Resilience and the 'everyday': beyond the paradox of 'liberal peace'

DAVID CHANDLER*

Abstract. Over the last decade there has been a shift towards critical understandings of 'liberal peace' approaches to international intervention, which argue that local culture holds the key to the effectiveness of peace interventions. In this 'bottom-up' approach, peace, reconciliation, and a 'culture of law' then become secondary effects of sociocultural norms and values. However, these liberal peace critiques have remained trapped in the paradox of liberal peace: the inability to go beyond the binaries of liberal universalism and cultural relativism. This understanding will be contrasted with the rise of 'resilience' approaches to intervention – which build on this attention to the particular context of application but move beyond this paradox through philosophical pragmatism and the focus on concrete social practices. This article clarifies the nature of this shift through the focus on the shifting understanding of international intervention to address the failings of the 'war on drugs' in the Americas.

David Chandler is Professor of International Relations and Director of the Centre for the Study of Democracy, Department of Politics and International Relations, University of Westminster. He is the founding editor of the journal *Resilience: International Policies, Practices and Discourses* and author of a number of books on liberal forms of intervention, most recently, *International Statebuilding: The Rise of Post-Liberal Governance* (Routledge, 2010) and *Freedom vs Necessity in International Relations: Human-Centred Approaches to Security and Development* (Zed Books, 2013).

Introduction

The paradox of liberal peace is becoming increasingly apparent as new institutionalist and social constructivist understandings have come to dominate critical debate over liberal peace interventions.[1] In these approaches, liberal regimes of international

---

[1] These frameworks are critical of liberal assumptions of the universal autonomous rational subject, drawing attention to ways in which the subjects of peace interventions are non- or a-liberal and socio-culturally embedded. See, for example, Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004); Oliver P. Richmond, *A Post-Liberal Peace* (London: Routledge, 2011); Roger Mac Ginty, *International Peacebuilding and Local Resistance: Hybrid Forms of Peace* (Basingstoke: Palgrave, 2011); Edward Newman, Roland Paris, and Richmond (eds), *New Perspectives on Liberal Peacebuilding* (New York: United Nations University, 2009); Suzanna Campbell, David Chandler, and Meera Sabaratnam (eds), *A Liberal Peace? The Problems and Practices of Peacebuilding* (London: Zed Books, 2011); Shahrbanou Tadjbakhsh (ed.), *Rethinking the Liberal Peace: External Models and Local Alternatives* (London: Routledge, 2011); Richmond and Audra Mitchell (eds), *Hybrid Forms of Peace: From Everyday Agency to Post-Liberalism* (Basingstoke: Palgrave, 2012).

intervention, seen as relying on top-down frameworks of markets, liberal democracy, and the rule of law, are viewed as problematic in societies designated as 'non-liberal'. However, these critical approaches, while useful in articulating an understanding of the limits to liberal universalism, have been unable to provide a programme of policy intervention, which goes beyond the liberal problematic that they have established themselves in opposition to. Either liberal framings of rights and law are seen as too abstract and distant from the 'realities' of 'everyday life', often with unintended and problematic consequences, or there is the perceived danger of cultural relativism, undermining democracy and human rights, where law is seen as problematically adapting to 'local' sociocultural differences. This article argues that resilience approaches,[2] informed by philosophical pragmatism, are beginning to enable policy-makers to overcome this liberal peace paradox through focusing on the transformative power of local practices and understandings.

Resilience-informed policy thinking has built upon constructivist and new institutionalist critiques of the formal and abstract nature of liberal modernist understandings of universal constitutional and legal rights frameworks but has avoided the liberal peace policy impasse of essentialising sociocultural difference and thereby becoming caught between the Scylla and Charybdis of universalism and cultural relativism.[3] Thus, there appears to be a shift away from social constructivist and new institutionalist framings of cultural pluralism, to resilience approaches.[4] Resilience approaches[5] do not start from the problematic of sociocultural difference but from a different set of problems, which no longer involve a focus on a 'hermeneutics

---

[2] Resilience is often defined 'as the capacity to positively or successfully adapt to external problems or threats', Chandler, 'Resilience and Human Security: The Post-Interventionist Paradigm', *Security Dialogue*, 43:3 (2012), pp. 213–29, 217, but as Philippe Bourbeau notes in his cross-disciplinary survey, a broader definition could understand 'resilience as the process of patterned adjustments adopted by a society or an individual in the face of endogenous or exogenous shocks', Bourbeau, 'Resiliencism: Premises and Promises in Securitisation Research', *Resilience: International Policies, Practices and Discourses*, 1:1 (2013), pp. 3–17, 10. The key point highlighted here is that resilience increasingly focuses on working with and upon the capacities, capabilities, processes, and practices already 'to hand' rather than the external provision of policies or programmes.

[3] It could be argued that this impasse of binary essentialism is implicit within all liberal sociological approaches to formal institutional frameworks, see, for example, Max Weber's investigation of the cultural roots of the 'irrationality' of law and administration in Confucian China, *The Religion of China: Confucianism and Taoism* (Glencoe, Illinois: Free Press, 1951).

[4] Resilience approaches, which seek to target communities to enhance their existing local capacities are at the forefront of international institutional interventions (from the World Bank's work on climate change to the United Nations Development Project's work on post-conflict governance). These approaches take a much 'flatter' and more agent-centred approach than that of the liberal peace, which understands problems in terms of discursive, cognitive, and ideational frameworks, seen to constitute the 'gap' between liberal universalist ideals and the problematic realities on the ground.

[5] I use the term 'resilience' heuristically to draw out a shared ontological framing, drawn out further below, which is quite distinctive from the usual categorisation of resilience as merely a buzzword of neoliberal governmentality. See, for example, Jonathan Joseph, 'Resilience as Embedded Neoliberalism: A Governmentality Approach', *Resilience: Policies, Practices and Discourses*, 1:1 (2013), pp. 38–52; Jeremy Walker and Melinda Cooper, 'Genealogies of Resilience: From Systems Ecology to the Political Economy of Crisis Adaptation', *Security Dialogue*, 42:2 (2011), pp. 143–60; Brad Evans and Julian Reid, 'Dangerously Exposed: The Life and Death of the Resilient Subject', *Resilience: Policies, Practices and Discourses*, 1:2 (2013), pp. 83–98; Mark Neocleous, 'Commentary: Resisting Resilience', *Radical Philosophy*, 178 (2013), pp. 2–7. Rather than problematising 'non-liberal' or 'non-rational' subjects or interpellating subjects as 'responsibilised' autonomous actors, resilience approaches highlight the embedded and relational nature of the subject in ways which enable governance interventions on the basis of the subject's already existing relational capacities, see further, Chandler, 'Resilience Ethics: Responsibility and the Globally Embedded Subject', *Ethics & Global Politics*, 6:3 (2013), pp. 175–94.

