



- Editor's Comments -

One of the great attributes of *Dialogue, e-Journal* is how it is able to attract scholarly input from a range of fields, and the diversity contained in this volume is paradigmatic of the interdisciplinary nature of the journal. This edition of *Dialogue, e-Journal* Volume Six, Issue Two, offers an eclectic range of very interesting papers and book reviews, from Australian politics, to local government, from issues in world politics, to the fields of international cricket.

Beginning with a focus on world politics, Helen Berents offers an excellent analysis on the issue of Child Soldiers in which she questions the dominant discourse that views children as passive recipients of socialisation. She argues that the discourse on children's agency is a more useful framework and pursues this argument using the conflicts in Colombia, Sierra Leone and Uganda as examples. Turning to Australian politics, Nicholas Rohde and David Hooper combine seat-by-seat polling results with cross sectional socioeconomic data to construct three separate models of voter preferences in the 2007 Australian election. Their results show that the swing against the Liberal Party can be partially explained by mortgage stress and the relative economic performance of electorates. Following the theme of Australian politics, Neil Hope then looks at local governance issues. His paper focuses on the concept of 'Governance' in Local Government Law and argues that Queensland local councils fall short of the principle of "Corporate Governance" required by companies law. Hope argues that there is a need to adopt a clear principle of Corporate Governance in Local Government Law. The final article, a highly original piece by Samid Suliman, offers an analysis of international cricket as a metaphor and analytical microcosm of developments in the global political economy. Using the examples of India and South Africa, Suliman demonstrates the importance of cricket in reinforcing conceptions of national identity and its potential as a medium for political movements and social struggles in the post-Westphalian period.

We also have a range of book reviews that focus on multiculturalism, religion and politics, and recognition theory. Jill Prideaux reviews Will Kymlicka's *Cultural Odysseys*, which analyses a number of processes that have contributed to the development of international multicultural norms. Matthew Tan then examines Hoelzl and Ward's *Religion and Political Thought*, one of the first texts to explore the relationship between the horizontal axis of relations between social units and the vertical axis that focuses on the relations between temporal and spiritual subjects. In the last book review, I look at Axel Honneth's most recent publication *Disrespect*, a collection of essays that further develops what has been heralded as one of the most important and ambitious undertakings in contemporary social and political theory; Honneth's recognition theoretic.

I would also here like to welcome the new members of the *Dialogue* team for 2009 – a group whose talents promise to offer exciting new avenues for the development of this journal. Caitlin Sparks (Press-Copy Editor), Sally Barber (Editor), Samid Suliman (Book Reviews and Editor) and myself, will continue to work and promote *Dialogue* to the post-graduate and wider academic communities. Through this group, we will be reconvening the *Dialogue Committee* which we hope will meet once every two



months to discuss the direction of *Dialogue, e-Journal*. For the first time we will have members from outside the School of Political Science and International Studies as part of the committee and we welcome Nicholas Rohde as the liaison from the School of Economics. If you are interested in attending the Committee meetings, or being part of the Committee, please contact either myself s.brincat@uq.edu.au or pols.dialogue@uq.edu.au

To our readers, your comments and feedback on *Dialogue* in the form of letters to the editor, article replies, or any general suggestions are more than welcome. If you are interested in submitting an article to *Dialogue* please email myself (s.brincat@uq.edu.au) and if you wish to do a Book Review please contact Sam Suliman (s.suliman@uq.edu.au).

Finally, thank you to all anonymous referees for their comments and to all our contributors who have provided this edition with very interesting material. I would also like to thank and farewell Erin O'Connor, our Book Reviews Editor, who is leaving the *Dialogue* team after three years of excellent service. We wish her all the best in the future.

Shannon Brincat
18 December, 2008

The *Dialogue* team, 2008:

Editor-in-Chief: Shannon Brincat

Editor: Lesley Pruitt

Book Review Editor: Erin O'Connor



“No Child’s Play: Recognising the agency of former child soldiers in peace building processes”

By Helen Berents

Abstract

Engaging with the emerging discourse on children that recognises childhood as culturally specific and that children actively engage with their environment, this paper questions the dominant discourse’s view of children as passive recipients of socialisation. This paper argues that the discourse on children’s agency is a more useful framework for understanding the experiences of former child soldiers and that engaging meaningfully with this discourse will both improve life outcomes and reduce the risk of ongoing instability. This argument is made by an examination of the two discourses; examining their development and arguing for the usefulness of the agency discourse. This provides for an examination of children’s agency in education and skills training programs and of their political involvement (or marginalisation) in three conflicts: Colombia, Sierra Leone and Uganda. Recognising children as agents and engaging with how they navigate their lived experiences after involvement in conflict testifies to children’s resilience and their desire for change. Challenging the dominant discourse through the agency discourse allows for the acknowledgement of former child soldiers as both social and political agents in their own right and of their potential for contributing to stable and lasting peace.

Introduction

Childhood is basically an elaborate and very powerful adult myth, a series of stories and accounts that locates children as subordinate figures in society... Whether we are talking about the ‘abused child’, the ‘street child’ or the ‘child soldier’, through discourse and practice adults produce children as social and cultural subjects

(Wyness 2006: 26).

In the decade after 1985 an estimated two million children were killed in armed conflict, more than six million were permanently disabled or seriously injured and one million were orphaned (Machel 1996). More than half of the approximately 20 million refugees or internally displaced people globally are children (Machel 2007: 19). An estimated 300,000 children are currently participating in conflicts as ‘child soldiers’ (Brett and McCallin 1998 30-31). Children in conflict, both boys and girls, are subjected to multiple violences. They are killed as civilians. They are recruited as soldiers. They starve, suffer from disease and are forced from their homes. They are disabled or killed by landmines. They are subjected to sexual violence including rape and forced marriage. They see their family killed and are forced to kill members of their family and community. This involvement of children in conflict is a global phenomenon.

Children in peace building processes raise unique problems because, having lived through these experiences, their actions frequently do not conform to dominant understandings of the ‘child’. The dominant discourse on children stems from modern Western understandings of childhood. As this discourse has spread through international dialogue and treaty law it has abstracted and universalised conceptions of childhood leading



to homogenised, culturally empty conceptions that do not speak to the lived experience of all children and are in danger of creating false solutions to perceived problems.

These universalised conceptions of ‘child’ and ‘childhood’ are subject to increasing criticism. This emerging debate within the social sciences revolves around what constitutes a child, how to understand children’s experiences, and what value to place on children’s own understandings. In particular, a growing literature holds that the dominant conception of child and childhood is unable to account for the multiplicity of childhoods in the non-Western world. To engage in this discourse is to take the view that child and childhood are socially constructed ideas. Children are active agents in negotiating and shaping their world. This perspective of child and childhood is not merely theoretical, but has implications for understanding the impact certain conceptions of child and childhood have on the “generation of reality and real consequence” (James, Jenks and Prout 1998: 28).

This discourse on children’s agency, as it has emerged against the dominant discourse, opens a crucial space to interpret children’s understandings of their environment and their potential to impact that environment. The importance of engaging with children at all levels of government and society has been recognised to some degree by international policy advisors and national governments. However, for the most part, any engagement has been limited and practiced solely in a way that perpetuates existing power relations and demonstrates little commitment to the meaningful involvement of children in the larger socio-political world.

This lack of engagement with children is of particular concern in peace building activities. Children do not live through the conflict experience without engagement; they both affect and are affected by their situations, and are active agents in negotiating their way through their lived experiences. Documents such as the United Nations Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS) acknowledge the need to involve children in Disarmament, Demobilisation and Reintegration (DDR) processes (United Nations Disarmament, Demobilization and Reintegration Resource Centre (UNDDRRS) 2006). However, it is clear from much research and many reports that children’s involvement is often restricted and haphazard, and seen as of limited value in the creation of long term solutions for peace and stability.

This paper argues that the agency approach to childhood should inform activities involving children in peace building and reintegration processes. It argues that the dominant discourse is of limited use in understanding the experiences of former child soldiers and that employing the agency approach will both improve life experience outcomes for children and reduce the risk of children being a causal factor of ongoing instability and violence. This argument is made by presenting the two competing discourses and highlighting their inherent flaws and strengths. In this way support is provided for the agency based approach, which is adopted throughout the substantive analysis of former child soldiers in peace building processes.¹ This analysis is undertaken with particular reference to education and skills

¹ This paper is conscious of the exclusionary nature of examining solely ‘child soldiers’ at the expense of surveying the problems facing all children in conflict and post conflict environments and there is an important literature critical of the disproportionate focus on child soldiers and the lack of attention paid to other children affected by conflict including IDPs, child headed households, girls, civilians, children separated from their parents and so on. It in no way confers a special privilege upon the group being studied, but rather it seeks to engage in the critique of the dominant discourse through a “substantive [study] which situate[s] children’s agency in specific settings” (James and Prout, 2008: xiv). As a researcher I cannot speak entirely *for* children in any way. However, I can point to the imperfect nature



training programs; and children's political involvement in Colombia, northern Uganda and Sierra Leone. Children repeatedly and overwhelmingly cite education as their number one priority in terms of ensuring their security, and economic and social stability in conflict affected areas, however many DDR programs fail to produce real world results in terms of providing education facilities or ongoing relevant skills training. There are many valid examples however, of children employing agency to create solutions for themselves in the absence of coherent and long-term strategies and some of these will be highlighted. Additionally the political disenfranchisement of former child soldiers has potentially destabilising effects on the peace building process. Again, examples from the focus conflicts provide support for the claim that engaging meaningfully with children legitimises children as active conflict transformers and recognises their agency in thinking about entrenched political problems.

By remaining unquestioned the dominant discourse promotes an understanding of children as unworthy of study in their own right and thus denies them ontological status. They are studied in terms of what they are becoming, what they will offer (adult) society, and how they will one day function as adults. When discussing conceptions of children with reference to child soldiers they are discussed as changeless objects—much is said *about* them, and very little addresses their own subjective experience in any meaningful way. Much literature about child soldiers focuses on how their conflict experience will affect their future lives without significant reflection on these children's current understandings and interactions with their environment. The use of age as the defining feature of childhood obscures the space for discussion on children's experiences, children's understandings and children's needs or desires. Not recognising the agency of child soldiers creates suboptimal outcomes for peace building and reintegration efforts and in establishing stability and long term peace. Challenging the dominant discourse allows for debate on the best approaches to DDR programs and the acknowledgement of former child soldiers as both social and political agents in their own right.

Child and Childhood

We know nothing of childhood, and with our mistaken notions the further we advance the further we go astray... the wisest writers...are always looking for the man in the child, without considering what he is before he becomes a man

(Rousseau, 1966 [1762]:1)

What is a 'child'?

The accepted international definition of child is found in the United Nations Convention on the Rights of the Child (CRC) which states that a 'child' is "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier" (1989: Article 1). The UN recognises differences and overlaps in understandings of childhood, adolescence and adulthood; and although 'child' is the more frequently deployed definition, it also recognises 'youth' as people aged 15 to 24 and 'young people' as people aged 10 to 24 (UN General Assembly resolution A/36/215 1981). While

of the dialogue which often exists between children and adults and seek to highlight this as a deficiency and challenge others to find means to actively engage with children's agency and actions.



this may appear to be confusing already muddy waters it allows for targeted approaches to work within these age groups.

While this paper focuses on ‘children’ in the peace building process it recognises the usefulness of the term ‘youth’ to account for ‘children’ who have turned 18 since their involvement, thus bridging the two categories. It is conscious of the potential for ‘conceptual slippage’ between the two terms and seeks to avoid using them as substitutes for each other. The need to acknowledge this problem is indicative of the inadequacy and potential irrelevance of the fixed nature of the terms.

‘Concept’ and ‘Conceptions’ of childhood

David Archard explains a theoretical distinction between a *concept* of childhood and a *conception* of childhood. The former “requires children to be distinguishable from adults in respect of some unspecified set of attributes” (Archard 1993: 22). The latter “is a specification of those attributes”; a person has a conception of childhood “in so far as [their] treatment of children and discourse concerning them reveals a particular view of what specifically distinguishes children from adults” (Archard 1993: 22). Philippe Aries’ *Centuries of Childhood*, frequently cited as a foundation text in the study of childhood, claims that society have a *concept* of childhood is a relatively recent occurrence. According to Aries “in medieval society the idea of childhood did not exist”(1973 [1962]: 125) and the way in which the modern world recognises children is as needing separation from the world of adults. Archard, and others, argue that it is a very specific conception of children, influenced by academics such as Aries, that dominates Western thought, in which a child is perceived only in contrast to the complete and rational adult (Archard 1993; Brocklehurst 2006; Wyness 2006).

Archard identifies three aspects that constitute conceptions of childhood: its *boundaries*, its *dimensions*, and its *divisions* (Archard 1993: 22-31). The *boundary* of childhood refers to the point a society understands childhood to end. This boundary can be understood and manipulated from a variety of *dimensions* including legal, cultural, social and physical². All these dimensions are of significance, but do not lead to the same understanding of ‘childhood’. The final aspect is the *divisions* of childhood. These are the internal sub-periods of childhood such as infancy or adolescence which are recognised differently in different cultures (Archard 1993: 26). An understanding of the complexity of what constitutes ‘child’ and ‘childhood’ is significant in discussions of how varying conceptions are negotiated and affect global governance and children in armed conflict. Archard’s ideas inform an analysis of the dominant discourse and elucidate how a particular conception of childhood has become the benchmark for childhood globally.

The Competing Discourses

- The Dominant Discourse

To be a child is to be not yet an adult

² In the legal dimension, children can be defined by the judicial system as being incapable of culpability. In the cultural dimension they can be defined from an “epistemological...viewpoint” through which, by “virtue of their immaturity” they lack ‘adult’ rationality. Within the social dimension age of suffrage makes them unable to participate and contribute to the development of society. The conception of childhood can also be influenced by their physical immaturity; children are unable to reproduce or carry out physically demanding tasks (Archard 1993: 25).

Irrationality, Naturalness and Universality

The modern, dominant discourse on childhood is a legacy of a complicated and confused process, which has at its heart a teleological developmental approach to child and childhood. The development of children occurs in accordance with an innate *telos* (end) within the child that is driving it towards a normative adulthood. The nature of that *telos* varies in different accounts but has led to a particular understanding of child and childhood in the contemporary Western world. The boundary of this childhood is predominantly determined within the legal dimension. At 18 years of age the state recognises a person as a full member of society, able to participate in the political process and be held accountable for their actions³. Three key ideas form the basis for the dominant discourse: irrationality, naturalness and universality. From these principles the ideas of children as ‘innocent’, as biologically determined, and as irrational incompetents in need of protection and separation from the adult world are derived. These conceptions are not in any way exclusive or exhaustive. A detailed analysis of the literature that has contributed to the dominant discourse is impractical in this paper, but it is instructive to look towards these particular conceptions as exemplary and significant.

The ‘innocent’ child: children as inherently good

The ‘modern child’ is the product of a long and complex historical process. However, it is the effects of the Enlightenment that propagated a view of the child that still powerfully influences contemporary thought. It is here that the confused legacy of childhood emerges as ethics, political theories and philosophy were debated by the religiously pious and those critical of the institutions of the church. The Puritanism of the seventeenth and eighteenth centuries conceived of children as repositories of original sin, and thus essentially given to badness that only strict control and discipline could resolve (Jenks, 2005: 62-64). In contrast Jean-Jacques Rousseau saw children as originally innocent, an idea of the earlier church in which a child embodies the original state of grace before the Fall (Jenks 2005: 62-64). For Rousseau “God makes all things good; man meddles with them and they become evil” (Rousseau 1966 [1762]: 5). This innocence is not empty; highly charged with desires to love and learn, this ‘naturally’ good child needs to be protected from the potential corruption of certain social institutions or practices (Hendrick 2008: 36; Jenks, 2005: 104). Through the eighteenth and nineteenth centuries children’s natural closeness to nature became solely a ‘natural’ incapacity and vulnerability, and this innocent, vulnerable and incomplete child became seen as the victim of a corrupt and inhumane environment (Archard 1993: 39)⁴. This deterioration is worthy of note in relation to constructions of child soldiers as ‘victims’ in contemporary media mentioned later. By the twentieth century conceptions of childhood had become negative rather than positive; children were empty of important characteristics or tendencies rather than filled with promise and virtue of earlier conceptions.

Children as ‘becomings’: growth to rationality

Into the twentieth century, conceptions of the child were increasingly legitimised through scientific practice. ‘Growth’ metaphors abound; the child is brought to its *telos* through measurable socialisation and adult guidance (Jenks 2005: 8). Jean Piaget who wrote

³ In terms of political majority voting age globally is predominantly 18. Some countries have lower ages (the lowest is 15 in Iran) and in some countries the voting age is 21 (Brett and McCallin, 1998).

⁴ Space does not permit a more detailed exploration of the history of the development of modern conceptions of child and childhood. Authors who deal with this in more detail include: Hendrick, 2008; Jenks, 2005; Coveney, 1982 and Archard, 1993.



on children's development through most of the twentieth century, is a significant influence on modern conceptions of children⁵. Piaget's child is based on a "genetic epistemology", an attempt to construct a universal theory of social and moral development based on biology (Wyness 2006: 123). Adulthood is reached by clearly explicated stages of intellectual growth in which a child achieves rationality (Jenks 1982: 20). Although Piaget is a constructivist, his constructivism is one in which adults are the constructors of the child's reality. Borrowing Qvortrup's term, children for Piaget are "*becomings*" (1994: 4), "awaiting temporal passage, through the acquisition of cognitive skill, into the social world of adults" (James and Prout 2008: 11):

The child is dependent on the assistance of those other characters who have achieved orderly transcendence through culture or rationality—adults (Lee 2001: 43).

The necessity of assistance, inferred by the need to protect Rousseau's child and the irrationality of Piaget's child, is manifested in the modern responsibility to 'care' for children. The division of labour under capitalism and the emergence of the nuclear family as the key unit of social order compelled the modern developmental state to invest in 'futures' (Prout 2003: 16-17). More than that, these ideas have contributed to

the inauguration of the powerful commitment to children in Western society as a form of 'promise': a 'promise' of unimagined action, but also an extension of our own plans and a hedge against our own actions as yet incomplete (Jenks 2005: 104).

With this promise, the discourse creates children as dependent objects. Jenks (2005: 105-106) argues that childhood is transformed into a form of human capital. To optimise outcomes, children's lives are organised through family and school to enable them to achieve particular markers of development.

Children as the future: institutionalisation and privatisation

The Western developmental state, in creating 'universal' markers of development, reinforces the view of all children as 'the child'. If all children are represented in 'the child' then it is possible to 'institutionalise' childhood, a practice visible in the introduction of compulsory education and children's formal exclusion from the labour force. Concurrently society experienced the rise of the 'privatisation of childhood', which relegated children to 'safe' spaces under the watchful eyes of parents or official carers (Prout 2003; Näsman 1994; Wyness 2006). These practices echo Rousseau's exhortation to "tender, anxious mother[s]" to "raise a wall round [their] child's soul" from the outset (1966 [1762]: 5-6). Olwig and Gulløv (2003: 2) highlight that children are seen only in terms of "their relative status in the generational order of socio-cultural transmission" whereby through protected settings they "are incorporated into the society under the guidance of various senior carers or educators". The removal of children from the public sphere, and the associated regulation and legislation of a 'children's space', reinforces their status as a non-citizen and simultaneously justifies the protectionism of the family, concerned institutions, the state and increasingly, the international community (Nieuwenhuys 2003: 99).

⁵ Texts of particular importance include: Jean Piaget, *The moral judgement of the child*, trans. Majorie Gabain (New York: Free Press Paperbacks, 1997 [1932]); Jean Piaget, *The language and thought of the child*, trans. Majorie Gabain (London: Routledge & Keegan Paul, 1960 [1959]); Jean Piaget, *The Child's Conception of Reality*, trans. Margaret Cook (London: Routledge & Keegan Paul, 1954).



'The child': the dominating Western discourse

The child of the dominant discourse is a product of Western philosophical, psychological and sociological thought. In this way children are unformed subjects, beings *in potentia*, whether it is the potential for the development of rational thought, the potential for corruption or the embodied potential of the future. These varied understandings contribute to the formation of an incomplete, irrational *becoming*: 'the child' of the modern, Western development state. Within the dominant discourse it is "only right and proper" to recognise children in this way because that is "the way to give the desired shape and order to future adults and future society" (Lee 2001: 43). Competence is defined solely in relation to adults' praxis and it is not that children are not active, but that the adult world does not recognise children's praxis—"a suggestion which is all the more powerful since adults are in a sovereign position to define competence" (Qvortrup 1994: 94).

What is of particular significance to this paper however, is the ability of the dominant discourse to establish itself as a complete account of childhood everywhere and at all times. By assuming universality the dominant discourse speaks before any alternative can be offered. With globalisation and the accompanying modernisation of the developing world 'the child' has been exported along with a variety of other Western modes of thought. The promotion of a "well-established but narrowly conceived framework through which we view children" makes it difficult to recognise other ways of thinking about child and childhood (Wyness 2006: 94). Institutionalising the dominant conception of childhood both erases other conceptions from view and establishes this 'Western' construction as the standard to judge non-Western societies (Pupavac 2001: 101-102; see also Wyness 2006: 133-134). This is significant because of the problems that have arisen through the global adoption, in international legislation and normative understandings, of the dominant discourse's conception of child.

- **The Agency Discourse**

...children must be seen as actively involved in the construction of their own social lives, the lives of those around them and of the societies in which they live. They can no longer be regarded as simply the passive subjects of structural determinations.

(James and Prout 2008: 4)

Rationality, Social Construction and Contingency

It is only in the last few decades that a conception recognising children's agency has emerged. This conception re-examines 'natural' boundaries and dimensions of childhood, constructs children as agents of their own identity and not solely subject to adults' representation. In 1990 Alison James and Alan Prout, key sociologists in the field of 'childhood studies', provisionally identified the key features of the "emergent paradigm" of recognising children in their own right:

1. Childhood is understood as a social construction...
2. Childhood is a variable of social analysis... Comparative and cross-cultural analysis reveals a variety of childhoods rather than a single and universal phenomenon.
3. Children's social relationships and cultures are worthy of study in their own right, independent of the perspective and concerns of adults.



