aan energiebesparing, sociale projecten en verbeteringen van de leefomgeving. Pepijn Binkhorst van de Natuur en Milieufederatie Utrecht (NMU) ziet ook in Utrecht mogelijkheden voor dorpscomités die bereid zijn hun nek uit te steken.

Ternaard is een dorp met krap 1500 inwoners en ligt aan de kust van de Waddenzee, de kop van Friesland. Het is een van de regio's in ons land waar bevolkingskrimp op de loer ligt. Met bijkomende kwalen als wegtrekkende jongeren, werkloosheid, vergrijzing en economische malaise. Alle reden dus om

op zoek te gaan naar creatieve oplossingen. Frederik van der Lugt, destijds voorzitter van de vereniging Dorpsbelangen Ternaard, vatte vijftien jaar geleden het plan op om windmolens rond het dorp te plaatsen. Tegenwoordig is hij voorzitter van de stichting Windmolen Ternaard: 'Ik zag een enorme toekomst in het verschiep liggen voor windenergie. Helemaal zo dicht bij de kust, wij wonen hier in een van de meest windrijke omgevingen van ons land.'

Aarzelend

De vijf molens die rond het dorp staan zijn voor 70 procent in het bezit van de bewoners, verenigd in de Stichting Windmolens Ternaard. De resterende dertig procent is in handen van een drietal boeren die de molens op hun grondgebied hebben. Het unieke van het initiatief in Ternaard is dat de initiatiefnemers hun ideële doelstelling van schone energie op een slimme manier combineren met, zakelijk gezien, een lucratieve aanpak en een sociale besteding van de opbrengsten. De financiering van de molens is afkomstig van participaties door de dorpsbewoners zelf. Dat is in drie tranches gegaan blijkt de initiatiefnemer terug op het prille begin. Van der Lugt: 'De eerste tranche verliep nog aarzelend. Ondanks een rente van tien procent die wij in het vooruitzicht stelden. Het kostte aanvankelijk moeite om mensen hier te overtuigen. Toen dat eenmaal lukte, waren we heel snel door de tweede en derde tranche heen.'

Gratis

Inmiddels is de voorzitter een bedreven woordvoerder die mensen kan overtuigen van de voordelen van windenergie. Moeiteloos schudt hij een reeks argumenten uit de mouw. Opmerkelijk genoeg begint hij met de financiële voordelen. Om gelijk daarna op het milieuvriendelijke karakter van windenergie te wijzen. Maar er is meer. De duurzaamheid bijvoorbeeld. Zonder calamiteiten kunnen de molens moeiteloos dertig jaar mee. Ze zijn ook nog eens heel onderhoudsarm. Daar komt nog bij dat de wind, in tegenstelling tot fossiele brandstoffen als gas en kolen, oneindig beschikbaar is. Van der Lugt: 'Het is gratis en ook nog eens schone energie. In Duitsland kreeg windenergie een enorme boost toen de overheid na de kernramp in de Japanse stad Fukushima het besluit nam om alle kerncentrales te sluiten. De Duitsers investeren gigantisch in windenergie.'

Delen in de winst

Wind is een hele lucratieve energiebron, blijkt als de voorzitter van de Stichting Windmolens Ternaard een toelichting geeft op de bedrijfsvoering. Hij meldt er gelijk bij geen enkel persoonlijk financieel belang in de molens te hebben. Van der

Lugt: `Het is allemaal vrijwilligerswerk, daardoor kunnen wij de overheadkosten tot een minimum beperken. Als bestuur gaan wij zo transparant mogelijk te werk. Onze stichting is gelieerd aan de Vereniging voor Dorpsbelangen van Ternaard. Elk jaar publiceren wij een verslag en het financieel overzicht in de dorpskrant.` De voorzitter schat dat de vijf molens het dorp per jaar zo tussen de 20.000 en 30.000 euro opleveren. Dit geld wordt aan heel uiteenlopende doelen besteed. Zoals de plaatsing van zonnepanelen op het dorps huis en een aantrekkelijke zonneboileractie voor bewoners. Maar ook aan de herinrichting van de camping en het kaatsveld, de aanleg van een bedrijfsterrein, steun aan startende ondernemers of het plaatselijke vogelopvangcentrum. Het Plaatselijk Belang van Ternaard en het verenigingsleven deelden de afgelopen vijftien jaar eveneens rijkelijk in de winst van de windmolens. `Heel recent is een initiatief om in diverse straten te helpen met het oprichten van kleine coöperaties die energiebeperkende maatregelen invoeren en collectief zonnepanelen plaatsen.`

Windmolenpark

De jaarlijkse financiële steun draagt ertoe bij dat de aanwezigheid van windmolens op veel goodwill kan rekenen onder de inwoners van Ternaard. Terwijl elders plannen voor plaatsing van windmolens nogal eens uitmonden in emotionele discussies tussen voor- en tegenstanders. Die lokale steun kunnen ze binnenkort goed gebruiken nu Van der Lugt en zijn stichting aan een plan werkt om met een aantal omliggende dorpen zestien windmolens te vervangen door in totaal zes moderne molens die veel hoger en technisch geavanceerder zijn. Van der Lugt: `Die zes nieuwe molens willen wij gegroepeerd in een kleinschalig windmolenpark nabij het dorp Metslawier plaatsen.` De voorzitter rekent voor dat dit drie tot vier keer zo veel energie en dus evenzoveel geld oplevert. Waarmee in een gunstig windjaar zomaar zo'n 90.000 euro in het dorp geïnvesteerd kan worden.

