
Thematic Section
Rural Property / Propriété rurale

Paradoxical Conjunctions: Rural Property and Access to Rural Resources in a Transnational Environment

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Introduction: The Context of Rural Transformations

This thematic section addresses transformative processes in property relations and access to resources in what are characterized as rural spaces. Despite the dominance of the neo-liberal reading of globalization that repeatedly endorses an open architecture to the global economy in the name of economic growth and greater equality between north and south, much of the evidence points to quite a different outcome. Contributors to this section, while coming from different but interrelated perspectives, share an interest in key mechanisms whereby transnational-local interaction transforms rural property relations and resource management. Given a common focus on the role of law, these articles demonstrate that first and foremost, transnational interdependencies involve paradoxical conjunctions. For example, international and transnational law, such as conventions of the United Nations, that determine indigenous and international human rights, as well as transnational economic regulations (*lex mercatoria*) and transnationally operating non-government organizations (NGOs), play an increasingly important role in the direction and intensity of social change. Nevertheless, as this collection shows, transnational law has both intended and unintended effects on rural property. It has a tendency towards homogeneity, while at the same time creating plurality, since the ways in which it transforms or merges with local legal forms of regulating access to scarce resources varies considerably. Each paper in this section, thus, relies on empirical anthropological research to address how transformation of rural property relations is related to transnational projects. The papers also complement one another by emphasizing different but interrelated factors steering these processes, including: transnational legal standardization, development co-operation, neo-evolutionist-neo-liberal stereotyping, governance and migration, gender

inequality and the resurgence of religion and the re-moralization of property issues. In our introduction, we employ a critical perspective to explore how all of these factors are related to questions of scale, to globalization and to local-global interactions in order to discuss the general contribution of these articles to the debate on contemporary transformative processes of rural property relations.

Paradoxical Conjunctions

Our contributors were asked to discuss how transnationalization and globalization affect property relations and property regimes under specific conditions considered characteristic for rural societies. The rural world is not beyond the reach of transnational agency. But rural spaces are said to share a combination of specific qualities, including food production, landscape amenities, low population density, ecological values and perceived ways of life that both shape rural-transnational interactions and frame our understandings of them. This also holds true for the transformative processes rural property is subjected to, the central topic of this special section. However, when we examine the social science toolkit with which one is expected to develop an understanding of these processes, the paradoxical nature of both the phenomena at hand, and our concepts for understanding them, have given us pause for thought. The boundaries that distinguish rural from urban, imperialism from development, globalization from neo-regionalization, traditional from modern, sociality from civility, modernization from hegemony, civil society from state, sophistication from parochialism and moral economy from immoral capitalism, become harder to distinguish every day. And subsequently, so do the characterizations of events, processes or outcomes. In this introduction, we first explore some of these paradoxes and then discuss the contributions to this section.

Problems of Scale: Transnational and Global

A central paradox involves understanding the processes affecting places where anthropologists do their research (see Escobar 2001). When religious communities cross state boundaries and transfer new religious interpretations or arguments throughout their membership in many nations, or when development agents from one nation implement the same type of projects in numerous different developing states, we can speak of a transnational process. Von Benda-Beckmann and von Benda-Beckmann (2007:58) define transnational law as: rules and institutions regulating (inter)actions, relationships or wider networks that transcend national boundaries. Globalization of law, on the other hand, refers to the spatial expansion

of transnationalized law (von Benda-Beckmann and von Benda-Beckmann 2007:60). Transnational processes, thus, are considered to be part of the grand scheme of globalization—at least when that term is taken to mean the increased integration of various places through strengthened and intensified global flows (see Held and McGrew 2003). But at the same moment that these processes affect nation-states, they also develop on the ground in specific localities and, as Tsing (2000:327) points out, the two processes (both the water rushing down the creek and the landscape it transforms) are mutually constitutive. What is needed then is a more sophisticated analysis of scalar dynamics.

The concept of scale allows us to analyze interactive processes interlinking various levels, including the transference of scale-bound framings and issues. Scales are not merely a natural metric but are socially constructed, extended, interlinked and rearranged. For example, a typical conflict over access to land previously framed in terms of a competition at the local scale may be no longer or exclusively addressed in a language of kin relations, social rights and obligations, local power differentials or retaliation. It may now be situated in a scalar arrangement that draws on discourses of environmental protection, sustainability, gender equality or civic responsibility, all of which, in turn, have their sources in transnational norm generation. Such an arrangement may, for instance, “escalate” violence in property relations, setting off repercussions that result in upscaling. Local phenomena can thereby be inscribed into global configurations and the same event may be differently addressed at various scales (Herod and Wright 2002). Some examples of legal scalar negotiations that affect rural areas around the globe include migration law and labour law to meet the needs of a globalized labour market or as transnational reactions to local (rural) mobility, blocking or impeding access to external markets through import quotas and faith-based normative interventions. The merging of such ingredients in different ratios reshapes property relations in a given rural area.