4. Children are and must be seen as active in the construction and determination of their own social lives, the lives of those around them and of the societies in which they live. Children are not just the passive subjects of social structures and processes.
5. Ethnography is a particularly useful methodology for the study of childhood...
6. ...to proclaim a new paradigm of childhood sociology is also to engage in and respond to the process of reconstructing childhood in society (1990: 10).

While for the most part recognising that children are still in a process of development, this emergent discourse does not discount their experiences because of this recognition. It acknowledges that children are able to rationalise and interpret their environment in line with an internal understanding. The agency discourse recognises, as a fundamental component, that a child is socialised into a particular culture and particular time (James, Jenks and Prout 1998: 78). Concurrently, interpretive perspectives encourage an understanding of social reality as not constant but, rather, as created by social actors including children. The recognition that social reality does not pre-exist and is actually socially constructed allows for new investigations into the nature of childhood and the role of children in society.

'Beings' not 'becomings': Granting children an ontological position

Recognising the conditionality of 'childhood' and allowing for the conception of 'childhoods' also allows a questioning of children's roles. If children are actors then it follows that they have agency and thus are *beings* not *becomings* (Qvortrup 1994: 4). This represents a significant departure from the dominant discourse. If they are beings in their own right then they cease being important primarily for their future value, and instead are important in the present. This grants them an ontological position; children can be the purpose of inquiry and not only in terms of what they will be when they 'grow up'. They have "acquired full social status, occupying subordinate positions within the social structure, as 'dependent beings' rather than 'dependent becomings'" (Lee 2001: 47). This confounds the dominant discourse which compares the child to the "ontologically established adult" which is used as the "ideological foundation for [the adult's] 'natural' right to exert power over children" (Qvortrup 1994: 3). These children are very different to *the child* of the dominant discourse. Within the discourse on children's agency children are recognised as "a social phenomenon, as a social institution that is the result of historical, political and economic processes" (Lee 2001: 47). The ageism present in the dominant discourse, which privileges adult knowledge over children's, is replaced by attempts to study children's relations "independent of the perspective and concerns of adults" (James and Prout 2008: 8).

The agency discourse establishes children as worthy of study, which allows it to engage with children to understand how they construct and determine their own lives, the lives of those around them and their societies. In acknowledging that children have a discrete *viewpoint* it follows that children have a discrete *voice*. Through the dominant discourse children speak from a position of ignorance and irrationality, which "gives us reason to doubt whether children are even *capable* of speaking for themselves" (emphasis in original, Lee 2001: 89). The agency discourse recognises children can speak with rationality and experience and allows adults to listen to the voices of children, consult with children and create new ways for children to contribute.

Strategy and tactics: power and agency

It is clear that children are not able to exercise agency in the same way as adults in part because of the structural constraints inherent in society; hence, it is important to ask in



what ways children can employ their agency. For Giddens agency is the ability, not only the intention, to do something (Giddens, 1984: 9)⁶. In this way, agency is intimately connected to power; the agent must be able to exercise “consequential control” over the situation (Honwana 2006: 70). Power, for Giddens, presumes “regularized relations of both autonomy and dependence between actors... in contexts of social interaction” (Giddens 1984: 16). Any form of dependence offers a way in which the subordinate can influence the actions of the superior. This view of agency and power recognises how children work within constraints to achieve goals. Honwana combines Giddens’ understanding of agency and power with de Certeau’s analysis of trajectories, strategies and tactics (Honwana 2006: 69-72)⁷. Strategy for de Certeau is the “calculation or manipulation of force-relationships that become possible as soon as a subject of will and power...can be isolated from its environment” (de Certeau 1984: xix). The deployment of strategic agency then denotes an understanding of the power relations of the situation and an ability to project the outcomes of action into the future. De Certeau views tactics on the other hand as actions taken in an environment beyond the agent’s control. A tactical agent “must play on and with a terrain imposed on it” and turn events into opportunities (de Certeau 1984: 37). Tactical agency exploits Giddens’ understanding that loci of power always exist in ways in which subordinates can influence those in power. This analysis of strategic and tactical agency is particularly useful when discussing the ways in which former child soldiers are, or are not, understood and engaged with in peace building efforts.

Who Are The Child Soldiers?

One of the most alarming trends in armed conflict is the participation of children as soldiers...

*Ms. Graça Machel,
Special Representative to the Secretary General
on Children in Armed Conflict,(1996: II.A.34)*

Literature and Legal Frameworks concerning Child Soldiers

Children’s involvement in conflict is not a new phenomenon⁸. However, the effect of conflict on children has changed dramatically in the last 50 years with the prevalence of intra-state conflicts and guerrilla style warfare. In 1996 Graça Machel submitted her report on children in armed conflict, known as the “Machel Report”, to the UN Secretary-General with valuable follow-up reports in 2001 and 2007 (Machel 1996; Machel 2001; Machel 2007)⁹. The 1996 Machel Report also led to the establishment of a permanent Special Representative

⁶ Giddens’ theory reflects only one, albeit important, view on the structure/agency debate. I do not wish to infer agreement with Giddens’ thesis in entirety. Rather I wish to engage with the way he defines and understands key terms to inform my own discussion.

⁷ Michel de Certeau, “The Practice of Everyday Life,” (Berkeley: University of California Press, 1984). It is important to note that de Certeau wrote on the practice of culture, and in *The Practice of Everyday Life* he develops a framework to analyse how the consumer can create spheres of autonomous action within the systems of sense-making that are imposed in our culture. Honwana appropriates the idea of weak agent against strong agent. Further analysis of his work is largely irrelevant for the discussion at hand.

⁸ Children have mythologised origins in the Children’s Crusade of the thirteenth century (Singer 2006: 12). More recently Tolley’s (1973) examination of the way children form awareness of conflict, through his analysis of American children and the Vietnam War, and Freud and Burlingham’s (1973) study of British children’s experiences of the Second World War are both significant studies on children’s responses to conflict. Cairns’ (1996) seminal work on the psychological and social impact of ‘political violence’ on children had a dramatic impact on the practice of psycho-social work with children.

⁹ The Machel Report was a comprehensive survey of war affected areas, it included six regional consultations; field visits to areas around the world affected by armed conflict; and meetings with heads of state, human rights organisations, civil society leaders, and women and children affected by conflict.



to the Secretary General for Children and Armed Conflict (SRSO on Children) who is responsible for reporting to the General Assembly on matters relating to children in conflict (Office of the SRSO on Children 2008).

The Machel Report propelled the issue of child soldiers into the international spotlight. Building on the 1949 Geneva Conventions and subsequent 1977 Additional Protocols, which prohibit the recruitment and use of children under 15 in hostilities (United Nations 1977: Article 4.3.c), the last several decades have seen the implementation of a variety of pertinent international documents¹⁰. Key among these is the 1989 UN Convention on the Rights of the Child (CRC), the most widely, and rapidly ratified UN convention¹¹. The CRC confirms 15 as the minimum age for recruitment (United Nations 1989: Article 38.2). This conflicts with the general definition of child in the CRC as anyone under 18 (United Nations 1989: Article 1). This discrepancy was corrected in the 2000 Optional Protocol to the Convention on the Rights of the Child (OP-CRC) by raising the recruitment age to 18 (United Nations 2000: Articles 1, 2 and 3). Other international standards reflect a growing consensus that children under 18 should not participate in conflict. The International Labour Organisation (ILO) recognises child soldiering as one of the worst forms of child labour in its 1999 Convention No 182 (1999: Article 3.a).

These documents delineate the scope of responsibility and accountability of both governments and irregular armed forces. In particular, ratification of the CRC means the signatory state must have appropriate laws in place and actively enforce them. The International Criminal Court (ICC) is mandated by the Rome Statute to bring to justice those responsible for war crimes and crimes against humanity (Rome Statute 1998). The Rome Statute explicitly considers “conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities” to be a war crime¹². It also recognises intentional attacks on education institutions as a war crime, provides special arrangements for children as victims and witnesses, and exempts children (those under 18) from prosecution¹³.

Regional agreements and charters relating to the use of child soldiers also exist. The 1991 African Charter on the Rights and Welfare of the Child which was agreed upon by the members of the Organization of African Unity uses the CRC definition of child, applies it to a particularly African context and established a committee to “promote and protect the rights and welfare of the child” (Organization of African Unity 1990)¹⁴. The Cape Town Principles and Best Practices reflects a significant consensus among major NGOs in defining child

¹⁰ Much of the pressure on national governments and the UN to develop legal frameworks has come from groups such as the Coalition to Stop the Use of Child Soldiers. Formed in 1998 it consists of Amnesty International, Defence for Children International, Human Rights Watch, International Federation Terre des Hommes, International Save the Children Alliance, Jesuit Refugee Service, and the Quaker United Nations Office-Geneva. It maintains active links with UNICEF, the International Committee of the Red Cross, and the International Labour Organization and works with regional NGOs.

¹¹ To date only the United States of America and Somalia have not ratified the CRC.

¹² In situations of international armed conflict: Article 8.2.b.xxvi, in situations of armed conflict not of international character: Article 8.2.e.vii.

¹³ Concerning attacks on education facilities in international armed conflict: Article 8.2.b.ix and in non-international armed conflict: Article 8.2.e.iv; protection of child victims and witnesses: Article 68.2 and 3; exemption of children from prosecution: Article 26

¹⁴ Other regional agreements include: Organization of African Unity, “The Yaounde Declaration: Resolution 1659 (LXIV) on the Plight of African Children in Situations of Armed Conflict,” (Yaounde, Cameroon: Organization of African Unity, July, 1996); “Maputo Declaration on the Use of Children as Soldiers,” (Maputo, Mozambique: The African Conference on the Use of Children as Soldiers, April, 1999); “Montevideo Declaration on the Use of Children as Soldiers,” (Montevideo, Uruguay: Latin American and Caribbean Conference on the Use of Children as Soldiers, July, 1999); and the “Accra Declaration on War-Affected Children in West Africa,” (Accra, Ghana: ECOWAS, 2000).



soldiers and developing policy and guidelines for ‘appropriate’ action during DDR (UNICEF 1997). In 2007 the Paris Principles reflected an ongoing commitment by the international community to uphold the Cape Town Principles and continue to work towards the ending of the recruitment of child soldiers (UNICEF 2007). While these documents are important and highly useful, it must be noted that there is a literature that is critical of their practical value, criticising them for being “high in rhetoric and low in practical application” (Prout 2003: 21; see also Rosen 2007; Aginam 2006; and Mawson 2004).

Academic study of ‘child soldiers’ is relatively recent and has occurred largely in the fields of law, medicine, psychology and anthropology, though it is increasingly occurring in international relations. Brett and McCallin’s (1998) survey of child soldiers and Cohn and Goodwin-Gill’s (1994) comprehensive examination of the phenomenon pioneered the academic study of child soldiers. Brocklehurst (2006) problematises the location of children within international relations, and more specifically within security and conflict discourse. Culturally relative views of children have been explored by Honwana (1997) through her ethnographic exploration of culturally specific reintegration of child soldiers in Mozambique and Angola, by Zack-Williams (2001) in his study on the effects of child soldiering on kinship systems in Sierra Leone, and by Veale and Stavrou’s (2007) significant examination of identity in the reintegration of former child soldiers in Uganda. The specific challenges facing girls have been addressed by de Berry (2004) and West (2000). Rosen (2007) challenges the understandings of International Humanitarian Law (IHL) in terms of child soldiers. This is a theme echoed in Aginam’s (2006) argument about the erosion of traditional values in the face of IHL and International Human Rights Law (IHRL). Pupavac’s (2001) criticism of the Western-centrism of children’s rights, and Sheppard’s (2000) examination of the ‘straight-18’ position engage with the growing debate on children’s rights in the international system. The legal culpability of former child soldiers is explored in relation to the Truth and Reconciliation Commission (TRC) in Sierra Leone by Cohn (199) and the creation of flexible understandings of ‘child’ in northern Uganda by Mawson (2004). There have been calls within the field from authors including Boyden (1994) and Wessells (1999), for more community-oriented understandings and solutions to the child soldier phenomenon.

Child Soldiers?

A child soldier is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.

(UNICEF Cape Town Principles and Best Practices 1997)

Child soldiering is often seen as “one of the most alarming trends in armed conflict” (Machel 1996: II.A.34). Although it is impossible to accurately calculate the number of child soldiers currently involved in conflicts around the world, Brett and McCallin’s estimate of over 300,000 is a commonly accepted reference point frequently quoted in the literature (1998: 30-31)¹⁵. A majority of recruits are between 14 and 18 (Machel 2001: 28); however

¹⁵ Figure based on the 36 conflicts documented by the authors and accurate in May 1998. The authors state this is a conservative estimate and if “all recruitment of under-18s is taken into account, including that undertaken in peacetime and in conformity with the applicable



there are reported incidences of child soldiers as young as seven and five (Lorey 2001:3; Humper et al 2004).

Although the number of conflicts that involve children has decreased from 27 in 2004 to 17 by the end of 2007, the Coalition to Stop the Use of Child Soldiers stresses that this results mainly from conflicts ending, and not to a cessation in the practice of child recruitment (Human Rights Watch 2008). Conflicts that have commenced in this period show many of the same practices, including that of child recruitment (Coalition to Stop the Use of Child Soldiers 2008a). In this way the number of child soldiers globally has remained essentially constant.

Involvement of child soldiers in conflict

Children become involved in conflict in a variety of ways. Many are conscripted or kidnapped or recruited from schools, off the street or from homes (Machel 2007). Some present themselves for service, often citing as motivation the attraction of the security of belonging to an armed group, or the need for food or other resources that the armed group can provide (Singer 2006: 62)¹⁶. Children are used by armed groups for a variety of reasons. It is often easier to abduct and subjugate children than adults (Machel 1996: 16). They learn quickly and their generally smaller stature makes them ideal spies and fighters (Machel 1996: 52). Facing children on the battlefield poses a moral dilemma to the opposition about whether to engage in fighting (Machel 1996: 51). As recognised in the Cape Town Principles, children perform many tasks beyond active combat duties. They act as porters; fulfil domestic roles such as cooking, cleaning and scavenging for food; and are used as lookouts, spies and messengers (UNICEF 1997). Girls face particular challenges and threats. Many girls are used for sexual services, either through arbitrary rape or as 'bush wives' to commanders or more senior combatants (McKay 2006). Consequentially, the problems facing girl soldiers are not limited to physical threat but include health risks such as sexually transmitted diseases including AIDS, pregnancy, forced abortion and physical mutilation (de Berry 2004)¹⁷. Child soldiers are often given drugs to make them either more passive to command or more reckless in battle, and many children become addicted (Singer 2006: 81-83). Many children suffer from post traumatic stress disorder or associated psychological illnesses (Morales 2005; Punamaki 1997; Honwana 2006). Children negotiate a complex range of issues and abuses, all of which affect them once they cease being active in conflict.

Disarmament, Demobilisation and Reintegration: Children after conflict

Children pose particular challenges in the post conflict environment. While there is a "paucity of documented past experience to learn from" (Cohn 1999: 166) there is an ever increasing literature on how to engage with or 'deal' with former child soldiers (see, for example, Agborsangaya 2000; UNDDRRC 2006b, 2006c; Verhey 2001; Malan 2000). Much of this centres on DDR programs and emphasises psycho-social support, health care and reunification with families. The UN stresses the importance of prioritising children in the DDR process including

national legislation then the numbers worldwide would be more than doubled". The number is estimated to have remained relatively constant due to the commencement of new conflicts as others are resolved.

¹⁶ For a discussion on the complex implications of the word 'voluntary' see: Krijn Peters, "Re-examining voluntarism: Youth Combatants in Sierra Leone," in *Monograph No.100* (Institute for Security Studies, 2004).

¹⁷ For accounts of girls' experiences in Sierra Leone see: Humper et al., "Report of the Sierra Leone Truth & Reconciliation Commission: Volume Three B," 268-73.



where appropriate, provisions for the protection of children, including the disarmament, demobilisation and reintegration of child combatants, in peace negotiations and in peace agreements, and the involvement of children, where possible in these processes (United Nations Security Council 2000).

As its name suggests, DDR is a three-staged process: disarmament followed by demobilisation and reintegration. Disarmament generally refers solely to combatants handing in their weapons. Knight and Özerdem (2004) highlight the dangers of relying on handing in a weapon to qualify for DDR programs as many children either have their weapons taken by commanders or have fulfilled roles that did not require a gun. Demobilisation of former child soldiers is often done by cantonment—most often in separate camps to adult combatants (McConnan and Uppard 2001: 90)—and involves interviews, health and psychological assessment and the granting of demobilisation papers¹⁸. The IDDRS recommends this process should occur as quickly as possible, optimally within 48 hours, before children are moved to Interim Care Centres or Transit Centres, before, if practical, being sent home (UNDDRRS 2006c). Demobilisation not only involves ensuring the physical and mental well being of the child, but normally includes a ‘package’, which in the past was frequently a cash benefit but increasingly is a promise of education and skills training programs (Visman 2005: 7). These programs can trigger resentment by those who did not qualify for the DDR program and it has been suggested that these ‘packages’ should be replaced with community oriented programs (UNDDRRS 2006c: 21). Former child soldiers can face resentment, fear, shunning, and rejection by families and communities. Girls face particular problems both in qualifying for DDR programs or in being accepted back into communities after suffering sexual abuse (Chrobok and Akutu 2008; McKay 2006). The DDR process is complicated and imperfect; often made more difficult by ongoing violence, tensions or by being conditional on peace agreements and negotiations (UNDDRRS 2008; Edloe 2007). DDR programs frequently suffer from shortages of ongoing funding, lack of commitment to goals and an inability to cater for all who need the services (McConnan and Uppard 2001). While it is acknowledged that many NGOs, governments and the UN are working on finding better ways of conducting DDR programs there are still many problems facing children in these situations. Children find ways of overcoming problems such as these, as will be demonstrated below.

Background to the three ‘focus’ conflicts

While the phenomenon of child soldiering is global this paper focuses on conflicts in Colombia, Sierra Leone and northern Uganda as they represent a variety of situations and outcomes. Uganda provides interesting examples of children attempting to resume ‘normal’ life in a highly charged and not peaceful environment. Being a comparatively high profile conflict there is sufficient information to provide a fuller account of the children’s situations. The UN estimates that approximately 25,000 children have been abducted since the conflict commenced in 1986 (Coalition to Stop the Use of Child Soldiers 2008d: 345) while other

¹⁸For general analyses of the demobilisation phase see: United Nations Disarmament, "OG 5.30 Children and DDR."; and Kari Hill and Harvey Langholtz, "Rehabilitation Programs for African Child Soldiers," *Peace Review: A Journal of Social Justice* 15, no. 3 (2003); For analyses relating to psycho-social assessment see: Elizabeth Jareg, "Crossing Bridges and Negotiating Rivers - Rehabilitation and Reintegration of Children Associated with Armed Forces," (Norway: Save the Children, 2005); and Morales, "The Psycho-social care of Demobilized Child Soldiers in Colombia: Conceptual and Methodological Aspects."



estimates place the number as high as 60,000 (Annan, Blattman and Horton 2006). The Lord's Resistance Army (LRA) uses particularly violent tactics including mutilations, rape, forced conscription, and the destruction of property. Fear of abduction grew so great in 2003 and 2004 that up to 20,000 children, known as 'night-commuters', sought refuge from abduction by travelling to safe towns to sleep (Chrobok 2008). There are almost no stories of children voluntarily joining the LRA and unlike other African conflicts very few express any interest in resuming fighting once they leave the group. A peace agreement was signed in August 2006 however the LRA is still reluctant to release children and the ICC issued a warrant for its leader Joesph Kony in 2005 (ICC 2005)¹⁹.

It is of use to draw upon examples and experiences from Sierra Leone due to the presence of the Special Court and the fact that sufficient time has passed since the ending of the conflict that there is research on the ongoing effects of participation on former child soldiers. Sierra Leone's civil war was also characterised by extreme brutality including rape and physical mutilation (particularly the severing of limbs, lips and ears). Estimates of child soldier involvement vary dramatically: reports during the war estimated that up to 80% of the Revolutionary United Front (RUF) was between the ages of seven and fourteen (Singer 2006: 81), while surveys conducted just after the war estimate that approximately 12% of all fighters were under 18 (Coalition to Stop the Use of Child Soldiers 2008c). Since the end of the conflict approximately 7,000 child soldiers have been demobilised, although many children missed out due to ineligibility for DDR programs, lack of programs in their region, or lack of knowledge about the DDR process (Honwana 2006; Knight and Özerdam 2004; Gbla 2003). Many children became involved in conflicts in neighbouring countries, particularly Liberia. In 2002 The Special Court for Sierra Leone was mandated to try those "bearing the greatest responsibility" for crimes against humanity, war crimes and other serious violations of international law²⁰.

Colombia provides an interesting contrast to the predominantly African-focused literature, and poses unique challenges as DDR and other peace processes are attempted without peace agreements. It is estimated that between 11,000 and 14,000 child soldiers are involved with the various armed groups in Colombia (Thomas 2008: 13). The government's Colombian Institute for Family Welfare (*Instituto Colombiano de Bienestar Familiar*, ICBF) has worked with over 3,000 children and youth through DDR programs (Thomas 2008: 15). Children cite the security of being in an armed group as a major incentive to remain mobilised and the government's disinclination to offer ongoing funding or other promised assistance add even more difficulty (WarChild 2007: 22)²¹. All three conflicts demonstrate unequivocally the horrendous damage that occurs to social fabrics, families and children during conflict and the particular dangers of child soldiering.