Hoge drempel

In Friesland is momenteel veel te doen over de plannen van de Provincie om lokale dorpsmolens te verbannen naar een beperkt aantal grootschalige windmolenparken. Lang niet overal mogen molens geplaatst worden. Net als in Friesland wil het provinciaal bestuur van Utrecht dat particulieren hun windmolens gegroepeerd plaatsen op een aangewezen plek. Pepijn Binkhorst van de NMU: `Dit betekent dat de drempel vrij hoog komt te liggen, wil je zoiets van de grond krijgen. Je zult op zoek moeten naar partners om de financiering rond te

krijgen, naar boeren of lokale ondernemers die mee willen doen.'

Actieve rol van dorpscomités

Ondanks deze restricties ziet Pepijn Binkhorst wel iets in de aanleg van dorpswindmolens op het utrechtse platteland. Al vindt hij het moeilijk in te schatten of er veel bezwaren los zullen komen van omwonenden. `De reacties zijn nogal eens emotioneel en gebaseerd op angst voor het onbekende, ze doen denken aan discussies van lang geleden over de komst van treinen en daarna de zendmasten voor telefonie. Een succesfactor om mensen toch mee te krijgen is participatie, dat is ook het sterke punt van de dorpsmolens in Friesland. Gaat een dorp als een blok achter zo'n initiatief staan, dan is de kans groot dat je partners vindt die willen participeren. Ik zou mij voor kunnen stellen dat ook hier in Utrecht de dorpscomités een actieve rol gaan spelen om zo'n initiatief van de grond te krijgen.'

Pionieren

In de kleine kernen van Utrecht zijn her en der een aantal initiatiefgroepen aan het pionieren met alternatieve energiebronnen. Pepijn Binkhorst vertelt dat de NMU samen met de Kamer van Koophandel een project in de Utrechtse waarden heeft dat goed aansluit bij kleine kernen. Naast energiebesparing richt dit zich op het collectief plaatsen van zonnepanelen en gezamenlijk energie inkopen tegen een lagere prijs. Verder zijn in Baambrugge tientallen huizen voorzien van zonnepanelen die collectief zijn ingekocht. En zijn initiatiefgroepen in dorpen als Austerlitz, Everdingen en Nigtevecht zich nog aan het oriënteren. In Utrecht zitten wij dus in de pioniersfase, de dorpswindmolen is hier nog een onbekend fenomeen. Pepijn Binkhorst: `Het is goed om je te realiseren dat windenergie nu eenmaal veel goedkoper per kwh is dan de zon of andere energiebronnen. De verdienmodellen worden opeens stukken lastiger als je voor iets anders kiest dan de wind. Ik zou de dorpscomités daarom willen adviseren hier toch eens over na te denken.'

Gouden tip:

Dorpshuizen en dorpscomités die hun nek uitsteken, kunnen hun dorp duurzaam maken door lokaal energie te winnen en collectief energie te besparen.

Time to say Good-bye



September 20th 2009 - a short walk through the busy city of Brussels: Journées du Patrimoine and Dimanche sans Voiture - though using the car is apparently not forbidden it is widely accepted not to use it. Nevertheless, the streets are crowded.

The sun is shining, and it is ideal for people from the Belgium and European capital to enjoy lovely day outdoor. Not just the Grand Place is reminiscent of a modern version of Pieter Brueghel' s paintings but the main streets are occupied by colourful ado. Variegated syllables in different languages, the sound of music from everywhere and the people in their various dresses: simple and modern, jaunty and a little bit frivolous or conservative-respectable. Men, women - showing their faces au naturel and others who still look more like a masque of themselves - despite the vibe of the folk's fair, despite people apparently taking over the lead.

And it is in the middle of this hassle and bustle and bursting joyfulness that I begin to get contemplative: Finally a decision had now been taken - a decision that stood in waiting position since some time, but loosely only, still needing confirmation. And a decision that is not really a single event - it is part of a series of events, decisions, part of a long development. A historical decision? A fundamental change?

So many decisions had been taken and are frequently taken - though they seem to be large or small, we do not really know what their meaning is in the historical development - a history made by men, a history that is made by us and nevertheless weighs as nightmare on our shoulders.

European Parliament

September 20th 2009 - the day when the people apparently take power over the streets of Brussels, few days after the European Parliament gave leeway for José Manuel Durão Barroso for another term in office. About two weeks after returning

from a visit to Spain where we, a delegation of the Social Platform had been discussing with Spanish NGOs about European issues, presenting the Platform as European receptacle of NGOs and presenting the Spring Alliance, an outcome of a wide range of NGOs from different sectors, much beyond the social array.

About three weeks after returning from a trip which amazed me not least by the omni-presence of the Catholic fundamentalism, the old power going well hand in hand with a lively and young people, going well hand in hand with engaged debates about challenges we all face today.