of suspicion':[6] problematising the understanding or rationality of those seen to be in need of intervention. These 'resilience' framings suggest that, in a complex and flatter world, liberal forms of institutional and legal understanding are themselves problematic: that formal frameworks of law can no longer be understood to work to shape or direct social processes in a top-down or hierarchical manner. From this starting point, 'everyday life' is neither conceived of as a problem nor romanticised as 'resisting' but seen as providing a problem-solving resource of practices to be drawn upon. This shift evades the problems of the external imposition of abstract, 'unreal', liberal universalist frameworks, but also evades cultural relativism, because there is no external yardstick or comparison at play in such understandings and thereby no articulation of an external subject position of a superior approach or rationality.[7]

In focusing on how everyday practices can provide the resources to address the problems faced, problems and solutions are no longer debated in the formal framings of the export of liberal institutions, laws and rights; instead resilience approaches are based on how practices work in a particular context.[8] This approach, which can be best grasped in the conceptual paradigm of philosophical pragmatism,[9] starts neither from universalist nor cultural relativist assumptions with regard to formal institutional frameworks but with the effects of their application in particular circumstances.[10] It is the connection between resilience and philosophical pragmatism, which is important to draw out here, and I argue stakes out an understanding of resilience

---

[6] Paul Ricoeur, *Freud and Philosophy: An Essay on Interpretation* (New Haven: Yale University Press, 1970), p. 27.

[7] While liberal peace approaches involve the assumption of a universalist subject position, described well by Ole Jacob Sending as an external 'Archimedean' position, resilience approaches remove the external subject position entirely, see 'Why Peacebuilders Fail to Secure Ownership and be Sensitive to Context', *NUPI Working Paper* No. 755 (Oslo: Norwegian Institute of International Affairs, 2009). A good example of the removal of the subject position of the external actor is provided by Louise W. Moe and Maria Vargas Simojoki, in their study of the Danish Refugee Council's work in promoting community development in Somaliland, see 'Custom, Contestation and Cooperation: Peace and Justice in Somaliland', *Conflict, Security & Development*, 13:4 (2013), pp. 393–416, and fn. 11 below.

[8] The growing attention to concrete practices rather than to explaining the 'gap' between theory and the world through the attention to discursive structures can be clearly seen in the growing attention to practice theory and actor-network approaches, see, for example, Friedrich Kratochwil and Jörg Friedrichs, 'On Acting and Knowing: How Pragmatism Can Advance International Relations Research and Methodology', *International Organization*, 63:3 (2009), pp. 701–31; Iver B. Neumann, 'Returning Practice to the Linguistic Turn: The Case of Diplomacy', *Millennium: Journal of International Studies*, 31:3 (2002), pp. 627–51; Christian Bueger, 'From Epistemology to Practice: a Sociology of Science for International Relations', *Journal of International Relations & Development*, 15:1 (2012), pp. 97–109; Oliver Kessler and Xavier Guillaume, 'Everyday Practices of International Relations: People in Organizations', *Journal of International Relations & Development*, 15:1 (2012), pp. 110–20.

[9] See, the key text in this regard, John Dewey, *The Public and its Problems* (Athens: Swallow Press, 1954). Philosophical pragmatism is a broad school of thought from 'classical' US pragmatists such as William James and John Dewey in the early twentieth century, to the modern revival of interest in the work of authors such as Richard Rorty and Hilary Putnam. The core aspect is the empiricist attitude of concern with practical consequences rather than abstract concepts and beliefs, reflecting a distinctive epistemological outlook of anti-Cartesian fallibilism. Philosophical pragmatism sought to overcome the divide between Cartesian understandings, of objective truth, and sceptical perspectives, that truth is always relative or subjective, through the emphasis on practical consequences; see, for example, Dewey, *The Later Works, 1925–1953, Volume 4: The Quest for Certainty* (Carbondale: Southern Illinois University Press, 2008). It is this framing which, this article suggests, is at the heart of resilience approaches which go beyond liberal universalist/cultural relativist understandings of liberal peace. See further, Chandler, 'Democracy Unbound? Non-Linear Politics and the Politicisation of Everyday Life', *European Journal of Social Theory*, 17:1 (forthcoming 2014, published on Online First, 20 June 2013).

[10] See further, Amartya Sen's contrapositioning of 'arrangement-focused' and 'realization-focused' views of justice, *The Idea of Justice* (London: Allen Lane, 2009).

approaches that is somewhat at odds with current critical theorising that tends to understand resilience as explicitly tied to neoliberal frameworks of understanding.[11] Liberal peace frameworks, with their binary focus on the liberal universalist under-standings of international interveners and pluralist constructions of the non-liberal barriers to these understandings at the local level, forced a discussion of policy account-ability on to the agenda, allocating agency and responsibility to either internationals or locals. Pragmatic approaches of resilience seek to overcome this problematic and hierarchical binary by removing the 'external' nature of international policy actors, as the focus upon the practices of the 'everyday' is understood to generate the policy goals of intervention through community development itself.[12]

This article takes as an example of this shift, the recent policy discussion on the limits of international intervention with regard to the 'war on drugs' in the Americas.[13] The 'war on drugs' has been framed in the terminology of international aid for fragile states in the region and therefore serves as a good example of how liberal peace interventions have been refocused.[14] International, essentially US-led, approaches to the problem have focused primarily on drug production and distribution in Latin American states and the prominence of international criminal organisations and net-works operating with relative impunity where many states have fragile frameworks of law and rights enforcement. Heuristically, it is possible to draw out three different approaches to the problem. Firstly, what might be called a universalist liberal peace approach, where resources are put into strengthening state capacity: training police and security forces, improving the operation and independence of the judiciary, increasing state level coordination and information sharing and developing the strength of legal regimes in terms of democracy and human rights.[15] The second,

---

[11] For neoliberal understandings, the emphasis is upon the limits of classical liberal assumptions of the universal rational subject, thereby focusing on the subjective constraints to exporting liberal peace; see Michel Foucault's excellent examination of neoliberal discursive framings in *The Birth of Biopolitics: Lectures at the Collège de France 1978–1979* (Basingstoke: Palgrave, 2008). Resilience approaches transform these limits into positive resources, whereby local practices and understandings can inform pragmatic context-based policymaking in a world understood to be complex. For a useful analysis, see Paul Cilliers' discussion of Jean-François Lyotard's *The Postmodern Condition: A Report on Knowledge* (Manchester: Manchester University Press, 1984) highlighting the policy importance of relationally embedded contextual forms of knowledge *vis-à-vis* the meta-narratives of liberal modernity, *Complexity and Postmodernism: Understanding Complex Systems* (Abingdon: Routledge, 1998), pp. 112–40.