¹⁹ For further discussion of the Ugandan conflict and the use of child soldiers see particularly: Annan, Blattman and Horton 2006; Coalitional to Stop the Use of Child Soldiers 2008a, 2008d)

²⁰ For further discussion of the Sierra Leone conflict and the use of child soldiers see particularly: Adebajo, 2002; Shepler, 2004; Sommers, 1997; Gbla, 2003; Coalition to Stop the Use of Child Soldiers, 2008c; Honwana, 1997. For information on the Special Court for Sierra Leone see: Special Court for Sierra Leone, 2007; Amnesty International, 2003; Coalition to Stop the Use of Child Soldiers, 2008c.

²¹ For further information on the Colombian conflict and the use of child soldiers see particularly: Thomas, 2008; WarChild, 2007; Coalition to Stop the Use of Child Soldiers, 2008b; Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (COALICO) and Coalition to Stop the Use of Child Soldiers, 2007.



Children in Peace Building Processes

These lived experiences [of child soldiers] rupture the binary stereotype of innocent victim or dangerous delinquent and challenge us to recognize these children and youth as active subjects in their own lives who develop survival strategies for themselves, their families, and their communities

(Sanford 2006: 77)

It is important to recognise and respect the painful and traumatic events experienced by children in conflict however, this recognition can also mask the ability to recognise the ways in which children have acted in their environment to survive and cope with these experiences. The engagement of children in peace building and reintegration efforts, particularly in Uganda and Colombia where conflict is ongoing, demonstrate their desire for change and their ability to exercise their agency to change their situation. The literature on children's involvement in peace building activities has been criticised strongly by several authors who argue that its overly policy-focused nature suffers from a lack of detailed ethnographic studies and analyses of particular conflict environments, instead substituting generalities based on acceptance of the universality of the dominant discourse (Boyden and de Berry 2004; Kostelny 2006: 21-23; Honwana 1997; Boothy, Strang and Wessells 2006). The lack of culturally specific studies and the adoption of dominant understandings of child and childhood have practical ramifications as many aid agencies and international organisations "[presuppose] that research is superfluous" and assume that children everywhere "have the same basic needs and that these can be met with a standard set of responses" (Boyden 1994: 256). Creating policy appreciably devoid of cultural understanding has significant ramifications for the applicability and success of programs.

The agency discourse highlights the contingency of dominant definitions of 'child' and 'childhood' and the inadequacy of the Western universalistic conception in many situations. Conflicts exacerbate these inadequacies. In many societies adulthood is reached upon completion of particular tasks or ritual and is understood in terms of social roles and responsibilities (Shepler 2004). Conflicts disrupt these rituals and processes, resulting in people that are as old as 30 to 40 being as 'children' because they have not participated in the socially accepted practices to become a recognised adult (Honwana 1997). This obviously challenges Western understandings of childhood, and definitions within international documents and practice. For this reason I have chosen frequently to use the phrase 'children and youth' in this section. By this I refer, with hesitation, to the UN definitions of each term. In this way I acknowledge that what is appropriate for a boy of 17 may not be for a boy of 6, but that they share some common feature of 'young-ness'.

'Victims' or 'Terrors'

Children and youth in conflict and post conflict environments are generally described according to the binary of 'victim' or 'terror'. Adults label former combatants as 'out-of-place' and dangerous because they have broken the socially accepted norms of behaviour. Particularly in African countries where the demographic is increasingly youthful, adults tend to identify these children as 'bandits' and 'vermin' (Peters and Richards 1998). With a youthful population, broken social relationships and the loss of adult members from many communities, the presence of often large groups of former child soldiers is constructed as something to be feared (McEvoy-Levy 2006: 136-137).



The other common construction (often espoused by aid agencies and media outlets) is that of the passive victim. Children are seen as the unwilling and uncomprehending tool of vicious regimes, living through events so far beyond their experience they are unable to deal with the situation at hand (Pupavac 2001). There is a long tradition of interventions and literature built on the dominant discourse, perceiving children as both particularly vulnerable and particularly unable to change their situation. Children are de-contextualised from their environment and engaged with through programs that are based on preconceived measures of needs. Designating children as ‘victims’ removes them from their contexts; “by definition, it takes away agency from children and obscures the instrumentality bestowed on and found in children” (Brocklehurst 2006: 47). Accounts of child soldiers lament their ‘lost’ childhood. The media plays “a zero sum game where the political or military sphere gains extra bodies at the expense of children’s childhood” (Brocklehurst 2006: 140). The creation of this objectified victim allows children to be used as an emotive construct; a powerful tool for the mobilisation of aid and political gain that frequently achieves no real benefit for the children involved (Boyden 1994: 45-47; see also Pupavac 2001; Brocklehurst 2006).

This “often fictitious bifurcation” (McEvoy-Levy 2006: 289) of terror and victim limits the ability to involve children productively in peace building processes. Neither of these roles enable children’s participation; rather they actively suppress understandings of children’s agency and legitimise concerned adults to speak on their behalf. This is problematic in two ways. Firstly adults cannot know the manner in which children interpret their environment, what they prioritise, or the modes in which they wish to be involved. Secondly it disallows recognition that their involvement in peace building and reintegration may play a positive role in the lives of children coping with trauma and conflict. Overcoming structural obstacles children demonstrate their agency, both tactical and sometimes strategic, in a range of peace building and reintegration processes.

Education and Skills Training

Young people believed that education is essential to their survival, protection and full recovery from their experience of armed conflict. They saw it as answering their need for self-respect, economic opportunity and having productive roles and voices in society

(Lowicki and Emry 2005: 9)

Structural Barriers: Preventing practical gains

The inefficiencies and poor results in achieving successful education and livelihood for former child soldiers is a clear sign of the inadequacies and disjuncture between the rhetoric and the practical gains. Education and skills training are recognised as such vital aspects of the reintegration process that all DDR programs contain elements of them (American Institutes for Research 2007; Basic Education and Policy Support (BEPS) Activity 2002; Thomas 2008; Verhey 2001). The Paris Principles recognise the importance of “education, vocational and skills training and livelihoods” within reintegration programs (UNICEF 2007: 40). However, in practice children must overcome an enormous variety of structural barriers to access these elements. Children risk continuing instability to attend school. Schools are either the target of attacks or are frequently in disrepair having been targeted during the conflict (Bensalah et al 2001; Landry 2006). Furthermore, there is a lack of qualified teachers, the facilities are inadequate, and schools are overcrowded (Verhey 2005; Women’s Commission for Refugee Women and Children 2005b: 6; Thomas 2008: 25-26). Children frequently cannot afford school fees, or they must care for their families instead



of attending classes (BEPS Activity 2002; Women's Commission for Refugee Women and Children 2005a). Former child soldiers face shunning, victimisation, difficulty concentrating on studies, and fear from other students and teachers (American Institutes for Research 2007; Bensalah et al 2001). They often feel ashamed of their lack of education and are conscious of their need for 'catch-up' education that isn't forthcoming (Machel 2001: 32).

Involvement in skills training programs presents similar stories. Programs are frequently under-funded and often where programs have been run local markets cannot deal with a glut of workers with the same skill (Lowicki and Emry 2005: 12). Promised funds for micro-credit schemes, such as those offered in Colombia, have been delayed, frustrating those who signed up for the training program on that promise (Thomas 2008: 26). Lack of complementary skills such as basic economic education and business skills contributed to the failure of small enterprises in both Colombia and Sierra Leone (Lowicki and Emry 2005: 13-14). The Youth Reintegration Training and Education for Peace Program (YRTEP) in Sierra Leone initiated a nationwide non-formal education program for approximately 40,000 former child soldiers and non-combatants (BEPS Activity 2002: 3). Although there has been a positive response from those involved, they also report that efforts by agencies associated with YRTEP to provide them with skills in the absence of employment opportunities contribute to their sense of powerlessness (Women's Commission 2005a). These obstacles breed frustration and discontent amongst those involved and can lead to increased instability and distrust of government and NGOs.

The statistics reflect the consequences of these factors. In Sierra Leone only 12% of 12-14 year olds and only 6% of 15-17 year olds are in school (Women's Commission 2008: 2). In Colombia 70% of young people have only a grade 5 education or less (Thomas 2008: 25). In 1996 Uganda became the first African country to institute Universal Primary Education, and as of 2000 the literacy rate was 84% and 69% for boys and girls respectively (Fiske 2000: 70). However, estimates put the primary school enrolment rate in Ugandan Internally Displaced Persons camps at less than 30%, compared to approximately 90% in the general population of southern Uganda (Lowicki and Emry 2005: 10).

Lack of education or skills training is perceived to be closely linked to poverty, unemployment and lack of basic necessities. This low education level contributes to the estimated 70% of youth that are underemployed or unemployed in Sierra Leone (Women's Commission 2008: 3). The Survey for War Affected Youth (SWAY) in northern Uganda reported that more than half of the children and youth surveyed worked fewer than 8 days a month, and that 21% of males and 14% of females were unemployed (Bidwell et al 2008: 9). These statistics demonstrate that there are significant problems facing children seeking education and training. The question then becomes if children are struggling to overcome structural factors to get education and skills training, how does acknowledging their agency help in these circumstances?

Education: "the top solution"

Young people overwhelmingly cited lack of quality education as one of their top concerns, and behind peace and absence of violence in their lives, they called education the top solution to the problems they face...

(Lowicki and Emry 2005: 2)



Understanding children as agents moves the discussion beyond the obvious answer of increased funding and commitment to programs, schools and training centres to the more pertinent process of engaging with ways that children themselves create and sustain learning opportunities. Many programs seem to echo Rousseau's conception of child as an innocent that needs to be protected and educated for an unspecified future, rather than active in the present. However, children and youth, undeniably active in the present, see education as a critical component of peace building and reintegration efforts. In Uganda, despite classes often having more than 100 students to one teacher, the children were so keen to learn, as one young person explained, they bring the teacher food "so they will come back to us each day" (quoted in Lowicki and Emry 2005: 19) a perfect example of tactical agency. Children in Sierra Leone organise 'rosters' of attendance in which they share uniforms or other supplies and attend alternating days of school (Fauth and Daniels 2001). Both these examples may appear insignificant in the greater scheme of things, but exemplify the lengths children will go to in order to ensure their continued education, even though they are far from Giddens' "loci of power" (1984: 15).

Skills Training: Building the Future

It [skills training] is at the crossroads of economic recovery, education and rehabilitation and reintegration, and can be a key component of development, a method for upgrading the labor force and a factor in the holistic development of youth...

(Bidwell et al 2008: 4)

Children also find ways of creating and maintaining livelihoods. In northern Uganda former child soldiers formed agricultural cooperatives where they took turns to tend goats and till land (Lowicki and Emry 2005: 16). In Makeni, Sierra Leone former child soldiers began a bicycle cooperative providing transport around town and offering repairs (Lowicki and Emry 2005: 13). Adjusting and responding tactically to their environment, children and youths find ways to develop their skills and attempt to make a living. In some instances children have banded together to assist in providing much needed and much wanted education and skills training. In Uganda the Watwero²² Rights Focus Initiative was started by unemployed young people in 1998 in an attempt to find means of making a living (Women's Commission 2005a: Young people's participation). It now offers skills workshops including an engineering and carpentry workshop, income-generating projects and conducts awareness-raising activities in schools (Women's Commission 2002: 5). In cases like this children's agency becomes more strategic than tactical as they project plans and goals into the future. While there are immense obstacles, children and youth engage with their peers and organise to receive funding for specific projects that often have long lasting positive effects such as these.

Education and Skills Training: Keys to Peace and Stability

I took up arms because of selfishness, greed and discrimination by [President] Kabbah. For us, lasting peace is to keep promises... There are no improvements now, because the promises are not forthcoming... if [they are] not, and they call us, we will come back [and fight], we are ready

- former RUF adolescent soldier, Makeni, Sierra Leone

²² Watwero translates as 'we are able'



(quoted in Lowicki and Emry 2005: 12)

Children observe that despite the additional work they take as a result of conflict, often as heads of households, teen mothers or as orphans, in addition to attempting to gain an education or a trade, they are not consistently assisted and supported by the adults around them (Lowicki and Emry 2005: 12). This, they argue, leads to profound health, security and psychosocial problems (Verhey 2001: 18). In Sierra Leone children and youth have argued that without support for their economic wellbeing their “health would further deteriorate and that war would likely reemerge [*sic*]” (Lowicki and Emry 2005: 12). Demobilised soldiers in Sierra Leone threatened to return to conflict if international promises to provide education and skills training were not forthcoming (Wessells 2006: 185). These instances serve to emphasise children’s agency and the need for programs to recognise it. Addressing problems facing education and livelihood is key to establishing secure peace as it is frequently the lack of these resources that prompt children to enter conflict. Providing the skills children and youth need to contribute to the economic development of their communities and countries over time creates long term peace and stability. A UNESCO global study on education in conflict stressed the importance of realising this:

The international community and national governments, as well as leaders of militias, must realize that the future is imperilled wherever there is a generation of children who cannot read or write and only know the respect that is earned from the barrel of a gun (Bensalah et al 2001: 19).

From the point of view of the international community and the respective governments, programs to provide education and skills training need to take into account the complex world that children and youth find themselves occupying. They need to allow flexible attendance hours, provide ‘catch-up’ education and targeted education that can be used practically (Bidwell et al 2008; Women’s Commission 2005a). Through these innovations, the methods by which children and youth, as active agents, make the best of their situations can be maximised.

Political Involvement

To ignore these victims [children involved in conflict] in peace processes is terrible; to ignore them as the future of any sustained peace is self-defeating

(Helsing 2006: 213)

Children actively interpret the motives and behaviours of their peers, their commanders, the government and the international community. In many of the countries affected by armed conflict young people make up a considerable percentage of the population, and yet, this majority is marginalised and given no noteworthy role in political reconstruction (McEvoy-Levy 2006). This simply perpetuates and embeds previously existing problems. In Sierra Leone, many children and youth believed that the conflict had been about social inequality, the poor management of natural resources and the marginalisation and manipulation of youth (Lowicki and Emry 2005). They said they became involved to achieve economic and social protection they had not had before the conflict. In this way they saw “material well-being and access to social and political participation as essential to both their own recovery and as a means to a permanent end to armed conflict and social degradation” (Lowicki and Emry 2005: 7). This demonstration of social awareness is played out through



children's choices to participate in the conflict, and in their desire to be involved in decision making in the peace building processes. However, there are considerable obstacles to overcome if this desire is to be realised, as children and youth remained sidelined in political discussion.

The (dis)enfranchisement of former child soldiers

...young people found few spaces where they could address their concerns or engage with adults to work out constructive solutions. Many felt desperately 'disconnected' and longed to find a secure place and identity in their communities.

(Lowicki and Emry 2005: 16)

Political disenfranchisement of former child soldiers is not only potentially damaging on an individual level but can contribute to the destabilisation of an already fragile peace. Former child soldiers in Sierra Leone expressed feelings of frustration that their participation and involvement in the conflict counted for nothing once they had ceased being combatants; bereft of practical alternatives, and feeling that they had no voice, they turned to involvement in gangs to reclaim feelings of self-worth and participation (Women's Commission 2008); tactical agency with negative outcomes. Once a child has made this decision they are no longer viewed as a victim worthy of assistance, but rather are seen as a dangerous delinquent, because they have moved outside the conception of the innocent child "which society continues to maintain despite all realities to the contrary" (Sanford 2006: 57).

There are varied approaches to understanding children and political involvement. Security analyses generally focus solely on 'youth' as opposed to 'youth and children' and rarely even recommend youth participation as a useful policy (although most encourage the participation of women) (Borer, Darby and McEvoy-Levy 2006: 58). Child rights activists are vocal about the visibility of children in peace building processes, but predominantly advocate a 'return to childhood' and do not consider the agency of children as significant (Wyness 2004). The international community has recognised that child and youth participation helps build participatory democracy and successful reintegration. The IDDRS, for example, recognises that empowering and involving young people is crucial:

To overcome the problems that result when traditional leadership hierarchies go unchallenged and social structures remain unreformed, DDR planners should empower and involve youth to break the cycles of poverty, social exclusion and violence in which many are trapped. Failure to involve youth in a meaningful way in decision-making structures in the post-conflict period makes it more likely that regional and national development and peace efforts will fail. Seeing youth as positive assets for society and acting on that new perception is vital to preventing them from becoming alienated and turning to activities that destabilize society (UNIDDRRC 2006b: 24).

Its suggestions for involvement however are vague, and although well meaning, do not provide well thought out solutions to what is identified as a significant problem. While the principle of consultation with children is well established and espoused by UNICEF, other UN agencies, and NGOs, examples of children and youth being actively involved in the peace and rebuilding process are isolated. Predominantly, it appears that NGOs see their role



as advocates for the children and sideline the role children can play as advocates for themselves (Helsing 2006: 213).

Political exclusion is particularly damaging when children have been actively involved in the conflict. Children who have developed deep identities based around protection, ethnic allegiance, or anti-authoritarian sentiment find few avenues in the peace building process to realise and expand these identities; feeling empowered as a combatant makes the disempowerment suffered in peace building and reintegration processes even sharper (Borer, Darby and McEvoy-Levy 2006: 57-60). This is problematic both in terms of immediate instability and long term distrust in the socio-political system.

Enfranchising former child soldiers through peace building efforts is no easy task. The dominant discourse speaks so authoritatively and completely on the responsibility of adults to protect children and speak for their best interests. Within this framework it is counterintuitive for children to be involved in drafting laws and public policy or holding public office. “The conviction endures only as long as adults speak for children and children remain silent. Or silenced” (Nordstrom 2006: 111). Before children can become actively involved they need to break these firmly established assumptions and constantly challenge the ‘unchallengeable’ position of adults through constant demonstration of their agency.

Children’s opinions are important: “Active conflict transformers”

We have to teach one another how to live together in peace. We want the children in our communities to grow up with positive feelings about the future and a commitment to the community so that they can be leaders in the community, not obstacles to the community peace process

Alvin, youth leader in the Costa de Oro peace community, Colombia (quoted in Sanford 2006: 75)

When genuine involvement does occur it contributes to the individual well being of the children involved, builds community relationships and promotes long term stability. Cairns (1996) draws strong links between active political participation and psychological resiliency and coping ability. More than this, involvement promotes engagement both with the community and with peers. In Sierra Leone and Colombia there are a number of active civil society organisations for children and youth (Carter and Shipler 2005; Lowicki and Emry 2005). These include membership in larger scale groups such as the West African Youth Network (WAYN), and also country-specific organisations such as the Sierra Leonean Children’s Forum Network (CFN), Young Leaders Sierra Leone (YL-SL) and Fundación Escuelas de Paz (Foundation for Schools of Peace, FEP) in Colombia which all campaign for the inclusion of children and youth in peace building and political involvement (West African Youth Network 2008; Children’s Forum Network 2008; United Network of Young Peacebuilders 2008; Fundación Escuelas de Paz 2008). Many of these use their position to give “voice and body to young people’s concerns and capacities as principal actors in their individual and community recovery” (Lowicki and Emry 2005: 17). Clubs and organisations form points of significant contact for involvement with adults and with their peers. In the Soacha region of Colombia FEP has worked to create spaces where children and youth can talk between themselves and with concerned adults about issues facing them; an initiative that has been supported and encouraged by both the young people and the adults involved



(Fundación Escuelas de Paz 2008: 71-72). These organisations also provide safe places from which children can at times demonstrate strategic agency through advocacy and planning.

The involvement of children in political processes generally occurs in a haphazard manner. Many of the organisations are organic, growing from a particular group's determination to achieve a specific goal and expanding as need and desire requires. Children frequently cite these organisations as important, empowering, and enabling their participation. Conversely, participation in programs run by international NGOs is mainly seen as consultative rather than participatory (Lowicki and Emry 2005: 27). Although the rhetoric of the international community sees young people's participation and action as important, many practitioners on the ground in Sierra Leone and Uganda viewed it as "time-consuming rather than as effective and essential" (Lowicki and Emry 2005: 27). This leads to secondary inclusion of children and youth in their programs and reluctance to release full control, of both management and finance to the young people involved (Annan et al 2007: 14). This reduces their ability to gain new, practical skills and deepens their "reliance on adults and outside support, undermining prospects for strong adult/youth partnerships and youth-led, sustainable projects and community recovery" (Lowicki and Emry 2005: 28). Political involvement through participation in child or youth organisations requires adults to recognise these children's opinions, abilities and voices. This is a crucial step that must be taken if children's agency is to have an effect on reintegration and political rebuilding.

In some instances there have been moves towards this kind of engagement. In the post conflict reconstruction the Sierra Leonean government appointed a Minister of Youth and Sport who toured the country meeting with young people (Lowicki and Emry 2006: 36). This led to the National Youth Policy being implemented in June 2003, designed "to mainstream youth activities and contributions and to highlight youth concern as critical input in the development process" (Government of Sierra Leone 2003). The children and youth led groups played a key role in discussions, and continue to hold key representative positions in ongoing dialogue with the government²³. Similarly the TRC in Sierra Leone engaged with youth and children's groups to create a Children's Report, a version of the TRC's Report that was accessible to young people in Sierra Leone, with the intention of fostering understanding of the conflict and the healing and peace process with youth (Truth and Reconciliation Commission 2004).

In Colombia children have been involved in the creation of 'peace communities' in the middle of the war zone in which approximately 12,000 peasants negotiated a return to their land on which they live out their politics of non-violence and advocate for a peaceful resolution to the conflict (Sanford 2006: 52-53). Sanford argues that in this, they "represent a new kind of political power grounded in community integrity and moral courage" (2006: 53). Children in the Colombian peace communities organise to actively resist recruitment, they speak out against the armed groups and campaign for peace. These actions are not without risk. In 2002 the representative of children and youth in the peace communities, Edwin Ortega was assassinated (United Nations 2002). The children and youth responded by restructuring so that there is no single leader and instead everyone is viewed as leaders (Sanford 2006: 76). The young people involved did not passively accept conflict but reacted to the situation and created a solution that strengthens their cause and their organisation.