It is about eight weeks after ending a study visit in Amsterdam with its inspiring atmosphere of a city of apparent diversity and liberty, tied into a well preserved ..., no: tied into a well carried on tradition. Few weeks after receiving the confirmation for a visiting scholarship for next year: far abroad; and about two weeks after having received a (though very) tentative invitation for a fellowship at 四川大學 some time later. And as well only a couple of days after being confronted with some issues that seem to be so far from such apparent globality - just private stuff in small village, West of Cork though not yet in the West of Ireland. Unconnected and still all belonging together in a small life, merging like the different tiny strings that make what appears to be a Gordian not.



Max Horkheimer -
Illustration by Ingrid
Bouws

It seems to be far-fetched, but looking at life is like judging reason and the joyfulness, the excitement of life comes from its diversity that makes its totality, with every single fibre and their concurrence. Incidentally I am just reading Max Horkheimer's contemplation on the *"Term Reason"*, where he said (in 1951): "*All*

judgements on reason remain wrong as long as they orient on the isolated character, which, of course, is going back on the modern systems since Descartes." Yes, this is the more precise grasp of what I frequently emphasise as need to look at processes and relationships.

Nearly twenty years ago

September 20th 2009 - as well a day with a permanent a slight haze blurring the view on the Brusseloise skyline. A day which is somewhat marked by my own decision: as said moved for some time already in my mind, definitely taken recently in Madrid and at this stage only communicated to few friends and catching me emotionally this Sunday while I am walking along the Boulevard de Waterloo, back to the apartment at the Rue de Pascale where I have to do some work at the desk.

It is nearly 20 years ago that I walked the first time along the Boulevard - then into the other direction, to the Espace Louise from where I then moved to the hotel, then joining the colleagues for the meeting at the rue Washington. That day I passed the Rue Defacqz, at the time hosting many NGOs of the social sector - organisations that moved in the meantime to the other side of the city: towards the European quarter.

In those years I arrived from Germany, and not at all used to travelling, I felt sponged by what I perceived as Mediterranean vibes along the Boulevard de Waterloo. The restos, the street musicians, the shops ... - and though I arrived relatively late, the place had been full of life, full of surprises and full of expectations. While I am walking again along this Boulevard this September afternoon, my attention is caught by a poster, advertising a film: *The Time That Remains* by Elia Suleiman.

This second, twenty years seem to be *The Time That Remains*, the time that is present in my memory, condensed though present with the fibre of every little second - it is "my time" not allowing me to do what I occasionally do: just going somewhere to watch a movie.

About twenty years: experience of entering another world, the world of 'ordered politics' after I had been many years active in other scenes: politics outside of the 'officially respected' spectrum and actually something for what I had to pay a rather high price: Freedom and Democracy as Bert Brecht described it once so frightening well.

Three times

Years 'in Brussels', years of accompanying three falls of men - may be that our Christian societies are so much obsessed by the idea of trinity that it needs as well three times to fall.

In some way all started in the early/middle of 1990s: Jacques Delors being President of the Commission and Pádraig Flynn Commissioner for Employment and Social Affairs; the launch of the White Paper on Growth, Competitiveness, Employment: The Challenges and Ways Forward into the 21st Century and nearly isochronal the considerations on European Social Policy - A Way Forward for the Union - as well published as White Paper. In this context we learned about social policy not being limited to employment policies and policies of flanking economic processes. So true and this is what we actually discussed: in NGOs and in academia. In 1997 we expressed in the Amsterdam Declaration on Social Quality the request for *"a Europe in which social quality is paramount. Its citizens would be able and required to participate in the social and economic life of their communities and to do so under conditions which enhance their well-being, their individual potential and the welfare of their communities."*

It had been a success story since the early 1970s, when amongst others Ireland joined the institutionalised Europe. A success story topped now by Pádraig's flagship: a civil dialogue, going hand in hand with the social dialogue. A flagship going hand in hand with the beginning of another event, ostensibly a step back when the European Court of Justice rejected a fourth program to combat poverty, however a boost for getting social competencies in the later Treaties (the Employment chapter, the article 113 and even the debates of the 11th working group when it came to elaborating the "Constitution" which never came through). Success stories and at the same time critical points of ventures: separating economy and society. It had been a strange course which frequently popped up without being really and fundamentally considered. What would all this be about? An economic interest and a social interest? A general interest which lost its economy? Or an economy that claims to be in the general interest?

A dizzy undertaking

An undertaking that causes dizziness; and a dizzy undertaking, with at times bewildering arguments and argumentations! And as important as detailed debates about exact regulations are the challenge is to closely observe with every colon

that it is part of an entire sentence, a political statement about the judgment is deceptive as soon as it enters the Cartesian trap of being a judgement about the isolated character - the judgement of a parenthesis of which the novel is long written and published. For many it had been a slow learning to see the truth in the need of a civil dialogue as matter of civilising the social dialogue and the need of a civil dialogue that follows an understanding of rights that are not individual's rights in society but that are truly social rights, the rights of citizens that are enabled and challenged and required *"to participate in the social and economic life of their communities and to do so under conditions which enhance their well-being, their individual potential and the welfare of their communities."*



Vote No

There had been surely some truth brought forward by the voices of those who stood outside of the conference centre of the Heysel in Brussels, while we met inside launching the civil dialogue. Different organisations gathered, holding posters and expressing their disappointment about the denied access to the centre where some NGOs and these so-called high-ranking politicians met. Disappointment surely as well by people inside, being afraid that it is just another time that participation is not meant to happen in real terms. Another time the truth we know here in Ireland where the voluntary and community pillar in the partnership agreements has only a voice as partner but where the doors are closed when it comes to questions of civilising the economy and where the microphones are switched off when it comes to socialise civilisation.