Networks transcend scalar divides and recast local issues as global concerns to a worldwide audience and vice versa. Local actors, for example, are confronted with issues such as global climate change or the reframing of rural property as an integral part of world cultural heritage. On the other hand, the struggles of local actors can be taken up into global discourse, as with food security becoming a form of human rights. All the papers in this section have in common the crossing of scalar boundaries and negotiation of scalar processes in discourse and practice; this provides an analytical focus to the section, as does the legal connection of scale and space.

As Tsing (2006) comments, different scalar levels are not always affected or involved to the same degree in scalar processes and so it is not surprising that scale is quite differently addressed in these papers. Wiber, for example, connects capital investment in the development of genetically modified commercial crops with global (north and south) transformations in seed distribution and farming practices, and with a globalizing discourse of intellectual property rights. Wilmsen, on the other hand, examines a transnational concept of indigeneity and its impact on property rights in one geopolitical arena in southern Africa. The same variation can be found with respect to law and the transference of transnational legal standards to diverse localities on the one hand (as in Weilenmann's case of development project law), and processes of the globalization of law on the other (as in Turner's paper on the encounter of an all-Islamic legal activism with other globalized legal templates). While the particular interplay of the transnational with the local is understood as a central point of departure for our consideration of scalar dynamics, in fact, all papers include transnational, local and national perspectives and highlight interactive dimensions of scalar dynamics.

Analyzing transnational processes in this way highlights the above-mentioned paradoxes, both at the empirical and theoretical level, making it difficult to unravel questions of rhetoric, intention, agency and identity. As others have commented with respect to modernity, development and globalization (Tsing 2000; Knauff 2002; Graebner 2002; Sivaramakrishnan and Agrawal 2003), we are working with "unstable terms" (Edelman and Haugerud 2006:1). They imply an imagined future, a failed myth, a process of industrialization and commodification and a legitimizing strategy for the state. For many, these diverse outcomes can be explained if economic growth and economic stagnation are the result of the same process (Edelman and Haugerud 2006:11), that of rapid capital accumulation (see Harvey 2001). As Edelman and Haugerud (2006:18) argue, it is important not to naturalize globalization and attending processes but instead to situate them in "contingent historical forces."

For Edelman and Haugerud (2006:17), important contingent historical forces include the abandonment of the Bretton Woods Agreement (1944), which had worked to reinforce state control of national economies, particularly through restrictions on the movement of capital, in the late 1970s and early 1980s. But by the late 1970s, "market pressures," technological changes and self-interested national policy had scuttled Bretton Woods and its system of controls. McMichael argues that this led to "money becoming increasingly stateless" (Edelman and Haugerud

2006:17). The neo-liberalism of Thatcher and Reagan followed, with a free market regime where "development" was viewed as specialization for the global economy. The Washington Consensus is said to have dominated neo-liberal economic theory post-1980 (Edelman and Haugerud 2006:7-8). It coupled state minimalism with a firm commitment to the market as a solution to most social problems. Some of the architects of the Washington Consensus later tried to distance themselves from the harsher consequences of this policy by advocating poverty reduction programs, but other economists have argued that this made only superficial adjustments to the main approach.

In the social sciences, anthropology among them, a "turn away from grand narratives" may have contributed to a lack of sustained critique of the Washington Consensus, especially one based in sound political economy (Edelman and Haugerud 2006:19). Of course, globalism discourse itself might be described as "a grand narrative," and the anthropology of globalism is said to have four flaws: (1) dehistoricizing in favour of "giddy presentism"; (2) downplaying the role of the state; (3) naturalizing neo-liberalism by, for example, talking about impersonal "flows"; and (4) portraying globalization as a simplified, inexorable, coherent force and then focusing only on its cultural aspects (Edelman and Haugerud 2006:22). While we agree that there has been a deplorable lack of sustained critique of the Washington Consensus, Edelman and Haugerud show just how fragmented anthropology has become given that their citations are restricted to a subset of the discipline. While dominant journals and scholars (largely in the U.S.) took the much-debated "post-modern" turn, many scholars continued to produce excellent empirical studies of "how markets and the corporations and state and supranational institutions that influence and administer them actually work" (Edelman and Haugerud 2006:18), our contributors among them.¹