²³ It is interesting to note that the Rwandan government has reserved two seats for 'youth' to be appointed by the National Youth Council who sit in parliament and have an equal voice to the 'adult' parliamentarians. For detailed look at the challenges facing youth in Rwanda, and solutions such as this one, see Sommers 2006).



Similarly the Movimiento de los Niños por La Paz (Children's Movement for Peace, MNP), led by youth and children, involved 2.7 million young people across Colombia in a symbolic vote called the 'Children's Mandate for Peace and Rights' in which the 'candidates' were children's rights drawn from the CRC (including the 'right to peace' and the 'right to love and family') (Carter and Shipler 2005). For the first time many Colombian adults realised the extent of the conflict's impact on the younger generation (Cameron 2001: 31). This demonstration of solidarity and political engagement, in combination with other work by the MNP, has led to various towns and regions involving children more frequently in decision making (Carter and Shipler 2005). By these actions children and youth demonstrate the positive effects of political involvement and, it is argued, "construct new modes of agency and citizen participation, which are necessary for peaceful resolution to the internal armed conflict as well as for post war reconstruction" (Sanford 2006: 78).

A different perspective: the 'wisdom' of young people

[Those] who have had active roles in violence...are not 'lost generation(s)', broken, brutalized, irredeemably disaffected from society, or lacking in political skill or insight. The coping strategies, survival techniques, and knowledge that [they] develop ... equip them for active roles in building their societies' futures and ought to be harnessed in official peace-building processes

(McEvoy-Levy 2006: 297)

According to Helsing "young people have less of an interest vested in the status quo than adults and thus have the greatest incentive to push for change" (2006: 197). Galtung (2006: 261) makes a similar argument for the "wisdom" of young people who are not restricted by the established discourse and expertise. Beyond the platitude of 'children being the future', they are ultimately the recipients of the processes underway, and in this way have a major stake in the negotiations. Peace building and reintegration is done through established processes by adults who are embedded in an established development and reconstruction discourse. Children's flexibility and adaptability allows them a more 'idealist' view of the situation. However, this may not mean pacifist or socialist, rather that they see change as feasible; they may be "more revolutionary, wanting to change everything here and now, because reality falls so short of their ideals" (Galtung 2006: 262). Young people's views and understandings of the world have not "hardened", they are still willing to ask 'why' and challenge underlying assumptions. So many assumptions have been broken already by the conflict it is easy to see how children and youths can accept change as possible.

If the dominant discourse is to be believed, children are passive recipients of socialisation. In this case children would see what adults do and mimic them, creating ongoing conflict and violence. Instead there are numerous examples of children choosing to critically evaluate their lived experiences and make choices towards promoting peace and engaging with their community²⁴. Children are mostly tactical agents in political participation. However through these examples it is clear that including them in a meaningful way would contribute to the formation of successful policy and the promotion of inclusive rights. "Young people live at the sharp end of some of the most difficult institutions to reform in post-accord situations—the police, the military, and the legal system" (McEvoy-Levy 2006: 299). Consultation with children and youth and subsequent action informed by that

²⁴ I acknowledge this is not always the case, and that some children turn to violent behaviours learned through conflict. This too, however, demonstrates the ability of children (like adults) to make, for better or worse, decisions about the way they navigate their lives.



consultation can have positive flow on effects in society. This engagement expands the subjective experiences that contribute to policy formation and reconstruction. Children's voices, as important and distinct from adults, have critical things to say in these situations.

Children's political participation has a threefold benefit: it engages with children in a productive and positive fashion, assisting in getting them off the street and away from situations of potential violence; it allows them a chance to have their opinions heard and included in a meaningful way; and it provides insights into the processes of peace-building and society that adults may not have. Children actively respond to their environment, creating opportunities and possibilities around them. Even in the face of ongoing conflict the youth leaders in the Colombian peace communities strive for political recognition and engagement. Their insights into political processes are unique and potentially more responsive than their adult counterparts and they bring enthusiasm and optimism to their endeavours. However, for this vision to be a viable option adults at all levels of society need to make children and youth visible in "political discourse not just as problem makers or recipients of aid but officially central to a repairing of society" (McEvoy-Levy 2006: 291). Children will only believe in this discourse if it brings "tangible benefits"; political participation as not just words but active involvement in the processes of peace and community building.

Conclusion

I asked the group of children who lived on the streets in front of my boarding room if I could pass—go about—with them one day...They ranged in age from eight to twelve...Curious what they would say, I asked them what it meant to be human. One boy touched the middle of his chest and said this is what made us human. No, said a second, it resides here...touching his throat. The third boy cleared this up: "It's both together: it's when we combine feeling, caring, with voice"...Then the children leaned back against the steps. "We always take rests—you can't walk too far unless you've eaten properly

(Nordstrom 2006: 115)

The ability of children to make the best of, or to better, their lived experience in the most difficult circumstances testifies to their resilience and their desire for change. This paper has explored the dominant discourse and highlighted the inapplicability of its universalised understanding of childhood. It has instead argued for engagement with a discourse that recognises children as possessing agency to affect their environments. The importance of such recognition has been demonstrated through the analyses of former child soldiers in peace building and reintegration processes. These children are neither passive recipients of aid agencies' plans, nor are they inert when promises made are not forthcoming. Instead, as this paper has demonstrated, they actively find ways of achieving what they desire whether it be education, skills training or raising their voice in the political sphere. These former child soldiers challenge the dominant discourse's understanding of children as passive, incomplete adults who are dependent, irrational beings. It is obvious that as agents, these children actively, rationally and independently seek change in their lives.

Recognising this is only part of the story. Beyond the principal criticism of the dominant discourse itself, to engage meaningful with children in the areas discussed and beyond requires a re-conceptualisation of established systems of power and understanding. Critiquing such a well established discourse can only achieve so much, and it is the practical ramifications of that critique that present hurdles. The social and cultural contingency that



lies at the heart of the agency discourse allows a similar conceptual space to be opened to discuss re-appraising these established systems and understandings. Understanding child and childhood as socio-historically located and variable also allows recognition that the social and political institutions that support it are socio-historically located and variable. From this recognition comes the imperative for the UN, NGOs and national governments to engage with children in productive, positive ways which challenge the existing power relations and demonstrate commitment to the meaningful involvement of children in the socio-political world.

This focus on former child soldiers is not meant to exclude the participation of other children affected by conflict. This brief analysis of the potential roles of former child soldiers highlights the complexities involved in the processes of peace building and reintegration. These complexities grow when dealing with the multitude of experiences of children in conflict. It speaks to the need to create responsive and diverse programs and processes, and to change the way children are seen in terms of their participation and involvement in their environment. This analysis of child soldiers, in this sense, demonstrates the need for further research in this area, dedicated attention to the active role of children in peace building efforts, and the importance of genuinely culturally based understandings replacing universalised notions of child (non)participation.

Children, particularly those who have lived through conflict, have a wealth of knowledge and experience that can contribute to the establishment of lasting peace and stability in these countries. Instead of assuming what is best for children, adults in all levels of society and government need to listen to children's voices with genuine commitment and interest. More than this, children need to be seen as human beings who deserve recognition, desire betterment and are capable of contributing to peace building initiatives in their own right.



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A CROSS SECTIONAL ANALYSIS OF THE 2007 AUSTRALIAN FEDERAL ELECTION

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Abstract

This paper analyses patterns of voter behavior in the 2007 Australian federal election. We combine seat-by-seat polling results with cross sectional socioeconomic data to construct three separate models of voter preferences. We find that middle income earners, younger voters and holders of a tertiary academic qualification favor the Australian Labor Party, while persons engaged in professional or managerial employment, persons who live in low density housing and persons who live in areas of low unemployment favor the Liberal Party. We find that the swing against the Liberal party at the 2007 election is partially explained by mortgage stress and the relative economic performance of an electorate.

Introduction

The defeat of the Howard government at the 2007 Australian federal election was something of an anomaly in the recent history of Australian elections. Current models of Australian voter behavior, including the prominent works by Jackman (1994), Cameron and Crosby (2000) and Wolfers and Leigh (2002) show that governments that effectively manage macroeconomic variables such as unemployment and inflation over the electoral cycle are likely to be comfortably re-elected. With unemployment reaching 30 year lows (ABS 2007a) and the Consumer Price Index (CPI) hovering around 2% (ABS, 2007b) in the 12 months preceding the election the strong swing against the government was not predicted by most statistical electoral models. In this paper we set out to determine some of the factors which led to the downfall of the Liberal/National Coalition government given that the standard macroeconomic variables appeared to play little part in the result. We investigate the effects of mortgage stress and relative changes in income on the distribution of two party preferred (2PP) vote share in an attempt to explain the election results. We also seek to analyze the social and economic factors which divided voters along two party preferred lines at the federal election and determine the effects that changes in socioeconomic factors have upon the probability of a seat going to a particular party.

This article is divided into five sections. Section two discusses the factors which the authors believe were significant determinants of the swing against the Government. Section three discusses the data used for this analysis, and section four presents the theoretical models, results and discussion. Section five gives some brief concluding comments.

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Issues of the 2007 Federal Election

The decisive victory of the Liberal/National Coalition over the Australian Labor Party at the 2004 federal election appeared to be stirring endorsement of the Howard Government's economic management and social and foreign policies, including the decision to go to war in Iraq. The 2004-2007 electoral cycle saw a continuation of the fiscal prudence, conservative social policy, and strict immigration programs that proved so popular at the last election. So where did it all go wrong for the Howard Government? We suggest that a number of smaller economic factors, largely related to the distribution of income, alienated voters during this period.

The controversial *WorkChoices* policy attracted much attention during the lead up to the election with the Australian Council of Trade Unions (ACTU) launching a well publicized negative campaign against the new laws. While the Coalition denied *WorkChoices* was a factor affecting poor opinion polls prior to the election, this position was rapidly revised, most notably by former Workplace Relations Minister Joe Hockey. See Spies-Butcher and Wilson (2007) for a good account of this issue.

Other factors such as petrol prices and mortgage stress were also considered important determinants of vote share before the election. Higher petrol prices may have been attributed to government policies on Iraq, while voter sensitivity to mortgage stress was undeniably high after the 2004 Coalition promise to keep interest rates low (Dodson and Sipe, 2007). All these factors ultimately suggest a decline in perceived living standards – something of a nonsense given the strong recent growth in real GDP per capita (ABS 2007c). We suggest that partisan choice at the 2007 federal election was affected by a perception of injustice in the distribution of financial gains and hardships across the economy, rather than the belief that living standards have declined in absolute terms. We test this hypothesis, as well as those concerning mortgage stress and *WorkChoices* in Section 4.

Data

To analyze these affects we use census data for 2006 divided into 2007 electoral divisions by the Australian Parliamentary Library (2007), and some data from the 2001 census divided into 2003 electoral boundaries (Australian Parliamentary Library, 2004). While there has been some redefining of electoral boundaries in rural Queensland and New South Wales since the 2004 federal election we feel that the effects of this redistribution are minor and unlikely to bias intertemporal comparisons for a given electorate. We also ignore the newly created electorate of Flynn in Queensland in this analysis as there is no retrospective socioeconomic data available for the area.

The following social and economic variables used in this analysis are defined as follows:



AGE	The median age of persons within the electorate
BCW	This vector is defined as the proportion of an electorate not engaged in managerial or professional employment. It is used as a proxy for blue collar workers.
DEG	The proportion of the electorate that holds a tertiary degree.
DNY	The population density of the electorate measured in persons per square kilometer.
FGN	The proportion of the electorate born outside Australia.
INC	Median weekly income level.
LED	The proportion of the electorate which has less than a Year 10 education.
MGS	Mortgage stress is approximated as the ratio of median monthly housing loan repayments to median monthly income.
MID	The absolute deviation of an electorate's median weekly income from the mean of median incomes for all electorates. This statistic is measured in dollars and will take values close to zero for electorates with middling incomes and large values for electorates with high or low incomes. It is used as a proxy in this analysis for middle income earners.
NRG	The proportion of the electorate that does not subscribe to any organized religion.
RIG	This list measures the income growth of an electorate since the 2001 census relative to the mean income growth for all electorates. It was generated by comparing the median income of an electorate in 2006 to income that the electorate would have had if income growth had been uniform (in percentage terms) across electorates since 2001. The data are measured in dollars with negative values implying that the electorate has experienced less than average income growth.
UNP	The unemployment rate within the electorate.

Models and Results

We estimate three econometric models in this section to calculate the effects of the listed variables upon voting patterns. Our first model is designed to determine which socioeconomic factors are likely to divide voters along two party preferred lines. We



regress the two party preferred vote share for the Labor party in each electorate against a collection of social and economic statistics.

The estimated equation is

$$(1) \quad Labor(2PP) = \beta_0 + \beta_1 MID + \beta_2 AGE + \beta_3 UNP + \beta_4 DNY + \beta_5 DEG + e$$

The results are presented below.

Table 1. Determinants of Australian Labor Party 2PP vote share

Variable	Coefficient	P value	Significant?
Constant	79.646	0.0000	Yes
MID	-0.021	0.0000	Yes
AGE	-1.376	0.0000	Yes
UNP	3.781	0.0000	Yes
DNY	0.002	0.0107	Yes
DEG	0.419	0.0019	Yes
BCW	1.007	0.0000	Yes

The results show that younger, middle income earning electorates with high proportions of tertiary qualifications tend to prefer the ALP, while electorates with lower population densities and lower unemployment rates tend to support the Coalition. We omit some other variables that may be expected to influence partisan choice and have significant correlations with support for the Labor, Liberal or National parties, but exhibit some colinearity with other variables and become insignificant when included in the model. All other listed factors such as median income, low education or not subscribing to organized religion were not found to have a significant effect on determining support for either major party.

It is interesting to examine the complex relationship existing between partisan support and income. Most studies of this sort indicate a negative correlation between income and Labor party preferences (see Leigh, 2005) but we find no such relationship. We do however find a strong negative link between deviations from mean income and ALP support which is in conflict with the traditional notion of low income earners voting left wing and high income earners voting right wing.

While it may be something of an extrapolation to assume that these findings apply at the micro level to individual voters (Robinson, 1950) we feel that this is a suitable way to approximate individual preferences because (i) the results are consistent with factors determined in the wider literature to determine party loyalty and (ii) we have controlled for a wide range of socioeconomic factors, lessening the chance of some unidentified variable uncaptured by the model causing the occurrence of the so called 'ecological fallacy' (Schwartz, 1994).



To model the swing in partisan preferences since the last election we estimate the equation

$$(2) \quad SWING = \beta_0 + \beta_1 MGS + \beta_2 DEG + \beta_3 BCW + \beta_4 FGN + \beta_5 RIG + e$$

The results are shown in Table 2.

Table 2. Factors influencing the swing in 2PP polling

Variable	Coefficient	P value	Significant?
Constant	9.619	0.0000	Yes
MGS	0.790	0.0290	Yes
DEG	0.211	0.0349	Yes
BCW	0.276	0.0009	Yes
FGN	-0.103	0.0039	Yes
RIG	-0.006	0.0076	Yes

The regression shows that two economic factors influenced the swing against the Howard Government at the 2007 election. Electorates with high mortgage stress and lower than expected income growth swung against the Government. The swing was also high amongst people with degrees and blue collar workers. The higher swing amongst blue collar workers adds weight to the hypothesis that the *WorkChoices* campaign was damaging to the Government. Foreign born voters were found to swing less toward the Labor party than the rest of the population, although foreign born voters provided strong support for the ALP at the 2004 and 2007 elections. The data also shows that electorates that benefited from a larger than average increase in incomes since the 2004 election swung significantly less than other seats. All other listed variables were found not to significantly influence vote share after the variables listed in Table 2 were controlled for. Unlike the research conducted by Spies-Butcher and Wilson, we found that mortgage stress was a significant factor influencing the swing away from the Coalition.

Our third model of voter preference is a probit model where we estimate the probability of a seat being won by the ALP. The model is of the form

$$(3) \quad \Pr(ALP|X) = \Phi(X' \beta)$$

where X is a matrix of regressors, β is a vector of estimated coefficients and Φ is the cumulative distribution function of the standard normal distribution. The estimated beta coefficients are given below.

Table 3. Estimated coefficients of probit model

Variable	Coefficient	P value	Significant?
Constant	4.109	0.0225	Yes



UNP	0.647	0.0000	Yes
BCW	0.214	0.0018	Yes
MID	-0.003	0.0115	Yes
AGE	-0.122	0.0331	Yes
DEG	0.298	0.0000	Yes

We use the probit model to estimate the marginal effects of changes in the explanatory variables on the probability of a seat being won by the ALP. The marginal effects are estimated at the sample means of the explanatory variables.

Table 4. Marginal effects of changes in independent variables on probabilities

Variable	Marginal effect on Probability at $X = \bar{X}$
UNP	0.2517
BCW	0.0834
MID	-0.0011
AGE	-0.0474
DEG	0.1156

The results show that a 1% increase in the unemployment within an otherwise ‘average’ electorate will increase the probability of the seat going to the ALP by 25.17%. Similarly, unit increases in age and divergence from mean income decrease the probability of the electorate being won by the ALP by 4.74% and 0.11% respectively.

It is of interest to examine the effect of a change in a particular variable on the voting patterns in the effected electorate. For example, the 1% increase in the unemployment rate of an otherwise average electorate mentioned previously will directly affect approximately 0.65% of persons within the electorate as Australian labor force participation rates are approximately 65% (ABS, 2007a). As the expected change in two party preferred vote share for the ALP resulting from the increased unemployment is 3.781% (see Table 1), the Coalition experiences a loss to the ALP of approximately 2.9 votes for every newly unemployed worker, resulting in a total swing of 5.8%. As our ‘average electorate’ is a reflection of all electorates it is likely to be fairly marginal (average 2PP support for the Labor party at the 2007 election was 52.7%) a predicted swing of 5.8% to the Labor party strongly increases the probability of the seat being won by the ALP, a probability increase we estimate at 25.17%.

Conclusion

This paper examines some of the causes behind the downfall of the Howard government at the 2007 federal election. We find that economic factors such as mortgage stress and uneven distribution of economic gains were significant factors explaining the swing against the government. We also suggest that *WorkChoices* was an important



factor, as the swing against the government was unusually high amongst blue collar workers. Profiles describing the factors explaining partisan choices were constructed and the effects of changes in demographic and economic factors on the probability of a seat being won by either major party were analyzed.

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THE NEED TO EMBRACE “CORPORATE GOVERNANCE” AS A COMPREHENSIVE PRINCIPLE IN LOCAL GOVERNMENT IN AUSTRALIA AND THE NEED FOR REFORM

By Neil Hope

Synopsis

Corporate Governance as a concept in Company’s law is clearly defined and understood however Corporate Governance as a Concept and a Statement of Principle is not as advanced in Local Government as it is in Company’s law. The concept of Governance in Local Government law, certainly in Queensland, falls short of the principle of "Corporate Governance" in companies law and this paper will discuss in what is regarded as Corporate Governance in companies law, particularly as adopted by the Australian Securities Exchange (ASX) and it will then describe the attempts at defining good governance in Local Government law. The paper will talk about the scope and enormity and importance of Local Government in Australia and the importance of successful Local Government in the Australian economy. It will seek to demonstrate that there is a need to adopt a clear principle of Corporate Governance in Local Government law.

The paper will then discuss the rights to qualification as a candidate for election to office in Local Government in Queensland and it will make a brief mention of how the business of Local Government is conducted and the various responsibilities that Local Governments have in delivering government and services to people living in and visiting Local Government areas.

The paper will then discuss matters of Ethics and Conflicts of Interest and the concept of Loyalty and Care both as they apply to Company Directors and the holders of Public Office and it will refer to the Nolan Report, delivered by Lord Nolan in 1995, which sets out 7 principles of public life (1995). The paper will then give some recent examples of failures of Councillors and Public Office Holders to act in the “Public Interest” as is required of Councillors and Councils and will deal with some corruption issues and will more importantly make some suggestions as to possible reform measures including the need to adopt a clear principle of Corporate Governance within Local Government law in Queensland.

Introduction

The Honourable Joe Hockey, the then Minister for Financial Services & Regulation in the Australian Federal Government, in a speech to the Australian Shareholders Association described Corporate Governance as:

“...huge and varied. Corporate Governance can mean different things to different people, but essentially it is an extended partnership between a company's Board of Directors and a range of other groups – its shareholders, its management, its employees, the regulators, the markets and the community. The aim of good Corporate Governance



is achieving the best outcome for the corporation and the shareholders as a whole. It is a tension driven by open and frank communication. Corporate Governance should be part of company's strategy. But above all, it should be more than a document rolled out once a year and which gets paid only lip service" (2001).

The Honourable Joe Hockey was, of course, was referring to Corporate Governance as it relates to Companies. This Paper draws an analogy between the Boards of Directors of Companies (as the managing body of Companies) and the Mayor and Councils in Local Government (as the managing body of Local councils). It also draws an analogy between shareholders of Companies (as having a vested interest in the successful performance of the Company) and the constituents in a Local Government area (as having a vested interest in the successful performance of the Council). The words of the Honourable Joe Hockey "*to achieve the best outcome for the corporation and the shareholders as a whole*" and the aims of good Corporate Governance" as referred to by him are equally as important in relation Local Government.

Neither company directors nor councillors are required to hold any formal standard of qualification to qualify for election to office. Directors and councillors are elected from limited franchise in that company directors are appointed by the shareholders of the company and councillors are elected from the constituents of the relevant local authority area. It is difficult to argue that shareholders have a greater interest in selecting Company Directors than constituents do in choosing councillors, as both shareholders and constituents have a vested and financial interest in the outcome of the "partnership" in that a poor outcome of Corporate Governance of a company may have a financial impact on the shareholders' investment in the company but also poor Corporate Governance in Local Government will also have financial impact on the constituents, although note it is less direct than for shareholders, although still important. Constituents in a local authority areas pay rates, parking fines, fees and charges and other financial obligations and poor financial management of local authorities can mean increases in rates and those other services and charges costs. Poor management of Local Authorities can lead to a reduction in the quality of services to residents and visitors to Local Authority Areas Consequently, good Corporate Governance in local authority is at least as necessary in Local Government as it is in the Corporate World.