There are always two sides: *"a building completely constructed of glass, bearing the sign 'information'. [Looking] quite open and welcoming somehow representing a transparency of a united Europe."* These are the words Cathy

Byrne once used in the little essay on *“Glass Walls around Democracy”* which she wrote as HDip-student. And a reality where participation is arduous. And a walk on a ridge, garnished with the tension of *pouvoir*: abilities and controls; embellished as well with laborious work on details and the joys of conference dinners, interesting chats and opportunities for friendships: in places with Mediterranean atmosphere, in cosy places with chats at the fire places, the frost patterns and the obligatory sauna visits, visiting galleries and concerts - and with many nights spent in front of the laptop, preparing the documents for next day’s meetings. - Living in some way in the political HELLO-world and seeing the glamour crumbling, the arguments getting sober and, indeed, trying to find solutions for the world we live in ...

The other side

... the world we participate in - a democratic world of democratic states and a world that looks for furthering its own claims: Participatory Democracy seems to be an answer not simply on increasing democratic demands. Rather, the other side is surely the fact that any reasonable politician, but definitely every political official “needs a people”. Imagine governing just as a job - not the HELLO-position of glamour but the position of working as “service provider”. Sure, many are well paid for it; and not less sure in many cases not at all exciting: study of documents, flipping through the 10th draft of something, hastening to a meeting, trying to make decisions but also trying to influence decisions by others. Taking part in cabinet meetings, delivering something for decision-making.



Max Weber - Illustration

by Ingrid Bouws

Ghost writing and reading a text that is ghost-written. All has to be understood – and as much as we can contemplate with Max Weber about the role of the political official and with Max Horkheimer about subjective and objective reason, as plausible as Robert Michels remarks on oligarchy are, and as correct Norbert Elias writes amusingly objective about Court Society, there is another moment, strong and nevertheless usually misjudged: People – politicians and officials as people. And people like to interact, people like to listen, to know and not least: people are people. It may well be that some politicians carry on, working in and for a democracy without people, just for the sake of the mask of power – *pouvoir sans pouvoir*: Power without ability to act.

But political officials rarely do. They are not elected and this is why they need real people; they are people themselves and have to bear in everyday life the outcome of their own decision – surely to different degrees and in different ways. But democracy has a different meaning here, as they need in one or another way people who co-decide, who participate and not least to implement.

Imagine, the European Institutions, a government for a vast array of member states, for a vast amount of people is just a tiny group of officials. You don't believe it? You may have seen the enormous buildings from the Commission's *bâtiment Berlaymont* over the Council's *bâtiment Juste-Lipse* to monumental building complex of the parliament (by the way: if we do not include the old Eastman we have three of them now)? You spotted the Commission's website '*Buildings occupied by the Commission in Brussels*'?

Right, consider then the amount of people actually employed and compare this with the number of people working in government buildings in Dublin; the imperial power apparatus of the old and the new Vienna or Berlin. Brussels, is without doubt in many respect a fortress and it is surely a court society like that described by Norbert Elias.

But it is at most comparable with the court society of a tiny principedom under a mighty emperor. And if you actually compare, you will see soon that the emperor has lost the power and gave it to the prince. And the new emperor can only govern if the demos plays the game, participates in the exciting and contestable plan, in the project that aims on bringing subjective and objective reason again together. And a project that increasingly just reproduces the shortcomings of the

member states. Is it too weak to do otherwise? Or is it too strong, already too much state itself?

Take the phone



Bruxelles

I remember one of the recent visits in Brussels. The trouble with C. from the Commission had been going on for a long time - and the plan of meeting the Italian women failed again. I left the hotel, not exactly clear about how best spend half of the morning which had originally been planned with meeting her. I walk slowly into the direction to the place of the next meeting ..., take the phone, saying to myself: Call J. - he is the boss and he will finally at least provide clarity. Bad luck, I don't have his phone number in the memory of my phone and before just trying to drop into the office, knowing that it is extremely unlikely that he is there and free to talk, I call G., the deputy: *Non, Monsieur Herrmann, Monsieur F. ... n'est pas ... - un moment, ... Oui, il vient d'arriver ...*

a short second, I hear a click ... - *Wie geht es*, the broad Austrian accent sound friendly. *Ja, aber heute* - a short hesitation - *heute ist es nicht moeglich. Morgen frueh ...* - Yes, perfect: we can meet the next day.

I have a little leeway with other appointments and all this results in sitting the next day in the office at the Rue Joseph II. Isn't this J.'s office? I don't ask: Please, take a seat. Small talk, G. offers me the most delicious dried fruits - *"It is from a small stand in Berlin. I always get it when I go there."* - I take some of it: *"Oh, that reminds me of what I buy in the market in Budapest, next to my office ..."* *"I saw, you are teaching there. What exactly and how is that going on. You are still in Cork, aren't you?"* *"Yes, sure ..."* Austrian charm, Prussian straight-forwardness and British utilitarianism (G. is economist of the classical school) on his side; Westphalian bullhead, *"Hungarian Švejk attitude"*, finish reckoning and sobriety and Irish way of being a little bit laid back on my side make a pleasant atmosphere.