[12] As Moe and Simojoki note, 'the forms of peace evolving through such pragmatic engagement would be qualitatively different from prevailing notions of liberal peace ... building on local practices may involve increasing rather than reducing plurality and diversity ... rather than striving for known end-points', 'Custom, Contestation and Cooperation', p. 411.

[13] This discussion has been cohered through the publication of a high-profile report from the General Secretariat of the Organisation of American States, suggesting that international policy interventions have failed in this area; Organization of African States (OAS), *The Drug Problem in the Americas* (Washington, DC: OAS, 2013).

[14] See, for example, Adam David Morton, 'Failed-State Status and the War on Drugs in Mexico', *Global Dialogue*, 13:1 (2011); Diana Cammack, Dinah McLeod, Alina Rocha Menocal, with Karin Christiansen, *Donors and the 'Fragile States' Agenda: A Survey of Current Thinking and Practice* (London: Overseas Development Institute, 2006); the Pulitzer centre project 'Fragile States: The Drug War in Central America', information available at: {http://pulitzercenter.org/node/10031/all}; Paula Miraglia, Rolando Ochoa and Ivan Briscoe, 'Transnational Organised Crime and Fragile States', *OECD Development Cooperation, Working Paper* No. 3 (2012); Juan Gabriel Tokatlián, *Organised Crime, Illicit Drugs and State Vulnerability* (Oslo: Norwegian Peacebuilding Centre, 2011); David Sogge, *Repairing the Weakest Links: A New Agenda for Fragile States* (Madrid: FRIDE, 2009).

[15] Richmond describes the liberal peace approach as 'a model through which Western-led agency, episte-mology and institutions, have attempted to unite the world order under a hegemonic system that repli-cates liberal institutions, norms, and political, social and economic systems', *A Post-Liberal Peace* (London: Routledge, 2011), p. 1.

more pluralist and culturally sensitive liberal peace approach, launched amid the perceived failures of formal institutional capacity-building, has paid much more attention to sociocultural values and understandings, suggesting that success at the state-level is dependent upon 'local' understandings – that norms and values change is the key to peace and the institutionalisation of a 'rule of law' regime.[16]

The third approach – the 'resilience' approach – does not start from the position of an external subject equipped with superior interventionist knowledge or instrumental goals. Resilience approaches seek to work through understanding the concrete context in which social practices and everyday 'tactics' produce problematic consequences: in this case, the criminal production, trafficking and consumption of drugs. Through a process-based or relational understanding of the construction of a concrete problem (or set of problems), everyday contexts and practices are seen to provide the key to mitigating both the causes and consequences of 'the drug problem' in the Americas:

> Resilience is the story of a profound change in perspective about where the solution to the hemispheric drug problem can be found. Rather than focusing primarily on suppressing drug production and trafficking, or changing the legal or regulatory regime, national and local leaders recognize that the best approach is to focus on people rather than drugs and to rebuild and strengthen communities from the grassroots level up. Like a healthy body, a healthy community fights off an 'epidemic', whether it is an epidemic of violence or of drug dependence, through its own capacity to respond effectively – its own resilience.[17]

The shift from understanding local sociocultural values as the problem or barrier to be overcome to resilience approaches, which understand local practices, in the context of the production of a concrete problem and its solution, is crucial. Here, local responses and practices are seen as key to positive transformation once the relational context, through which the problem is understood to be generated, can be understood and addressed.

The following section draws out the cultural impasse of 'liberal peace' internationalism – where cultural sensitivities lead either to increasingly problematic universalist attempts to remake cultural norms or to the dangers of cultural relativist adaption to the *status quo*. I will then use the example of the Organisation of American States initiative to rethink the 'war on drugs' to demonstrate how a discussion about how to export liberal institutional frameworks and the 'rule of law' has shifted to one about how to pragmatically deal with a set of varied problems, once they are re-presented as contextually-embedded social practices. From the analysis below it will become clear that, while on one hand, resilience-approaches can appear to be a positive alternative, evading the dilemma of the export of liberal institutional frameworks – the traps of universalism and cultural relativism – on the other hand, these approaches raise new questions as to whether the pragmatically-informed flexible and experimental approach to policy intervention as community empowerment is too reductive an understanding of problems, repackaged as amenable to 'bottom-up'

---

[16] See, for example, Francis Fukuyama, 'The Primacy of Culture', *Journal of Democracy*, 6:1 (1995), pp. 7–14; Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (eds), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999); Andrew P. Cortell and James W. Davis, 'Understanding the Domestic Impact of International Norms: A Research Agenda', *International Studies Review*, 2:1 (2000), pp. 65–87; Chandler 'Promoting Democratic Norms? Social Constructivism and the "Subjective" Limits to Liberalism', *Democratization*, 20:2 (2013), pp. 215–39.

[17] OAS, *Scenarios for the Drug Problem in the Americas 2013–2025* (Washington, DC: OAS, 2013), p. 55.

local contextual solutions. The key stakes involved in this problematic stem from the pragmatic distancing of interventionist policy prescription from both the broader economic, social, and political relations of inequality and dependency in which they are situated and from the political and legal sphere of contestation and accountability. This distancing is achieved through the removal of the external subject position of international actors, understood to be merely 'facilitating' concrete local solutions to specific local problems.

The limits of culture

Whereas classical liberal approaches to institutional frameworks of governance assume a universalist approach to the subject, in neoliberal or sociological institutionalist understandings, the efficacy or capacity of state institutions and the 'rule of law' is dependent upon their sociocultural foundations.[18] This neoliberal perspective was probably most famously articulated by Friedrich von Hayek, in his view that modern liberal institutions could not be exported or created by edict or plans but must emerge organically from society.[19] In the organic or culturalist perspective, the constitutional history of Great Britain is often highlighted to argue that even without a written (codified) constitution, the rule of law had more *de facto* purchase than in the former colonies where the rule of law needed to be produced through *de jure* democratic constitutions.[20] The pluralist, 'organic' or institutionalist position involves problematic circular reasoning in attempting to explain the differences and divisions of the present as products of the cultural hold of the past. For example, Brian Tamanaha argues: 'The rule of law existed [in Britain] owing to the widespread unquestioned belief in the rule of law, in the inviolability of certain fundamental legal restraints on government, not to any specific legal mechanism.'[21] Paola Cesarine and Katherine Hite put this well in the context of Latin America:

The persistence of authoritarian legacies in post-authoritarian democracies may be explained in terms of a combination of socially, culturally, and institutionally induced set of attitudes, perceptions, motivations, and constraints – that is, from traditions or institutions of the past as well as from present struggles within formally democratic arrangements .... As a result, democracy in much of Latin America belongs to the realm of constitutions and code books rather than reality.[22]

---

[18] See, for example, Douglass C. North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990); James Mahoney and Kathleen Thelen (eds), *Explaining Institutional Change: Ambiguity, Agency, and Power* (Cambridge: Cambridge University Press, 2010); Guy B. Peters, *Institutional Theory in Political Science: The 'New Institutionalism'* (London: Continuum, 2005); Richard W. Scott, *Institutions and Organizations: Ideas and Interests* (London: Sage, 2008).