The principles of the Nolan Committee's First Report on Standards in Public Health have been transposed into legislation in Queensland pursuant to the *Public Sector Ethics Act* (Queensland Parliament, 1994). However, the adoption of the principles of the Nolan Report into standards in public life have not been adequately addressed in the legislation in Queensland in that the legislation falls short of requiring Councillors in Local Government to be adequately trained and educated.

Corporate Governance. What is it?

Corporate Governance has been defined as "*The framework of rules, relationships, systems and processes within and by which authority is exercised and controlled in*



corporations” (Australian Security Exchange, 2007: 3). More importantly, Corporate Governance encompasses mechanisms by which companies and those in control are held to account (Justice Owen, 2003: xxxiii). The concept of Corporate Governance has evolved over time and it continues to evolve and what is also certain is that economies only work well if companies are run efficiently and transparently (2008).

The following is a summary of the fundamentals of Corporate Governance in corporations law as set out by the Australian Securities Exchange:

1. The establishment of the roles of the Board and Senior Executives;
2. That Board and Senior Executives should have a balance of skills, experience and independence appropriate to the nature and extent of the company's operations;
3. A basic need for integrity among those who influence a company's strategy and financial performance, together with responsible and ethical decision-making which takes into account not only legal obligations but also the interests of stakeholders;
4. A paramount need to meet the information needs of a modern investment community in terms of accountability and attracting capital and presenting a company's financial and non-financial position by way of processes that safeguard both internally and externally the integrity of company reporting;
5. The need to provide a timely and balanced picture of all material matters;
6. That the rights of shareholders need to be clearly recognised and upheld;
7. That each business decision has an element of uncertainty and carries a risk that can be managed through effective oversight and internal control;
8. The need to provide rewards to attract the skills required to achieve the performance expected by the shareholders and that each of these principles are of equal importance.

Current understanding of Corporate Governance in Local Government in Queensland. What is it?

Local Government is not provided for in the Constitution of Australia and is established pursuant to State Legislation and in Queensland pursuant the Local Government Act 1993 (QLD). The objects of the Local Government Act are to provide a legal framework for an effective, efficient and accountable system of Local Government, recognising a jurisdiction of Local Government sufficient to allow a Local Government to take antimonious responsibility for the good rule and government of its area, with a *minimum* of intervention by the State, and to provide for community participation in the Local Government system and to define the role of participants in the Local Government system and to establish an *independent* process for ongoing review of certain important Local Government issues (Local Government Act, 1993 (QLD): Section 2).

Mayors of local authorities in Queensland are elected by separate ballot and although the Mayor has the responsibilities of a Councillor to represent the overall public interest of the Local Government area, the Mayor is also responsible to preside at meetings of the Council, at which the Mayor is present, and to ensure the carrying out of the Council's decisions and to exercise the powers and to perform the duties given to the Mayor by the Local Government (Local



Government Act, 1993 (QLD): Section 231). Furthermore, Councils in Queensland have a law-making role for local laws and an executive role for the adoption and implementation of policies and administration of Local Government and enforcement of its laws.

The annual report of the Brisbane City Council for the year 2006/2007 makes reference to Corporate Governance as (Brisbane City Council, 2007):

"Corporate Governance refers to mechanisms used to ensure managers' actions are accountable and consistent with the interests of key stakeholder groups. In Council, it applies to elected representatives and senior managers who have a responsibility to serve the needs of the Brisbane community. Corporate Governance is gaining more prominence as members of the public expect greater transparency in government and business."

Significantly there is no definition of "Corporate Governance" in the *Local Government Act* 1993 (QLD) the *Public Service Ethics Act* 1994 (QLD) provides the best attempt at establishing Corporate Governance as a concept. The Public Service Ethics Act provides for the establishment of codes of conduct for public officials and codes of conduct have been adopted by local authorities in Queensland.¹

The scope, enormity and importance of Local Government in Australia

The six States in Australia and the Northern Territory have established Local Government as a separate level of government to Federal and State and Local Governments deal with such matters as waste collection, public and recreational facilities, delivery of roads and other Infrastructure and town planning (Australian Government, Local Government (Councils), 2008). There are currently 565 local Councils in Australia and there are 73 Councils and 553 Councillors in Queensland (QLD Department of Local Government, 2008).

Codes of Conduct adopted by Councils across Queensland to a great extent repeat the principles set out in the *Public Sector Ethics Act* (1994). For example, the Brisbane City Council has published a Code of Conduct for Councillors (Brisbane City Council. (2006). The Code of Conduct produced by the Brisbane City Council as at 28 February 2006 outlines the ethical and behavioural obligations of Councillors and staff and publishes the Council's expected standards of integrity in Local Government, primacy public interest, independence of action by Councillors, appropriate use of information by Councillors, transparency and scrutiny and appropriate use of entitlements.

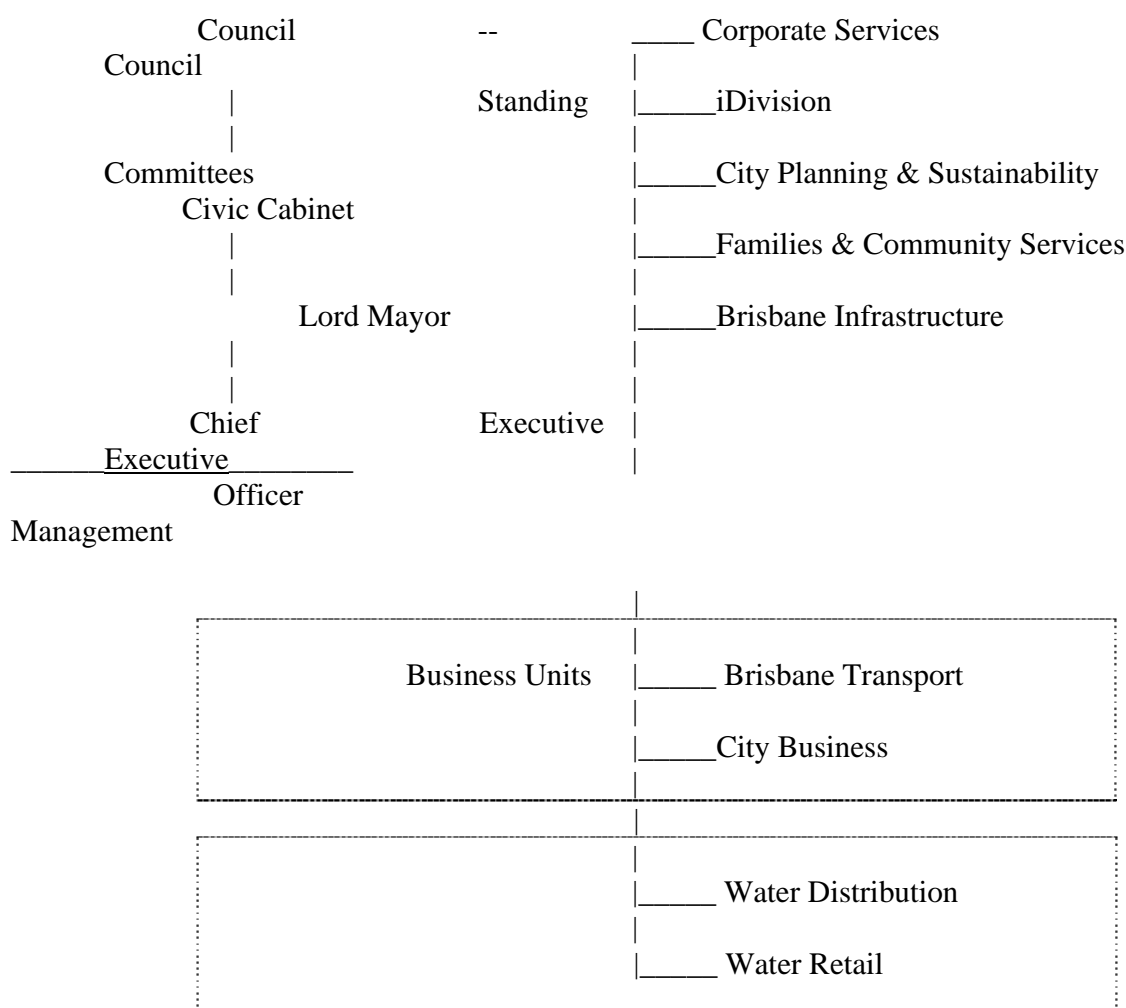
The successful performance of Local Government in Australia is critically important to the success of our whole economy. Local Governments provide employment. They provide facilities for community groups such as sporting and recreational groups. They provide child

¹ For Examples see the *Brisbane City Council* at www.brisbane.qld.gov.au/bccwr/about_council/documents/20060220_adoptedcodeofconductforcouncillors.pdf, see also, the *Model Code of Conduct for Councillors of Townsville City Council* at <http://previous.townsville.qld.gov.au/yourcouncil/docs/CouncillorsCodeConduct.pdf> and see also *Gold Coast City Council* at www.goldcoast.qld.gov.au/attachment/intranetdocumentation/HR/codeofconduct_councillors.pdf



care, aged care, waste disposal, monitor food standards at food outlets such as shops and restaurants. They provide cemeteries and crematoriums, public toilet facilities, roads and footpaths. Local Government is also responsible for responsible town planning and the maintenance of building standards for new and renovated buildings. In Queensland, the *Integrated Planning Act 1997 (IPA)* has as its purpose the achievement of ecology sustainability by co-ordinating and integrating planning at the local regional and State levels and managing the process by which development occurs and managing the effects of development on the environment (*Integrated Planning Act 1997 (QLD)*: Section 1.2.1). However, ultimately Local Government in Queensland is responsible to implement the purposes of IPA.

The Board of Management of local authorities in Queensland typically meet monthly and those meetings are conducted normally by the Mayor as the chairperson and are attended by Councillors and other administration staff of the Council. The following is an organisational chart of the Brisbane City Council (2008):





Qualification of Mayors & Councillors in Queensland

The Australian Local Government Association (1997) considers that the fundamental principles of Local Government to be:

"Local Governments are elected to represent their local community; to be a responsible and accountable sphere of democratic government; to be a focus for community identity and civic spirit; to provide appropriate services to meet community needs in an efficient and effective manner; and to facilitate and coordinate local efforts and resources in pursuit of community goals.

Qualifications of Mayors & Councillors in Queensland

No requisite knowledge, experience, business acumen or skill is required to be demonstrated by a person seeking election as a candidate for the office of Mayor or Councillor of a Council in Queensland and, similarly, no knowledge or understanding of the principles of integrity or ethics needs to be demonstrated. A person is qualified to become a Councillor if they:

- (a) reside in the relevant local authority area;
- (b) are enrolled on the Electoral Roll;
- (c) are not an undischarged bankrupt; and
- (d) are not at the relevant time taking advantage of any of the compromised provisions under the *Bankruptcy Act* 1966. (Local Government Act 1993 (QLD): Section 220 and 221).

A person is entitled to vote in a Local Government election if that person is enrolled to vote pursuant to the *Electoral Act* 1992 with respect to an election for the whole of the Local Government area (Local Government Act 1993 (QLD): section 276). For those on the electoral roll, voting at Local Government elections is compulsory (Local Government Act 1993 (QLD): section 262 and Schedule 2). A person is entitled to be enrolled as an elector if the person either is entitled to be enrolled under the *Commonwealth Electoral Act* 1918 and lives in the relevant electoral district and has done so for at least a month (Electoral Act 1992, (Cwth): Section 64). All persons who are 18 years of age or over and who are Australian citizens are entitled to be on the roll of electors (Commonwealth Electoral Act, 1918 (Cwth): Section 93).



Councils in Queensland represent the overall public interest of the Local Government area and Councillors *must* act in the Public Interest (Local Government Act 1993 (QLD): subsection 229(1) and 229(3)). Concepts of "trust" come into play in situations where one person has an obligation to act on behalf of another. Fiduciaries² include business advisers, attorneys, guardians, administrators of estates, real estate agents, bankers, brokers or anyone who undertakes to assist someone who places confidence and trust in that person. Whilst vulnerability (at least to some extent) is presumed to be present in a fiduciary relationship, the recognised touchstone of a fiduciary relationship is the obligation to act in the interests of another (Svehla, 2006: 192). It is also important to take into account that it is immaterial whether the undertaking to act for the other is pursuant to a contractual obligation or that it is gratuitous (Scott, 1949: 540) and the distinct nature and character of a fiduciary obligation sets it apart from contract and tort (*Pilmer v Jute Group Ltd* (NIQ)). A Director of a company is a person who has been appointed to that position (Corporations Act 2001, (Cwth): Section 9).

There are also statutory obligations of care and diligence on company directors in Australia which are civil obligations only. Directors must exercise their powers and discharge their duties with the degree of care and negligence that a reasonable person would exercise if they were a director in the company circumstances and occupied the office held by the director (Corporations Act 2001, (Cwth): Section 18). There is also a statutory business judgment rule in Australia which relates to decisions made by directors in the operation of companies and provides that directors who make a business judgment is taken to comply with the law and their duties "at common law and in equity" in respect of that judgment if they make the judgment in good faith and for a proper purpose and do not have a material interest in the subject matter of the judgment and inform themselves about the subject matter of the judgment to the extent that they reasonably believe it to be appropriate and rationally believe that the judgment is in the best interests of the company (Corporations Act 2001, (Cwth): Section 180(2)).

A summary of the statutory duties and liabilities of directors of companies are to act in good faith, to act in the best interest of the company, to avoid conflicts between interests of the company and the directors' own interests, to act honestly, to exercise care and diligence, to prevent the company trading whilst it is unable to pay its debts (Corporations Act 2001, (Small Business Guide) (Cwth): Section 111J).

Fundamental to any treatment of ethics in relation to Corporate Governance whether concerning corporations or local authorities is an understanding of the following concepts:

- (a) Morality;
- (b) Conflict of interest; and
- (c) Loyalty and care.

Ethics

² Word that comes from the Latin *Fiducia*, meaning "trust".



In legal terms, ethics is regarded as a set of disparate rules which regulate certain aspects of legal practice:

"The principles of legal ethics are often stated in unduly vague or misleading terms, are in conflict with other principles or are of uncertain authority. In addition... there is considerable uncertainty as to what sanction will be imposed for breach of a particular principle" (Disney, 1986: 197-598)

This seems a rather negative comment and it is preferable to consider that legal ethics is an application of general moral principles applied in legal practice, so far and to the extent that moral principles are applicable in that regard (Bagaric, Dimopoulos, 2003). Unfortunately, ethics is not easily defined. At its highest level, ethical behaviour consists of universal principles (e.g. the golden rule of "do unto others as you would want others to do unto you"), while in everyday practice it is modified by special circumstances (Ross, 2001: 10). It seems then that to understand what behaviour is ethical and what behaviour is not ethical, it is necessary to develop a sense of right and wrong as that applies to the circumstances within which a person finds themselves. It also seems then important that people in public office such as Mayors and Councillors in Local Government not only have a keen sense of right and wrong but also that they act accordingly in a culture of "Service above Self."

Morality and ethics go hand in hand and the moral principle is applicable to all human conduct, whether public or private (Freeman, 1987: 281-304). In the real world, philosophers refer to "normative ethics" which is a process of arriving at moral standards that regular right and wrong conduct. This may involve articulating the good habits that we should acquire, the duties that we should follow, or the consequences of our behaviour on others (Feiser, 2006).

Conflict of Interest

A conflict of interest arises in a situation where a person has an interest that interferes with that person's ability to act in the best interests of another person when that person has an obligation to act in that other person's interest. The elements are that there must be an obligation to act in the interest of another person and as a result, there is an obligation, whether explicit or implicit, to serve that other person's interest (Kolb, 2007: 1296).

There are 3 different kinds of conflict of interest – Actual Conflict, Apparent Conflict, and Potential Conflict. The Honourable Allen Demack AO, Queensland Integrity Commissioner, described the 3 kinds of conflict in his report as follows:

- (a) Actual conflict means: *"This arises when personal interest and official duty meet head on, and duty loses out. An example is where a public official accepts a bribe on the understanding that a decision favourable to the giver of the bribe will be met."*
- (b) Apparent conflict means: *"This arises when it would appear to a fair minded person in possession of all the facts that the decision-maker has compromised his or her*



impartiality. An example is where a public official accepts hospitality from a person whose application or request is being handled by the official."

- (c) Potential conflict means: *"This occurs if a public official has an interest in property which could be caught up in the process upon which the official is deciding. An example is where a surveyor, who is asked to identify possible routes for a by-pass road around a town, owns land in the town. (2004: 60-61)*

Loyalty and Care

In a company context, directors own a duty of care to the company to take reasonable care in the performance of their office, the breach of which may render them liable to an action for damages at common law at the suit of the company and consequently liable for indemnity or contribution as tortfeasor (*Daniels & Ors v Anderson*, heretofore referred to as the AWA Case).

In this case, AWA Ltd (AWA), was a long established company and Deloitte Haskins & Sells, a well known firm of Chartered Accountants, were the auditors of the company. The directors were experienced businessmen and one of the activities of AWA was to manufacture, import and export electronic and electrical products. AWA imported large quantities of components from Japan and other countries and to hedge against foreign currency fluctuations in late 1985 AWA began to make forward purchases of foreign currency against contracts in place, or anticipated, for imported goods. In December 1985, Andrew Koval was appointed the Foreign Exchange Manager of AWA and he appeared to be making huge profits on foreign exchange dealings. However, by early July 1987, Koval had lost \$49.8 million as a result of Deloitte Haskin & Sells' repeated failure, as auditors, to report gross deficiencies in the company's records and internal controls. It was held that the auditors were guilty of various acts of negligence including the failure to advise the Board of the absence of proper internal controls (The AWA Case: 444-445).

The Court said in its opinion the responsibilities of directors require that they take reasonable steps to place themselves in a position to guide and monitor the management of the company ((The AWA Case: 501). The Board of AWA met only once a month for half a day and the Court expressed the view that the Board should have met as often as it deemed necessary to carry out its functions "properly".

The AWA case also cited the American case of *Federal Deposit Insurance Corporation v Bierman* (1993). The Judge in that case said:

"Directors are charged with keeping abreast of the Bank's business and exercising reasonable supervision and control over the activities of the Bank...a director may not rely on the judgment of others, especially when there is notice of mismanagement. Certainly, when an investment poses an obvious risk, the director cannot rely blindly on the judgment of others."



In addition to the common law duty of care, directors also have a duty to the corporation of care and skill and equity (*Permanent Building Society (in Liq) v Wheeler*, 1994). Why then should Councillors not have the same obligations of Loyalty and Care?

The Nolan Report

In 1995 Lord Nolan produced a report which was the result of 6 months' inquiry into standards in British public life and it concentrated on Members of Parliament, Ministers and Civil Servants, Executive Quangos and NHS Bodies (Lord Nolan, 1995: 1). The following general recommendations were made by the Nolan Report:³

- (a) The general principles of conduct which underpin public life need to be re-stated;
- (b) All public bodies should draw up codes of conduct incorporating the principles espoused by the Report;
- (c) Internal systems for maintaining standards should be supported by independent scrutiny; and
- (d) More needs to be done to promote and reinforce standards of conduct in public bodies, in particular in matters of guidance and training including induction training.

The Nolan Report published 7 principles for public life which were the following:

1. **Selflessness.** I.e. holders of public office should take decisions solely in terms of the public interest. They should not take decisions in order to gain financial or other material benefits for themselves, their family or their friends.
2. **Integrity.** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
3. **Objectivity.** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
4. **Accountability.** Holders of public office are accountable for their decisions and actions to the public and must submit to whatever scrutiny is appropriate to their office.
5. **Openness.** Holders of public office should be as open as possible about all the decisions and actions that they take and should give reasons for the decisions and restrict information only when the wider public interest clearly demands.
6. **Honesty.** Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. **Leadership.** Holders of public office should promote and support these principles by leadership and example (Lord Nolan, 1995: 2).

The general recommendations of Lord Nolan were that some of the inclusions of the report had general application across the entire Public Service with respect to matters of

³ Nolan Report at page 2



principles of public life, codes of conduct, independent scrutiny and education. In relation to education, the general recommendation was that:

"More needs to be done to promote and reinforce standards of conduct in public bodies, in particular to assist with the guidance and training, including induction training."
(Lord Nolan, 1995)

In July 1997, Lord Nolan produced a report in England in Standards of Conduct in Local Government.⁴

Public Sector Ethics Act 1994

The *Public Sector Ethics Act 1994* became law in Queensland in 1994. Local Governments in Queensland are subject to the Act as well as other public sector entities.⁵ The objects of the Public Sector Ethics Act are:

- *"Declare particular ethics principles as a basis of public administration in the Queensland Public Sector generally, and to identify specific ethics obligations as a framework for agency-based codes of conduct for public officials;*
- *Require each public sector agency to develop a code of conduct under the Act, setting out the agency's requirements for the application of the ethics obligations in that agency;*
- *Require Chief Executive Officers of included public sector agencies to implement the agency's code effectively, in particular by ensuring consultation on the code's content, by requiring that administrative practices and procedures are consistent with the agency's code, and by providing training for staff on ethics standards and the application of a code; and*
- *Provide a statutory basis for Chief Executive Officers to encourage exemplary conduct by officials, and to take disciplinary action against an employee for failure to comply with a relevant code of conduct."*⁶

The Public Sector Ethics Act provides that the ethics principles for public officials are respect for the law and the system of government, respect for persons, integrity, diligence, and economy and efficiency (Public Sector Ethics Act, 1994 (Qld): Sub-section 4(2)). The Act provides that a public official should seek to maintain and enhance public confidence in the integrity of public administration and to advance the common good of the community that the official serves (Public Sector Ethics Act, 1994 (Qld): Sub-section 9(1)).