Scalar Processes in Rural Spaces

Defining "rural" and separating it from non-rural spaces has generated sharp debate over the past several decades (see Deavers 1992; Laschewski 2005). Rural places are often characterized as quantitatively and qualitatively different from non-rural places, although this has often been challenged (see Hoggart 1990; Bruun and Narangoa 2006:6). While this dualistic thinking has a distinguished ancestry in Weberian sociology,² it has also been some time since Andre Gunder Frank (1967) and Rodolfo Stavenhagen (1964) rejected the "dual society" hypothesis (that third world societies were split between a modern urban class and a traditional feudal rural class), to

argue that rural areas were not “backward” but rather the product of a process of “internal colonialization” (Edelman and Haugerud 2006:35). Three reasons have been suggested for the persistence of the rural–urban duality in theories about rural development: (1) terms of trade and relative prices of industrial versus agricultural goods have caused and continue to cause conflict in all human societies, despite their level of development; (2) widening gaps in standards of living suggest that different poverty alleviation is required in rural areas; and (3) rural poverty is a source of insurgency and unrest (Edelman and Haugerud 2006:35).³

According to Haugen and Lysgård (2006:176), it is not so much the postmodern turn that changed concepts of the rural sphere in recent years, but the “cultural turn,” especially in the Anglo-Saxon world. The result has been “the whole system of beliefs about the rural [was] questioned,” so that “rurality may be understood as a social construction where the meaning of the term is floating, changeable and contextual” (Haugen and Lysgård 2006:176). The main body of rural sociology, on the other hand, remains “functional” in tone and “policy-oriented” in focus, with the rural “treated as a fixed category” and defined by criteria such as population density and a lack of social services (Haugen and Lysgård 2006:176). Here the main contrast of traditional rural society with cosmopolitan urbanity remains entrenched (see for example Brown 2007; Collins and Quark 2006). In this survey of recent literature, we were struck by the way that the rural sociology literature employs a set of “ruralisms” that remind us of Tsing’s (2000) discussion of “globalisms” (see for example Tovey 1998; Mormont 2003; Pratt 1996; Haugen and Lysgård 2006; and contributions to the edited volume by Havnevik et al. 2006). In addition to the conflation, futurism and focus on circulation that Tsing outlines, however, we find an additional set of rhetorical devices that take the form of binary oppositions, including: tradition versus modernization; sociality (proximity and intimacy) versus individualism (in the neo-classical economic sense); *communitas* versus *civitas*; place of production versus place of hedonistic consumption; rural (read “natural”) landscape versus industrial “blight.”

This continued use of the binary opposition of urban versus rural as centre versus periphery may be blinding us to important processes. As Tsing (2000) commented with respect to the dualism of local versus global,⁴ there are only projects making places all over the place.⁵ And those projects are just as likely to draw together people from many places. Any sharp divide, then, between the rural and urban spaces must be problematized given how people move back and forth and remain connected to both

in many of the ethnographic examples in these collected papers (see Laschewski 2005; Lohnert and Steinbrink 2005).

One process that may be eclipsed as a result of the above dualism is the link between livelihoods and their source in natural resources (Tovey 1998), typically through agriculture or other forms of primary production but increasingly through commodification of nature (as in tourism or through gentrification of the countryside) (see Burchardt 2007; Hillyard 2007; Bessant 2006). In trying to sort out tangled approaches to rural livelihoods, for example, Tovey (1998:22) writes that: “we can treat where actors live as (inexact) shorthand for whether their livelihood depends more or less directly on use of natural resources” (see also the livelihood approach in Homewood 2005; Havnevik et al. 2006).

For Tovey, it follows naturally that dependency on natural resources gives rise to a specialized knowledge about them, different from the meaning of such resources to non-rural actors (1998:22). It also follows, then, that rural actors will mobilize differently, and mobilize over different issues, than will urban actors. She writes that the rural–urban distinction is primarily “a social construction used by actors in formulating projects of action, which in turn enables the social scientist or researcher to distinguish between rural and urban social action” (Tovey 1998:23). She goes on to note, however, that the distinction remains rather ambiguous, since increasingly, rural space is part of and shaped by “a hierarchy of spatial organization” that is urban-centred so that rural spaces are a “a terrain on which different social groups within society as a whole can display and realize different identities and social projects” (Tovey 1998:30).

We see here a similar use of the term “projects” (see Tsing 2000); that is to say that Tovey (1998) uses the concept of “project” to organize the purposive activities of different agents in rural places. Tovey also uses the term to show the ways in which these projects result in agents employing what we have called the “rhetoric of ruralisms” to further particular projects that have to do with emergent forms of subjectivity. Both Tovey (1998) and Mormont (2003) show how farmers, resisting the characterization of “traditional” rural agents, for example, aligned themselves with agricultural extension officers to apply technological and scientific knowledge to their food production systems—creating for themselves an identity as “industrial” farmers. Meanwhile, organic farmers call on a different set of emergent identifiers to characterize the projects they want to undertake.