And then the question - after a short while actually: *“What can I do for you?”* I talk about the difficulty of publishing some scientific information from a project, financed by the Commission: *“Social Services of General Interest and the varieties in provision. Not least the legal issues in the context of the implementation. A still burning issue, important as well for the debate as you raised it yourself the other day during lunch.”*

Well, I know at least some of the rules. And I can play them: picking up information there, making use here and saying as much as needed and as little as possible - and observing the one golden rule: never say from where you have information if not agreed that you may say the name of the information provider. Sounds like intelligence, but for me it is more a rather stupid game between cat and mouse without really knowing which animal one is. I mention the difficulties with C., as well that I never managed to meet her, always having been promised to meet another time soon. And I get the confirmation: *there is no reason for these difficulties I have in publishing what I want to publish - “At least there is no reasons that I know of. I have to ask C., of course, if there is something of which I am not aware.”*

Walk to the hotel

I leave the office: *Bis bald wieder einmal. Mach's gut. - Ja, und danke fuer die Fruechte.* I pass the office next door, make a step back, to have a look: I got the impression that somebody else is in this office now; well it has to be somebody different as the person who had been there before. I am aware that the person whom I knew from before, left. Now, a person with black hair is in the office, I cannot see the face - I move already forward when I see that he turns to the door, I only get a tiny glance and I hear the words she is speaking to a colleague *“Ma l'incontro è stato importante”*

I move on, walk to the hotel and have a strange feeling: C.?? The meeting they talked about in Italian had definitely not been the meeting with me. Angry, upset but still smiling as even with all the hassle I have to admit I had been frequently captured by the voice, the melody of the Italian language and the strange Italian charm: harsh and vividly-friendly at the same time. - I arrive in the hotel from where I have to leave to the train station but I take the time to quickly check my e-mails - read only the one: from C. *“Certo - Sure, we can meet any time ...”*.

I pick up the phone, I could take a later train - no reply despite several attempts - the mobile phone, which displays my Irish phone number, slips back into the pocket of my jacket. I give up as well to publish this material.

Surely important - but there are other areas where I can invest my voluntary work as such publication is not paid for; there are other areas where I don't have to face this kind of censorship. Though I surely won't face C.s charm either. The letter I will receive later - from G. - does not even try to be charming. It does not say NO, but it says enough to underpin the decision taken.

Yes-vote

Participatory democracy then: getting people, getting citizens to take part. But not as gaining peoples' sovereignty, instead and after what became known as Open Method of Coordination a matter of a technocratic process. And in some even dangerous way possibly undermining democracy. What the peoples' vote actually means is so visible these days in Ireland where the "*wrong*" decision means bringing the topic up again, asking for a new decision.

I remember from a previous referendum when Romani Prodi told "*Dublin to think again on Nice*" - and he also told Cork: In a 60 minutes speech he emphasised 55 minutes the importance of the Irish voice, the right of the Irish people to express the genuine opinion, whatever this may be. And he left 5 minutes for emphasising that there will be just so many referenda which are necessary to get a Yes-Vote. - Yes, they can; and we can do only what they want us to do. This is not meant to express a lack of the success.

And it does not want to express a lack of acknowledging the engagement for instance by J., who prepared the ground for the issue to emerge by working on the governance issue - himself actually paying high prices of "*political bullying*" within the higher political ranks. It is about a political process that gets independent of itself - the nightmare of history we make and the question when we should awake, not carrying on.

But there is surely another dimension to it - the one of perspectives. If I decide these days that I cannot go on working with this, it does not mean that all this is finally meaningless. But the participatory democracy of this kind requires again what it claims to overcome: full-time activists, close enough to the institutions - and one can only hope that there remains a sufficiently strong group, keeping

objective reason alive within the institutional system of perfect subjective reason. But the danger remains – in the words of Max Horkheimer: *“That the meaning of language is replaced by its function or effect in the world in rem [i] cannot be taken too serious. The terms that once expressed reason or had been sanctioned by reason are still being used but they are hackneyed, neutralised and remain without obligingly rational identity.”*

There are jokes

The work, the engagement over the last twenty years had been in different ways the experience of moving on such a boarder – with its excitements and sharp edges. Being involved in policy making, even on occasions deliberating with high-ranking politicians and officials though never being one of them or even aiming to be one of them. Dinners with B. and lunches with S. and small talk with D. and in any case making different moves in the centre.

And always coming from outside: not being based in Brussels and acting with people who, though not being Brusselois are living in Brussels; expressing contrarian positions to the mainstream policy and barely speaking Euro-jargon; being academic in a field of strongly pragmatically defined agendas and strategies; being interested in exploring the field in order to find more fundamental answers rather than approaching the field from given perspectives. Sure, there are no clear-cut lines ... –

– ... but there are jokes. Seems to be weird to mention this? Well, actually it is quit simple. Some years back I heard a joke in Brussels and thought it would be an excellent one. Coming back, I told it to people here in Ireland and to people in other countries ... and nobody laughed. Simple: only knowing the language in which a joke is told makes it possible to understand it. And the language spoken in Brussels is not English, not German nor is it Flemish or French. It is a very special language of consent even amongst dissenters. And being dissenter is only possible in a certain role: the court has own jesters and even such positions are contested, a closed court with its own agenda and not easily allowing people in from outside. There is even a close rule for mockery in the court society.