The Act further provides that codes of conduct are to apply to public officials and that the codes of conduct are to provide standards of conduct for public officials consistent with the ethics obligations and that a code of conduct may contain anything the responsible authority for

⁴ See www.archive.official-documents.co.uk/document/cm37/37702/370202.pdf

⁵ See definition of "responsible authority" in the Dictionary in the Schedule to the Public Sector Ethics Act 1994

⁶ See Explanatory Notes to Public Sector Ethics Bill 1994 at page 1



the entity considers necessary or useful for achieving the purpose of the code of conduct (Public Sector Ethics Act, 1994 (Qld): Section 12 & Sub-section 14(1)). The Act further provides that the Chief Executive Officer (CEO) of the local authority must ensure that a code of conduct is prepared for the local authority and the local authority (itself) may approve a code of conduct prepared by its CEO (Public Sector Ethics Act, 1994 (Qld): Section 15 and Section 17).

The Act further provides that the CEO *must* ensure that each public official of the Council has reasonable access to a copy of the code of conduct ((Public Sector Act, 1994 (Qld): Section 19). Furthermore, the Act provides that the CEO of a local authority *must* ensure that public officials of the Council are given appropriate education and training about public sector ethics (Public Sector Ethics Act, 1994 (Qld): Section 21). Section 21 of the Act provides:

"21. Education and Training

- (1) Chief Executive Officer of a public sector entity must ensure that public officials of the entity are given appropriate education and training about public sector ethics.*
- (2) In particular, the education and training must relate to:-*
 - (a) the operation of the Act; and*
 - (b) the application of ethics, principles and obligations to the public officials; and*
 - (c) the contents of the entity's approved Code of Conduct; and*
 - (d) the rights and obligations of the officials in relation to contraventions of the approved Code of Conduct."*

A "public official" (Public Sector Ethics Act, 1994 (Qld): Schedule Dictionary) is an officer employee of a public sector entity or a constituent member of a public sector entity, whether holding office by election or selection, but does *not* include a judicial officer or *Local Government Councillor*.

Integrity Commissioner

The Act established the Office of the Integrity Commissioner. The function of the Integrity Commissioner is to give advice to certain designated persons including Government officials and CEOs of Local Government Councils. Particularly, the function of the Integrity Commissioner (Public Sector Ethics Act, 1994 (Qld): Section 28), is to give advice to the Premier of the State of Queensland on issues concerning Ethics and Integrity, including standard-setting for issues concerning ethics and integrity, and to contribute to the public understanding of "public integrity standards". The Integrity Commissioner is to report to the Premier annually (Public Sector Ethics Act, 1994 (Qld): Section 43). The function of the Integrity Commissioner is advisory only.

In his report to the Premier with respect to the 2008 year, the Commissioner reported that he had received 40 written requests for advice (3 from the Premier, 5 from Ministers of the Parliament, 2 from Directors-General and 17 from other designated persons). In addition, 13



requests on a preliminary discussion basis were received by the Commissioner. The Financial Statement of the Commissioner's office for the 2008 financial year discloses Expenditure of \$173,099.00. \$158,268.00 was expended on employee expenses such as wages and employee related expenses (Queensland Integrity Commissioner, 2008).

Whistleblower's Legislation

The definition of "whistleblower" accepted in Australia defines "Whistleblowing" as *"the disclosure by an organisation's member (former or current) of illegal, immoral or illegitimate practices under the control of their employers to persons that may be able to effect action."* (Select Committee on Public Interest, 1994: 3). In Australia, CLERP⁷ introduced whistleblower protection provisions into the Corporations Act designed to encourage a company's officers, employees or contractors to report suspected breaches of the Act. Whistleblowers legislation was introduced in Queensland in 1994 (Whistleblowers Protection Act 1994, (Qld). The principal objects of the Whistleblowers legislation in Queensland (Whistleblowers Protection Act 1994, (Qld): Section 3) are to promote the public interest by protecting persons who disclose unlawful, negligent or improper conduct affecting the public sector, danger to public health and safety or danger to the environment.

The Whistleblowers Protection Bill was introduced in Parliament in Queensland on 19 October 1994 and the Public Sector Ethics Act was introduced in Parliament in Queensland on that day. The objectives of the Whistleblowers legislation is to enhance the legal protections for public officers and, in certain circumstances other persons, who expose wrong doing.⁸

Examples of Failures in Local Authorities and the Public Service in Queensland

Sacking of Johnstone Shire Council

The Johnston Shire Council in Queensland was sacked in February 2007 by the State Government. The Council was dismissed following a period of internal conflict, inappropriate behaviour and financial problems. It was reported that the constituents in the Johnstone Shire Council area had suffered through a period of ineffective council which had been mired in cultural bullying and petty argument. The Queensland Local Government Association supported the action of the State Government (ABC News Online, 2007). The Financial Statements of Johnstone Shire Council (2005), show a *"Change in Community Equity"* from the 2004 financial year to the 2005 financial year as going from a surplus of \$31,686,323.00 to a loss of \$36,926,041.00.

Burnett Shire Council

⁷ Introduced by the Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004 (Cth) SCH4 (The CLERP 9 Reforms). See also the Whistleblower provisions in the Corporations Act 2001, Sections 1317AA-1317AD Public Trustee 9.4AAA

⁸ The Public Sector Ethics Act is No. 67 of 1994 and the Whistleblowers Act is No. 68 of 1994. See Office of the Queensland Parliamentary Council www.legislation.qld.gov.au/bill_pages/bill_47_94.htm. See also Explanatory Note to Whistleblowers Protection Bill 1994.



In early September 2006, the Crime & Misconduct Commission in Queensland (CMC)⁹ completed an investigation into allegations of corrupt conduct by the Mayor of the Burnett Shire Council. The claims were not substantiated, however, allegations against another Councillor of the Council arising out of an alleged failure to declare, in his Statement of Interest, hospitality and travel benefits received from a developer, were referred by the Minister for Local Government for disciplinary action under the *Local Government Act*. The Mayor was also charged with four counts of providing false and misleading information during the course of the CMC investigation and the Mayor was convicted and fined \$8000.00 in relation to two of those charges and with respect to the remaining two charges was sentenced to three months imprisonment, wholly suspended for three years (Crime and Misconduct Commission, 2008: 42).

CMC Enquiry into Gold Coast City Council

The CMC enquiry into the Gold Coast City Council revealed that secrecy, deceit and misinformation during that local authority's election in 2004 had corrupted the electoral process. The CMC found that through false statements to the media, a group of Gold Coast election candidates were presented as totally independent in having funded their own campaign, however, in fact they had received funding through the initiative of two incumbent Councillors, David Power and (the late) Sue Robbins, and that the funding had come exclusively from developers. Evidence had showed a concerted effort to conceal the existence of the fund through which the candidates had been financed and the involvement in that fund of Councillors Power and Robbins (Crime and Misconduct Commission, 2006).

Wingecarribee Shire Council

The Wingecarribee Shire Council in New South Wales is facing substantial financial loss following the investment of millions of dollars in collateralised debt obligations (CDOs) in the bond market following financial advice received from the finance advisers, Lehman Brothers. The CDOs were exposed to the US sub-prime mortgage market. The Council has taken action against the finance advisers alleging failure on Lehman Brothers to abide by an agreement to buy back the CDOs. The investment by the Council was \$66,000,000.00 and only part of the investment has been recouped (Editor, 2008).

ICAC Inquiry into Railcorp

The Independent Commission against Corruption in New South Wales (ICAC) has finished hearing evidence in its latest Inquiry into Railcorp (Independent Commission Against Corruption, 2008b). In the Inquiry, it was alleged that Railcorp (the Corporation which runs railways in New South Wales) had improperly allocated \$19.5 million. At least 6 people who were working in that Department had admitted to corruption. This is the seventh Inquiry into Railcorp practices since 1992.

⁹ Section 33 of the Crime and Misconduct Act 2001 sets out the functions of the Commission (including the raising of standards integrity & conduct in units of public administration)



A Railcorp Project Manager, whilst giving evidence as a witness in the Inquiry, denied receiving secret payments for awarding work to favoured contractors. That evidence was challenged when two contractors told the Inquiry that the Project Supervisor had been paid thousands of dollars. The *West Australian Newspaper* (Editor, 2007) reported that a contractor to Railcorp pocketed money he was owed as his share in a multi-million dollar scam that had rocked the New South Wales Rail Manager (Railcorp). The ICAC alleged that 4 Railcorp employees and a host contractor stole around \$7 million from Railcorp.

Corruption and the Fight Against it

In Queensland, there is no legislative definition of "Corruption". The Crime & Misconduct Commission (CMC) was established pursuant to the *Crime and Misconduct Act 2001* and the functions of the CMC are the following:

- (a) Fighting against major crime;
- (b) Raising standards of integrity and conduct in the public sector;
- (c) Ensuring that any complaint about misconduct in the public sector is dealt with appropriately;
- (d) Undertaking research;
- (e) Fighting to prevent crime and misconduct;
- (f) Gathering and analysis intelligence;
- (g) Confiscating the proceeds of crime; and
- (h) Protecting witnesses.

Pursuant to Section 15 of the *Crime and Misconduct Act 2001* (CMC Act), "official misconduct" is conduct that could, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for terminating a person's services if the person is or was the holder of an appointment. Conduct may be official misconduct if the conduct or part of the elements of the conduct occurred prior to the commencement of the C&M Act and also if the person involved in the conduct no longer holds public office (Crime and Misconduct Act 2001 (Qld): Section 16).

The mission of the CMC is both to combat crime and to improve public sector integrity. In a survey conducted by the CMC of the Queensland Public Service and Local Government (Crime and Misconduct Commission, 2007), 85% of respondents in 3 surveys carried out by the CMC in 1999, 2002 and 2005 agreed that there would always be some corruption in the public service. 85% of the persons surveyed agreed or strongly agreed that there will always be some corruption in the public service of Local Government. Approximately one-half of the respondents to the survey agreed or agreed strongly that not enough was being done about public service and Local Government corruption and the same number of respondents agreed or strongly agreed that the chances of getting caught doing something corrupt in the public service or Local Government was slim. Other States in Australia such as New South Wales and Tasmania have embraced the definition of "Corruption".



The *Independent Commission Against Corruption Act 1988* (NSW) provides that "conduct" includes neglect, failure and inaction (Section 3). This corruption fighting body was set up for that sole purpose and its three main functions are to investigate and publicly expose corrupt conduct with a view to educating the public and minimising corruption, to actively prevent corruption by giving advice and assistance to build resistance to corruption in the public sector, and to educate the community and the public sector about corruption and its effects.

"Corrupt conduct" is defined *inter alia* as any conduct of any person (whether or not a public officer) that adversely affects or could adversely affect, directly or indirectly, the honest or impartial performance of a public officer's or public body's functions or any conduct of a public official (or a former public official) that constitutes or involves a breach of Public Trust (ICAC Act 1988 (NSW): Section 7). The Independent Commission Against Corruption Act 1988 (NSW) also defines Corrupt Conduct as including any conduct of any person or public official that adversely affects, or that could adversely affect the exercise of official functions of any public official involving or which could involve; official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition), bribery, blackmail, obtaining or offering secret commissions, fraud, theft, perverting the course of justice, embezzlement, election bribery, election funding offences, election fraud, treating, tax evasion, revenue evasion, currency violations, illegal drug dealings, illegal gambling, obtaining financial benefit by a vice engaged in by others, bankruptcy and company violations, harbouring criminals, forgery, treason or other offences against the Sovereign, homicide or violence, matters of the same or a similar nature as the former, and any conspiracy or attempt in relation to any of the former. Tasmania has adopted the similar definitions of "corruption" as adopted by New South Wales (Public Interests Disclosure Act 2002 (TAS): Section 3).

Reform

1. This paper argues that there should be enshrined in legislation the concept and principle "Corporate Governance" in Local Government.

The Australian Local Government Association declared in its National General Assembly of Local Government in Canberra that the fundamental principles of Local Governments are that:

"Local Governments are elected to represent their communities, to be a responsible and accountable sphere of democratic governance; to be a focus for community identity and civic spirit; to provide appropriate services to meet community needs in an efficient and effective manner; and to facilitate and coordinate local efforts and resources in pursuit of community needs." (1997)

The ALGA was seeking, and it is a policy of that organisation, to have these principles enshrined in the Australian Constitution and in the Constitutions of each State and the Northern Territory of Australia. "Corporate Governance" in Local Government should also include appropriate reference to matters of integrity, the paramount need for



Councillors and other Public Officials and staff to serve the public interest, appropriate use of information by Councillors, transparency and scrutiny and education not only for Public Officials but for Councillors.

2. The definition of “Public Official” in the Public Sector Act 1994 should be amended to include Councillors so that CEOs also have a responsibility pursuant to Section 21 of that Act to ensure that Councillors also “receive *appropriate education and training about public sector ethics*”.

Conclusion

The Corporate collapses such as Enron, HIH, WorldCom and Parmalat no doubt created the stimulus for the need to adopt Corporate Governance as an enshrined Principle in Company Law. Corporate failures of the size and magnitude of the WorldCom collapse (for example when WorldCom applied for winding up it had debts of about \$30 Billion) have a serious affect on Economies, staff loose their jobs, customers loose their services, creditors go Bankrupt and Shareholders suffer from their loss of investment.

Similarly substandard performance of Local Governments can have a damaging affect not only on the Economy of the Local Government area but also on the Economy generally. Poor performance of Local authorities can lead to a direct cost to the community such as increases in Rates and other charges, bad roads and a reduction in services. The need for increased funding to Local Government from the State and the Federal Government, as a result of inefficiencies, results in an increase in the cost to the community at large.

Directors and Councillors alike are put in a position of Trust by people who elect them to govern, Directors by the Shareholders, and Councillors by the Constituents of the relevant Local Authority area. Both Shareholders and members of the general public alike stand to suffer from poor performance of their elected officers and the comparative risk is only a matter of degree.

The Nolan Report of 1995 appears to have been the basis of much of the Legislation dealing with matters of more accountable practices by Local authorities and Councillors however the need for Whistleblower Protection Legislation and numerous examples of Misappropriation lack of Integrity and Corruption suggest that Corporate Governance in Local Government has not gone far enough and there is a need for Reform measures to be put in place.



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“CLEARING THEIR WAY WITH BAT AND BALL” – CRICKET, DOMINATION AND SUBALTERN STRUGGLE

By Samid Suliman

Abstract

As we push further into the 21st Century, the game of cricket enjoys ever-increasing visibility throughout much of the world, and is bringing larger and more lucrative commercial opportunities for the few players fortunate to play at the elite national, international and transnational levels. Indeed, the commercial face of cricket has prevailed as the dominant conception of the game in the contemporary era. However, a deeper historical excavation of the development of cricket reveals the ways in which the game has been closely linked to the development and reproduction of unequal power relations, as well as struggles against them. Taking cue from Walter D. Mignolo, this paper attempts to explore the game of cricket as a locus of enunciation. By situating the global development of cricket against the history of colonial, apartheid and post-apartheid political systems in South Africa, this paper will demonstrate both the importance of cricket in creating and reinforcing certain conceptions of national identity that are associated with attempts to consolidate the nation-state in various ways, but also the potential of cricket to act as a medium for political movements and social struggles in the post-Westphalian epoch.

In essence, the game is a struggle between bat and ball. A bowler hurls a small leather globe (or ball) across the twenty-two-yard expanse between the two wickets and toward the batsman. The batsman is armed with a rectangle of willow (the height of a stump, the width of a handspan), with a thinner handle protruding from the top for ease of use. This is a “bat”, used in two ways: to defend the wicket – that is, to prevent the ball from striking the stumps and to accumulate runs. The latter are gained by striking the ball far enough for the batsman to run the length of the pitch, from wicket to wicket. The journey must be accomplished before one of eleven fielders returns the ball and the [bails] are removed from the stumps. Each successful journey counts as a single run.

Scalmer 2007: 431

Seen by some an archaic game that is reserved for drunken hooligans and the upwardly mobile bourgeoisie alike, the game of cricket has been an important feature of political, social and economic relations throughout much of the world for the past two centuries. In fact, the game of cricket can be seen both as a metaphor and an analytical microcosm of developments in the global political economy from the height



of the British Empire through to the contemporary age of globalisation. The earliest forms of cricket originated in the south-western counties in England in the sixteenth century, and were played by the rural peasant population (Underdown 2006: 43). Co-opted and systematised by the ruling elites in post-industrial England, the game of cricket was spread throughout the British colonies by way of the imperial army and navy, as well as British entrepreneurs and ‘cricketing “missionaries”’ (Varney 1999: 558-559). An admixture of British nostalgia and colonial socialisation, cricket became embroidered within the very social fabric of many former British colonies, such as India, Australia, New Zealand, the West Indies, and South Africa. Today, cricket enjoys enormous commercial success, particularly in the postcolonial world. However, the rapid commercialisation of cricket in the age of neoliberal globalisation elides the ways in which the emergence and development of cricket as a global game have paralleled and/or supplemented unequal power relations. Rather, the heightened visibility and frequency of international and post-national cricketing fixtures remind us of the tremendous potential of cricket to serve as a vehicle for social and political struggles, as was the case in West Indian liberation movement in the mid-twentieth century (James 2000 [1963]). By situating the global development of cricket against the history of colonial, apartheid and post-apartheid systems of rule in South Africa, this paper will demonstrate both the importance of cricket in creating and reinforcing certain conceptions of national identity that are associated with attempts to consolidate the nation-state in various ways, but also the potential of cricket to act as a medium for political movements and social struggles in the post-Westphalian epoch.

Cricket has been long associated with England. Though the game has its origins in rural peasant regions in the southwest of the country, by the 1800s the game had been appropriated and formalised by the economic, social and political elites. At this time, the boundary lines separating the cricketer from the spectator, and the fences that separated those that ‘belonged’ and those that were excluded from cricketing arenas, became powerful symbols in the development of certain imageries about the Self and the Other. In the colonial era, cricket played an important role in fostering ideas about Britain and Britishness and, by extension, the nation’s imperial role in the colonial world. Within this sporting practice, some important social



processes came to be co-articulated upon the playing field. The development of cricket as a social practice among elites in England ‘helped the ruling class to cohere as a distinct social group’ (Scalmer 2007: 435). This, according to Scalmer (2007: 435), was facilitated by the development of ‘close social relationships’, the development of a ‘virtuous group identity’, and the construction of firm social borders that emphasised inclusion and exclusion.

The class dynamics that both produced and were reproduced by the formal game of cricket were underpinned by the inculcation of a certain moral logic, by which players were expected to ‘respect the umpire’s decision; play with the team; keep a stiff upper lip; [...] not denounce failure; be generous to opponents; and congratulate them on their victories’ (Scalmer 2007: 435). This moral code that underpinned the “gentleman’s game” came to be emblematic of an archetypal notion of Britishness that was central to the formation of a strong national identity that could be projected upon and against the discursive constructions of the colonial Other. As Underdown notes,

Victorian writers and educators, apostles of “muscular Christianity”, were convinced that cricket, and to some extent other, lesser sports, instilled in the young the virtues of team work and fair play, values which were the bedrock of patriotism and of the beneficent achievement of the British empire.

Underdown 2006: 45

Cricket was indeed a product of its time. As Terreblanche (2007: 744) notes, ‘[l]ike all other cultural products of the era, cricket was very much a part of a society driven essentially by a laissez-faire capitalist economy’. English society, Terreblanche (2007: 749) continues, was at the time guided by a Lockean conception of liberalism, which assumed an inherent benevolence within individuals and accorded individuals freedom under law to ‘express their roles in life, the market and on the cricket pitch’. The Lockean liberalism that underpinned the laissez-faire political economy was reflected in the architecture of the game, which clearly circumscribed the role of the umpire (or, in other parlances, the referee). This, in turn, assumed that a certain type of subjectivity (one that met the criteria outlined



above by Scalmer) was required to play cricket. Terreblanche explains the reflexivity between the institutionalisation of cricket and the broader social, political and economic systems that were in operation in England during the laissez-faire epoch:

In Lockean liberalism it was – rather naively – assumed that the task of the government should be restricted to upholding the ‘rules of the game’. Concurrently it was accepted in cricket that the task of the umpire should also be restricted to upholding the Laws and that as long as players play according to the Laws, they would not take advantage of the freedom the Laws allowed them to transgress the spirit of the game.

Terreblanche 2007: 752

The development of cricket in the hands of the British aristocracy (Underdown 2006) ought to be examined in relation to broader economic, social and political systems that were being created simultaneously. Escobar discerned the expansion of capitalism in the nineteenth century as the result of the coalescence of the three systems of production (‘the capitalist world economy’), power (‘disciplinary and normalizing mechanisms’) and signification (Escobar 1988: 438). The system of signification, Escobar offers, is built upon ‘ideology, science and representation, including philosophical currents such as liberalism and utilitarianism, and a dominant code articulated around the notions of labor and production’ (Escobar 1988: 438). These three systems, Escobar (1995: 59) later argues, are ‘inextricably linked to the development of capitalism and modernity’. Crucially, Escobar (2005: 142) contends that these three systems are not only necessary for the ‘constitution of the Western economy’, but should also be seen to be transforming human beings into ‘producing subjects’. In other words, Escobar contends that the three systems of production, power and signification all serve to produce a certain type of human subjectivity. The result is *Homo Oeconomicus* – ‘a normalised subject that produces under certain physical and cultural conditions’ (Escobar 1995: 60). The Lockean ideal of moral conduct within the ‘rules of the game’, situated against the expansion of colonial modes of production and systems of discipline, provided a key referent for the construction and discipline of the colonial subject, which in turn allowed for the development of industrial Britain. This constellation also created a role for the game of cricket within the colonial project.