It is also important, then, to emphasize the differences within and between rural areas. Different gender

relations, property arrangements, concepts of culture, and identity constructs characterize specific rural spaces. They are not homogenous in comparison with urban spaces (see Marsden 1995) or in their scalar connections to translocal and global processes, as is seen in the diversity of cases in this collection. Transitional zones may be even more interesting, lying as they do on the increasingly fuzzy boundaries between diverse versions of urbanism or between industrialization and agrarian landscapes. Weilenmann's article focuses, for example, on a peri-urban zone but shows deep social and political connections with rural areas. In fact, in all cases described here, the rural is never isolated and relies on specific external networks for production, distribution and the exchange of labour, inputs or technology, as both Wiber and Turner especially demonstrate. The diversification of rural livelihood strategies is increased through the integration of the rural with its global environment or, as mentioned above, through scalar arrangements. This is particularly interesting when the products the rural has to offer change or become differently defined by those who have the power to do so. Rural valuables (some of them monetized) include examples of the "property of humankind": new alternative rural spaces such as nature conservation areas, forest and water reserves for urban uses or for local tourism, recreation and world heritage sites.

We emphasize then the recent changes to the notion of rural in global discourse. The rural is increasingly affected by the ecological movement and other notions of "nature." It is no longer solely the space of agricultural production, if it is spatially defined at all. Here scale-making processes transform nature into a measurable commodity but also an immeasurable spiritual and moral category. The construction of environment is increasingly contested, as is the construct of the rural. Rural appears as an attitude and inventory of knowledge, as cultural repertoire, that is more than agriculture, and that is informed by perceptions of nature, density of population, forms of co-operation and networking, plus particular virtues and moralities. Interestingly, from the actors' perspective, rural always includes a size or scale factor. Therefore, the examination of the scaling downwards of global standards into rural repertoires, and the subsequent redeployment of those standards towards external audiences seems to us a promising approach to analyzing transformative processes in property arrangements.

Tovey (1998), as has been mentioned, focuses on the notion of rural actors. Where such actors are, there is also rurality. But many actors in the rural setting are viewed by most locals as decidedly external, as with the Salafiyya Islamic missionaries in the Moroccan Souss (Turner, this

volume). Meanwhile, some actors from a rural setting are viewed as insiders in non-rural settings, as in the case of some rural Albanian migrants to Greece (see Stahl and Sikor, this volume). There are extensive examples of this agency problem in the de-collectivization literature from former socialist states, a process often described as a re-ruralization of the space of agrarian production. What may be important to consider in the context of translocal-rural interplay is the particular view of state agents of the rural area as well as the attitude of rural actors toward the state. In many parts of the world, the image of traditional rural life still resonates with insurrection, independence movements, absconding from state control and evading state taxes. On the other hand, rural life may also be regarded as a stronghold of tradition and local values that resist and ameliorate the most pernicious impacts of globalization.⁶

Perhaps the focus on property transformations can reduce an over-reliance on the rural-urban dualism? Both Tovey (1998) and Marmont (2003), for example, note the ways in which previous property owners or people with interests in local resources are being displaced by new ruralism agendas. Does it help to keep our focus on how property figures in the ruralism rhetoric: how it is used, by whom and for whose benefit? And should we be asking who loses as a result of the successful deployment of certain property concepts (see von Benda-Beckmann et al. 2006)? In order to explore this possibility, we turn now to the question of what property is and how it is being transformed.

Property and Its Transformations

Property transformations have long been of interest to anthropology, particularly in the postcolonial setting, and have been newly rediscovered as a central issue in recent rural studies (see Murdoch and Pratt 1993). This is especially true in post-socialist Europe. But property has also become an unstable term. While worldwide debates about property have been reduced to absurd arguments pro and con privatization, in anthropology, property has always been a more richly theorized topic.⁷ Property is viewed as giving form and substance to the relations between people with respect to valuables. These relationships are comprised of three elements: the social units (individuals, lineages, corporations, states) that can hold property rights and obligations; the valuables that are conceptualized as property objects; and, the different sets of rights and obligations held in such objects. All three are set into and vary across time and space. Empirically, property finds expression in "layers of social organization"⁸; that is, social practices create, maintain and change what property