[19] According to Hayek: 'The conception of man deliberately building his civilization stems from an erroneous intellectualism that regards human reason as something standing outside nature and possessed of knowledge and reasoning capacity independent of experience.' Hayek, *The Constitution of Liberty* (London: Routledge, 1960), p. 22.

[20] This gap, between *de facto* legal standing and a purely *de jure* one, began to enter the sphere of international legal and political understandings of sovereignty with the end of the Cold War. See, for example, Robert H. Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990).

[21] Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory* (Cambridge: Cambridge University Press, 2004), p. 58.

[22] Paolo Cesarini and Katherine Hite, 'Introducing the Concept of Authoritarian Legacies', in Hite and Cesarini (eds), *Authoritarian Legacies and Democracy in Latin America and Southern Europe* (Notre Dame: University of Notre Dame Press, 2004), p. 7

For constructivist or sociological institutionalist approaches, law could not provide its own legitimacy – its own basis, limits, or constraints – anymore than democratic theory could explain the constitution of the demos.[23] The universal, 'natural' or 'Cartesian' assumptions of the liberal rationalist autonomous subject were subject to devastating critique from these sociologically-informed positions.

But while operating to highlight the limits of liberal constructions of the rule of law there appeared to be little that could be done to overcome these limits. Once it was established that merely having legal constitutions (which can, of course, be internationally exported or externally-imposed) was no longer adequate, then the sphere of sociocultural understandings appeared to pose a formidable policy challenge. As Augusto Zimmermann, law professor at Murdoch University, notes with regard to Brazil:

> Indeed, an observation of Brazil's reality reveals a society that is deeply regulated by contra-legem (anti-legal) rules. These are not the rules taught in law schools but rather are socially defined rules that vary remarkably from the state codes and statutes, and the rulings of the courts.[24]

The focus of social constructivist and new institutionalist understandings upon the gap between the formal sphere of law and constitutionalism and the social 'reality' of informal power relations and informal rules, established a problematic but not a way of going beyond it.[25] This attention to cultural differences marked the impasse of the liberal peace framework, which shaped international peacebuilding and statebuilding assumptions in the 1990s. The work of the sociological understanding of constitutionalism and law revealed the shallowness of the state-level or top-down focus of peace and democratisation approaches. In these frameworks, the social reality of countries undergoing democratic or post-conflict 'transition' could not be understood merely by an analysis of laws and statutes. In fact, there appeared to be an unbridgeable gap between the surface appearances or artificial constructions of legal and constitutional frameworks and the realities of everyday life, revealed in dealings between individual members of the public and state authorities.

Often this contrast, between the 'reality' of the everyday and the formal framework of law, was understood in terms of two – opposing – spatially-constructed rationalities: that of the 'international' and the 'local'. This clash, between the formal and the real, has been captured in critical conceptual approaches, which have focused on hybrid outcomes of international interventions, which have attempted to transform societies through top-down mechanisms such as legal and constitutional reforms.[26] In the framings of hybridity approaches: 'the "laws" of the society can

---

[23] In this context, research projects and, in fact, even entire research institutes (such as the Käte Hamburger Kolleg, Centre for Advanced Study, Law as Culture) work on the basis of the need to investigate 'law as culture', see Werner Gephart, *Law as Culture: For a Study of Law in the Process of Globalization from the Perspective of the Humanities* (Frankfurt am Main: Vittorio Klostermann, 2010).

[24] Augusto Zimmermann, 'The Rule of Law as a Culture of Legality: Legal and Extra-legal Elements for the Realisation of the Rule of Law in Society', available at: {http://elaw.murdoch.edu.au/archives/issues/2007/1/eLaw_rule_law_culture_legality.pdf}, pp. 10–31, 29.

[25] See also, the pessimistic view of Douglass C. North, the policy guru of new institutionalist economics, regarding the difficulties of understanding how exported institutions will interact with 'culturally derived norms of behavior'; North, *Institutions, Institutional Change and Economic Performance*, p. 140.

[26] See, for example, David Roberts, 'Hybrid Polities and Indigenous Pluralities: Advanced Lessons in Statebuilding from Cambodia', *Journal of Intervention and Statebuilding*, 1:3 (2007), pp. 379–402; Richmond, 'A Post-Liberal Peace: Eirenism and the Everyday', *Review of International Studies*, 35:3 (2009), pp. 557–80; Mac Ginty, *International Peacebuilding and Local Resistance*; Richmond and Mitchell, *Hybrid Forms of Peace*.

easily overrule the laws of the state'.[27] As Zimmermann argues: 'Socially speaking, the former can be far more institutionalized than the latter, which means that the state law can easily be undermined by the lack of connection between its formal precepts and observed behavior.'[28]

These 'hybrid', sociological approaches understood 'local', national, or community cultures and values as a socially-constructed barrier to the export or development of constitutional frameworks and the rule of law.[29] The discursive framework in which these approaches developed was that of analysing and explaining the limits of external interventions based on liberal understandings. Universalist framings of law were held to fail where societies were understood to be 'non-liberal' and therefore not ready to, or incapable of, organising on the basis of law standing above social and economic conflicts. These barriers to the 'rule of law' were often understood to have deep cultural roots in the colonial era or in the parallel power structures that emerged during internal conflicts, and seen to be similarly deep-rooted. It is these deep societal roots that were held to explain the limits of liberal transition and international state-building. As Zimmermann concludes:

it is impossible to understand the obstacles facing the realization of the rule of law in Brazil if we confine ourselves to a purely legalistic and a less empirical analysis of the legal system. In order to comprehend the reasons for problems blocking the rule of law from taking hold in that society, we must necessarily turn our attention to the many patterns of social behaviour that inhibit normal respect for legal norms and principles.[30]

The framing of sociocultural norms and understandings, as a barrier, shifted the emphasis from the formal sphere of rights and law to the informal sociocultural understandings into which these were deployed.[31] However, while being able to process-trace understandings of these limits to the 'rule of law' backwards into the past, through the cultural reproduction of values, societal path dependencies and inter-subjective cognitive framings, these approaches offered very little in terms of being able to move forward beyond the impasse of 'culture'.

