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Introduction

Detroit, Michigan, the former Paris of the Midwest, is ground zero of the U.S. recession. Detroit is also a flashpoint for the northern food justice movement. There are over 300 community gardens in Detroit (Wahl 2010), an active food policy council, and a city food charter that explicitly addresses structural racism in the food system. Detroit's food justice activists are also under threat from a large land grab. Detroit is not alone in this phenomenon. In Oakland, California—an historical seedbed of the food justice movement—food activists are also fighting an eminent domain ruling to give land to a large grocery chain, in the name of greening Oakland's 'food deserts'.

Land grabs in the food systems of urban northern communities are occurring in parallel with what many have dubbed “the global land grab” (GRAIN 2008; Zoomers 2010). While these land deals are clearly of a different scope and magnitude than the large scale rural land deals in the global south, urban land grabs in the global North pose similar challenges for northern food justice movements as the global land grab poses for the food sovereignty movement in the global South.

The purpose of this paper is to explore the political economy of land grabbing and resistance in urban, northern communities, using a food systems framework. By comparing what is shared and what is different about land grabs in the urban North and the global South, this research hopes to inform possible North-South, urban-rural alliances between Food Justice and Food Sovereignty movements.

The global context: Large scale land acquisitions and social movements

In the past several years, 15-20 million hectares of land has been subject to foreign investment in the global South, an area the size of all France's farmland put together (de Schutter 2009; von Braum and Mainzen-Dick 2009). The private sector accounts for 90% of the deals while foreign governments seeking land to produce food abroad, mostly Gulf States seeking land in Africa, account for approximately 10% (Cotula and Vermulen 2009). While land grabbing is certainly not a new phenomenon, the scale, magnitude, and discourse around the global rush on farmland makes this moment unique in history (GRAIN 2008).

With the 2008 food and financial crises, the vast majority of the literature and publicity on land grabs has focused exclusively on transactions in the global South. Speculative investors, sovereign wealth funds, and agribusiness corporations have cut deals with host governments for extraordinarily large tracts of arable land at low prices, primarily for commercial agricultural production or land speculation. This geographic and sector focus has been warranted by the sheer number and volume of purchases and long-term leases of arable land in Africa, Asia, Latin America, and Eastern Europe.

These large-scale land investments have been driven by a surplus of liquid capital accumulated in financial markets facing limited opportunities for profitable commercial and industrial investments, along with the fall in the value of the US dollar, and further fueled by surges in world agricultural commodity and food prices. These deals offer profit opportunities in the futures market and in some cases respond to

concerns over food security. Not to be left out, governments of both North and South nations have facilitated—even commissioned—land grabs by providing money capital and contracts at below-market rates, respectively. Favorable terms for foreign investors in recent deals include low prices on purchases and low rates of remuneration on long-term leases, all justified under the win-win rhetoric of modern agricultural development.

What qualifies these “large scale land acquisitions” (the term used in the World Bank’s own report published in 2010) as outright land grabbing is their dispossessive and regressive nature. Political disenfranchisement and weak legal protection in conjunction with conflicting claims of land rights and incongruent land tenure and ownership records at different levels of administration have led to the uncompensated and often forceful displacement of peasant farmers and indigenous peoples from their lands.

Seen through the lens of agrarian struggles, these land grabs are “the purchase or lease of vast tracts of land by wealthier, food insecure nations and private investors from mostly poor, developing countries to produce crops for export” (Daniel and Mittal 2010). Among other uses, land rents are derived from offshore farming, agrofuels, tourism, mining and speculative investment (GRAIN 2008). The structural vulnerabilities of peasant agriculture, combined with increasing commercial pressures on land have also given rise to multiple forms of acquisitions of land and land-based resources (Taylor 2010). Most of the large-scale land deals take place on the African continent, though such deals have also been reported in Southeast Asia, Pakistan, and Eastern Europe.¹ While some of the large scale farmland deals have already become operating commercial farms, others are in various stages of development, negotiation, or purchase. Information on the deals is often difficult to obtain.

Zoomers (2010) has identified seven driving processes behind what she frames as a “foreignization of space.” Zoomers claims that much of the current drive behind the land grab is a result for increasing demand for cheap food crops, predicated on the high and volatile prices seen in 2007-2008, and investment in land for biofuels crops due to alternative fuels mandates in the US and EU.

Many of the players involved invoke food security as a main rationale for the grabs (GRAIN 2008), while other land deals are for crops like corn and sugarcane that can be sold on either food or fuels markets. Estimates of future demand for biofuels indicate the fuel-based land grab is far from over. By one estimate, it will take 500 million more hectares to meet global demand for biofuels by 2020 (Gallagher 2008).

Several scholars have noted the role of agrofuels in restructuring power and ownership in the global agri-food and fuel systems (Borras, McMichael, and Scoones 2010; Holt-Giménez and Shattuck 2009). Transnational investments in agrofuels, according to Borras et al, are “new dimensions of globalisation... whereby the corporate food-fuel regime creates, to paraphrase Harvey (2003), 'a politics of accumulation by dispossession'.” Nowhere is this politics more clear than the global land grab, where ironically dispossession occurs in the name of food security, alternative energy, and pro-poor investment (von Braum and Mainzen-Dick 2009).

The mechanisms behind large-scale land deals range from concessions and joint ventures supported by the state, to deals between large private landholders to formal titling of smallholder’s customary land rights and subsequent private purchase (GRAIN 2008; Hurtado 2008; World Bank 2010). Furthermore, in many of these land deals, access to water, cheap labor or benefits from the State is equally as important as the land itself. For example, Ethiopia has reportedly set aside 1.6 million hectares for foreign investment

¹ For a complete listing of press reports on large scale foreign land acquisitions see GRAIN – www.farmlandgrab.org

in farmland, and is offering incentives, generous tax holidays and loans for up to 70% of investment cost for commercial farming operations.²

Rural movements for food sovereignty are actively mobilizing in opposition to land grabs, demanding redistributive land reform and alternative models of agricultural development. The opposition to large-scale land deals stems from both the material and the political threat land “foreignization” represents. The international peasant movement, La Via Campesina, made up of 169 farmers organizations from 58 countries recently submitted a statement to the FAO demanding an end to the global land grab.

“Land grabbing – even where there are no related forced evictions - denies land for local communities, destroys livelihoods, *reduces the political space for peasant oriented agricultural policies* and distorts markets towards increasingly concentrated agribusiness interests and global trade, rather than sustainable peasant agriculture for local and national markets and for future generations.”³ [emphasis added]

As Via Campesina notes, there is more at stake in the global land grab than farmland. Large-scale land acquisitions take both the physical places in which food is produced, and the political and economic spaces (Harvey 2003) in which the land resides. This political and economic space represents the terrain of political possibility and struggle in the food system, from the agrarian base to the political discourse, as well as material support from the state. Therefore when scholars apply the lens of Harvey's politics of accumulation by dispossession, we must understand the totality of what is being taken. The global land grabs dispossess peasants as not only the land itself, but the social, political and economic entitlements that come with it. The global land grab is a direct threat to the foundations of food sovereignty, which is why La Via Campesina has been an outspoken force against policies supporting the process at the international level. The mobilization against land grabs—and the movement for food sovereignty—is a reflection of the present food regime's geography and demographics in which over half of the world's food is produced by small scale farmers making up one-third to over seventy percent of producers in the global South.

Perhaps for this reason, while there has been significant publicity and analysis of farmland grabs in the global South, a similar, albeit less extensive, phenomenon occurring in the largely urban North—particularly in poor urban areas—has received scant attention. The “politics of accumulation by dispossession” of the corporate food regime (Borras, McMichael and Scoones 2010; Harvey 2003) is not limited to the global South. Nor is it circumscribed by land, water or agricultural factor markets. A parallel process directed at food consumers is playing out in low-income urban communities in the global North. Recent government initiatives to improve access to fresh produce in America's 'food deserts' has generated a broad response from corporate and private interests, especially as federal and local government agencies offer benefits packages to promote new developments. Due to punctuated histories of urban divestment, suburban sprawl, and more recently, the economic recession, land in low-income inner-city communities—similar to land in the global South—is (relatively) cheap. Land developers and speculators have moved to acquire large tracts of “blighted” urban land. Large food retailers (WalMart, Tesco, Kroger), having saturated the rural and suburban discount markets—and flush with windfall profits from the 2008 and 2010 food price inflation surges—are also moving into the US's food deserts. The scramble for cheap, urban land—either for urban food production or for retail outlets—represents a move on the part of agrifoods capital to resolve a crisis of capital accumulation on one hand, and to consolidate market power in the face of increasing monopolization in the food system.

² (Reuters, as quoted in Cotula and Vermulen 2009).

³ From a joint statement of FIAN and La Via Campesina to the FAO. September 23, 2010. Available at http://www.viacampesina.org/en/index.php?option=com_content&view=article&id=946:lvc-and-fian-ask-governments-to-ban-land-grabbing&catid=23:agrarian-reform&Itemid=36.

The food movement in the U.S. however has not come out against the corporatization of urban food systems with the same force that the international food sovereignty movement has, though resistance to individual land deals can be strong. It is imperative then, to understand real estate speculation and corporate control of food in the urban North through the same lens applied to land grabs in the South—properly identifying them as mirror forms of capital accumulation by dispossession. It is also important to understand the history and context of the food justice movement in the global North, that is more urban than rural, and more consumer than producer based.

Food Justice: The Urban and Northern Context

In the United States, we more often hear the term food justice than food sovereignty, but they in many ways invoke similar political ideals. Food justice asserts economic democracy, one that focuses on underserved urban communities, transferring ownership and leadership to those most affected by an unjust and unsustainable food system. According to long time food justice advocate Brahm Ahmadi of People's Grocery in Oakland, California,

“Food justice asserts that no one should live without enough food because of economic constraints or social inequalities... The food justice movement is a different approach to a community's needs that seeks to truly advance self reliance and social justice by placing communities in leadership of their own solutions and providing them with the tools to address the disparities within our food systems and within society at large.” (Ahmadi 2009).

The food justice movement emerged from movements for environmental justice (Bullard *et al.* 1994), working class communities of color dealing with diet-related diseases (Herrera *et al.* 2009) and critiques of structural racism (Allen 2008; Self 2003). In this regard, food justice has a progressive history, i.e., seeking justice and pro-poor policies from within the structures of the existing food regime in order to address inequities based on race and class (Holt-Giménez and Wang, 2011). However, the food justice movement also has older and much more radical roots in the Black Panthers of Oakland California, nearly half a century ago. According to Black Panther co-founder Bobby Seale,

“One of the party's important lasting legacies is grassroots programmatic organizing such as the Free Breakfast for Children Program which evolved to a point where forty-nine Black Panther chapters and branches and in association with many other organizations across the United States were feeding 250,000 kids five days a week each morning before school. We had no government money or War on Poverty money to start the programs—we did it ourselves with donations” (Shames 2010:12-13).