is at the level of ideologies, of legally institutionalized property rules and of actual property relationships. What property is at one level cannot be reduced to what property is at another level, just as ideologies of marriage and legal rules about marriage are different from the actual relations between two individuals who happen to be married. The extent to which agents in rural spaces are actually constrained by property ideologies, legal institutions and actual property ties varies considerably due to a multitude of other historic, political, economic and social factors, including power differentials. Each level within a property regime (ideologies, rules, relationships) may change with different speed and for different reasons. Rather than pinning down property to one of these levels and analyzing it as if the others do not exist, we prefer to deal with empirical examples of social experience. The contributions in this section illustrate widely divergent situations of transformation and of change on the ground. Some of these involve new forms of property, including genetic patents, cultural property such as local knowledge of modes of production, and the distinct paradigms for rural development employed by the agencies of Western nations.

Globalizing discourse on property rights has led to a strong “goal-oriented” understanding of different property regimes. Private property, for example, is regarded simplistically as promoting specific aims and objectives—as if specific property concepts could assure the realization of particular results despite operating in a wide range of quite different settings. The state-centric perspective of many analysts is a particular problem; many development agents, for example, ask: who is protecting and distributing rural property rights if not the nation-state? There is a great deal of international pressure on developing countries to develop a strong, uniform and well-functioning state legal system for controlling natural resources, allowing them to participate in the world political and economic community—and enhancing access to rural property for global players. The result is a second wave of transfer—a neo-colonialism—of Western models of property regimes and institutions into the rural areas of developing countries all over the world.

Property has always been contested but under transnational conditions it is contested in qualitatively new ways. New types of property have been generated and new shareholders have appeared in the rural arena. Privatization discourses are supported and transnational agents deny access to development resources to those states that resist the discourse. One contentious arena is the claiming of rights to patent local resources or products (see Wiber, this volume). Another involves the way that

competing actors pursue the protection of local-rural knowledge as property or identify local modes of production in terms of intellectual or cultural property rights (see Turner, this volume). Yet another reaction to the homogenization of property regimes is to draw on local spirituality as a valuable resource and as an interpretative framework for rural property. In these developments, intellectual property rights play an increasingly instrumental role for both transnational and rural actors. Usufruct rights and the management of the commons, or more precisely, commonly accessed resources and goods, are threatened by the tendency to rush for patents. Transnational companies are active in this field; but institutions of the nation-state also claim control over and property rights in “rural commons” as national “biopatrimony” or “ecoheritage,” or claim control over local rural knowledge through the legal protection of national cultural heritage. On the other hand, minority groups and indigenous cultures also claim property rights in some of the same valuables (see Brown 2003; Wiber 2006). These are new phenomena but with great potential for influencing future developments.

In these conflicting claims, there are a wide range of ideas about temporality and fluctuation that affect rural property relations. In some cases the adhesion of descent groups to particular property such as land is seen as eternal and legitimizes social capacities such as the power of decision-making in local communities, while in other cases permanent partitioning of land among heirs fosters a perception of fluidity of ownership. Rules of inheritance may also be affected by recent developments, which, again, provoke far-reaching consequences for family structures and social cohesion. New dimensions of competition are created by transnational initiatives to transform gender as well as intergenerational relations. Family structures and economic gender relations are affected by a number of processes, such as providing diversification of livelihood options for women, modifying natural resource-based dependency through the establishment of women’s cooperatives or “education” and other policies. These may enhance women’s ability to cope with gender biases and thereby increase divorce rates, break household property up and accelerate out-migration.

The social units (marital units, nuclear or extended families) as traditional carriers of property rights are, therefore, under tremendous transformative pressure. Contributing to these tendencies are strategies of returning migrants who invest as returnees or seasonal temporary visitors in rural endeavours (see Nuijten and Lorenzo, this volume). They often introduce notions of private and pseudo-public ownership and other external

concepts unknown before, while at the same time, they revitalize traditional values as pristine rural property relations. In so doing, they conflate modernity and tradition and create hybrids, like returnees' traditional property in the countryside. Furthermore, migration contributes to an intergenerational redistribution of wealth and with that, to a re-organization of political influence and decision-making power (or attempts thereof, as in Nuijten and Lorenzo, this volume). The young descendants of former rural migrants have much more investment capital than local notables and therefore claim the right to decide the allocation of resources and their transformation. As they become the role models for local rural youth and challenge elders' authority, there are tremendous consequences for the negotiation of property relations. And, at any given moment, there are transnational actors making interpretations of rural property regimes that do not take into account all of the above processes. Increasing competition over, and the invalidation of, property concepts are parallel and interdependent processes.