The limits of neoliberal or new institutionalist framings, which seek to promote liberal peace outcomes, through interventions at the deeper, sociocultural level, are clearly highlighted in 'culture of lawfulness' policy interventions that attempt to transform culture to enable the rule of law. These programmes have been particularly prevalent in frameworks of the 'war on drugs' in Latin America. Heavily funded by the US Government and the World Bank, initiatives led by the US-based NGO the National Strategy Information Centre (NISC) have placed the culture of lawfulness at the centre of the US's global law enforcement strategy. According to US Under Secretary of State for Global Affairs, Paula Dobriansky: 'Government efforts to enforce the law are insufficient in and of themselves to establish the rule of law in a country. This is a result of the fact that lawlessness and corruption often stem from social norms and historic practices.'[32] For Dobriansky, historic path dependencies

---

27 Zimmermann, 'The Rule of Law as a Culture of Legality', p. 29.
28 Ibid.
29 See, Chandler, 'Promoting Democratic Norms?'
30 Zimmermann, 'The Rule of Law as a Culture of Legality', p. 30.
31 See further, Chandler, *International Statebuilding and the Rise of Post-Liberal Governance* (London: Routledge, 2010).
32 Paula J. Dobriansky, 'Promoting a Culture of Lawfulness', Remarks at Georgetown University, Washington, DC (13 September 2004), available at: {http://2001-2009.state.gov/g/rls/rm/2004/37196.htm}.

and sociocultural norms meant that the rule of law could not operate universally. She argued therefore that sociocultural interventions were necessary to educate and win over the 'hearts and minds' of recalcitrant subjects:

The Culture of Lawfulness Project, an international effort fostered by the National Strategy Information Center, has worked aggressively to advance this cause. An NGO that uses public and private funding, the Project has helped a growing number of governments, school systems and civil society leaders to improve public knowledge and attitudes about the rule of law. In culture of lawfulness education, the goal is to reach the next generation of students, and through them their parents and communities. Project staff and consultants help teachers develop a lawfulness education program, integrate it into the curriculum, and involve parents and the community in complementary activities. The Project also works with other critical sectors of society, often by offering training. The Project engages representatives from business and labor groups, religious institutions, local non-governmental organizations, and the media.[33]

A typical example is that of the NSIC 'culture of lawfulness' three-year project in the city of Pereira, Columbia, funded from 2008–10. The project's starting presupposition was that the local culture was a central barrier to the rule of law: 'Prior to this project, rule of law principles had few public advocates and were not well understood by the people of Pereira. Apathy and fatalism were the norm for large segments of the population, and many engaged in or tolerated illicit behaviour.'[34] The project started with local knowledge and understandings, developing 'a Pereiran rule of law narrative, locally driven and cognizant of Pereira's unique history, customs and culture' and with the desire of government and civil society leaders to tackle the barriers of the local culture.[35] With the zeal of nineteenth-century missionaries, the NSIC attempted to align USAID and local funding, using local knowledge and access to society – at the level of government leaders, civil society organisations, faith groups, local businesses, the media, and schools – to initiate awareness of the rule of law, educate and inform, and begin to change ingrained patterns of behaviour.

Local culture was to be engaged with on the basis that the locals needed to adapt to and learn about universal liberal understandings of the 'rule of law':

training judges and prosecutors, rewriting laws, and building investigative facilities for police are not sufficient. To be effective, these efforts need to be accompanied by the development of societal support for rule of law principles. This entails educating citizens about the importance of the rule of law, how it enhances their quality of life, and the role they can play in making it a reality. When education and culture supportive of lawfulness are combined with enhanced law enforcement and institutional reforms, justice and order can be strengthened and crime and corruption reduced – even within one generation. However, reform efforts that do not address the culture at large, neglect a cost efficient, effective, and long-lasting way to deepen democracy.[36]

It was understood that if the barrier of local culture could be successfully overcome, liberal institutions and frameworks could take root 'even within one generation', while reforms that worked at the state and institutional level would be doomed to failure, just remaining at the superficial level of the formal framework and not touching the local reality. To this end, local leaders were encouraged to buy into the programme, and an all-out 'counter-insurgency' campaign was launched to win over the

---

[33] Ibid.
[34] National Strategy Information Centre, *Fostering a Culture of Lawfulness: Multi-Sector Success in Pereira, Columbia 2008–2010* (April 2011), available at: {http://pdf.usaid.gov/pdf_docs/PDACT131.pdf}, ii.
[35] Ibid.
[36] Ibid., p. 1.

'hearts and minds' of the community: 'A comprehensive citywide CoL [culture of lawfulness] campaign … touched Pereirans at nearly every point of contact – at school, at work, in transit (buses, taxis, billboards), through television/radio/print, at community events and in houses of worship.'[37]

The NISC evaluated their own project very positively, arguing that over the three year period it had a substantial impact on the community 'measured through the degree of the institutionalization of CoL in long-term community processes, activities and planning as well as significant shifts seen during the program in popular knowledge and attitudes – a foundation of behavioral change'.[38] It is important to note that new institutionalist framings operate at the level of intersubjective understandings – the empowerment that they offer the 'local' level is that of understanding the importance of the rule of law and their role as active citizens. These cognitive changes then lead to changes in behaviour, which enable liberal transformation, facilitating the rule of law:

A culture of lawfulness guides citizens' relationships with one another and with the state. It can fundamentally alter the dynamics of state institutions, making them more efficient, effective, and just. Lawless behaviour, including corruption, is marginalized as more citizens begin to defend the rule of law and act according to its principles. Law enforcement and justice sector efforts to fight serious crime and corruption are reinforced by ordinary citizens who report crimes, serve as witnesses, and act as a check against corrupt and abusive practices, holding their government accountable for upholding the rule of law and respecting human rights.[39]

Although there is the language of local knowledge and resources, needs and interests and the empowerment of local people, it is clear that the agenda is very much one in which enlightened Western interveners, equipped with the external subject position of liberal universalist understandings, attempt to transform the barrier of local cultural-social frameworks. Because intervention is consciously aimed at transforming the minds and understanding of local people – and thereby necessarily setting up a hierarchy of understanding – the gap between the external perspective and the 'local' arena becomes clearer the more the international 'empowerment' agenda extends into the society.[40]

This becomes clear in projects such as the comprehensive 'multi-sectoral' campaign, considered here. In fact, reading their report it becomes difficult not to see this work as patronising and demeaning to those they are seeking to 'empower'. Examples of good work highlighted in the report include a 60-hour Culture of Lawfulness course to be taught in schools,[41] encouraging the media to incorporate culture of lawfulness themes into documentaries, soap operas, game and talk shows,[42] therapeutic workshops for citizens to 'give voice to the obstacles and frustrations they face along their "journey" to a culture of lawfulness',[43] an annual 'Most Legal and Most Safe Neighborhood' competition,[44] culture of lawfulness supported hip hop and rap