Accomplished long before community organizing developed its dependence on funding from philanthropic foundations, the Black Panther's free breakfast program predated (some say it even led to the adoption of) the nation's 1973 school breakfast legislation. Food was part of a broader program for Black liberation and community autonomy as expressed in the October 1966 Black Panther Party Platform and Program. The first point in the Program demanded freedom and the power for the Black community to determine its own destiny. The last point, invoking the Declaration of Independence and calling for a Black plebiscite, was introduced by stating,

“We want land, bread, housing, education, clothing, justice and peace...”
(Shames *Ibid.*: 13-14).

The Platform is radical not only because it addressed the egregious manifestations of racism, such as underemployment, economic exploitation, forced military service, police brutality, and a skewed criminal justice system (and suggested Black communities might secede from the United States). The Black

Panthers sought to dismantle the *capitalist* structures of racism. They rooted out racism in the food system by bringing it under local, autonomous Black control. The call among many of today's FJ activists for local control over food and dismantling racism in the food system echoes some of the liberation politics of the Black Panthers. Less common today are the structural critiques of capitalism and racism that were integral to the Party's political work.

Food justice also places discourse around food security in the contexts of institutional racism, racial formation, and racialized geographies (Alkon and Norgaard 2009). The Detroit Food Policy Council and the Detroit Black Community Food Security Network, for example, though rooted in progressive actions, have an explicit analysis of structural racism in the food system, and a policy platform that includes eliminating 'barriers to African-American participation and ownership in all aspects of the food system', as well as 're-distribution of wealth through cooperative community ownership'.⁴

Key to demands for food justice are demands for local economic development – economic development driven by, owned, and benefiting low-income communities of color. For example, in West Oakland, California, one of the city's lowest income neighborhoods, an estimated \$65 million dollars a year is spent on food, \$48 million of which 'floats' out of the community.⁵ That money is increasingly being targeted by food justice groups as a potential source of economic development—food dollars to be re-captured within the local economy. This amount represents some 1,000 jobs paying \$45,000 a year. These figures are similarly high for other low-income urban communities, partially because grocery stores have fled the inner city for the suburbs.

With the rise of food insecurity in the US (which affects close to 50 million people—a sixth of the population) food access has become a policy priority from the federal down to the city level. The Obama administration has proposed a fresh food financing initiative to fight food deserts in America's urban core, initiated the educational “Know your Farmer, Know Your Food Program”, and increased competitive grant funding for community food projects and anti-hunger programs. But the causes of nutritional deficiency among underserved communities go beyond the location of grocery stores. The abysmal wages, unemployment, skewed patterns of ownership and inner-city blight, and the economic devastation that has been historically visited on these communities are the result of structural racism and class struggles (Self 2003). No amount of fresh produce will fix urban America's food and health gap unless it is accompanied by changes in the structures of ownership and immigration laws and by a reversal of the diminished political and economic power of the poor and lower working-class.

At the same time, actors in local organizations are creating urban farms, farmers markets in underserved neighborhoods, new local business models, educational programs, and innovating improved school food programs, all with very few resources. The oft-cited organic garden on the White House lawn and Michelle Obama's support for improving school food and access to food in low-income neighborhoods has drawn attention to the food justice movement, including the attention of corporate players, local governments, and private land speculators. In fact the Obama administration is proposing some \$400 million dollars for its “Healthy Food Financing Initiative” an incentives package that includes financing, tax credits, promotion, and grants in an attempt to rid America of its food deserts within the next seven years (HHS 2010).

Major retail players such as Walmart, Tesco and Kroger are all expanding into low income urban neighborhoods, capitalizing on the discourse around food access and food security to get access to this new package of entitlements, government backing. Food justice advocates however, are having a difficult

⁴ For the full statement see the Detroit Black Community Food Security Network Food Security Policy, available at <http://detroitblackfoodsecurity.org/policy.html>. (Accessed December 17, 2010).

⁵ People's Community Market 2009. Market Gap Study. *unpublished*.

time getting access to entitlements of a similar magnitude for community based projects. In many ways, these local solutions are in danger of being displaced in favor of capital interests. Even if the federal appropriations stall, local land deals for new ventures in urban food deserts can still come with large packages of entitlements from municipal and state coffers – transfers that were made politically palpable by the popularization of the notion of food deserts as a discursive category.

Structure: Over-Accumulation, Accumulation by Dispossession, and the Rent Gap

The nature of recent land grabs in both the North and South reflect the mobility of capital as well as the entrepreneurial nature of the neoliberal state in late capitalism's post-Fordist regime of flexible capital accumulation. *Urban land serves as a particularly flexible means of profit and refuge for over-accumulated capital.* Globally-integrated capital pumps in and out of the urban built environment (Harvey 1987, 2009; Scott 1988). Capital accumulated in the commercial, industrial, and financial sectors, seek refuge in urban real estate markets following periods of economic boom and during periods of low profitability in other investments by creating urban space (Smith 1984; Berry and Huxley 1992; Harvey 1985; Smith 1984). The crises of accumulation are relieved in part by turning to the built environment as a “bank” (Feagin 1982). In recessionary times, businesses can invest in urban properties, then shift capital back into commercial and industrial markets as opportunities arise.

Owing to the global integration and mobility of capital between sectors and across geographic space, urban land has increasingly taken on the exchange value of a pure financial asset (Haila 1988) and has become a form of fictitious capital through which interest-bearing (i.e., debt-based) capital can circulate (Harvey 2007a). For example, market values of office buildings are determined on the basis of anticipated as well as presently realized profits. So far as market values of real estate property relate only speculatively to the real processes of production and distribution, there lies the potential for speculative bubbles of real estate investment and subsequent oversupply, rising vacancy rates, and falling property values (Berry and Huxley 1992). In post-industrial cities of the global North, the place-specific overproduction of physical space has resulted in depressed land rents and prices (Feagin 1982), leading to a glut of vacant, blighted or underutilized urban land in economically depressed neighborhoods.

Schenk (1978) divides vacant property into three categories of “unemployed land,” defined here as:

1. structurally unemployed land—land for which the costs of development exceed potential rent, possibly attributable to zoning regulations, redlining, lack of infrastructure, geological or hydrological hazard, or local externalities;
2. frictionally unemployed land—absence of perfect or costless information about present and future prices, quantities, and qualities of land;
3. speculatively held land.

The devalorization cycle and rent gap expansion

An analysis of the economic rationale behind land-use changes on unemployed or underemployed land warrants a consideration of the 'rent gap' theory of urban redevelopment in relation to cycles of capital investment and devalorization. The concept of rent gap, first used in Smith's (1979) structural analysis of gentrification, refers to the disparity between the capitalized (or actual) land rent attained on a site over time (or annually) and the potential rent that would accrue to that site if it were employed in the 'highest and best' (i.e., most profitable) use at each moment in time.

The rent gap expands in the direction of higher value due to the durable, immobile nature of fixed capital built on landed property, wherein that capital converts to the 'highest and best' use with a high degree of inertia (Clark 1995; Harvey 1985) relative to changes in the economic environment—occurring through urban expansion and development—that may render the existing fixed capital incompatible with the most

profitable use (Harvey 2010). The rent gap expands in the other direction along the *cycle of devalorization* (Smith 1996) from disinvestment, “redlining” (credit boycotts), and abandonment of production capital.

Due to pressure generated by the increasing financialization of capital markets and concomitant expectations of shareholder value, commercial investors may be compelled to disinvest from still-profitable operations that fail to consistently generate profit at rates in excess of the price of capital (Rutland 2010). In this manner, the ebbs and flows of capitalist investment produce landscapes of uneven development (Smith 1984) through the varied timing and rate of devalorization at different sites, which may later become sites ripe for reinvestment following the potential for large rents.

Labor

Just as the exchange value of landed property reflects its circulation as fictitious capital, labor is also regarded in the market as a fictitious commodity in that its exchange value (i.e., wage) is disconnected from the process of surplus value production (Polanyi 1944). Urban inhabitants are subject to cycles of valorization and devalorization as both workers and consumers, differentiated in their potential contribution to capital accumulation along lines of race and class. The disinvestment of production capital on landed property throughout the devalorization cycle results in the devaluation of labor as well as land, producing higher rates of unemployment and falling wages (Harvey 2003; Gibson 2007; McClintock 2011)

Urban neighborhoods facing disinvestment and capital devaluation generally experience an accompanying transition in demographic makeup towards lower-income tenants—who tend also to be people of color in the case of residential markets—wherein rents decline as housing shifts from primarily owner-inhabited to renter-inhabited, and finally towards high vacancy rates due to abandonment and/or weak effective demand (Smith 1996; Gibson 2007). When markets fail to reconcile devalued surplus capital with devalued surplus labor, the ranks of the homeless and the hungry begin to swell along with those of the unemployed.

Redevelopment closes the land rent gap

The cycle of valorization and devalorization renews itself with the neighborhood gentrification process—the displacement (and replacement) of residents, workers, and firms—that results from reinvestment as financial capital flows into urban real estate markets in search of underpriced assets (Smith 2002; Newman 2004; Gibson 2007; Davidson 2008; Rutland 2010).

Especially in the case of speculatively held land, a widening of the rent gap over time in relation to changing economic conditions motivates landowners and potential investors to delay (re)investment in fixed capital in anticipation of higher potential land rents (Smith 1979; Clark 1995). Rent gap expansion therefore not only results from uneven urban development, it provides the necessary material conditions for property-led urban redevelopment—a process of accumulation by dispossession increasingly facilitated by the local state, municipal and city governments (Addie 2009; Irazábal and Punja 2009; Newman 2004).

Neoliberal urban governance and the (bankrupt) entrepreneurial state

Beginning in the 1980s, municipal governments have increasingly relied on maximizing revenue from the lease and sale of publicly owned lands to remain solvent. The result has been the preoccupation of urban planning and policy formation with pursuing economic growth, especially through the commodification of urban space (Harvey 2005; Molotch 1976). The privatization of the urban (re)development process, which often involves conflicts over the control and use of landed property and the entitlements bound to them, results from movement on two fronts:

- 1) the global and intersectoral mobility of capital;
- 2) the fiscal squeeze on municipal governments: austerity from above and limited tax revenues due to 'roll-back' neoliberalization (Peck and Tickell 2002) has rendered the municipal governments dependent on property-tax revenues and therefore on value created in the real estate market (Weber 2002).