The discursive and disciplinary practices that were central to the British colonial project have been well canvassed (see, for example, Mamdani 1996; Said 1978). While these will not be discussed explicitly here, the intention is to demonstrate the role of cricket within the broader scope of these practices. The cooptation of cricket into the lifeworld of the British aristocracy reified the types of moral attitudes and social behaviours that were considered to be acceptable; this, in turn, created a space in which cricket could be used to discipline and civilise colonial subjects. Padayachee *et al.* (2004: 257) note that cricket as a disciplinary practice involved the inculcation of ‘ideals of stamina, manliness and vigour into ‘lazy and effete’ natives’. Writing in relation to Indian experiences of colonialism, Arjun Appadurai notes that

cricket was one of many arenas in which a colonial sociology was constructed and reified. In this sociology, India was seen as a congeries of antagonistic communities, populated by men (and women) with a variety of psychosocial defects. Cricket was seen as an ideal way to socialize natives into new modes of intergroup conduct and new standards of public behaviour. Ostensibly concerned with recreation and competition, its underlying quasi-official charter was moral and political.

Appadurai 1996: 93

Not only was cricket seen to be a valuable means of “civilising” the Indian subject population, the expansion of the game of cricket across the British Empire also facilitated the creation of an Indian national imaginary. As Appadurai (1996: 99) notes, in contrast to the Indian form of the game, English cricket came to be organised in a way that placed the nation at the forefront of competitive organisation, with counties serving as its ‘lower-level constituencies’. In order to foster competitive cricketing relations between the English nation-state and the British colonies, “India” had to be invented, at least for the purposes of colonial cricket’ (Appadurai 1996: 99). In this sense, the cricket became a powerful method of formalising the geography of colonial power relations within the nation-state system, with India as a whole being defined as a sporting rival, and subsequently as a tangible national object. This, in turn, further reinforced the reductive imaginaries that constituted Orientalist



discourses, such as those explored by Edward Said (1978). This process of discursive construction of India, in the context of cricket, was not purely limited to the game's development within "Indian borders". In the late nineteenth century, Indian cricketer Kumar Sri Ranjitsinhji (or Ranji as he was known to the British) managed to develop a fruitful career as a professional cricketer in England. His prodigious talents with the cricket bat even enabled him to play *for* the English national side. Though he was the first Indian to be celebrated as a 'celebrity athlete' in England, Satadru Sen has observed that Ranjitsinhji's career in England is instructive in uncovering the patterns and processes that underpinned colonial cricket:

The first pattern is that, in order to breach the racial codes of cricket and play the game at the highest levels in England, Ranjitsinhji had to overcome formidable opposition. In the process of this conflict, he had to reinvent his racial, gendered and political identities. The second pattern is that, even as England admitted Ranjitsinhji into its closed inner circle, it insisted on marking him with the signs of the colonized Other.

Sen 2001: 241

The role of cricket in fostering colonial patterns of power and inequality was reproduced in terms of *internal* colonialism in the South African context. South Africa's history has been marked by divisive racial policies. In the period prior to the institutionalisation of apartheid in 1948, the majority African population was subject to policies of racial segregation that determined the patterns of movement and areas of residence. Early liberal discourses, propounded by pro-apartheid academics such as Professor L.J. du Plessis, demonstrate notions of civilisational inferiority that were bound up within racialised conceptions of the African subject:

We wish to separate ourselves from the Bantu not because we regard them as inferior, but because they surround us and threaten to overwhelm us by their numerical superiority, and are culturally different and less developed than we are.

cited in Rhoodie & Venter 1959: 37

Early political manoeuvres to segregate black South Africans from whites resulted in the promulgation of the Natives' Land Act of 1913, which restricted African ownership of land to seven per cent of territorial land (this was later increased



to thirteen per cent in 1936). However, the land that was designated to the African population was largely non-arable land that could not service the demands of a burgeoning population. Increasing deprivation in the 'Bantustans' precipitated increasing urban flows from rural areas to urban centres by people in search of employment. The South African government responded to this increasing urbanisation by instituting further legislation, the Natives (Urban Areas) Act of 1950, delineated areas where black Africans could reside within urban areas. This Act was later bolstered by the National Party government, which instituted formal apartheid after their electoral victory in 1948, with a series of strict influx controls that were designed to curb patterns of African urbanisation, whilst simultaneously securing constant supplies of cheap, temporary labour from the Bantustans (Clark & Worgner 2004: 22; Terreblanche 2002: 315). This increasing African urbanisation was perceived to be a threat to white urban populations (Manzo 1996: 72). As such, measures were taken so as to mitigate any threat of political action within black communities. In 1930, the South African government appointed a Native Welfare Officer, who was mandated to 'occupy the leisure time of the burgeoning African urban population gainfully' (Padayachee *et al.* 2004: 255). Such strategies involved the development of cricket programs within African communities that were 'part of a larger project by the state to change African leisure-time activities, with the collaboration of capital, white liberals and African middle classes' (Padayachee *et al.* 2004: 255). In this sense, cricket can be seen to be used as a device to bolster the power relations that underwrote the internal colonialism of the apartheid regime, thereby attempting to remove agency from the non-white population with the intention of creating a suppliant and docile labour force that was in keeping with the notions of racial superiority held by the white population of South Africa.

Cricket's role as a "civilising" activity, however, was at odds with the systemic inequalities that kept African cricketing enthusiasts marginalised from the game in South Africa. Not only were there stark inequalities in terms of access to basic facilities for African cricket clubs, but the racialised apartheid political economy also locked the African population into conditions of material inequality, who were



denied the opportunity to access the financial means to obtain the equipment required to play the game (Gemmell 2008: 44-45; Padayachee *et al.* 2004: 255). The lack of access basic infrastructure and equipment effectively created a racial boundary around the game of cricket. This was compounded by the political consolidation of the apartheid regime from 1948. Through a series of legislation, such as the Urban Areas Act, sporting facilities that were previously used by the black population were rendered inaccessible. Furthermore, draconian pass laws and influx control measures stifled the ability for African clubs to travel with ease to compete with each other. This led to the disruption of long-standing cricketing clubs, as well as further disenfranchisement from the cricketing field that was both symbolic of and constitutive of the political subalternisation of Africans in South Africa (Gemmell 2007:53).

As in nineteenth century England, cricket in South Africa during the twentieth century became defined in relation to the nation-state. In the case of South Africa, the state was delineated as the preserve of whites, whereas Africans were excluded from the state apparatus and relegated to internal colonies, both in urban and rural areas. Throughout most of the span of the apartheid regime, state policy dictated that there would be no ‘mixed sport within the Republic’, either on the field or in the grandstand (Nauright 1997: 92). In 1956, the South African Minister of the Interior Theophilus Dönges unequivocally stipulated the apartheid regime’s position of sport:

Whites and non-whites should organize their sporting activities separately, there should be no inter-racial competition within South Africa, the mixing of races in teams should be avoided, and sportsmen from other countries should respect South Africa’s customs and she respect theirs.

cited in Nauright 1997: 127

This attitude naturally shaped the ways in which South Africa interacted with the international sporting community. It is important to acknowledge the role cricket (as well as other sports such as rugby) had in rallying international protest against the apartheid regime. One key incident that triggered South Africa’s isolation from international sports community was the so called “d’Oliveira affair”. Basil d’Oliveira



(or “Dolly”, as he was affectionately known) was the captain of the first black representative cricket team, which competed against Rhodesia (now known as Zimbabwe) and East Africa in the late 1950s. Despite being an exceptionally gifted cricketer, d’Oliveira was unable to gain selection into the national cricket side; he was excluded on racial grounds. Frustrated with the lack of upward mobility, d’Oliveira was able to carve out a career in English league and county cricket, eventually gaining a place in the English cricket side (in this sense, d’Oliveira’s career bore similarity to that of Ranjitsinhji). However, due to political pressure, d’Oliveira was controversially dropped from the side that was due to tour South Africa in 1968, due to political pressure from the National Party government (Booth 1998: 94-95). The d’Oliveira affair was a high profile case that precipitated a range of punitive measures from international sporting authorities, including the International Cricket Conference and the International Olympic Committee, as well as national sporting authorities. As Booth notes,

[b]y the end of 1970 South Africa had been expelled or suspended from athletics, basketball, boxing, cycling, fencing, big game fishing, gymnastics, judo, netball, soccer, Davis Cup tennis, weightlifting and wrestling. In addition, the International Cricket Conference imposed a moratorium on all cricket tours to South Africa, and Japan barred it from the world softball championships. British prime minister Harold Wilson summed up the new sentiment: ‘Once the South Africans had said they were not taking a player [d’Oliveira] we wanted to send, I would have rather thought that put them beyond the pale of civilized cricket’.

Booth 1998: 99

International sporting boycotts were not the only form of political action that took place on the cricket ground. With South Africa, a range of solidarity relationships emerged between, in some cases, unlikely parties. The 1957 test match in Johannesburg between South Africa and Australia saw black spectators express their opposition to the white players by jeering and booing the South African side (Nauright 1997: 133). Furthermore, there were attempts to transcend the racial separation of apartheid on the sporting field, through non-racial sporting movements, both between African ‘national’ groups, as well as whites. For whites to play non-



discriminatory sport, it meant they had to relinquish any chance to qualify for regional or national representation. While this did dissuade many top-level sportspeople from exercising a desire to protest against racially divided sport, there were some notable white players, such as cricketer André Odendaal, who adhered to their principles (Nauright 1997: 126).

Subaltern solidarity also had transnational characteristics. West Indian cricket captain Frank Worrell, and respected West Indian cricket journalist and scholar C.L.R. James, also vocally expressed their support for black South Africans. Indeed West Indian cricket has had a long history of radicalism, with James being heavily involved in a campaign to institute Frank Worrell as the West Indies' first black cricket captain (previously, the majority black cricket team was under the tutelage of a white captain). In the West Indian case, cricket was a strong mobilising force in the independence and national movements in the Caribbean. C.L.R. James wrote that

[c]ricket was therefore a means of national consolidation. In societies very conscious of class and social differentiation, a heritage of slavery, it provided a common meeting ground of all classes without coercion or exhortation from above.

cited in Hector & Wagg 2005: 163

According to Hector (in Hector & Wagg 2005: 163), West Indian cricket in the 1950s served as a metaphor for nationalist political struggles in the Caribbean. In 1948, leaders of the English-speaking Caribbean Islands formed a political federation, a coalition of subaltern national groups committed to unite to decolonise the former slave colonies. As exemplified by the campaign to institute Worrell as captain of the West Indies side, cricket proved pivotal in fostering this process by helping to create the ideational conditions that allowed the Caribbean colonies to meet imperial Britain head on. Scalmer (2007: 437) affirms the productive role of cricket in anti-colonial struggles, arguing that

[p]recisely because cricket was extended from the metropole as an expression of British moral virtue and imperial power, subaltern groups have been attracted to the game as a means of symbolic



challenge. Victorious cricketers from the colonies could claim a share of self-discipline, doggedness, detachment, and team spirit that was so often proclaimed by the British as intrinsic to the game. Beating the imperial ruler on the field therefore buttressed claims to equal worth off it.

Scalmer 2007: 437

C.L.R James had also recognised the potential and potency of cricket as a vehicle for political mobilisation and solidarity. James wrote compellingly against the popular opinion regarding a scheduled tour by the West Indies to apartheid South Africa (which did not eventuate):

The team, I thought, should go. Apartheid sought the isolation of the Africans not only from whites but from free blacks. The tour would have world-wide publicity. The African cricketers and the African crowds would have made contact with world famous cricketers who had played in England and in Australia. There might have been incidents? So much the better. A pitiless light would have been thrown on the irrationality and stupidity of apartheid. African cricketers would have benefited, and, it was to be hoped, on or two African cricketers might have emerged and become widely known as naturals for an All South African team. From the beginning I was certain that, whatever the South African Government might say, it did not want this tour.

James 2000 [1963]: 237

This sense of transnational subaltern solidarity with black South Africans has been a tradition upheld by West Indian cricketers over the years. In 1990, the first steps towards the abandonment of the apartheid regime were undertaken, with President de Klerk releasing Mandela from his twenty-seven year imprisonment. In the aftermath of this important event, former West Indian captain Sir Vivian Richards was vocal in cautioning the test cricket playing community that South Africa should not be reinstated to the status of a test playing nation until such time that all South Africans could compete on equal footing for a spot in the national team. Richards called for a gradual approach to South Africa's re-engagement with the cricketing world, lest the South African cricket team continue to symbolise the deeply entrenched inequalities rendered under apartheid (Farred 1997: 10).



In the postapartheid era, however, cricket continues to symbolise such material, political and social inequalities, despite the transition to formal constitutional equality. During the transition from apartheid, there was a recognition that there would need to be reform of not only the nation's political economy, but also its cultural and symbolic economy. The African National Congress' initial policy platform was underpinned by the *Reconstruction and Development Programme* (RDP), which articulated the 'main aspirations of the movement for post-apartheid South Africa, that is, growth, development, reconstruction and redistribution, in a consistent macroeconomic framework, using the Keynesian paradigm' (Adelzadeh 1996: 86; see also Williams & Taylor 2000: 25; Peet 2007: 136-137). This redistributive model was also underpinned by attempts to reconfigure that nation's symbolic economy, in order to fashion a sense of national identity out of a fractious and alienating past. Leon de Kock (2001: 286) argues that this project was 'marked by an overwhelming desire...for a unitary political identity and the *suppression* of difference' (emphasis original). Furthermore, Gemmill and Hammill (2005: 54) argue that the 'nation has proved to be an apparatus around which the ANC could attempt to define a common identity as the basis for the creation of a non-racial sense of nationhood'. Sport proved to be an arena where this symbolic unity could be demonstrated, and was exemplified by President Mandela's celebration of the South African rugby team's victory in the 1995 Rugby World Cup (Nauright 1997: 184-185).

However, this symbolism elides the inequalities that pervade South African sport, not least its national cricket team. The authors of the RDP committed to fostering community sports development, stating that sports and recreation should 'cut across all developmental programmes' (cited in Nauright 1997: 161). There were some early attempts to develop cricket programmes in African communities, both by the National Party in the late 1980s and the ANC in the 1990s. However, these programs were nominal at best, and were 'embedded in an old liberal ideology which [stressed] the benefits of recreation in combating juvenile delinquency, and as a



method of social control in densely populated areas' (Nauright 1997: 161; see also Booth 1998: 139-140).

In 1996 the South African government underwent a radical shift in direction, abandoning the Keynesian RDP programme in favour of the neoliberal Growth, Employment and Redistribution (GEAR) programme. This programme, in effect, stripped the state of its redistributive capacity, limiting its ability to deliver on social welfare and redistributive programmes (Sparks 2001: 193; Magubane 2002: 96; Andreasson 2003: 391; Bond 2003: 23). Gemmell (2008: 55) argues that the neoliberal policies adopted by the ANC has had a significant impact upon the state's ability to give those who were excluded from the cricket pitch under the apartheid regime the opportunity to engage in the game at provincial or national levels of representation. Despite the shift to formal equality, inequality of representation is reflective of broader social, political and economic inequalities that are still imbued by race. The racial legacies of apartheid are still very much prevalent, and have not been ameliorated by the South African government's shift to a neoliberal policy framework. As Gemmell notes,

[t]he issue of race will remain so long as the colour of an individual's skin determines his or her life chances. When the likelihood of the school that you attend, the house in which you live, the access to healthcare, prospects of employment and the job you are qualified to do remain a consequence of skin colour, then so will the chances of partaking and competing in cricket.

Gemmell 2008: 55

Without a strong emphasis upon redistribution, the ability of black South Africans to participate on an equal footing with whites, whether it is on the cricket field or in every day life, is compromised. While black South Africans now can now achieve national representation in cricket, structural inequalities deny them the opportunity. This is demonstrated by the preponderance of white South Africans in the national team. However on this front things are improving. Although only few black players are regularly included in the national side – fast bowler Makhaya Ntini



and batsman Herschelle Gibbs being the most prominent – there has been a steadily increasing inclusion of fringe players into the national side (Gemmell 2007: 63).

Yet cricket in the national context still offers limited opportunity for social recognition, with an emphasis being placed upon victory in the international cricketing arena. South Africa's reintegration into international cricket and the incorporation of non-white players into the national side in the post-apartheid era has been paralleled by a rapid reconfiguration of the cricketing world. Cricket in the contemporary era has been characterised by some authors as having entered a post-national phase (Rumford 2007: 204; Surin 1990: 112). Drawing upon Appadurai's analysis of the decolonisation of Indian cricket in the late twentieth century, Rumford (2007: 208) argues that cricket has been marked by a progressive shift towards commercialisation and professionalisation. Coupled with greater influence of non-Western nations within the sport's international governing body, as well as the financial influence cricketing powerhouses such as India are now exerting upon the game, this shift has served to destabilise the traditional (Western) cricketing hegemony (Gupta 2004). This is evident in the changing dynamics that are occurring between nations, if only in terms of cricket:

The primary rivalry in cricket today is not between India and Pakistan or England and Australia. It is a moral, economic and political clash between the colony and the metropole both of which have outgrown those labels. The sport functions both as a mirror of the disjunctures between 'how things stand' and 'how things should be' and as an instrument that continuously widens the gap. Even as the game provides a stage for the assertion (and defence) of white/elite/male models of authority, the colonized and the decolonizing attempt to subvert this authority by conquering the stage.

Sen 2005: 107

The push towards increasing commercialisation in cricket has led to two processes that differentiate it from the game that began its trans-nationalisation under the aegis of the British Empire. Firstly, the desire to develop the game has been predicated upon exploring ways in which cricket can attract greater audiences, and



therefore greater profits. This is demonstrated, *prima facie*, by the rise of Twenty20 cricket: a radically abbreviated form of the game in which each batting side is allotted twenty overs each. Super-rich tournaments such as the Indian Premier League have attracted cricketers from every top-tier cricket playing nation, many gaining exorbitant salary contracts. Secondly, this increasing marketisation informs views that national cricket development programmes ought to be primarily concerned with developing high-level players that are capable of attracting audiences. In relation to the development of cricket in South Africa in the postapartheid period, Vahed (2001: 333) has argued that '[a]dministrators have to manage the transformation process very carefully to ensure that the quality of the product, and with it the value and marketability of cricket, is maintained'. This engenders serious questions about affirmative action programmes versus meritorious selection. If a focus is placed upon players that are able to attain national selection based on their skills alone, then representation of subaltern groups in the national side is jeopardised due to the structural inequalities that continue to hamper the development of the game in disadvantaged communities. Conversely, if cricket in the neoliberal age is played primarily for profit, and notions of representation and recognition do not enter into cost-benefit analyses, then the incorporation of disadvantaged groups into the national side cannot be favoured at the expense of the "best" possible team.

The pervasiveness of the profit motive in contemporary cricket also serves to reproduce unequal power relations within international cricket structures. Since the 1980s, there has been a fraught tension between the inclusion of "non-traditional" cricketing teams, such as Bangladesh, Kenya and Afghanistan, and the imperative to maintain standards in order to attract certain levels of audience patronage and corporate sponsorship. The "minnow" teams are often in a disadvantaged position in contrast to the mainstay nations of international cricket, usually due to lower levels of technical skill and the lack of any capacity to professionalise their national and domestic cricket teams. Although (often reluctantly) granted access to the top-level competitions, these teams become trapped within a vicious cycle: 'to improve, they must play the higher teams, but are not allowed to do so because of their reductive



impact on standards' (Kampmark 2008: 181). In an interesting sense, the neoliberal globalisation of cricket has served to reproduce the type of failed- and fragile-states discourses that pervade dominant conceptions of international relations and development (see Shah 2008 *forthcoming*). Kampmark demonstrates how such discourses are reproduced in international cricket:

The plight of the modern, decimated minnow incarnates the problem of the establishment nation of yesteryear. The security council of cricket, for want of a better term of reference, fears the encroachment of other voting members, other challenges to its order. Is cricket analogous to global peace and security? Should sport be seen in the light of military and peace and conflict strategies, where 'rogue' states unable to measure up to the standards of civilization should be quarantined till they improve? We would hope not, but the conservative powers are insisting that the old doctrines are being violated, that the family of cricket nations is being challenged (though not seriously enough) by a lack of competition.

Kampmark 2008: 176-177

The intensive commodification of cricket in the past few decades would appear to be enabling players to engage in a robust and exciting level of competition at the international level or, for those who are able to sell their skills in the cricketing market, break in to the lucrative limited overs competitions that have been emerging in the last few years. Furthermore, the shift of the centres of cricketing powers from the West to countries like India and Pakistan might suggest that cricket is shaking loose the shackles of its colonial history and becoming a truly global sport. However, a deeper historical analysis of cricket unveils the national, international and transnational power relations that have marked its development.

This paper has attempted to explore the game of cricket in order to analyse not only its role in reinforcing systems of domination, such as colonialism and apartheid, but also to explore the ways in which cricket has facilitated or mobilised subaltern struggles and solidarity against such oppression. Political activism in West Indian cricket highlights the potential for the game to facilitate national and transnational solidarities, despite the all-too-frequent mantra that politics should be left out of sport. By identifying cricket as a locus of enunciation (Mignolo 2000: 13), this essay has



attempted to show that cricket is site in which subaltern knowledges and struggles can be articulated. Although the post-nationalisation of cricket has been imbricated with the game's accelerated commodification, its nascent evolution beyond the strictures of the nation-state system enables us to imagine the game operating within a global environment, as a vehicle for social recognition and emancipation. Whereas Scalmer (2007: 440-441) argues that 'the challenge of the subaltern has been defeated by the advance of the commodity', this paper advances that the recognition of the cricket field as a site of political action enables the possibility of further struggles for recognition. In other words, it is hoped that cricket will in some way provide subaltern groups the opportunity to begin '[c]learing their way with bat and ball' (James 2000 [1963]: 261).



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- Book Review -

Axel Honneth. *Disrespect: The Normative Foundations of Critical Theory*. Cambridge: Polity Press, 2007. pp 275. \$31.99, ISBN 978-07456-29056 (Paperback). \$59.99, ISBN 978-07456-29063 (Hardback).