Law, Legal Pluralism and the Transnationalization of Law

One can barely speak of property without speaking of the law. But the law also turns out to be a contested feature of rural life. For example, an interesting outcome of the study of the legal dimension of globalization has been a broader acceptance of the concept of "legal pluralism," a term that characterizes situations where more than one legal regime is operating in a social field (von Benda-Beckmann 2002; von Benda-Beckmann and von Benda-Beckmann 2007). From the development law perspective, the power of law to transform the local has been of more interest than the corresponding ability of local legal interactions to transform the transnational level. In contrast, anthropologists interested in legal pluralism have given the latter more attention. This emphasis on the legal dimension has further expanded anthropological understanding of rural property transformations and particularly of questions of access to resources.

In the recent past, international and transnational law as well as transnationally operating NGOs have begun to play an increasingly important role in those areas characterized as rural. Powerful transnational actors such as the IMF, the World Bank, the UN, UNESCO, the European Union and national development agencies sometimes compete with each other and follow different and sometimes incompatible agendas. They not only regulate international relations but often have a direct impact on social and economic property relations in local settings within nation-states. Transnational co-operation in environmen-

tal protection, the establishment of standards for sustainable development, the development of new technologies in agriculture, new organizational forms of resource exploitation, bio-labelling and food quality control are good examples of these tendencies. The main fields in which transnational intervention affects rural property are rural tourism, agricultural modernization, development co-operation and decentralization and democratization politics pursuing the establishment of good governance and civil society structures. Transnational initiatives in fighting rural poverty, rural exodus and migration are also worth mentioning here.

One way in which rural arenas are affected by their transnational environment is the rise of plural legal configurations, often characterized by an increasing diversity of perceptions of, and claims for, rural property. These claims derive their legitimation from different legal frameworks that interpret and apply different legal rules. If we transcend the level of normative ordering and look instead at the empirical evidence of how property relations are constructed, maintained and transformed, two aspects come to the fore as being particularly subject to profound reinterpretations: the social significance and meaning of rural property and access to resources.

Particular attention must be paid to the triangular relationship between the transnational, the rural and the state. State-transnational interaction affects the rural landscape in many different ways. State actors at different levels of the governmental hierarchy may transmit their particular and differing interpretations of transnational impacts to the local level. Transnational actors, on the other hand, may implement their standards directly in rural areas, bypassing the state, when they realize that state-transnational co-operation does not produce the desired results in the appropriate time frame (see Weilenmann, this volume). Power relations on all levels, the local, the regional, the national and the transnational, may be affected by these strategies and their outcomes. Current transnational influences that focus on decentralization and regionalization need also to be taken into consideration in this context.

Transnational Movements and Rural Mobilization

Another phenomenon attracting attention today is the increase in the number of religious and moral movements with a transnational reach that claim at least the same degree of universal validity as the propagators of sustainability or nature conservation (see Wilmsen and Turner, this volume). Sometimes characterized as the rise of civil society (Hann and Dunn 1996; Baker and Chandler

2005), this process has contributed to the development of new local standards of morality and new social or religious and cultural meanings of property, belonging and social distributive obligations, as our contributors attest. In such settings, the struggle for distributive benefits activate, instrumentalize or transform the local rural potential for violence. These developments motivate local rural actors to organize resistance, sometimes in co-operation with outside influences, sometimes very much against them. In many cases, social movements frame their request in the form of rights or property claims, as the Kalahari San have done (Wilmsen, this volume), and organize resistance against existing relationships or protest against integration into the global economy (Edelman 1999; Mésini 2004; Moyo and Yeros 2005; Woods 2008). Such resistance, however, may frame its rights-based claims in various ways ranging from a re-appropriation of rural livelihood to protests against exclusion, while new forms of ruralism are seen as a response to the neo-liberal focus on the rural and against its commodification. The concept of peasants' rights is an example. It combines various legal components and refers to ideas of global responsibility and human dignity that include a notion of reasonable and judicious attitudes towards property.

Furthermore, the devolution of state welfare responsibilities coincides with a re-moralization and re-spiritualization of rural values of sharing, charity and distributive obligations affecting property relations or even derived from them. A nation-state that does not pursue its charity work obligations is veering out of the pool of actors that may be held responsible for the arrangement of rural property regimes, leaving social security to such actors as NGOs and FBOs (faith-based organizations) (for example, Hefferan 2007; Marshall and van Saanen 2007) or to local expressions of global religions.