Municipal governments have responded to lack of available resources for economic (re)development and the geographic mobility of capital by shifting from managerial to entrepreneurial modes of urban governance (Harvey 1989) in which cities engage in interregional competition for investment capital by offering incentives for investment such as subsidized land, subsidized physical infrastructure, place-marketing, and local tax abatements, often through institutional arrangements such as public-private partnerships and development corporations (Berry and Huxley 1992; Brenner and Theodore 2002; Hackworth 2007). Commonly, the local state assumes the costs of the final stage of devalorization by acquiring devalued properties (e.g., by eminent domain) at market prices and transferring title to private speculators and developers at lower prices (Smith 1996). The entrepreneurial state's dependence on financial markets in public debt and private equities in real estate has resulted in the state's sacrifice of "time sovereignty" (Weber 2002, 536) due to the higher assumed discount rates and, therefore, shorter time horizons of private investors. Through the devolution of urban development and planning authority, the state increasingly functions as facilitator rather than regulator of market expansion and capitalist accumulation in what Peck and Tickell (2002) call 'roll-out' neoliberalization. By committing to the ideology of market-led economic development and engaging in chronic interregional competition to attract mobile capital, municipal sponsorship of property-based development underpins the speculative forces that lead to the oversupply of urban space (Haila 1988; Harvey 1989; Berry and Huxley 1992).

The Role of Agency: discursive space and struggles for legitimacy

The transformation of the rent gap into actual changes in ownership and use is determined by "social relations and power struggles" (Clark, 1995, p. 1491). Struggles over political legitimacy and the ability to exercise structural power over economic outcomes take place in what Fraser calls 'discursive spaces' (1990). These spaces are actively created, maintained, and manipulated by individual capitalists, companies, organizations, academics, and the state. They are the arenas of struggle in which financial, propertied, and corporate classes exert their hegemony (Gramsci 1971).

Urban redevelopment through accumulation by dispossession

Along the lines of Harvey's analysis of 'new imperialism' (2003⁷), devaluation results from the exhaustion of available capacity for surplus absorption—in other words, overaccumulation. The solution advanced by capital has been to alleviate such crises through the destruction of barriers to surplus absorption, including those maintained by the state (Harvey 1987).

Crucial to the employment of public resources for private capital accumulation through urban development is the restructuring of municipal government. In the urban context, capitalists exploit local state apparatuses in order to pursue property-based (re)development—usually accompanied by gentrification—as a palliative for periodic crises of accumulation. Capitalist class actors only fully realize their control over urban development by exercising their privileged access to political infrastructure and building it anew in preferred form where it doesn't already exist (Holt-Gimenez 2007; Addie 2009; Harvey 2010). In this sense, neoliberalism can be interpreted as the class project for co-optation of the state's protective function by capital.

Thus, the neoliberal response to food insecurity in the U.S. has been to frame the issue in terms of access to healthy, fresh, and affordable food rather than as a structural problem resulting from the economic devastation visited upon inner-city communities of color by flexible capital accumulation. In this regard,

recent deals for urban land between local governments, investors and supermarket conglomerates in the U.S. exhibit numerous parallels with agribusiness and farmland deals in the global South: i.e., they ignore structural causes of poverty and promise to “feed the poor.”

Two case studies: A land grab in Detroit and eminent domain in Oakland

The food justice movement in the United States is at a political crossroads. The political will built by movement actors to solve the problem of America's urban food deserts is now being employed by corporate actors drawn in by a chance to access entitlements, tax breaks, good publicity, and land from federal, state and local governments. How are these moves transforming space within urban food systems? How are they likely to affect the possibilities for redistributive politics in the food system? And how are these deals affecting the cohesion of food justice movements?

Inherent in the food movement is a struggle between issue-oriented reforms, like reducing childhood obesity and limiting pesticide exposure, and more structural transformations, emerging from an analysis of environmental and racial justice (Holt-Giménez and Shattuck 2011). Land grabs in northern urban communities expose and threaten to tear the movement apart at this rift. By looking at these urban land grabs through the “politics of accumulation by dispossession” we seek to examine how the food justice movement and low-income urban communities are being dispossessed of material resources as well as economic and political power.

Detroit, Michigan

Markets require scarcity to function. If scarcity does not exist then it must be socially created. This is what private property and the profit rate do. The result is much unnecessary deprivation (unemployment, housing shortages, etc.) in the midst of plenty. Hence, the homeless on our streets and the beggars in the subways. Famines can even occur in the midst of food surpluses.

(Harvey 2003, 940).

“What’s our problem? Why doesn’t it get better? Well, we have multiple problems, but one comes down to real estate. We don’t have scarcity. What I mean is, there’s no reason to buy real estate in Detroit—every year, it just gets cheaper. We’ve gone from 2 million people to 800,000. There are over 200,000 abandoned parcels of land and—by debatable estimates—30,000 acres of abandoned property. We need to create scarcity, because until we get a stabilized market, there’s no reason for entrepreneurs or other people to start buying.”

– John Hantz, President of Hantz Farms, LLC⁶

Detroit's newest aspiring farmer is also one of the wealthiest Detroiters left within city limits. John Hantz, once a “rockstar” at American Express, founded his own financial services company 14 years ago (Whitford 2009). Today his net worth is over \$100 million (Whitford 2009). Hantz has established a new limited liability corporation to help create the needed scarcity on Detroit's real estate market: Hantz Farms, LLC. Hantz is proposing to convert unused and vacant land in Detroit to urban agriculture. But underlying his claims about generating sustainability and revitalizing Detroit are larger claims on the space of the city.

Hantz's plans have been widely outlined in the media, including articles in *Fortune*, *The Christian Science Monitor*, the *BBC*, and *The Atlantic*, as well as the local Detroit press. Media reports claim Hantz Farms aims to begin their business with agriculture, nearly always a break-even operation at best. John Hantz's long-term vision involves specialty crops, trellised fruit trees, and visually striking farm design. Using the

⁶ As quoted in *The Atlantic*. John Hantz Brave Thinkers. *The Atlantic*. November 2010. Available at <http://www.theatlantic.com/magazine/archive/2010/11/john-hantz/8277>

best technologies for greenhouses, hydroponics, aquaponics, and other technologies, Hantz is aiming to make his farms a tourist destination, an education center, and a center for urban agriculture innovation.

But Hantz's plans do not stop there. "I believe people will want to live next to this," he says.⁷ Hantz's business plans call for paying an average of \$3,000 an acre for urban property, all with lowered tax rates and special zoning for urban agriculture. In one article, Hantz hopes the city of Detroit will put up 30% of the land, all gardened through foreclosures on tax delinquent properties (Whitford 2009). Meanwhile, Hantz is dangling the proverbial carrot: a promised \$30 million dollar investment, including land, infrastructure, and local hiring. Hantz is reportedly in talks with the state to get access to a 40-acre parcel at the state fairgrounds for a pilot site. Whether and what he might pay for that land is unclear.

Hantz's speculative approach to economic 'recovery'—in the sense that he aims to profit from the recovery of real estate property values—recognizes that while the physical stock of land in a given place is fixed, a local monopolist has the power to determine real estate values in that location by varying the portion of land available on the market.

A counter-movement:

As flexible accumulation through investment in urban landed property give rise to localized conflicts around the appropriation and control of space, contestations over access to urban land have become central to community resistance to capitalist control over economic development (Harvey 1987; Plotkin 1987; Berry and Huxley 1992; Harvey 2010).

Detroit counts over 30,000 vacant acres within city limits. Most of that land was once residential, and therefore is less contaminated and less expensive to remediate than post-industrial sites. A recent study funded by the CS Mott Foundation in the *Journal of Agriculture, Food Systems and Community Development* found that 75% of the vegetables and 40% of the fruit consumed in Detroit could potentially be produced within the city limits (Colasanti and Hamm 2010). But community activists have quite a different scheme in mind for that productive potential.

Some of John Hantz's strongest critics come from Detroit's urban farming community. Activists are concerned that Hantz Farms will amount to little more than an underhanded land grab. Malik Yakini, founder of the Detroit Black Community Food Security Network and convener of the Detroit Food Policy Council, is one of them. "I'm concerned about the corporate takeover of the urban agriculture movement in Detroit. At this point the key players with him seem to be all white men in a city that's at least 82% black."⁸ Yakini and other activists in the Detroit Black Community Food Security Network have expressed concern that Hantz is using his money and political ties to capitalize on the political will created through their hard work. Moreover, Yakini sees Hantz Farms as antithetical to food justice "Food justice is about upholding dignity and helps to empower the community. Profit from food grown and sold in the community should re-circulate in the community, which in turn helps to empower the community."⁹

The Detroit Black Community Food Security Network put together a food security policy platform, and got the city council to adopt the policy long before John Hantz announced his intentions to farm Detroit. The food policy platform, one of the most radical in the country, specifically addresses economic injustice in the food system. The policy outlines five actions needed to create economic justice in Detroit's food system.

⁷ As quoted in Kavanaugh 2010.

⁸ As quoted in Whitford 2009.

⁹ As quoted in an interview with DC Food For All <http://dcfoodforall.com/2010/04/malik-yakini-to-speak-at-food-access-panel-tomorrow/> (accessed December 17, 2010).

Identify and eliminate barriers to African-American participation and ownership in all aspects of the food system; Explore providing employment and re-distribution of wealth through cooperative community ownership; Convene dialogues and create partnerships with local universities and national organizations advocating for African-American communities to develop entrepreneurship and low-cost loan programs which encourage African American entrepreneurship; Hold those accountable within the food system that profit from Detroiters to integrate Detroiters into their operations at all levels; Develop frameworks for providing business incentives (such as tax incentives, small business loans, etc.) so that businesses that receive public subsidies return maximal benefits to the surrounding community in terms of healthy food access, local employment and other forms of community responsiveness.¹⁰

Few of those prescriptions are compatible with Hantz's plans. But the Hantz Farms story does not end with contestations over space, property and a distribution of the benefits. Detroit mayor Dave Bing has reportedly come up with a new proposal to corral city residents into seven to nine residential zones. The city swears they will not be coerced to move, but they are not promising city services will continue outside the proposed residential districts. The mayor has also proposed creating tax free zones to stimulate industrial development (Daily Tribune 2010) Meanwhile community activists complain that foreign nationals are purchasing housing stock in Detroit as prices hit rock bottom. Whether and to what degree these purchases are taking place will need to be verified with a run on property sales with the county clerk recorder. Regardless, John Hantz attempt to grab up to 5,000 acres of land (Oosting 2010) in the city seem to be on hold, until the city offers him the support he is asking for.