And it definitely is a court society, presenting itself as so open and being actually rather accessible. Sure there are limits of accessing the institutions. But not less sure: it is not really a fortress – the actual walls had been build outside of

Brussels: as real walls of Shengen or as walls in the mind of people who don't even dare to think about going so far (or doing so at most as exhibits of and for their MEP). I remember some time back - four, five years perhaps. I still have had my permanent access to the EP, the one day going there to meet P. We know from different occasions, not least from meetings here in Ireland and though there are may disagreements there is at least a general agreement of respect and readiness to talk in a serious way about important issues. I called P., but could only talk to the secretary. *"We have had the meeting scheduled for 7:30. But may be it is possible to meet now?"* I could only hope as I have had spare time now, at 6, and later it would be hectic again. *"Give me a second. I'll just check."* And it had been really quick. *"Yes. It is possible. Just come into the lobby next to the plenary"*. *You now where it is, don't you?"* - *"Sure, will be there in five minutes."* Really a lobby, a monitor showing what is going on in the plenary meeting room. P. asked me if I would like to have a coffee which he got from the bar. We had to sit next to the monitor. *"No problem to meet now. But at about 6:30 I have to leave briefly."*

It had been a session where MEPs have the opportunity to speak on various issues - relevant to them, and without connection to each other, without debate. Just 60 seconds to make the point. It has to be presented - and then other instances deal with it. But they cannot do so without such presentation. Highly pressured: 60 seconds. Still, we could talk in the relaxed atmosphere of the lobby. I always admire the arts work - art s needs space and it is here where it finds space. Arts needs openness and here it finds openness, perhaps only pretended by some but surely honestly granted by others. Lived openness in this space without borders - or at least overcoming some of the usual borders.

Language apparently doesn't play a role - especially during lunchtime in the canteen one listens to the various languages and one frequently sees people speaking in one language and obvious nobody is using his/her native language. One is offered dishes from the various countries and regions - and only one thing seems to be moving against this stream of gobality: water. As diverse as this place presents itself, it presents various waters from the different countries: French, Belgium, Irish, German, Spanish, Italian ... water ... the spring of life. An important rest of nationalism: the national springs.

In any case, still an open space though it is no accident that most of my individual meetings with MEPs had been with Germans or Irish MEPs even I am actually member of a French party. Meetings with S., with E., N., B., D. ... - and that day

with P. And even if bring forward *“my French perspective”* - that had been the reason for being there - I am talking to the Irishman, my *“country fellow”*.

Social Services of General Interest

And the topic had been actually the one which occupied me during most of the time these years, finally known as Social Services of General Interest - indeed, they are on the agenda now and perhaps I really *“have been an active protagonist of what has become now a fully recognised central social subject in the EU policy field of the social services (of general interest) as we say”* - this is at least what I had been told recently in very kind words by an official whom I still highly respect, despite the fact that *“Indeed, we did not always agree.”* A Frenchman, citizen who still is committed to the trinity of *liberté, égalité, fraternité*. But back to the topic: these services can be seen as well as third fall of men.

For a long time it had been a serious problem that those who are really engaged in the service sector hesitated to engage. It was about sleeping dogs and the wish not to wake them up. It had been about subsidiarity and the idea of keeping this area under national control. It had been about standards and the fear that they could be undermined - undermined not by market rules but by competitors from other countries. And it had surely been as well about protecting little princedoms. But finally these sleeping dogs raised their heads, first snarling just a tiny bit and finally being fully awake - the yap snapping as fast and firm as the yap of a crocodile. But at this stage it had been too late and the issue could only be defended rather than allowing designing them, rather than allowing discussing them as matter of socialisation. - Isn't it strange that we have socialised capital and production and hesitate to even clearly spell out the need and possibility of real social, i.e. socialised and socialising services? Isn't it strange as well that we even agree to a common currency and still hesitate to agree on certain standards for public responsibility and obligation? Isn't it strange that we reject intervention in this area, knowing at least instinctively quite well that social services cannot be delivered privately?

Twenty odd years

Surely, these debates developed for me during these twenty odd years in different ways: initially working on issues of discrimination; only later getting involved in the debate on services - being strongly influenced by the German model of

subsidiarity. There had been the debates, early in the morning, when B.-O. had been already in the office, reading a bulk of newspapers. Occasionally we took the opportunity of the quiet time around 7 a.m. to discuss the problematique: he emphasised that services would be a local issue, a personal issue, sure; but I always pushed, saying that social services would be personal, but we would have to look for a clear definition for their social dimension: being a matter of society as complex and dialectical interdependencies. Being a matter as well of pushing for higher quality ... - for European quality and European responsibility. *“Actually, if we accept European competence for a single market, we need to put forward a demand for a strong European social competence.”* And what ever my role had been - there had been a move: B.-O. agreed more and more, changed his opinion and we found agreement.

Later, in the meeting rooms such discussion could hardly take place. The matter in question had been left behind by rather canny dodges: introducing terms that had been technical but without any meaning - or even worse: with the opposite meaning in the wider debates: the distinction between economic and non-economic services; the claim of a general interest in a society that is split by fundamentally split interest; the orientation on quality by means of formalist approaches ... - It came to the stage where the splitting of hairs appeared to be more important than looking at the hairstyle.