These processes of mobilization affect the entire sphere of regulation of access to natural resources and valuable rural goods. Concrete regulations, their corresponding legitimations and the ideologies behind them are drifting apart and may reconfigure in modified forms at the rural as well as at the transnational level. Rural property becomes loaded with different meanings as new categories of property are created and new bodies of actors pursue them. The social, political and religious embeddedness of rural property worldwide is changing as a result of emerging transnational-rural constellations. The changes in social practices, formalizations and ideologies including their interactive and interdependent connectivity affect both the perception of what "rural" means as well as its connection with "society" and with

"property." Furthermore, increasing legal and social insecurity, as a consequence of economic and social development, demands a creative reaction at the local level and changes any room for manoeuvre in negotiating local perceptions of property.

The Normative Power of Transnational and Rural Moralities: Religion, Economy and Beyond

Examining the moral aspect of property brings forcefully to mind the social proportionality of ownership. Descent and extended kin, alliances, networks, neighbourhoods, territorial bonds and forms of established co-operation are some of the more obvious relationships within which "property has its duties." Social movements, whether characterized as civil society or not, often revise existing standards of the morality of ownership, of religious, cultural and social meanings of property, of its importance for social distributive obligations and of notions of belonging (see for example, Edelman 2005). In fact, the transnational approach towards rural poverty is full of its own moral arguments, including the condemnation of corruption and other immoral practices. Political goals connected with development intervention accordingly affect moral notions of property on the ground. Democratization, good governance and decentralization are propagated as guarantors of a fair repartition of property. The transnational human rights discourse also delivers moral arguments.

This countervailing "transnational morality" transforms rural property (see Turner, this volume), and this is rarely well received at the local level. What complicates the acceptance of transnational interveners in the rural world is a certain altruistic attitude that goes together with the formulation of quasi-religious messages. While transnational actors may conceptualize the transnational message as universal, it often adds a moral (and one might even say, sanctimonious) meta-message to the transnational-rural interaction. Development concepts are shaped by a universal eco-religion, which often includes the spiritualization of nature (Tucker and Grim 2001; Taylor 2005). The ideal of nature conservation, for example, often includes a claim by external actors to the right to protect unique landscapes that are locally associated with many different connotations. Locally, the landscape represents livelihood, agriculture and food. At the same time it resonates with homeland, a rural social space and identity. Moreover, it is loaded with spiritual, legal and social meanings. The assumption that local actors will accept as equally valid those imposed transnational values quite often leads to mutual misunderstandings, as is addressed in several contributions to this section.

One example may be mentioned here. The sacred protection of places through a particular eco-value has been conflated with environmental interests. In the process, the symbolic value of property has been re-interpreted as free of social components. As a consequence, the rural reading of property relations, including usufruct and exploitation rights as logically inscribed in the religious-legal landscape, has been challenged. But from the rural perspective, property is often only legitimized precisely through such embeddedness. This kind of embeddedness has been largely neglected in research on modernizing rural property relations, as well as in the discourse on competing in the global economy. Nevertheless, this embeddedness has its own transnational connections, as well being affected by the resurgence of local moral standards.

The contributions to this thematic section provide fresh research perspectives on the transformative processes to which rural property and the management of access to natural resources in the rural zone are exposed. The examples here, from empirical research and cross-disciplinary perspectives, reveal transition processes in different parts of the world and provide the opportunity to consider the theoretical implications noted above. This research often addresses the feedback relationship between local processes of transformation in rural areas and the transnational level.

Six Examples Dealing with the Transformation of Rural Property Relations in a Globalizing World

In the different contributions to this section, our central topic is approached through five different but complementary lenses. The contexts include development co-operation, racial stereotyping, migration, the emerging transnational law within the framework of trade-related intellectual property rights (TRIPS) and the increasing importance of transnational religious and moral framing.

For example, Wiber focuses on the transnationally generated legal standards that affect rural property. She analyses the impact of TRIPS legislation on the control of seed in agricultural production through a discussion of the Supreme Court of Canada decision in *Monsanto v. Schmeiser* to restrict the status of innocent bystanders in patent infringement. She addresses the effects of that decision on farmers' autonomy in a global economy. One outcome that concerns many scholars working in agricultural development is the pervasive "chill" that such legal decisions will have on saving and sharing traditional seeds. Wiber's work shows how decisions at the national scale apply a transnational template to a local case—with

reverberations at the supra-national scale. Weilenmann, on the other hand, highlights the direct impact of development co-operation as a channel that adapts rural property regimes. He illustrates how development agencies that wish to empower the rural poor in the competition over access to resources, introduce a transnational agenda by drawing on "project law" as a normative tool. This leads to increased legal fragmentation, as state-filtered international legal conventions run up against transnational standards introduced in the shape of "project law."