Oakland, California

In October of 2010, the Oakland City Council voted unanimously to change its rules about when and where eminent domain can be used to accommodate a large Foods Co. store, a brand owned by Kroger. The community of West Oakland, the city's often cited food desert, has not had a full-service grocery store in over a decade, despite a population of over 32,000 people and annual food expenditures of over \$65 million.¹¹ West Oakland is also the territory of the local food justice movement. The city of Oakland is home to over 15 non-profit food justice organizations, including four groups serving the West Oakland neighborhood.

People's Grocery, a community based organization in West Oakland has been trying for two years to raise the capital for a full service cooperatively owned grocery store in West Oakland. Despite a track record of ten years of successful programs in the neighborhood, including job training, nutrition education, urban agriculture and a mobile food vending program, the group has been unable to get the needed funding. The group has also approached the city of Oakland's Redevelopment Agency, but were told the city could not support what they deemed a risky or unproven model.

It is no wonder then that community activists are wary at best at the entry of Kroger, one of the five grocery retail chains that controls over 50% of the US retail grocery market (Hendrickson and Heffernan 2007). The deal in question is for a five-acre parcel involving three property owners. Two of those property owners have arranged tentative deals with Kroger. The third wants about \$1 million more for his property than Kroger is willing to pay.

The history of eminent domain in West Oakland is ugly and racially charged (Self 2003). Eminent domain was used to obtain right of ways for the 880 freeway and the BART train between Oakland and San Francisco both causing destruction of a black-owned local business corridor and a subsequent local

¹⁰ See Detroit Black Community Food Security Network Food Security Policy <http://detroitblackfoodsecurity.org/policy.html>

¹¹ People's Community Market. 2009. Market Gap Study *unpublished*

economic depression (Self 2003). Some residents are understandably distrustful of the process. Others are furious that while eminent domain was used without question for major infrastructure projects that essentially undermined the neighborhood's economic base, a project that could potentially contribute to it and provide access to fresh food is contested.

But Kroger (like Safeway) has come and gone in Oakland before. With rock-bottom real estate prices and access to up to \$7 million in government stimulus funds, this particular venture may require relatively little risk on the company's part. Community activists still worry that Kroger's proposed model, a 72,000 square foot low-margin, high volume store, may again fail in the neighborhood, taking the available funding and political will for a more redistributive model with it.

Part of the concern is whether or not the proposed Foods Co Store, one of Kroger's lower-end retail brands, will essentially operate as an extractive industry: whether the store will offer living wages, return money to the local economy, and whether it will supply quality fresh produce. Foods Co is not known for the quality of its produce, and this prompted concern about whether or not the store will actually create better access to healthy food than the neighborhood already has. (For an idea of Foods Co's reputation for inexpensive low quality goods, one local resident at a meeting of activists said it best: "Foods Co, where the meat is green and the vegetables are brown.") While the product mix offered at the new store is yet to be determined, perhaps locals have a good reason to be wary of the economic development potential of the store. A recent study from Loyola University in Chicago quantified the impact of a new Walmart in one of Chicago's neighborhood food deserts in 2006 (Davis et al. 2009). Their data shows the new store cost the local economy as many jobs as it created. The study also measured tax revenues for the year and a half before and after the retailer opened for business and found no evidence of increased dollars to the local tax roll (Davis et al. 2009). In addition to urban land what is contested in the Kroger's case is in fact who owns the potential for economic development in the neighborhood, and where the benefits of that developments gets distributed.

The severity of the food crisis in underserved neighborhoods—characterized by the lack of access to healthy, affordable food—has produced strong community demands for retail outlets in food deserts that offer *any* kind of food, as long as it is cheap and readily available. At the public hearing on the issue invoking the right of public domain to facilitate the entry of Foods Co into West Oakland, dozens of community members showed up to demand the entry of Foods Co.¹² Oakland city council members saw quick results in the Foods Co option, supporting the changes to city policy to be able to invoke eminent domain. Food justice activists who were present at the meeting were reluctant to take a strong position against the very community they strive to serve and were divided on whether to oppose entry or demand community benefits.

The potential for corporate retail entry to divide food justice movement—both from the community and within its own ranks—led activists to form the Alliance for Oakland's Food Systems to carry out education work on the basis of a common platform of demands based on transparency, "raising the bar" (on food quality, jobs and community benefits) and leveling the playing field (by providing incentives to locally-generated retail options) regarding local government support of retail solutions to food deserts.¹ (The Alliance is trying to confirm reports that 5 Safeways, 13 Fresh n' Easy (Tesco) and 5 new small-format WalMarts are planning to coming to the San Francisco Bay Area.)

This particular story is not limited to Oakland. The discount retailer Save-a-Lot recent announced five new stores on Chicago's South Side. Save-a-Lot CEO Bill Shaner credited the move to a broader strategy to move into urban food deserts, saying in a recent release "These locations are a perfect match with our strategy of bringing affordable groceries and more fresh-food options to neighborhoods with few existing

¹² http://www.huffingtonpost.com/eric-holt-gimenez/king-of-the-food-deserts_b_763547.html

grocery stores.”¹³ WalMart has also been busily trying to “work beneath the [public] radar” to develop WalMart Express and WalMart Market – two food retail formats designed for urban expansion that run from about 15,000 square feet, about one tenth the size of a WalMart Supercenter to between 25,000-70,000 square feet. WalMart CEO Bill Simons was recently quoted in Forbes promising a quick roll-out “The aim here, folks, is to get the right model so that we can rapidly roll these things out. At our peak we built about 350 supercenters in a year, so when we get this thing right, these are going to come real fast and we’re real excited about this format.” (Ryan 2011).¹⁴ Responding to the new effort, analysts like John Boccuzzi cautioned “Local communities should truly understand how this will affect them before embracing such a concept. If you are fond of local stores run by local owners, a format like this could put them out of business in months,” (Ryan 2011). While community members may not know (or may not care) about how wave of retail land grabs affect their economies, many food activists are acutely aware of the dangers associated with this trend:

Imagine if the national answer to the food crisis took the form of a huge, publicly financed flood of corporations like Walmart and Tesco opening up stores in inner city neighborhoods using the exact same economic model they’re using now. We could expect low wages, the destruction of small businesses and local economies, and all of the awful labor and supply chain practices we’re familiar with. We all know the model under which these large corporations operate, and there is no reason why they won’t replicate the same essential business model in neighborhoods that need not just any jobs, but need *good, living-wage* jobs that pay meaningful earnings and teach meaningful skill sets. The supply chains would also emulate the same model—behaving destructively toward the communities where they source their food products. So poor urban communities will see their economies tied to the wealth and resource extraction from rural communities with the usual negative consequences for local economies and the environment. (Ahmadi 2011)

Balancing need, community demand, political will and the difficulties associated with establishing locally-based alternatives is a challenge for northern and southern food movements alike. As Ahmadi (2011 op cit) goes on to explain:

“...[The] food justice movement is in a battle to prove that there is another way, that we don’t have to sell our local wealth, our land, our environment, and our health to corporate America just to bring some superficial change in an expedient manner. Unfortunately, expediency is a treasured value in our society, as our economy operates according to short-term, quarterly cycles. The same holds true of our political system. Michelle Obama’s statement about eradicating food deserts in seven years reflects the short-term mode of political thought centered on election cycles. It’s even tougher at the local level to get public officials to think in longer terms when they’re always looking for ways to position themselves for their next campaign. Try telling them, “We have this community-based venture that is a fundamentally redesigned business model intended to address the various barriers to operating and developing grocery stores. It’s intended to bring back the social fabric of what stores used to be like, not just to offer some good public relations around making fresh food available; but to really engage in improving health awareness, education and promoting lifestyle changes. But it’s going to take a long time to develop, to finance, to launch, to make profitable, and to see the changes we’re talking about.” I’ve yet to meet a public official who can get behind that kind of a time frame and process, simply because it wouldn’t happen by

¹³ For the full release see

<http://investor.supervalu.com/phoenix.zhtml?c=93272&p=irol-newsArticle&ID=1530922&highlight=>

¹⁴ In Ryan, Tom 2011. Walmart Testing Express C-store Concept. Forbes Retail Wire. March 15, 2011 Available at <http://blogs.forbes.com/retailwire/2011/03/15/walmart-testing-express-c-store-concept/> (Accessed March 15, 2011)

the time their next election came around (or even the one after that). Therefore, public officials continue to look to the big-box retail industry because they are expedient and, with a combination of private and public financing, can set up shop and be operating in time to make a great public splash for the elected officials who support them.”

Possibilities for Alliance

In both of these cases, the political will built by urban food justice movements has a material value. In the case of West Oakland, this value takes the form of the political backing of the city, access to federal Healthy Food Financing funds, and control over the food dollars the food justice movement is seeking to localize. In Detroit the potential value lies in access to public and below market value land, enough of a controlling interest in urban land to add value to entire residential neighborhoods, and favorable zoning regulations. Understanding the land grabs in urban food systems then necessitates an understanding that along with physical land, these deals dispossess communities of entitlements, political possibilities and hard won political will. Harvey claims that primitive accumulation “entails appropriation and co-optation of pre-existing social and cultural achievements, as well as confrontation and supersession” (Harvey 2003, 146). The 'politics of accumulation by dispossession' that Borras warns about then, must be understood as the totality of these material benefits, including entitlements, political space, and future possibilities.

The threat of dispossession of both physical and political space is exactly what La Via Campesina identified in their statement to the FAO on the global land grab. The notion of *entitlement* and the *redistribution* of wealth and power within the food system run throughout the discourse and practice of radical food movements from Detroit to Dakar (Holt-Giménez and Shattuck 2011). Entitlement, as put forward by Sen (1981, 1), ‘connects one set of ownerships to another through certain rules of legitimacy’. Redistribution is not simply about the redistribution of wealth or goods but concerns the restructuring of entitlements. The radical and redistributive politics of many urban food justice movements in the north are rapidly being superseded by reformist politics and institutions. This development has the potential to gut the transformative power of food justice, in favor of less redistributive actions, actions that obscure structural racism in the food system and leave urban poverty intact (Holt-Giménez and Shattuck 2011).