[37] Ibid., p. iii.
[38] Ibid., p. iii.
[39] Ibid., p. 1.
[40] For an excellent study of how these approaches can end up in the pathologising of populations subject to intervention, see Vanessa Pupavac, 'Human Security and the Rise of Global Therapeutic Governance', *Conflict, Security and Development*, 5:2 (2005), pp. 161–81.
[41] National Strategy Information Centre, *Fostering a Culture of Lawfulness*, p. 2.
[42] Ibid., p. 9.
[43] Ibid., p. 11.
[44] Ibid.

festivals – including 'The Culture of Lawfulness is an Awesome Challenge' rap contest,[45] public education billboards with personal testimonies concluding with the phrase: 'and YOU, what are YOU going to do for lawfulness?',[46] mime and theatre to discourage speeding and jay walking,[47] pledges for lawfulness by the town mayor in front of primary school children,[48] local Chamber of Commerce prize 'Culture of Lawfulness is my Business',[49] and a Culture of Lawfulness 'paint fest'.[50] Local pastors and lay preachers have even been given manuals on how to introduce rule of law themes into their services.[51] Of course, the paradox is that the more multisectoral and comprehensive the culture of lawfulness intervention is, the more artificial and patronising it becomes; while any single activity on its own seems clearly unable to tackle the task at hand, 'to transform an entire culture'.[52]

These approaches were limited by the liberal universalist framings which they explicitly drew upon (and explicitly defended). Here 'the rule of law' was consciously articulated as an external rationality, as somehow the preserve of the West (where, as noted above, it was often held that there was no cultural or societal mismatch), meaning that any attempt to 'artificially' construct rule of law regimes, even through 'culture of lawfulness' attempts to 'transform entire cultures', hardly appeared feasible. Even the best and most determined, you could even say messianic, attempts to engage with the 'local', in order to transform cultural values, seemed to fall prey to the problems of 'artificiality' (which had already beset international attempts to export the 'rule of law' through state and institutional level legal and constitutional reforms). Furthermore, no matter how culturally sensitive these interventions were, they still – in fact, inevitably – produced hierarchical understandings, which problematised (even pathologised) local understandings and values, and came across as patronising and neocolonial.

There are clear limits to attempts to overcome the barriers to liberal peace approaches on the basis of intervention to transform 'local' sociocultural understandings.[53] However, the alternative approach to these barriers – of adapting liberal understandings of legal and constitutional practices to local sociocultural contexts – would appear to be equally problematic in terms of leaving international organisations vulnerable to accusations of providing support to 'illiberal' actors or undermining human rights norms.[54] The paradox of liberal peace advocacy is fully highlighted

---

45 Ibid., pp. 12, 27.
46 Ibid., p. 13.
47 Ibid., p. 14.
48 Ibid., p. 16.
49 Ibid., p. 18.
50 Ibid., p. 24.
51 Ibid., p. 26.
52 Ibid., p. 20.
53 Local sociocultural understandings and values are usually grounded upon contextual realities, such as structural and socioeconomic frameworks of inequality and exclusion, and thereby are not necessarily amenable to interventions at the level of formal understanding. See further, for example, Amitav Acharya, 'How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism', *International Organization*, 2:1 (2000), pp. 65–87; Roberto Belloni, 'Civil Society in War-to-Democracy Transitions', in Anna K. Jarstad and Timothy D. Sisk (eds), *From War to Democracy: Dilemmas of Peacebuilding* (Cambridge: Cambridge University Press, 2008), pp. 182–210; Chandler, 'Democratization in Bosnia: The Limits of Civil Society Building Strategies', *Democratization*, 5:4 (1998), pp. 78–102; Thania Paffenholz, *Civil Society and Peacebuilding: A Critical Assessment* (Boulder, CO: Lynne Rienner, 2009).
54 Moe and Simiojoki, 'Custom, Contestation and Cooperation', p. 400.

in attempts to defend international intervention, but which deny that local culture will be necessarily seen in these liberal, 'problematic' ways by external interveners. For more critical or radical liberal peace theorists, intervention needs to be done in more self-reflexive ways, which similarly seek to problematise Western understandings of liberal universality. These critical approaches are often drawn towards pluralist anthropological frameworks in order to develop an ethical methodology of intervention, which can break free of the hierarchical understandings explicit in liberal internationalism. Here, the plural and 'hybrid' outcomes of international intervention are seen as positive and to be encouraged. In fact, the experience of intervention, it is alleged, can be a mutual learning exchange between intervener and those intervened upon, as fixed cultural understandings on both sides can be challenged through 'unscripted conversations' and 'the spontaneity of unpredictable encounters'.[55]

The obvious problem with the 'unscripted conversations' approach is the question: 'Why then intervene in the first place?' The answer is that intervention is essentially a mechanism of intersubjective enlargement of reflexivity, enabling an emancipation of both intervener and those intervened upon, through the opening up of possibilities for both to free themselves from the sociocultural constraints of their own societies and to share a pluralised ethos of peace which, through pluralising, goes beyond both liberal universalism and non-liberalism. As Morgan Brigg and Kate Muller argue:

Conflict resolution analysts and practitioners might facilitate this process [of increasing exchange and understanding across difference] – something which has already begun – by openly examining and discussing their own cultural values within their practice. This can generate possibilities for more dynamic conflict resolution processes by extending the practice, also already underway, of opening to and learning from local and Indigenous capacities, including different ways of knowing, approaching and managing conflict.[56]

For Richmond, this plural and emancipatory peace, based on mutual learning and exchange, is thereby 'post-liberal'.[57] Here, cultural understandings are also seen as malleable and open to intersubjective transformation, enabling liberal peace approaches to overcome the problems of conflict, crime, and reconstruction but without privileging universalist understandings (although these views can be critiqued as no more than the anthropological ethics of cosmopolitan liberalism, this is not the focus here).[58]

The paradox of liberal peace is merely brought into full focus in these critical approaches, which have found it impossible to escape the focus on sociocultural norms and values. The ethics of radical liberal peace are those of cultural pluralism and the 'respect and the recognition of difference' beyond the divide of 'liberal and non-liberal contexts'.[59] However, it is clear that the problematic is one that still

---

[55] See, for example, Mark Duffield, *Development, Security and Unending War: Governing the World or Peoples* (Cambridge: Polity, 2007), pp. 233–4; Richmond, 'A Post-Liberal Peace: Eirenism and the Everyday'; see also Vivienne Jabri, *War and the Transformation of Global Politics* (Basingstoke: Palgrave, 2007), p. 177.

[56] Brigg and Muller, 'Conceptualising Culture in Conflict Resolution', *Journal of Intercultural Studies*, 30:2 (2009), pp. 120–1, 135.

[57] Richmond, *A Post-Liberal Peace*.

[58] For an excellent critique along these lines see Christopher Shannon, 'A World Made Safe for Differences: Ruth Benedict's "Chrysanthemum and the Sword"', *American Quarterly*, 47:4 (1995), pp. 659–80.