Kitchen table

Sure, it is a little bit over the point, but one may say that it had been by and large only the French who continued to look at the headdress. And it had been for me a shift in thinking. In my own terms, linking to what I mentioned before, linking as well to my previous political engagements. And influenced by the debates with friends in France: Anglo-French Frances, Christian, the debates around the large kitchen table in the suburb of Lille with an even larger family; by living more or less short time in Paris and by the contacts to the party; by the collaboration and as well friendship with Paul.

That this French experience in Paris meant as well joyful times doesn't play role here - though I will miss the inspiring walks and talks with friends the visit to Edith, the impressions just sitting in the evening in the park near to the Pantheon or the two lads, playing the guitar at the bank of the Seine - though they had been obviously not used to playing together and though they had been obviously

rehearsing, the sound which merged with the airy swoosh of the waves against the Quay invited to allow for a break, to enjoy the sunshine and take the opportunity to link the rather abstract work on the French legal system to the reality of the society in which the norms are actually brought to life - or searched to be bypassed. - That this time in Paris meant a bizarre experience, living in an apartment building that had been under police protection, is only indirectly of relevance here - but indirectly it is as police here, in front of the house, being there to protect us, as body guard had been so different to the experience at Gare du Nord where I perceive the heavily armed forces more as menace. - Side remarks - not relevant for the course of history, not even decisive for the personal biography but surely experiences to be remember.

Back again: My attitudes to these social services developed as well on an entirely different route, the point of departure being the Grand Place in Brussels where I met a strange men from the Netherlands, Laurent. Looking back one could probably see already there an evolving relationship of mutual mentoring and learning, a friendship that had been as bizarre as the exchange of letters between Kant and Marx, but that been and is more then ever real. And the political debates had been accompanied from this day on the Grand Place by highly philosophical contestations, by ever opening borders, allowing global thinking and allowing thinking getting global. And allowing for so many good laughs, lovely dinners after the work at our "*Rousseauian Desk*" and even some brisk cycling tours to the lovely spot of which the name always slips out of my mind - and it may be for the sake that I can egoistically keep it for myself, as gem for me, "a present and an absentee person ..., somebody who is an outsider and an insider, somebody who does not live in one place but always departs and - I wouldn't even use the term now - returns."

The latter is surely again another story - at least showing that all the work still allowed enjoyment. But coming back to the core: the debate on social services of general interest. Entering a debate too late - and I think this is what happened - meant giving the steering wheel into the hands of those who didn't fear to sail the ship. And when they steered it against the wall it had been too late - the wreckage we are facing now for instance in education, in social and health services surely has something to do with this. Not with EU nor with the nation state but with general steering, the oar in a firm grip by (neo-)liberals and equally problematic: socio-technocrats.

Leaving the boat

Yes, I leave the boat now - or more precise: one of its decks. And right, I leave it to others. One may say that experience says we have to move on, keep the ball rolling and the ship sailing. And I cannot even oppose. And I definitely know that my decision is far from a heroic deed and even more will have some consequences I will regret one day.

There had been things - joys I had to learn: looking for little windows for the joy of visiting galleries; friendships; talks during long evenings and the nice sides of travelling: new places, guided tours "for us" and the bonding with locals who allowed to see and experience the unknown beauties. There had been new contacts - new opportunities, new worlds opening - some of them surely remaining open.

A - politically and privately - exciting, full and fulfilling time; though resting on the readiness to accept "flexible working hours", demanding material investment rather than providing profitable jobs, asking to sit and read rather boring documents and easily switching between issues, languages and ways of thinking. Requiring as well the acceptance of conditions that surely would not pass the investigations under occupational safety and health considerations let alone the rules of my trade union. And a time that had been at times psychologically extremely demanding: ignorance, bullying, direct pressure ...

Power point presentations

Demanding as well by requiring living in different worlds and roles: swapping and mixing languages but as well frequently moving between stages - and surely occasionally severely failing: making presentations in the political arena which had been more suitable for academic debates and vice versa: giving classroom presentations which would have been more appropriate for Parliamentary speeches - the latter being something which I experienced a long time ago as sufficient to "*justify*" the end of careers.

Statements that do not fit into power point presentations seem to belong into a different world - and it is surely not least up to everyone not only to state this but to act accordingly. And then it may come to the surprises. Once I opened a presentation in the Parliament by talking about the statue in front of the building: a woman, a little bit in the posture of the US-liberty statue, holding the Euro-

symbol high into the air. “And look then at the other piece of arts, marking the staircase: a spiral, no: different spirals, interweaved, complex and only allowing to detect the order by using equally complex analytical tools.” - I remember M., looking surprised, bewildered at me, her eyes saying something like: You are supposed to talk about social services, we needed some time to understand POSSGIs - it had been odd two years of cooperation on it, and yes: full of surprise and actually of interest.

But now, at the end, you come with a new surprise? “We can see the limited view of official politics: the single market; and we can see on the other side the complexity of POSSGIs: Person-oriented social services of general interest. A term not least challenging to take the general interest for granted. A term looking not least for a clear understanding of the social and its quality.” I could see relieve then: yes, “It is necessary to sow systematically bewilderment. By this creativity is set free” (Dalí).

I continued to ignore the press, taking notes, looked at the colleagues from the NGOs and the political institutions, knowing that it wouldn't be simple; but also knowing that simplification would easily mean accepting mistakes in dealing with the topic. - Another of these many paradoxes in politics: there is barely a clear-cut decision between black and white - and this requires a clear decision for (a) colour.