Activists in Detroit and Oakland are right to be wary. Instead of allying with the reform oriented factions of the northern food movement, which primarily argues for food access, local food, and healthier choices on the basis of public health, environmental quality or taste, we wonder what the political possibilities might be if movements for food justice and food sovereignty were to align, to resist land grabs and demand redistribution of land, infrastructure, and entitlements. Practice-, community-, and racially-based food justice movements in the north and structurally confrontational food sovereignty demands of the south express overlapping class interests. If these interests were to come together, they might contribute significantly to the construction of a new international food regime (McMichael 2005; Holt-Giménez and Shattuck 2011).

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ⁱ **Alliance for Oakland's Food Systems:**

A campaign for informed, public dialogue over retail grocery options

Draft 02-23-11

Who We Are:

We are a resident campaign representing a diverse cross-section of stakeholders in the health and economy of the Oakland food system. We are community residents and organizers, leaders, grocery workers, professionals and civil servants who are working to grow a local and just food system in our communities. Our campaign will generate information and analysis, and promote public dialogue to help Oakland's residents, local businesses, and civic representatives make democratic, informed choices regarding the City's food future.

Why We Came Together:

On June 12, 2010 the San Francisco Business Times announced that Kroger Co, one of the nation's largest grocery retailers, was planning to open two stores under its *Foods Co* banner in East Oakland. The Oakland Redevelopment Agency is also attempting to invoke eminent domain on a third site in West Oakland. This raises questions about the appropriate use of public funding and eminent domain, the equitable distribution of costs and benefits, and of how the community will directly benefit.

We recognize that East and West Oakland neighborhoods are "food deserts" – areas where grocery options are scarce and low quality. Residents suffer from diet-related health ailments, incomplete or expensive food options at corner stores, and a severe lack of affordable, healthy produce and other basic food staples. The Oakland food movement has emerged to respond to these community needs.

In addition, East and West Oakland neighborhoods are also "job deserts"—areas where unemployment and lack of economic opportunity leads to issues in our community such as poverty and criminalization. A new food system must ensure local residents also benefit economically from new stores and job opportunities.

The Food Alliance has witnessed legal and economic benefits granted to large food companies whose central concerns place profit before our community's well-being. Therefore, we seek to build communication and accountability structures between stakeholders, residents, community, and workers to ensure the development of a food system that provides safe, healthy, affordable, and locally sourced products to our residents. We promote solutions that provide residents with quality jobs and economic opportunity through building this new food system. We have an opportunity to serve as a national model as we restructure an urban food system in the service of underserved populations. Now is the time to build partnerships that move us towards this goal.

We Want the City of Oakland to:

- Implement City-wide policies as well as localized store agreements that require Community Benefit Agreements, and establish a Community Review and Enforcement Board to monitor progress toward set goals and processes.
- Ensure transparency in the evaluation and approval of grocery stores in the City by

supporting impact studies on the community's physical, economic, and environmental health, and soliciting community input.

2

- Create greater parity for small grocery stores and local food systems and businesses, especially in the distribution of public resources such as funding and land.
- Prioritize underserved neighborhoods for grocery stores location, and reduce the concentration of liquor stores in those same neighborhoods.
- Require retailers prioritize hiring Oakland residents, especially those in the neighborhood where the store is opening, for jobs at all levels in the store, and supporting pathways and training into good grocery careers.
- Ensure living wage jobs with affordable healthcare, and protect the right of workers to organize a union. Encourage labor peace and other labor agreements that promote family-sustaining jobs with benefits in the retail and grocery industry.
- Require grocery stores to provide healthy, fresh, and affordable produce that adhere to higher standards of food quality and affordability.
- Establish high standards for environmental sustainability, including minimizing the environmental impact of grocery stores in the neighborhood with regard to truck idling, emission and air quality.

Our Current Activities (as of January 2011):

- Survey of West Oakland residents around what they want to see from a grocery store (People's Grocery)
- Convening of East Oakland "Food Stakeholders" group to discuss projects for Foothill Square and closed Walgreens site
- Policy Briefing on Eminent Domain (CBE and Jason)
- Health Impact Assessment of food retail models (possibly including air quality & working conditions) (HOPE Collaborative and ACDPH)
- Briefing on labor unions and local hiring (UFCW & People's Grocery)
- Briefing on Retail Trends in Underserved Communities (Food First)

Future activities:

- Teach-ins, radio shows, public debates, and meetings between community groups, public officials, business representatives and the multiple food system projects that are working on healthy, accessible food options for Oakland. The campaign will produce informational materials, and radio and television spots.

Certification *dispositifs* and land conflicts:
the case of the Roundtable on Sustainable Palm Oil (RSPO)
(Draft version – Do not circulate)

ABSTRACT

The expansion of oil palm plantations in Indonesia, the largest producer of palm oil in the world, has generated a huge amount of conflict over land. In response, a number of Indonesian NGOs defending local communities' rights are adopting a dual strategy. They call, on the one hand, for profound reforms of the legal system and they advocate, on the other, for short-term strategies, including conflict resolution mechanisms, to help local people while broader legal reforms are underway. Accordingly, in order to promote conflict resolution, some national NGOs joined the Roundtable on Sustainable Palm Oil (RSPO), a multi-stakeholder certification initiative. In order to explore the effects of this strategy, I propose to discuss the notion of the *dispositif*. This concept was first developed by Foucault and later re-emerged with the actor network theory and the French pragmatic sociology. In this paper, my argument is twofold. In the first section, my aim is to demonstrate theoretically that an analysis in terms of the “*dispositif*” would gain from a reconnection with the foucauldian heritage of this concept that has been overlooked in French sociology. In the second section, I demonstrate the heuristic potential of this concept to analyse the plural and sometimes contradictory effects of certification processes such as the Roundtable on Sustainable Palm Oil.

INTRODUCTION

Indonesia is the theatre of significant processes of « land grabbing » inherited from the dictatorial regime of Suharto (1967-1998), also known as the “New order regime”. This situation is in great

part due to the weak recognition of customary rights in Indonesia. Although the Indonesian Constitution recognizes the existence of indigenous peoples and their customary rights to land (Article 18), this recognition comes into tension with Article 33 of the Constitution, which establishes the right of the State to regulate and manage the use of natural resources (Colchester et al., 2006). Similarly, the Basic Agrarian Law of 1960 (BAL) clearly subordinates customary (*adat*) law to the notion of “national interest”. During the new order regime, this legal subordination has been taken to the extreme by treating all untitled land as under the direct control of the state (Fitzpatrick, 2007, 137). In practice, this has meant that the state has issued thousands of *Hak Guna Usaha* (HGU) leases for “development” projects. Covering millions of hectares, large plantation estates leases were given to domestic and foreign companies with an average holding of three thousands hectares each (Lucas, Warren, 2003). Meanwhile, local communities have seen their access to land and natural resources extremely restricted as a result of the alliance of commercial and bureaucratic interests. Recourse to state institutions has proven to be ineffective to defend their rights (Fitzpatrick, 2007, 138).

This process has been reinforced by the expansion of oil palm plantations responding, among other things, to the increase of biofuel demand. It has already been demonstrated that biofuel demand is one of the main drivers of global land grabbing. As the biggest producer of palm oil, with five millions hectares of plantations (FAOstat), Indonesia is indeed an emblematic case. Its situation has been the object of numerous NGO reports denouncing the negative environmental impacts of oil palm plantations such as deforestation, habitat loss of critically endangered species and the important contribution of peat destruction to climate change. The NGOs also denounced the consequences of the expansion of oil palm plantations for local people such as land conflicts, the labour conditions of plantation workers as well as social and economic difficulties facing oil palm smallholders (Marti 2008).

It is in this context of significant criticism that some environmental NGOs and transnational corporations decided to create the Roundtable on Sustainable Palm Oil (RSPO). Later, this certification initiative was joined by Indonesian NGOs. Given the multitude of land conflicts, these NGOs are adopting a dual strategy. They call, on the one hand, for profound reforms of the legal system in the sense of recognition of customary rights, and they advocate, on the other, for short-term strategies to help local people while broader legal reforms are underway. They use, to this end, conflict resolution mechanisms based on mutually agreed processes. NGOs thus collect testimonies from affected communities and advocate with them for the restitution of land or the provision of

satisfactory compensation (Colchester et al. 2006). The RSPO is therefore an instrument used to promote such resolutions.

In order to explore the effects of this strategy, I propose to discuss the notion of the *dispositif*. This concept was first developed by Foucault and later re-emerged with the actor network theory and the French pragmatic sociology. In this paper, my argument is twofold. In the first section, my aim is to demonstrate theoretically that an analysis in terms of the “*dispositif*” would gain from a reconnection with the foucauldian heritage of this concept that has been overlooked in French sociology. In the second section, I demonstrate the heuristic potential of this concept to analyse the plural and sometimes contradictory effects of certification processes such as the Roundtable on Sustainable Palm Oil.

I. THE HISTORY OF THE CONCEPT OF THE *DISPOSITIF* : A HERITAGE TO REDISCOVER

The origin of the theoretical concept of the *dispositif* is commonly attributed to Michel Foucault. It is in *Discipline and Punish* that the term *dispositif* is used more and more frequently. The term is intrinsically linked to the analysis of the technologies of power. Indeed, interrogating the ways in which the power to punish is organised, Foucault uses the notion of the *dispositif* in order to move beyond a juridical vision of power and to analyse instead concrete punitive systems, their functioning, and the modalities of the exercise of the power to punish (Foucault, 1975, 134). In *The Will to Knowledge*, published in 1976, Foucault deploys an analysis of the « *dispositif* of sexuality », without at any point defining clearly what he understands by *dispositif*. He therefore returns to this question in a 1977 interview for a psychoanalysis review. There, in his own terms, the *dispositif* is « a resolutely heterogeneous collection, containing discourses, institutions, architectural designs, legal decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions (...) The *dispositif* itself is the network we are able to establish between these elements. » (Foucault, 2001, 299). The principal characteristics of *dispositifs* are thus the heterogeneity of their constituents and the network form which links them together.