[59] Richmond, 'A Post-Liberal Peace: Eirenism and the Everyday', p. 566.

shares much with the liberal universalist vision, merely questioning its ability to fully accept the existence of plurality.[60] As Richmond argues: 'Behind all of this is the lurking question of whether liberal paradigms are able to engage with, and represent equitably non-liberal others – those for which it infers a lesser status.'[61] For Richmond, the liberalism of liberal peace shapes the understanding of the problem as one of pluralisation that 'requires a privileging of non-liberal voices' and the 'ongoing development of local-liberal hybrid forms of peace'.[62] As Audra Mitchell has pointed out, this framing problematically focuses on fixed or essentialised sociocultural understandings, counter-positioning an external 'liberal' internationalist subject to a 'non-liberal' local one.[63] Mitchell points beyond liberal peace framings, in articulating practices as the key to understanding outcomes of intervention rather than focusing on the binary and hybrid perspectives of liberal/non-liberal and international/local. The focus on effects rather than on cultural difference is key to the discursive moves of resilience approaches, which take policy debates beyond the liberal peace and its limitations.

The starting point for resilience is a reinterpretation of the liberal discursive construction of 'culture' itself as a fixed or settled spatial community of intersubjective, constructed meanings, which external interveners are somehow external to.[64] The new institutionalist or critical constructivist approach can thereby be understood to operate merely through inversing hierarchical liberal understandings of universal reason.[65] The epistemological privileging of 'local' knowledge then becomes the basis of value pluralism, but always from the standpoint of the problems of liberal democracy and universalist approaches to public institutions and the rule of law.[66] As long as the discourse stays on the level of shared rationalities of spatially differentiated inter-subjective collectivities, both academic and policy discussion remains on the terrain of liberal universalism and value relativism, based upon the judgement of the intervener, self-understood as external to the problematic.[67] It is only in the sphere of practices and strategies in relation to concrete problems that there can be a shift away from spatial constructions to social practices. The 'local' or the 'everyday' then become the focal point, not on the basis of the epistemological differences

---

[60] See also, Sabaratnam, 'Avatars of Eurocentrism in the Critique of the Liberal Peace', *Security Dialogue*, 44:3 (2013), pp. 259–78.

[61] Richmond, 'A Post-Liberal Peace: Eirenism and the Everyday', p. 570.

[62] Ibid., p. 578.

[63] Audra Mitchell, 'Quality/Control: International Peace Interventions and "The Everyday"', *Review of International Studies*, 37:4 (2011), pp. 1623–45.

[64] As Ann Swindler has noted 'a culture is not a unified system that pushes action in a consistent direction . . . it is more like a "tool kit" or repertoire', see 'Culture in Action: Symbols and Strategies', *American Sociological Review*, 51:2 (1986), pp. 273–86, 277; see also William H. Sewell Jr, 'The Concept(s) of Culture', in Victoria Bonnell and Lynn Hunt (eds), *Beyond the Cultural Turn: New Directions in the Study of Society and Culture* (University of California Press, 1999), pp. 35–61.

[65] A useful critique of the neoliberal, constructivist, and post-structuralist understandings of culture as constructed meaning is David Scott, 'Culture in Political Theory', *Political Theory*, 31:1 (2003), pp. 92–115.

[66] See, for example, Morgan Brigg, 'Culture: Challenges and Possibilities', in Richmond (ed.), *Palgrave Advances in Peacebuilding: Critical developments and Approaches* (Basingstoke: Palgrave, 2010), pp. 329–46; Mac Ginty, 'Indigenous Peace-Making versus the Liberal Peace', *Cooperation and Conflict*, 43:2 (2008).

[67] Richmond, 'A Post-Liberal Peace: Eirenism and the Everyday'.

of liberal reason but on the ontological basis of the practical production of the world.[68]

The rise of resilience

While the liberal peace problematic deploys external standards of judgement and downplays the critical and agential capacity of actors, philosophical pragmatism argues that the world is made 'from below',[69] through the practices of the 'everyday', and that the only purpose of external intervention can be to facilitate and respond reflexively to these practices rather than seek to remake or constrain them through either liberal universalist or cultural relativist approaches. The importance of understanding society 'from the bottom-up' rather than 'from the top-down' has been well articulated by a number of authors with a growing impact on debates on international policymaking. Perhaps the classic text in this regard is Michel de Certeau's *The Practice of Everyday Life*.[70] In his analysis of the practices of the 'everyday', de Certeau shares much with the actor-network theory of Bruno Latour and the work of the French pragmatist theorist, Luc Boltanski.[71] Just as Latour argues that 'we have never been modern' – in his devastating critique of the artificial division between science and culture[72] – so de Certeau hints at the ever-present reality of the practices of local and 'everyday' agency outside the reach of liberal representational theory.[73]

These practices of 'bottom-up', tactical adaption, and creativity 'present in fact a curious analogy, and a sort of immemorial link, to the simulations, tricks and disguises that certain fishes or plants execute with extraordinary virtuosity'.[74] And, while we, indeed, 'have never been modern', the complex global world seems to make liberal myths of institutional power and the sciences which have supported them, more and more unreal or artificial; while the tactical practices 'from below' appear to become more and more dominant: 'Cut loose from the traditional communities that circumscribed their functioning, they have begun to wander everywhere in a space which is becoming at once more homogeneous and more extensive.'[75] Rather than seeing the 'everyday' as only operating on the margins, or merely as a barrier or limit, 'altering or defeating' the instruments of power, de Certeau agues that it is the external grand narratives and strategies of power which should be seen as marginal, artificial, phenomenological constructs.[76]

---

[68] This is where practice-based understandings become particularly useful. For example, Annemarie Mol's work on the treatment of diabetes draws out how abstract or universal, objective, medical approaches of prescribing treatment also need to account for the context of social practices, and need to be concretely 'attuned' to these and for interventions to be seen as 'a part of ongoing practices: practices of care as well as practices to do with work, school, family, friends, holidays and everything else that might be important in a person's life'; see Mol, *The Logic of Care: Health and the Problem of Patient Choice* (London: Routledge, 2008), p. 53.

[69] Luc Boltanski, *On Critique: A Sociology of Emancipation* (Cambridge: Polity, 2011), p. 44.

[70] Michel de Certeau, *The Practice of Everyday Life* (Berkeley, CA: University of California Press, 1998).

[71] Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford: Oxford University Press, 2005); *Politics of Nature: How to Bring the Sciences into Democracy* (Cambridge, MA: Harvard University Press, 2004); Boltanski, *On Critique*.

[72] Latour, *We Have Never Been Modern* (Cambridge, MA: Harvard University Press, 1993).