From Hallstein to Prodi

To be clear on another issue: the world had not been better during the early days, when the European Institutions had been concentrated at the one end of the town and the European NGOs gathered at the other end. When political processes had been more about debate and political arguments than about professional procedures - matters that do not exclude each other anyway. Sure, early European politicians - from Hallstein to Prodi - had by no means been honest political souls and not less sure there are many so-called newcomers who strongly fight for opinions, for matters rather than forms. Recalling vaguely all presidents of the Commission, closer remembering them at least from Malfatti onwards, the experiences are extremely mixed: Obsessed with power and technocratic solutions, celebrating the latter even as social engineering.



W. Brandt

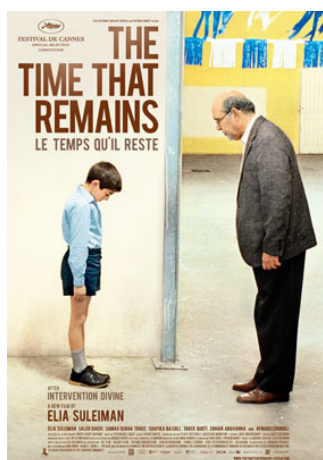
And I surely remember the times when we had been struggling in Germany with and against Willy Brandt - fighting for détente with the Eastern countries and finally succeeding with the efforts and, paradox of history, finally opening against all intentions the way for today's unbridled capitalism - and to me it says much when I pass this day in September 2009 the new building of the European Parliament, the entrance being marked by the letters of his signature: Willy Brandt. Old times full of struggles - springs of hope - and as well times where opportunism gained upper hand. Power-obsessed as well today people who easily change hats, move to another organisation and different issues in order to stay in positions; making statements for their candidature "*for a last period in office*" - and then reappearing a year later as candidates though they are surely beyond the age of supposed innocence of youth. And the other way round: the "*newcomer generation*" who surely know that office work and the engagement on the colon in the sixth line of the third para on page 23 of the recent regulation is definitely not the central issue - people whose aim is looking for and finding and making another world possible.

A personal decision taken, not heroic but I hope finally consequent - a change in my life and not really making a change in political respect. A personal decision but as such still not least a political decision; marking an end for me, reflecting a watershed of political developments: technocratic, managerialist, and implicitly neo-liberalist politics and policies which I am not ready to cross. A development which is surely not least marked as well by unintended developments. A development which is characterised as well by political dilution: people honestly showing respect and claiming diversity - though not even being able to see own discriminatory practices, hidden from within the cocoon of new charity which goes along with the new prince as the old prince had been flirtatious fawn over by benevolent artists and the thinkers of a new Trinitarian libertarianism.

In the rocking chair

This day in September I send a SMS to a friend, mentioning the decision I made. I hear back: Change is good most of the time and I think you had to stop something in your life to have energy left to enjoy it more. Well, about twenty years - time that remains with me; a time full of work, marked by tensions and quarrels, carried by successes and friendships and being accompanied by many joys - small at times, and many of these joys much smaller than the joy of sitting in the rocking chair, looking at the green grass growing in the own fields. But a time as well which build up energy to look forward to new engagements - to the other world which is possible, which has to be made possible. Though for me it means now to argue for it on other fields. And perhaps and hopefully still collaborating with some of those I leave.

Change is good - but it is necessary as well and for me the paradox is that the lack of general change leads now to personal change - it is only so far that one can go one way.



The Time That Remains

It is some time ago now, already September the 30th - in the meantime I had been travelling again: to the Netherlands and to Germany, not least attending a federal congress of social work, working on the same issues though in an entirely different context. Myself giving presentations, one on the EU-debate on social services and its meaning for professional standards, another on human rights and the difficulty of achieving rights and at the same time law based approaches. In the meantime I did as well some of the usual office work. But finally, sitting in the

tiny village of Aghabullogue, I did something that has apparently nothing to do with all this: taking a closer look at the film which I saw advertised in Brussels: *The Time That Remains*. It has nothing to do with what I wrote about but still one paragraph in the interview catches my attention - some of the words you may remember: 'The Time That Remains is linked to the narrative of the film, it's linked to the narrative of the global situation that we live in. It is linked to the very personal story that the film tells. The subtitle of the film [Arab-Israelis] is a political term that describes the Palestinians who remained on their own land, who were considered as absentees while they lived on their own land after 1948. So it's a very political term, but I appropriated it at the same time, also in a personal context, which is from my personal context of being a present and an absentee person myself, somebody who is an outsider and an insider, somebody who does not live in one place but always departs and - I wouldn't even use the term now - returns.'

A place that remains - I look across the Irish country side, ahead the mountains of Kerry, the sun of the Indian summer glaring the country side, the noise of the harvester conveying a peculiar silence: The silence of reality with its past and presence and future - as much as they come along as the repetition of the eternal sameness and actually being afar.

Thanks to all for going with me - even if it meant at times going different ways and even going against each other. And we surely will walk again together where we can.

note: "dinglich" - real, material

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"Legacy" - Something to read - from experiences throughout the years

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Peter Herrmann started his work in researching European Social Policy and in particular the role of NGOs, His main interest over the last years shifted towards developing the Social Quality Approach further, looking in particular into the

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