The concept of the *dispositif* is later renewed in the sociological work which developed in the 1980s, starting from the research conducted at the heart of the Center for the Sociology of Innovation (CSI) as well as in the work of Science and Technology Studies (STS), under the

influence of the sociology of translation (Beuscart, Peerbaye, 2006). Accordingly, the *dispositifs* designate these sociotechnical *assemblages* of human and non-human actors. This increasingly frequent use of the term *dispositif* is also part of a larger movement which reformulates the status of objects in social theory. The publication, in 1993, of the special issue of *Raisons pratiques* entitled *Objects in Action* (Conein, Dodier, Thévenot, 1993) is symptomatic of these re-questionings of the traditional dichotomies between the technical and the symbolic, subject and object, material and immaterial. French pragmatic sociology equally participates in this general questioning, according to objects a privileged place in the analysis of situations of dispute and justification. Objects are taken into account in terms of their role in the dynamics of putting justifications to the test; with the formalisation of a legitimate test implying the ability to draw on an assemblage of objects, or *dispositif*. (Boltanski, Thévenot, 1991). The *dispositif* is thus defined as an *assemblage* of objects which can be material or immaterial. In this view, objects are invoked as “equipment” or tools making it possible to establish the worth¹ of persons (Ibid, 179).

Thévenot later extends the analysis by exploring different modes of action in terms of their varying preparation to be held in common. To the public regime of justification, two other regimes of engagement with the world come to be added: the regime of planned action and the regime of familiarity (Thévenot, 2006). Not all of these modes of relation to the world lend themselves to communication, however, and therefore the notion of the *dispositif* comes to be inserted into this problematic. The *dispositif* is above all material and procedural. The use of this concept is thus aimed to « underline that the disposition of things, like that of people, prepares them for certain engagements. The *dispositifs* which interest us are therefore places equipped not simply to compose opinions or interests, but also to compose ways of being, ways of conducting oneself which are not always governed by words (Thévenot, 2004).

Dispositifs are thus principally examined from the perspective of the possibilities they offer for the expression of different modes of engagement with the world. The questioning of which they form part is of a political and a moral order, and aims to put us on guard against the risks of « reductions », to which the double plurality² of engagements and forms of the common good is

¹ Boltanski and Thévenot (1991) identified a number of orders of worth which constitute different modes of legitimate evaluation, each of them being oriented toward a form of common good. The industrial, market, domestic, civic, opinion and inspiration orders of worth thus correspond to different forms of legitimate justification. These forms of legitimacy are nevertheless not detached from the “real world”. Indeed, one characteristic of this “pragmatic sociology” approach is also to be attentive to the way in which these justifications are put to reality tests.

² To the “horizontal” plurality of forms of the common good (Boltanski, Thévenot, 1991), Thévenot adds the

subject. Thus, Thévenot shows that our society tends to reduce this plurality in imposing market and industrial orders of worth as references, as well as in making our *dispositifs* fit the regime of planned action to the exclusion of the regime of justification and, in a larger measure, of the regime of familiarity (Thévenot, 2009).

This dynamic of reductions is illustrated by a study he applies to what he calls « government by standard » (Thévenot, 1997). Although they were initially concerned with technical domains, the processes of standardization are gradually expanded to more and more varied domains, such as those of security, health, environment, etc. In aiming a critical view upon these standardization *dispositifs*, Thévenot shows that the requirements of market and industrial qualification are now applied to domains including other orders of worth (such as the « civic order of worth » or the « green order of worth ») and this has resulted in a shift from legitimate authorities to "independent" ones which escape political dynamics.

If the notion of the *dispositif* thus imposes itself progressively in French sociology, its Foucauldian heritage remains meanwhile imperceptible. As Beuscart and Peerbaye notes, it is in some sense in “contraband” that this concept and its heritage enter in the lexis of the sociology of science (Beuscart, Peerbaye, 2007, 7). In this sociology, references to Foucault are not lacking in respect to power (Law, 1991; Callon, 1986; Latour, 1991; Latour, 1986), knowledge (Latour, 1991, 15) and the role of networks of heterogeneous elements in the production of knowledge. Foucault has similarly helped to constitute the material and technical elements of these heterogeneous networks as objects worthy of analysis. As for the notion of the *dispositif*, by contrast, Foucault’s heritage is never cited explicitly in the publications. This is still more evident in the work of authors such as Boltanski and Thévenot, where practically no reference is made to Foucault.

This relative silence concerning Foucault in French sociology and, in particular, concerning the notion of the *dispositif*, is due to the fact that the Foucauldian *dispositif* remains associated with the *dispositif* of surveillance and with an excessively determinist vision of the social world. In effect, for several decades there has been almost a ban on reference to Foucault in sociology. The latter was for a long time associated with the analysis of institutions of confinement. According to this view, the « History of Madness » and « Discipline and Punish » depict above all a society extolling the confinement of the excluded and the disciplining of bodies and spirits. The Foucauldian *dispositif*

“vertical” plurality of the engagement regimes (Thévenot, 2006).

was also interpreted in accordance with this logic. Indeed, the notion of the *dispositif* is associated with that of the panopticon, yet the panopticon, if it is the archetype of the disciplinary society, is far from being the archetype of the *dispositif*. And the disciplinary society depicted by Foucault corresponds to a historic given moment. As Deleuze notes, « we sometimes believed that Foucault depicted the tableau of modern societies as so many disciplinary *dispositifs*, in opposition to the old *dispositifs* of sovereignty. But this is not at all the case: the disciplines described by Foucault are the history of what we cease to be, little by little » (Deleuze, 1989). Deleuze also adds that, in his books, Foucault renders an archivist work which is focused on describing the general hospital of the 17th Century, the clinic of the 18th Century or even the prison of the 19th Century. It is in the interviews that we can find the « lines of actualization » necessary to understand the prison, sexuality, subjectivity, etc., in the present (Ibid).

If the idea of the Foucauldian *dispositif* remains attached to that of discipline, it is because the notion of the *dispositif* is always traversed by the more fundamental opposition between determinism and liberty. The vision of the *dispositif* oscillates between two poles: the *dispositif* perceived as an exterior constraint governing the action of individuals; and the *dispositif* as a network, complex and undifferentiated. Many interpretations of the work of Foucault place the emphasis on the determinist dimension of the social world. Thus Peeters opposes, for example, the « panoptic » vision of Foucault to a more « pragmatic » vision of the *dispositif* which became prevalent later on. According to the same author, Foucault helps to highlight the place of technologies in the processes analyzed but « this technical dimension remains meanwhile negatively connoted, because it is uniquely apprehended as an instrument of alienation, of social control or of power, although today, throughout the usage of the notion of the *dispositif*, we are witnessing a partial reappraisal of this dimension (Peeters, 1999, 16).

In the next section, my aim will be to show that this interpretation can be contested. It undoubtedly refers to an ambiguity present in Foucault's work. I will show, however, that one reading of Foucault, which is more attentive to the « lines of actualization » present in his interviews, permits a much more complex and fecund interpretation of the Foucauldian *dispositif*.

In the interview given for a psychoanalysis review, Foucault (2001, 299) explains that the *dispositif* is a network of heterogeneous elements. He adds that the *dispositif* appears at a given historical moment in response to an urgency, to a strategic imperative. Let's take the example of the genesis of the disciplinary *dispositif* and the sexual *dispositif*. The demographic surge of the 18th Century and the development of the industrial apparatus resulted in the emergence of a mass vagabond population, which it became necessary to control and channel. Confronted with this urgency, a new type of power appeared; the power to kill gave way to a power over life, a biopower (Olivier, 1988). Thus, the administration of life is a response to the new demands engendered by the demographic and productive circumstances. Life becomes a political stake and this biopower thus develops across two poles: the disciplines of the body, on the one hand; and the regulation of the population, on the other. Sex becomes even more of a political stake since it is at the junction between these two forms of power over life (Foucault, 1976, 191).

The predominance of a strategic objective thus characterises a first moment in the genesis of a *dispositif*. Following this, the *dispositif* is however traversed by a process of « strategic filling ». The emergence of a *dispositif* engenders both expected and unexpected effects which will be reinvested by new actors, used in new strategies. The appearance of the prison has, for example, created « an effect which was not absolutely foreseen in advance, which had nothing to do with a strategic trick by some meta- or trans-historic subject which might have perceived and wished for it » (Foucault, 2001, 300). This effect is the appearance of a milieu of delinquency linked to the closed space of the prison, which is favourable for the concentration and the professionalization of a social group. From 1830 onwards, this involuntary effect is to be seen reused in a new strategy « which has in some sense filled the empty space, or transformed the negative into positive » (Ibid.). The organisation of prostitution and the profits which it engenders, for example, constitutes a reutilization of this effect for economic ends.

One can see in these examples that there is no primary explanatory principle. Rather, there is a conjunction of diverse historical processes, a combination of strategic intentionalities and the unforeseen; random convergences which make identification of a regular causality impossible (Mormont, 2003). Thus, for example, the appearance of a *dispositif* of sexuality is linked to a multitude of mechanisms which overlap and lean on each other. The extension of the catholic practice of confession provoked a multiplication of discourses on sex. This incitement to speak about sex was equally re-launched by other political, economic and technical mechanisms, such as

for example the appearance of the problem of the « population » with its characteristics, including mortality, birth rates, fertility, etc. (Foucault, 1976). Reference is thus not made to a primary cause such as could, for example, imply a hypothesis according to which the development of capitalism constituted the source of sexual repression in Western societies. The contingency of the historical processes is not overlooked in favour of a more powerful explanatory theory.

In order to understand more precisely this dynamic dimension of the *dispositif*, it is useful to return to the notion of *épistémé*. Indeed, the notion of the *dispositif* can be viewed as a generalisation of the notion of *épistémé*, the latter being a specifically discursive *dispositif*, in contrast to a much more heterogeneous *dispositif* (Foucault, 2001, 301). Now, as Mormont notes, what Foucault found interesting in the discursive elements was not the stabilized statements, continuities or homogeneities of significations, but rather the transformations, the discontinuities, the points left free, the openings. In the same way, we could make the hypothesis that what defines the *dispositif* is less the rule than the openings; what the *dispositif* offers as possibilities for action (Mormont, 2003).

This interpretation of the *dispositif* resonates, among other things, with the Foucauldian approach to power. Once the power is defined as the “conduct of conduct”, the very condition of its exercise resides in the existence of a free subject which has before him a field of possible responses, inventions and resistances. Similarly, the individual inscribed in a *dispositif* is a subject of action, not an individual oppressed by a *dispositif* which hangs over him and imposes upon him a singular constraint. It is thus interesting to illuminate the productive dimension of the *dispositif*. From it emerge statements, possibilities for action, new relations of power, as well as new forms of resistance and subjectification.