Axel Honneth has been long established as one of the leading social and political philosophers of the Third Generation Frankfurt School and this new volume offers fundamental insights to what Nancy Fraser has called “the most ambitious philosophical undertaking of our time”: Honneth’s recognition theory. In this important new text, Honneth continues with his work on recognition theory by exploring the moral experience of “Disrespect”. One could argue however, that a more apt title would have been one consistent with the German edition which translates as the “Other of Justice”, something which Honneth favoured, but was overlooked by the publisher. While *Disrespect* may be more palatable for the English speaking world, it is far less descriptive or reflective of the diversity of the content and subtle nuances of the arguments presented. Nevertheless, ‘disrespect’ is a primary theme within many of the chapters and one of the central claims made by Honneth is that it is the moral experience of disrespect, where “human subjects are denied the recognition they feel they deserve” (71), that grounds the social critique of Critical Theory and its emancipatory project within “social reality” (77).

Within the thirteen chapters of this volume, the guiding theme is related to the conflicts and patterns of recognition revealed by the social pathological features of late modern society. How Honneth addresses these issues is divided into three, interrelated fields: the future tasks of a critical social philosophy (Part I), the issues related to normative justification in morality and recognition (Part II), and the problems of political philosophy which examines a wide range of themes from global human rights, to the tensions within Berlin’s concept of ‘negative freedom’, from Dewey’s democratic theory, to a conceptual proposal regarding post-traditional communities (Part III). In a book of such depth, a brief review can only hope to highlight a few central features and those I wish to focus on concern Honneth’s concept of ‘disrespect’ and what his identification of ‘social pathology’ means for the future development of normative theory. While these are primarily the focus of Part I they embody the key theoretical commitment of the entire book and, for this reviewer at least, represent some of the most important developments in contemporary Critical Theory by equipping it with a “pre-theoretical resource” necessary to ground this form of social critique (63).

In order to justify the judgments of the ‘good life’, Honneth attempts to find what he calls a ‘pre-theoretical interest’ to ground social critique in social reality. One such attempt includes his look at “formal anthropology” (41) which Honneth finds obliges us to adopt moral perspectives that guarantee the social conditions for the recognition and respect of all others, through love, equality and solidarity. It is where human subjects are denied such recognition – what Honneth defines as *social disrespect* – and the moral



experiences that accompanies such forms of disrespect that for him constitute the pre-theoretical resource that establishes that such a critique of social relations is “not without a foundation in social reality” (77). In distinction, to Habermasian discourse ethics and the theory of communicative action which has been criticized for its formalism and proceduralism, Honneth seeks to extend beyond principles of argumentation and communication to include processes of social recognition (Morrow, 2008: 710). Quite simply, the rationality of communicative action cannot settle conflicts in which groups are unable, unwilling or incapable of communicating effectively. In such cases, patterns and processes of recognition and respect may be distorted. In this way, Honneth renders communication theory more sensitive to those who are unable to formulate their demands for recognition effectively (71).

This notion of *Disrespect* is a guiding theme in many of the essays and one important illustration is presented in Honneth’s discussion of ‘Post-traditional Communities’ (Ch 13). Here Honneth eschews the dominant “external” conception of community that is derived from the shared norms of the community as a whole, a view prevalent within both communitarian and liberal approaches to the formation of community (258). In its place, Honneth argues for an “internal” conception that seeks to displace this hierarchical imposition towards plurality, where each member – and their unique desire for ‘self-esteem’ – are taken as the suitable normative basis for society and relations in community. This post-traditional ethical point of view is one in which social self-esteem and respect are equally distributed within community so that all members are “in a position of being recognized for their own achievements and abilities in such a way that they learn to esteem and value themselves” (261).

However, Honneth does not simply rest on this need of self-esteem alone to ground his form of social critique but identifies *social pathologies* as a viable form of *internal* criticism, as opposed to forms of *external* critique that rely on moral argumentation or theories of justice alone (Ch 2). The ‘external’ oriented critique of society focuses on relations between persons which are regulated by norms that are publicly justified and defended as applicable to all (51). This ‘moral’ argument makes possible the determination that certain practices which violate social norms are held to be unjust (Martin, 2007: 483). In distinction, the ‘internal’ view is one that is taken from within the community. Here social life processes may be considered ‘just’ but nevertheless produce undesirable outcomes, and it is these that Honneth calls “social pathologies”. Honneth claims that moral (external) forms of argumentation do not exhaust the critique of society. For him, when a society’s desires or interests have “taken a wrong turn”, or where a “given set of social relations has violated the conditions which constitute a necessary presupposition for the good life”, constitute forms of social “pathology” (56). This level of criticism provides philosophy the foundation to question social norms, values and practices without appealing to the external form of critique that is based on morality and justice.



In the appropriately titled “The Pathologies of the Social” (Ch 1), Honneth analyses the various attempts to trace such pathologies in the work of Rousseau, Hegel and Marx. Honneth finds that each of these accounts either fell into problematic conceptions of human nature or teleological conceptions of the philosophy of history. For him, the “diagnoses” of pathology cannot rest on claims about the ‘good life’ as do forms of external critique based on principles of justice. Such endeavours merely seek to repress one conception of the ‘good life’ over all others. Instead, Honneth attempts to find a “convincing justification of our ethical judgments concerning the necessary requirements of a good and well-lived life” (pg 41); the necessary conditions of a ‘good life’ and a pre-theoretical interest to ground this within social reality. And it is in Chapter Three that Honneth is able to identify such a pre-theoretical interest to ground his unique form of social critique.

Here, Honneth argues that the original project of the Frankfurt School – its attempt to critically diagnose social reality – has ceased to exist in unmodified form and that “reality” cannot be investigated within any single theory (63). However, by locating a “pre-theoretical resource” in which the “critical viewpoint is anchored extra-theoretically as an empirical interest or moral experience” can help inform such a critical theory of society (63-64). In attempting this, Honneth focuses on the social dynamics of disrespect, which not coincidentally is the title of the chapter, because Critical Theory can only claim a link to “social emancipation” *if* it gives “a sociological account of the condition of the society’s state of consciousness or its desire for emancipation” – that is, if it is able to locate “an emancipatory interest in social reality itself” (64-65). In distinction to the “negativist social critique” of Adorno and Habermas’s communicative action based in the “pragmatics of language”, both approaches which ultimately agree with the “pessimistic” form of social critique, Honneth posits that Critical Theory must identify some other empirical experience that offer a pre-theoretical indication that its normative standpoints have “some basis in social reality” (66-69). Such an alternative, Honneth affirms, can be found in the moral experiences that arise through the “violation of identity claims acquired in socialization” (70). Hence, as much as Honneth relies on the work of both Adorno and Habermas, he offers contemporary Critical Theory a clear path beyond and around both Adornesque negativist social theory and Habermasian linguistic proceduralism. For Honneth, the acquisition of social recognition is the normative presupposition of all communicative action and as such, he argues that the “social protests of the lower classes” are not set by moral principles “but by the experience of having their intuitive notions of justice violated”, the violation of their expectations of respect for their “own dignity, honour or integrity” (71). Such disrespect or “moral injustice” occurs whenever human subjects are denied the recognition they deserve and this denial creates the moral feelings of “shame, anger or indignation”. For Honneth, it is these feelings of injustice that accompany “disrespect” that represents the pre-theoretical fact which grounds recognition theory in social reality (71-72).

Consequently, offers a form of social critique that is juxtaposed to the negativist social theories that look to diagnose the types of instrumental reason that are seen as



“life-threatening” (73). Instead, Honneth’s approach is centered on identifying the social causes responsible for the systematic violation of the conditions of recognition (72). In this way, pathologies of recognition move to the center of critical diagnosis in Honneth’s form of social critique in order to grasp the “disorders or deficits” in the social framework of recognition (74). Yet while the moral experiences of subjects in the processes of social recognition constitute a pre-theoretical resource for social critique, Honneth finds that the centrality of social recognition is in itself an “extremely ambivalent source of motivation for social protest and resistance.” It lacks any “normative indication” of ways in which one should struggle against forms of disrespect – we may turn to militaristic groups for our social self-esteem, just as we may turn to public arenas in democratic states (77-78). That is, social disrespect could lead one to find solace in the violence of anti-social Nazi-like groups, just as it may lead to the sublime form of public service. All that Honneth can suggest is that we try to find “individual strength” to those ostracized so that they may articulate their experiences in the “democratic public sphere, rather than living them out in the counterculture of violence” (78).

If there are any criticisms to be made of this book, it is not what is in it but what is left out of it that is its limitation. One issue that is conspicuously absent is the unfinished debate between Honneth and Fraser regarding the priority of recognition or distribution (Fraser & Honneth, 2003). Honneth, surprisingly, makes no substantive reference to this issue within *Disrespect*. The second is more problematic, and centers on the limitations evident within Honneth’s cursory survey of world politics found in Chapter 10, which I deem overplays the hand of the Kantian idea of the possibility for the juridification of international relations (199). This was not his first foray into international political theory but a reprint of a chapter published in *Perpetual Peace* (Bohman, Lutz-Bachmann, 1997) and – unfortunately – remained completely unaltered from its original form. While this move into IR will open up Honneth’s work to a new audience, Honneth seems to possess considerable and unwarranted faith in the Kantian idea of a perpetual peace which is to be created through the association of democratic states – otherwise known in contemporary IR theory as Democratic Peace Theory (DPT). Honneth’s belief that with the end of the East-West conflict that the world has “grown into a moral community” (211), or other passages where Honneth affirms the “globalisation of moral responsibility” (212), possess a certain naïve idealism, a faith in many of the features of DPT that are highly contestable and require far more substantiation than what is provided in this short chapter. Yet this problem should not overlook the fact that what is important is Honneth’s move from one principally concerned with relations *within* communities to one of relations mediated *between* states, which opens up entirely new grounds for Frankfurt School social theory into the global sphere.

This text is indispensable for those interested in social and political theory and particularly for those interested in the further development of normative theory within the communicative/recognition theoretic. The wide-ranging subject matters of each chapter



pull Honneth in interesting directions and one is left with the burning question: what next for Honneth and Frankfurt School Critical Theory?

***Disrespect* is available in Australia from Polity Press for \$31.99 paperback, or \$59.99 hardback.**

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- Book Review -

Michael Hoelzl and Graham Ward (Eds). *Religion and Political Thought*. London: Continuum. 2006. pp 292. \$24.99, ISBN: 0-8264-8006-3

Attention to religion and politics seems to lack the urgency it once had immediately after 9/11. Nevertheless, the emergence of case studies in religious nationalism, religiously driven violence or faith-based diplomacy persists. There remains an area for researchers that encompasses the interface of axes, namely the horizontal axis that focuses on relations between social units, and the vertical axis that focuses on relations between temporal and spiritual subjects. Still, there is yet to be a single volume of collated material that gives readers even a cursory overview on just how the relationship between these two axes is understood over the centuries, and indeed in our contemporary contexts. Michael Hoelzl and Graham Ward's *Religion and Political Thought* seeks to fill such a gap.

The book provides digestible summaries, followed by excerpts of primary material, from a series of key (and less so) thinkers on religion and politics. Five central themes are explored, namely the relationship between church and monarch, the legitimation of sovereign power, religion and liberal democracy, politics after religion and contemporary debates. A seasoned researcher would notice the "usual suspects" like Augustine, Aquinas, Hobbes and Luther, but will be pleasantly surprised by more unusual inclusions like Dante, King James VI/I, and Zizek.

The introductions to each thinker are written with a good eye to the religio-political historical forces shaping the thought world of the writer of the primary texts in question, and this is useful for the introductory nature of this text. What also comes out clearly in the text is the record of the gradual shift from the subordination of politics to the religious to the collapse of the spiritual realm into immanence, to the subjugation and eventual negation of the spiritual altogether. This is a theme that is oft-ignored, but nonetheless significant for the provision of alternative explanations to some major historical phenomena.

What becomes apparent from the outset is the confinement of the coverage to Christianity. This qualification is understandable given the book's geographical emphasis (Europe) and given the sheer volume of material emanating from this tradition alone. Thus, it is probably a reasonable qualifier, but something that should have been reflected much earlier in the introduction to avoid any impression of bias. Also, while each section gets through important data very quickly and in digestible form, an experienced reader would be disappointed by a certain lack of depth. However, one is reminded of the important qualifier that this text is of "an introductory character" (pg 19).

That being said, Augustine and Aquinas in particular are far more nuanced, and far more 'foreign' thinkers to the modern theo-political imagination than the texts selected would seem to indicate. In fact, the lines of reasoning found in the proto-modern thinking of both Dante and Luther arise quite unproblematically from the "divisions of Christ's political body" apparently set forth by Augustine and Aquinas. Undoubtedly, Augustine and Aquinas provide fuel for proto-modern theo-political exploration, and so the choice of texts is fair if we are interested in how they were used in emerging modern political thought. The title of the text indicates (but never makes clear) that this is the intention of this source book. But, if we want to see how 'religion' gives rise to what we now recognise as 'political' thought, this interest may in fact hide Augustine and Aquinas' complex theological outlooks on the exercise of political power. Its hard to know how to get around this in selecting short introductory texts from three extraordinarily different worlds – the classical, the high



medieval and the proto-modern worlds. Later sections do not exhibit this confusion, though this has largely to do with the rather modern conceptual outlook of all these thinkers.

In the latter sections, one may be perplexed by the omission of some key thinkers. Given the great influence of the likes of Jacques Maritain, Karl Barth, the Niebuhr brothers, Dietrich Bonhoeffer, and Gustavo Gutierrez on Christian political thought, their exclusion is somewhat puzzling. And indeed, seeing the editors opened the door to including the unusual, it seems strange that attention was not given the late Pope John Paul II, whose actions and writings concerning the political and religious were both prolific, and in many ways a profound response to statecraft. If the aim was to introduce the novice to a whole new world, the editors could have done well to expand the selection.

The final section on contemporary debates clearly stood out from the rest of the book, in that rather than have Hoelzl and Ward summarise the thought of the authors, the authors themselves summarise their own thoughts. However, it is debatable as to whether it was a beneficial break from the pattern set by the previous sections. In 21st century theological thought, there has been a blurring the borders between disciplines to create radically hybrid discourses, especially as meeting points between religion and politics multiply and merge with areas like postmodern, critical, feminist, contextual, cyborg and queer theories. It would have been beneficial for some comprehensive coverage on these themes generally, especially given Ward's expertise on just these intersections. While this is done to an extent by the editors, the reader still is somewhat unprepared as he or she is thrown into the more specific interests of the section's contributors, be it John Milbank's threat of liberality by liberalism, Marcella Althaus-Reid's theological discourses from the margins, or Zizek's materialist theology. The reader would also be frustrated by the almost opaque prose of most of the individual contributors. This is especially the case with Milbank and Zizek, whose conceptualisations can never crystallise into a form that would introduce an unschooled eye to this emerging research area. Indeed, the reader here seems to be expected to know the basic assumptions of each author before proceeding.

In all, the book suffers from trying to be too many things to too many types of readers, with too little material with which to do this. However, given the fact that no introductory compendium currently exists, and given that what it does provide does fulfil that purpose, this volume makes a very useful first volume for those who are unschooled in this area of research and must familiarise themselves with key materials in a hurry.

***Religion and Political Thought* is available in Australia from Continuum for \$24.99 paperback.**

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- Book Review -

Will Kymlicka. *Multicultural Odysseys: Navigating the New International Politics of Diversity*. Oxford: Oxford University Press, 2007. pp 320. \$35, ISBN 978-01992-80407 (Paperback). \$49.99, ISBN 019-9280401 (Hardback).

In an age of globalization, with possibly the greatest movement of people in recorded history, the question of how cultural diversity should be dealt with politically has never been more relevant. In this ambitious book, prominent Canadian expert on multiculturalism Will Kymlicka examines both the historical and current practice of multiculturalism, and examines why multiculturalism has undergone a decline in popularity in recent years. As a lens for doing so he focuses predominantly on the role of intergovernmental organizations in establishing international multicultural norms. What follows is both an excellent analysis of how different processes have contributed to these norms, a very valid critique of existing practice, and, unfortunately, a less than critical argument for a project which conflates liberal multiculturalism with western cultural norms.

Kymlicka's book is written in three major parts. In the first part, the international context, Kymlicka examines the historical context of the growth of multiculturalism policies. He concludes the rise of seemingly benign forms of ethnic politics in western states, as well the increased attention to ethnic wars in former communist states, drove the international community into looking at liberal multiculturalism as a way to prevent ethnic conflict. Kymlicka argues that over time, it became increasingly clear that ethnic conflict was unlikely to subsume all of post-communist Eastern Europe. New threats such as terrorism and global warming were also being articulated, and sentiment had begun to grow in liberal multicultural states that multiculturalism (especially for immigrant groups) may have gone too far. Thus, multiculturalism began to be less of a cause célèbre. Despite this, Kymlicka still argues that convincing non-western states to adopt policies of liberal multiculturalism is a key way to protect human rights and thus discussion is needed over how this can occur.

A second part of the book examines how liberal multiculturalism works in western states. Key issues in this section include the key factors which Kymlicka argues are a pre-requisite for multiculturalism, and the three categories of minorities Kymlicka identifies as being targeted for separate multicultural policies. Kymlicka (pg 122) identifies that the growth of liberal multiculturalism in western states was made possible by five main factors- 'increasing rights consciousness, demographic changes, multiple access points for safe political mobilization' and 'the desecuritization of ethnic relations and a consensus on human rights (on the part of the majority)'. In the west, he illustrates how these factors have led to multicultural systems which commonly target three different forms of minority- national (an established historical group usually associated with a distinct territory, often with a 'kinship' state nearby), indigenous and migrant.

This second part of the book was perhaps the capstone chapter on which the others built, however contained some significant oversights and flaws. For example, this section dealt with immigrants as a minority, and Kymlicka makes the point that this is



currently the most controversial aspect of multiculturalism. This did not seem to be conclusively developed in this section of the book, with more attention being given to the other two categories. Furthermore, this theme did not seem to be clearly carried into the rest of the book despite its import. This oversight is significant. Migrant issues in the non-western world may prove to be more intractable than in the west. For example, the largest refugee camps are found in the developing world, and there is considerable concern over the human rights of migrant workers in countries such as Saudi Arabia and Malaysia. Thus, if multiculturalism is considered a way to protect minority rights, it is important to include a discussion of how it could be beneficial to migrants in the non-western world.

A more substantial problem with Kymlicka's development of this second part of the book is a tendency to equate western culture with liberalism. From the outset, Kymlicka does not in this book (apart from once in a small footnote where he thinks about and seems to dismiss the possibility of 'Islamic' or 'Buddhist' ideas of multiculturalism) question liberal values as being the ultimate guide to the 'good life'. Thus, he vigorously defends liberalism and liberal multiculturalism against more conservative conceptions of multiculturalism. To some extent, this is acceptable as every author intent on creating a basis for a political project needs some sort of goal to head towards. It is however somewhat worrisome to consider that in promoting liberalism, Kymlicka does not feel the need to explain how an ideology rooted in western enlightenment thought can be considered a universal value all humans should be made to follow. However, more problematic is Kymlicka's inability to distinguish methodically what is actually a liberal value, and what is merely unacceptable in certain segments of western culture.

An example of this is his treatment of two issues concerning women's bodies. In a discussion over the ability of democracy to defend itself against illiberalism, Kymlicka gives the example of hospital boards which disallow abortion in particular hospitals for religious reasons. For Kymlicka, abortion is inherently a liberal act, and its prevention is illiberal even if achieved through democratic means. A few pages later, Kymlicka talks about how in liberal democracies it is necessary for non-western cultures to give up inherently illiberal acts, and female circumcision (termed by Kymlicka female genital mutilation) is considered as an example of such an act. In a subtle way, this shows an anti-western bias disguised as liberalism. Abortion, which is reasonably accepted in western society, cannot ever be conceived of as an act of coercion, but is always an act of choice. The possibility that western women may feel coerced into such an action (for example, through the possibility of lost career opportunity, social pressure or financial inability) is not an issue to examine. Similarly, female circumcision, a procedure usually undertaken by people who are not western, can never be an act of free choice and therefore should be legislated against. This discounts a body of literature clearly demonstrating that in some cases, there are women who for cultural reasons wish to undertake this procedure. While these two examples both constitute major and incredibly complex debates, Kymlicka presents them not as contested but factually- abortion (which is acceptable to many westerners) is necessarily liberal. Female circumcision, which is not commonly practiced in the west, is necessarily illiberal, and there is no room in these categories for nuance. If such a confusion about the differences between what is acceptable to western culture



and what is truly 'free choice' are followed to their logical end, it is possible Kymlicka could be found to be unwittingly promoting a veiled form of western cultural imperialism.

Luckily, this does not seem to have reached its logical conclusion in this particular book. Kymlicka establishes a difference early in the book between 'best practice' in multiculturalism and the need for a minimum standard. However, in examining the rest of the world, Kymlicka is less than optimistic that even a minimum standard of multiculturalism can be reached. As noted previously, the major categories discussed in this section are indigenous peoples and national minorities. Kymlicka makes some important critiques on the use of these categories, arguing that it seems the increased acceptance of indigenous rights is causing groups formerly considered national minorities to reclassify themselves, which may have the ultimate impact of delegitimizing this type of rights claim. More importantly, however, Kymlicka argues that in many non-western and especially in post-communist Europe, key preconditions for liberal multiculturalism, such as delinking ethnicity and security, have not yet been achieved.

In summary, *Multicultural Odysseys* is a very readable book, and is excellent in its explanation of how the human rights revolution contributed to the acceptance of multiculturalism as an international norm promoted by international agencies. Its western-liberal outlook does raise some concerns, however. While multiculturalism in this sense is considered to have substantial political ramifications (for example, advocacy of land rights) on another level, it can be read at best as advocating a fairly shallow display of real cultural difference, a national food and costume multiculturalism. If read cynically, given the emphasis placed on exporting liberal multiculturalism to non-western states, one could argue Kymlicka is unwittingly promoting a disguised form of western cultural imperialism in the guise of protecting diversity.

***Multicultural Odysseys: Navigating the New International Politics of Diversity*, is available from Oxford University Press for \$35 paperback, or \$49.99 hardback.**

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