Wilmsen critically analyzes how transnational actors rationalize strategies employed with respect to local conceptions of rural property. He exposes the classic stereotyping that denies San-speaking peoples of the Kalahari structured notions of land tenure, usufruct rights or property. He also addresses the reasons for the revitalization of these concepts in neo-liberal politics in the region today and highlights the negative consequences thereof. Wilmsen shows how local property constellations are made instrumental at the national scale through stereotyping, in order to construct a province that would meet international requirements for assistance. Nuijten and Lorenzo analyze the impact of temporary out-migration on the local governance of collective land exploitation. They discuss the inequalities emerging within those Andean communities that regulate internal access to land in the context of out-migration of community members as contract labour for U.S. sheep ranchers. While the resulting migrant relations produce new internal dynamics and affect the management of communal land, temporary migration has also been used to strengthen traditional power through demands for and control over the additional resources that flow into the community. Nuijten and Lorenzo also show how the transnational environment and the experience of migratory flow between host state and state of origin combine to inform the local model of governance that aspires to independence from transnational and national intervention in local affairs.

Turner examines the way in which increased reliance on moral framing and religious argumentation connects multiple scales in their impact on rural property, albeit from very different angles. He emphasizes the increasing importance of such religious and moral framing of property relations in Southwest Morocco in the local negotiations on participation and resistance to the global economy. The confrontation with exogenous moral and religious concepts led to a reconsideration of local moral standards and a reinterpretation of property relations that combined local-rural and transnational concepts to a certain degree. Turner shows how this deployment of religious and moral standardization from the supra-local scale

bypassed the state and the state's role in transnational-local interactions. Sikor and Stahl use a case study of three villages in Albania to demonstrate that different migration patterns informed differing regional attitudes towards access to resources and rural property after the collapse of the socialist system. Sikor and Stahl show how post-socialism involves a down-scaling of former competition between nations, but also how international tension within one particular region, nonetheless, continues to reverberate in local settings. These tensions in turn have affected how the respective translocal ties shape livelihood strategies and migration patterns.

Conclusion

Taken together these articles are interrelated and highlight a series of important cross-cutting themes that all contribute to general insights on contemporary processes transforming rural property relations and on their cumulative impact. The papers also address several issues raised in contemporary legal anthropology in connection to the current debate on the anthropology of globalization (Tsing 2000; Lewellen 2002; Friedman and Friedman 2008; Inda and Rosaldo 2008). The unifying point of reference of the papers is an anthropological analysis of the neo-liberal and transnational conceptualization of property issues. The anthropological arguments developed here are based on empirical data that have been collected in field studies. Factors that evoke or contribute to the acceleration of transformative processes of rural property relations are at the centre of anthropological analysis. Local legal practices and traditions, local knowledge and conflict settlement, conventional versus modern agriculture, the impact of migration on local fields, and the resurgence of religious and moral implications in property issues are anthropological issues of vital importance for further research in the anthropology of globalization and many other fields of the anthropological enterprise. Thus, this thematic section makes a significant contribution to the ongoing debate in a core field of anthropological research.

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Notes

- 1 See Wiber (1995, 1999, 2000, 2004, 2005), Wiber and Kennedy (2001) and Turner (2006, 2007a, 2007b, 2008). See also the publications of such journals as *Critique of Anthropology*, as well as the *Journal of Legal Pluralism and Unofficial Law*, and *Law and Anthropology* for many other examples.
- 2 Other influential figures in the early establishment of rural sociology were Tönnies and Durkheim. See chapter 1 in Hillyard 2007.
- 3 See for example Mésini 2004 and Lohnert and Steinbrink 2005. While Mésini describes the poverty-driven flow from urban to rural, Lohnert and Steinbrink do the same for the reverse direction. The fact that urban poverty is also a source of unrest and that peri-urban slums are seen as breeding grounds for terrorism (Turner 2007b) is yet another paradox.
- 4 See also the contributions to Herod and Wright 2002 on the global-local binary.
- 5 See for example Mésini 2004 and Lohnert and Steinbrink 2005 on rural and urban livelihoods and translocality.
- 6 Implementation of anti-terrorism law in Morocco, for instance, was accompanied by a state campaign targeting rural values and ideals as essential stabilizers of Moroccan society (Turner 2007b).
- 7 For a detailed review of property literature, see von Benda-Beckmann et al. 2006. In what follows, we rely on their alternative framework for conceptualizing property. This approach, in turn, builds on earlier work by von Benda-Beckmann (1979, 1995) and by von Benda-Beckmann and von Benda-Beckmann (1999). See also Wiber and Lovell 2004.
- 8 It is in this sense that many scholars insist on the "embedded" nature of property.

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