It is from here on essential to detach the Foucauldian *dispositif* from its disciplinary past. The *dispositif* is not panoptic as certain authors suggest. The Foucauldian approach leaves space for a much greater indeterminacy and its pragmatism is revealed in questions such as: « how does it operate? » and « what happens when... ? ». This perspective of an analysis of practice makes him suspicious of grand explanatory schemes which detach the social from the concrete dynamic of social relations. The *dispositif* can thus be seen as an open space from which arise unexpected effects, reorientations, displacements, re-appropriations, inventions, a place from which new types of actors, knowledge and relations of power emerge.

II. A CERTIFICATION *DISPOSITIF*: THE CASE OF THE ROUNDTABLE ON SUSTAINABLE PALM OIL.

In this section, I demonstrate the heuristic potential of the concept of *dispositif* in order to analyse the effects of certification initiatives such as the Roundtable on Sustainable Palm Oil. After briefly highlighting the heterogeneity of the *dispositif*, my purpose is to show how political issues are re-framed into technical discourses. This re-framing, however, is not immune to contestation. In the last part, I thus change the focus of the analysis toward a broader view of the *dispositif* allowing us to see how outside contestation is taking place. The practice of politics as we shall see also falls within the effects of the *dispositif*.

A HETEROGENEOUS ASSEMBLAGE

The elements constituting the *dispositif* of the RSPO are heterogeneous. They include objects such as palm trees, pesticides, forests, peats, greenhouse gases, land contracts, memorandum of understanding, maps, banners and power points. All sorts of statements are also part of this assemblage: statements about sustainable development (the compatibility between profit, people and planet), scientific claims about the importance of secondary forests for biodiversity conservation, moral justifications based on market, industrial and civic principles. Obviously, in a private regulation *dispositif*, rules play an even more important role: principles and criteria for sustainable palm oil production, certification system, codes of conduct and international conventions on indigenous rights, to mention but a few examples, are fundamental elements of the RSPO. But how did this heterogeneous *dispositif* come to exist?

Since the 1990s, many NGOs and social movements have started to criticize the impacts of oil palm plantations in South-East Asia including deforestation, habitat loss of critically endangered species such as orangutans and the significant contribution of peat destruction to climate change. It was for example estimated that 87% of deforestation taking place in Malaysia between 1985 and 2000 could be attributed to the expansion of oil palm plantations (Wakker 2005) and that Indonesia is the country emitting the third highest amount of greenhouse gases after USA and China because of deforestation and peat destruction (Silvius, M., Kaat, A., 2006). The NGOs also denounced the consequences of the expansion of oil palm plantations for local people, such as land conflicts, labor conditions of plantation workers as well as social and economic difficulties facing oil palm smallholders (Marti 2008).

It is in this controversial context that in 2001 someone from World Wildlife Fund (WWF) Switzerland contacted a Dutch consultant asking him to help to build a multi-stakeholder initiative for the palm oil sector. They had already worked together on timber and cotton. The consultant thus proposed to create a roundtable and started to look for potential partners among retailers, consumer goods manufacturers, banks and so forth. In September 2002 the first preparatory meeting was held. The participants agreed with the initiative on condition that producers would be actively involved in the process. Decisions regarding the next stages were then mainly discussed between WWF and Unilever with the help of the consultant. It was thus decided to create an Organizing Committee which was in the beginning made up of Aarhus United UK Ltd, Golden Hope Plantations Berhad, Migros, Malaysian Palm Oil Association, Sainsbury's, Unilever and WWF. In August 2003 the inaugural conference of RSPO was held in Kuala Lumpur (Malaysia) and in 2004 the RSPO was formally created under the Swiss civil code.

Although in the first phase the initiative was clearly an alliance between environmentalists and the food industry, the inclusion of palm oil producers has created powerful tensions inside the *dispositif*. The later arrival of "social" NGOs and, in particular, national ones created further unexpected dynamics to which I will return later. Before doing so, I would like to highlight the tensions running through the RSPO by describing in broad outline the strategies of the various actors.

- Food industries and retailers have been affected by the various campaigns launched by international NGOs. Their main concern is therefore to safeguard their reputations and to ensure long-term and secure supply of palm oil (RSPO, 2002, p. 13).
- The motivation of environmental NGOs such as WWF is to stop the conversion of high conservation value areas (HCVA). They take "an approach of actively seeking co-operations with business to develop mutually beneficial sustainability solutions. Investment and purchasing standards for palm oil are an effective tool both for fighting forest conversion and as a risk management tool for companies" (Ibid).
- For producers, the interest is basically that of market access as well as the potential premium price. They perceive these roundtables as an imposition from the European actors - both industries and NGOs - and they protest the fact that they have to bear all the costs of certification. Their strategy is therefore to push for a standard that would not be too demanding, their argument being that if the criteria are more stringent, costs will be too high, and this may no longer be a mainstream initiative.

- Human rights NGOs see in this forum an opportunity to tackle the issues of land conflicts, and the rights of plantation workers and smallholders.
- Certification bodies which are “independent” third-parties responsible for auditing plantation companies and issuing RSPO certificates are also present.

THE TECHNICAL RE-FRAMING

Since 2004, the various stakeholders of RSPO have been defining so-called "Principles and Criteria" (P&C) of sustainable palm oil production. Thus, in order to establish "a credible definition of sustainable palm oil" (RSPO website), the method chosen was that of "Principles, Criteria and Indicators", an approach already widely used in other certification initiatives (see for instance the Forest Stewardship Council-FSC). This method is based on the definition of a small number of principles defining sustainable production, principles which are then divided into various criteria. The process of developing the P&C took place in two phases. Initially, the development of a first document was entrusted to a technical group convened by the Organizing Committee. This technical group discussed a document which had previously been elaborated by a consultancy firm, Proforest, partly based on criteria developed by Unilever and Migros in earlier documents. This document was then the basis for the second more "inclusive" phase which consisted of the establishment of the Criteria Working Group (CWG), 25 persons from four "Constituent Groups": palm oil producers, supply chain and investors, "environmental interests" and "social interests".

After a two year pilot implementation period, the P&C were approved by the Executive Board and adopted by the General Assembly in November 2007. The first principle is the "commitment to transparency". According to this principle, producers and millers should provide sufficient information to stakeholders and make their management documents accessible to the public. The second principle refers to "compliance with laws and regulations". A first criterion refers generically to the compliance with applicable laws and regulations, while the following two criteria relate specifically to the issue of land rights and the recognition of customary rights. The following principles relate to the economic, environmental and social dimensions of sustainable development: a "commitment to long-term economic and financial viability" (Principle 3); the use of "best practices" by producers and millers (principle 4, which includes the issues of soil fertility, erosion, water, agro-chemicals, and so on.); "environmental responsibility and conservation of natural resources and biodiversity" (principle 5); and "responsible consideration of employees and of individuals and communities affected by growers and mills" (principle 6, which includes issues of

land rights, wages and conditions of workers, bargaining power, freedom of association, child labor, and so on.). Finally, before the final principle of "continuous improvement", a seventh principle was included to deal specifically with the issue of "new plantings". This principle requires, among other things, an independent and participatory social and environmental impact assessment before establishing new plantations. New plantings since November 2005 have not replaced primary forests or any area required to maintain or enhance one or more High Conservation Values (HCV). No new plantings are established on local people's land without their Free, Prior and Informed Consent (FPIC). (RSPO 2007a)

The negotiations inside the Criteria Working Group have actually focused on a list of criteria rather than on the principles. As demonstrated by Cheyns (2011), this method is intended to respond to the watchwords of urgency and pragmatism by avoiding time-consuming discussions on principles of sustainable development. Fears of disagreements have fueled a process of evading controversial issues and focusing on a kind of negotiation reminiscent of "sharing a cake" (Ibid.). This has led to the exclusion of broader issues such as the monoculture model of production, the consumption patterns or the inevitability of plantations expansion. According to the same author, the technical rationality applied in these roundtables thus induces a process of de-politicization and a closure of the field of criticism (Cheyns 2010).

The technical rationality also stems from the requirement to measure compliance inherent in the certification process. Indicators are developed in order to allow auditors to check the company's compliance with each criterion. An analysis of audit procedures however reveals that the forms of proof used by auditors are not adapted to social issues and, in particular, to land conflicts. Industrial forms of proof make it difficult to recognize the evidence claimed by local communities which, in most cases, do not own formal title to their land (Silva Castaneda, 2010). While standardization processes were in the beginning mainly applied in technical domains, they have been gradually extended to social and environmental areas and this has resulted in a shift from legitimate authorities to "independent" ones which escape the political dynamics (Thévenot, 1997).

In his book "The anti-political machine", Ferguson also stresses the way in which "development" projects annihilate political challenges by "insistently reposing political questions of land, resources, jobs, or wages as technical "problems" responsive to the technical "development" intervention" (Ferguson, 1990, 270). Ferguson, like Thévenot and Cheyns, among others, is interested in the process of closure in which political issues are re-framed into technical questions

thus excluding potential debate and contestation. Yet, as Tania Murray Li suggests it, it is important to take into account the process going in the opposite direction when "expertise is challenged and political contestation resumed" (Li, 2007b, 279). As noted by the same author, in Foucault's perspective, openings and closures are intimately linked. The interface between a relationship of power and a strategy of struggle is described as a perpetual linking and a perpetual reversal (Li, 2007a, 11). Similarly, my discussion on the term "*dispositif*" suggests that we should be attentive not only to the way the *dispositif* frames (closes) the action but also to the way in which it opens fields of action. This opening is the object of the following section.

THE POLITICAL³ CONTESTATION

As I explained above, the RSPO was initially an alliance between environmentalists and the food industry which was quickly joined by palm oil producers. According to a person close to the process, other NGOs were excluded from the initial phase, the constitution of the organizing committee.

The roundtable on palm oil actually was at that time very much a result of 3 interests: Unilever very dominant as the main player and WWF not so dominant but still very much also as a veto power (...) if WWF would say: "We are not going on". Then the whole thing would die. They also excluded other NGOs (...) they did not want to have others around the table (...) in this committee. Actually both (WWF and Unilever) had interest to keep this sort of game between the two. And then we had the palm oil sector represented by MPOA. These were in the beginning the main players.

Later, however, these "other NGOs" started to take an active role in the RSPO. At the level of the Executive Board, the participation of Oxfam and of the Indonesian NGO Sawit Watch has been decisive in influencing the elaboration of the standard and further rules of RSPO. A number of other NGOs have also played an important role in other scenes such as the criteria working group and the taskforce on smallholders among others. These NGOs are adopting a strategy which differs from the strategy of the environmental NGO WWF. Indeed, according to WWF representatives, the issue is to resolve by market mechanisms problems created by the market (Cheyns, 2010). The demand by consumers and retailers for certified palm oil would create a transformation in the practices of

³ Following Chantal Mouffe, my use of the term "political" is based on an agonistic model according to which the political is a field of struggle opposing contesting groups.

producers whose interest is to access these markets and get a premium price. However, the other NGOs are not so confident that the market mechanism as such would create the kind of transformations sought.

We're more market skeptics who nevertheless use the space that roundtables like this provide to get change. (NGO member)

In this approach, certification provides a platform used by activists to expose companies' practices and exert leverage to get changes that companies would otherwise resist (Bartley, 2010, 18). In relation to this strategy inside the RSPO, the same interviewee explains:

It's endless work, because it's such an unjust world, you know... it's never going to be an end of struggle, that's the reality of this world. This has always been like that in all of industries, people have struggled (RSPO gives) room for a struggle (...) it's a political battle and it's about decisions over rights over natural resources... that is politics. (...) this is about the exercise of power and this forum provides space for influencing those decisions. You can get power, you can leverage results, that's political space. (NGO member)

As we see in this quote, the political dimension of the process is explicitly assumed. In this section, I will explore the implications of such an approach at two levels: first, the drafting of the standard and, second, the struggle surrounding compliance to the standard.

Setting the standard

One of the main objectives of so-called "social" NGOs has been to use the RSPO as a platform to tackle the issue of land conflicts. In this sense, they manage to include in the RSPO Principles and Criteria important clauses regarding indigenous rights and, in particular, regarding control over land and other natural resources: ILO Convention 169 (1989) on Indigenous and Tribal Peoples; UN Declaration on the Rights of Indigenous Peoples (2007); Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Economic, Social and Cultural Rights; InterAmerican Human Rights System. The principle of Free, Prior and informed Consent recognized in most of these international conventions has been particularly stressed in the RSPO standard.

Beside the P&C, important aspects of the standard relate to the certification system as such. One clause is particularly noteworthy: the partial certification requirement. This requirement has been introduced by Oxfam and Sawit Watch in order to diminish risks of "greenwashing". It was also called the "anti-flagship clause" because it prevents companies from only certifying their "best" plantations while continuing business as usual in their remaining entities. Thus, companies with many management units (or that have a controlling holding in other autonomous companies) are allowed to certify a plantation only under some conditions. They should have a time-bound plan for achieving certification of all their management units (or subsidiaries) and, more importantly, "there are no significant land conflicts, no replacement of primary forest or any area containing HCVs since November 2005, no labour disputes that are not being resolved through an agreed process and no evidence of non-compliance with law in any of the non-certified holdings" (RSPO, 2007b). Practically, this has meant that from their first certificate on, companies are potential targets of contestation over the rest of their plantations. According to many NGO members, this element has been crucial in order to use the RSPO as a leverage instrument. The very first certificate issued by RSPO certificate confirms this view. Indeed, the first shipment with certified palm oil arriving at Rotterdam was critically welcomed by Greenpeace activists. They had just released a report contesting the certification of United Plantation making an argument precisely based on that partial certification requirement: "RSPO certified in Malaysia, business as usual in Indonesia" (Greenpeace, 2008, 5).

This requirement highlights the tensions between a political use of the standard and a technical approach to it. Indeed, from the point of view of some auditors, their work requires a standard that lends itself to a literal interpretation.

Most of the time we do not go **beyond** what the standard says. So, we simply do a **literal interpretation** of the standard and then verify in the field whether or not the company complied with it. And that's an issue that many NGOs, many people, don't understand. They think you look at the P&C and the **spirit** of the RSPO. (auditor)

A parallel can be drawn with the analysis of convention economists according to which a form of detachment and of institutional objectivation is inherent in the process of standardization. Indeed, "a marker can only be used as a norm if its roots are cut, even if we conserve a trace of these origins in the invocation of the 'spirit of the rule' or the 'intention of the legislator' " (Thévenot, 1993, 50). In this perspective, criteria such as "no significant conflict" in the anti-flagship clause can be perceived

as a nightmare.

This is a **nightmare** because, again, as an auditor I need to know what the **definition** of “significant” is. If you own one hectare of land that to you is very very significant. If you happen to own 500 000 hectares, one hectare is totally insignificant. (...) So what is “significant”? **We need to have a checklist.** (auditor)

This vision is not only expressed by the some auditors. In the international conference of RSPO held in 2010, the summary of a "world café" on certification included the following suggestion to improve the certification system for producers: "simplification of indicators – make them less subjective and more quantitative" (power point). On the same occasion, the host of the world café, a representative of Malaysian producers, proposed a definition of certification as an "economic market based instrument: to raise awareness and provide incentives to both producers and consumers" (Chandran, 2010). As illustrated in these abstracts, the certification is primarily conceived in terms of market and industrial forms of evaluation. These approaches clearly enter into tension with a political approach to certification, as the following excerpt reveals:

And I think to some extent it is also good if the standard is not too prescriptive. So as to allow stakeholders to continue the **struggle** about what is right and what is not right. (consultant and NGO member)

Seeking compliance

The political strategy also requires a network of national and international actors monitoring RSPO member companies and pressuring them to comply with the standard they have signed. Here what Keck and Sikkink have called "transnational advocacy networks" (TAN) come into play. As the authors have demonstrated, these TAN are more powerful when they can use rules to which target actors are publicly committed (Keck, Sikkink, 1998, p. 24). At the same time, TAN are empowering NGOs that inside RSPO try to pressure companies to adopt more stringent rules and to comply with them. "TAN act as key sources of countervailing power by holding TNCs to their codes of conduct" (Rodríguez-Garavito, 2005, 206).

In Indonesia, Sawit Watch is already functioning as a "national advocacy network". The creation of this NGO was triggered by the devastating fires that hit Indonesia in 1998. The "stop oil palm forest

conversion" movement thus became the NGO Sawit Watch which kept its network organizational structure (Sawit Watch web site). At its second Members Forum (26-28 September 2004), Sawit Watch decided to join the RSPO and thanks to their network they were able to adopt a strategy combining influencing from the inside and challenging from the outside.

It is important NGOs to **challenge** the **RSPO** from a critical side. (...) to **challenge RSPO through the case (...) how RSPO is an organization (that can) respond to the complaint** or critics from the outside? **Without that dynamic, the RSPO will die.** I mean, in there, but not really helpful. (...) It is very important the **controversy** in the RSPO. This is part of how to **keep alive** the RSPO (...) Critics, pressures, this will challenge the RSPO, trying to improve the standard, the process, the structures, the relations, the communications... (NGO member)

Another network, this time transnational, has also appeared around the issue of palm oil. This informal network was at the beginning gathering grassroots NGOs from Indonesia and Uganda as well as international campaign NGOs. The initiative was called the Palm Oil Monitoring Initiative (POMI) and started in 2008 by focusing on one of the biggest palm oil companies, Wilmar international. During this first phase, a long process of negotiation between one of the Wilmar plantations and local communities resulted in the communities being given back their lands.⁴ POMI's organizations then decided to extend their strategy to seven other companies, all members of RSPO. The network was also extended to grassroots NGOs from Malaysia. None of the POMI local NGOs are direct members of RSPO – some are even strong opponents – but they nevertheless use RSPO "as a platform that opens up opportunities for local people" (NGO member).

CONCLUSION

Through the brief theoretical discussion developed in the first section, I argued that the current use of the term "*dispositif*" in the French sociology would gain from a reconnection with the Foucauldian heritage of this concept. The latter should not only be used to stress the role of objects in social dynamics or the way action is framed (closed) by particular settings or "equipment". It should also allow for an analysis of the way in which the *dispositif* opens fields of action: how reorientations,

⁴ This was the result not only of POMI monitoring but also of a wide range of forces which used the IFC complaint mechanism as well as the RSPO standard. Analyzing the results of this negotiation would go beyond the scope of this paper but it has to be said that seeing it simply as a "success story" would be misleading given the complexity of the negotiation outcomes.

displacements and reappropriations are taking place; how contestation is produced and invested by a plurality of actors.

After a description of the heterogeneity of the *dispositif* as well as the process of technical reframing of political issues, I thus deployed an analysis of how contestation has been exercised. This has arguably been an unintended effect of the *dispositif*. While initially the RSPO was endorsed by the industry to appease the critics, it seems that the standard does not diminish criticism. Instead, the expertise of certification bodies has been challenged by local communities and NGOs. Most certificates granted to companies operating in Indonesia have been contested in the form of letters addressed to the RSPO, complaints against certification bodies or grievance procedures against companies. Beside the contestation following the RSPO procedure, a growing number of NGO reports have also been targeting companies that are members of RSPO. The Greenpeace report on United Plantation is only one example among others highlighting the way these companies have been the preferred targets of critics. The creation of the watchdog network POMI has also significantly contributed to putting companies' practices under the spotlight.

In this article I have opted for the perspective of an analysis of practice. By adopting “how questions”, I have tried to escape a mechanical view in terms of either/or” (Li, 2007, 279). I have thus at once shown how political stakes were reframed in a technical language and how expertise was, in turn, made the object of criticism, which reintroduced the political dynamic. These two processes intertwine and lean on each other. Thus, the technical criteria have been the object of numerous debates, and it is the negotiation - typical of the political dynamic - that forms the basis of technical choices. Taking more or less quantitative and “auditable” indicators is undoubtedly a political stake. On the other hand, the NGOs likewise rely upon technical criteria to contest companies' practices, as the Greenpeace example of using the partial certification requirement demonstrated. They also appeal to the experts to defend their points of view. This does not however detract from the fact that these two processes are intrinsically distinct and lead in opposite directions.

This perspective thus allows one to cast light on the tensions running through NGOs' strategies. Thus, if certain NGO members assume the political dimension of their engagement, others tend to opt for solutions that reinforce the technical dimension of the *dispositif*. In the face of numerous complaints against certification bodies, some suggest, for example, submitting the latter to an accreditation process. “Independent” bodies would thus make it possible to “control the

controllers". In fact, it should be considered whether this procedure might only further distance the decision of accreditation or exclusion of certification bodies from the RSPO stakeholders, leaving the complaint procedures still more complex. The insertion of NGOs into a multi-stakeholder certification *dispositif* inevitably creates tensions of the type elaborated here, and this fact should certainly be taken into consideration when NGOs make the strategic choice to "engage".

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