[73] See also the influential work of Nigel Thrift, especially Thrift, *Non-Representational Theory: Space, Politics, Affect* (Abingdon: Routledge, 2008).

[74] De Certeau, *The Practice of Everyday Life*, p. 40.

[75] Ibid.

[76] Ibid., p. 41.

What is vital about the pragmatist framework is not so much the fact that policy attention is drawn to the everyday but its methodological centrality. Authors such as James C. Scott have focused on everyday life as the sphere of resistance, but the transformative capacities of the 'everyday' remained marginal, erupting on the surface only on rare occasions.[77] What differentiates the pragmatist philosophy of authors such as de Certeau, Boltanski, and Latour is their critique of the structural discursive understandings, which marginalise the concrete and specific practices of the everyday. As Boltanski argues, the resources of the local provide the empirical material for a 'sociology of critique', which gives agency to previously marginalised subjects, seen as constrained by discursive structures of power in the 'critical sociology' of authors such as Althusser, Foucault, and Bourdieu.[78] For Boltanski, pragmatic sociology, with its rigorous empiricism can offer 'better descriptions of the activity of actors in particular situations'.[79] Rather than starting from the external subject position of critical sociological theory, pragmatic sociology 'refocused the socio-logist's attention on actors en situation, as the main agencies of performance of the social'.[80] As Boltanski argues, the key intent is to go beyond both the universalist and culturalist frameworks:

The universalist framework is explicitly rejected, because the polities are treated as historical constructs. As to the culturalist framework, it is displaced from *culture* in the sense of anthropology towards the *political* . . . . The social actors whose disputes are observed by the sociologist are *realistic*. They do not demand the impossible. Their sense of reality is sustained by the way they grasp their social environment.[81]

Informed by philosophical pragmatism, resilience approaches do not start from liberal universalist assumptions of the rational autonomous subject and thus are no longer concerned with explaining the limits of liberal universalism, or attempting to work on culture to overcome the 'gap' between liberal assumptions and 'everyday' reality. In fact, this methodological framework seems to speak to us much more clearly than the neoliberal or critical conceptions of some sort of 'organic' cultural connection between society and law. Today, it seems that the 'rule of law' seems just as alien and 'artificial' in a Western domestic sphere as it does in the debates on democratic transition and international peacebuilding in the international context. What we apparently 'discover' in meetings with the exotic Other in post-Cold War interventions (as earlier), we can now see clearly in our own societies.[82]

---

[77] See, for example, Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990); there is a similar framing in Rancière's work on politics as a rare eruption from below into the 'natural' order of social domination, see Rancière, *Disagreement: Politics and Philosophy* (Minneapolis: University of Minnesota Press); Paulina Tambakaki, 'When Does Politics Happen?', *Parallax*, 15:3 (2009), pp. 102–13. Similarly, Henri Lefebvre's understanding of the 'everyday' could be seen as one that is under the surface of modernity rather than constituting its appearances, see, for example, Lefebvre, 'The Everyday and Everydayness', *Yale French Studies*, 73 (1987), pp. 7–11.

[78] Boltanski, *On Critique*; Latour, 'Why has Critique run out of Steam?', *Critical Inquiry*, 30 (2004), pp. 225–48; see also de Certeau, pp. 45–60; and for a good overview, Robin Celikates, 'From Critical Social Theory to a Social Theory of Critique: On the Critique of Ideology after the Pragmatic Turn', *Constellations*, 13:1 (2006), pp. 21–40.

[79] Boltanski, *On Critique*, p. 23.

[80] Ibid., p. 24.

[81] Ibid., p. 31.

[82] As de Certeau intimates, the 'critical' framing of difference as an ethnological reality remains even with the import of a radical pluralising of identities; these are still understood as 'enlightened' and as 'problematic', *The Practice of Everyday Life*, p. 64.

Legal theorist, Professor Reza Banakar, is typical in drawing upon the radical sociological framings of globalisation theorists, Zygmunt Bauman, Anthony Giddens, and Ulrich Beck, to argue that in 'late-', 'liquid', and 'reflexive' modernity, liberal framings of law no longer have an 'organic' connection to Western societies.[83] In our more fluid, reflexive, transient and networked world, the cultural institutions and social structures – through which the modernist state operated, cohered, and legitimated itself – no longer bind communities together through shared frameworks of meaning. Western everyday realities, it appears, also trump any attempts to use the law for purposes of societal regulation: 'Under late modern conditions, where law's normativity can no longer find a durable foothold in fleeting social structures, legal measures aimed at generating new patterns of behaviour or social change grow evermore ineffective.'[84]

It is important to note that, in these approaches, the complexity and fluidity of social practices is highlighted and the spatial dispersal of 'communities' with networked connections, which lack a strong sense of shared intersubjective values. Law fails to connect with society but not on the basis of the structured or cohered 'gap' between culture(s) and law. In fact, it is possible to argue that the attempts to renegotiate liberal frameworks of representation, in terms of the operation of democratic institutions and legal regimes, on the basis of cultural differences and multiculturalism, can retrospectively be seen as precursors to the discussion of governing complexity in terms of resilience.[85] Resilience approaches start from the assumption that there is no 'organic', 'cultural', or intersubjective construction of community, which gives legal frameworks a purchase on social complexity, but do not problematise this. Their concern is with how societal regulation can operate on the basis of fluidity and complexity. As the Stockholm Resilience Centre argues:

Law is traditionally characterised by 'thou shalts' rather than opening doors for new approaches. As a reaction to this, the concept of reflexive law has emerged. Reflexive law is less rule-bound and recognises that as long as certain basic procedures and organisational norms are respected, participants can arrive at positive outcomes and correct their projects along the way, basically learning by doing. In response to growing complexity, detailed rules are replaced by procedures for regulated entities to follow. Reflexive law is a social innovation which seeks to promote multi-level governance and preserve diversity and experimentation at local level.[86]

[83] Reza Banakar, 'Law and Regulation in Late Modernity', forthcoming in Banakar and M. Travers (eds), *Law and Social Theory* (Oxford: Hart Publishing, 2013). Draft available at: {http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2229247}. The limits of law as an instrument of policy have also been widely discussed in terms of the 'new paternalism' proposed by Richard Thaler and Cass Sunstein, the authors of *Nudge* (London: Penguin, 2008), and taken up by by the UK Cabinet Office, Prime Minister David Cameron's Behavioural Insight Team (the 'nudge unit') and the Royal Society for the Arts' Social Brain project; see further Chandler, 'Resilience and the Autotelic Subject: Towards a Critique of the Societalization of Security', *International Political Sociology*, 7:2 (2013), pp. 210–26.

[84] Banakar, 'Law and Regulation in Late Modernity', p. 21.

[85] See further, Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983); Will Kymlicka, *Multicultural Citizenship* (New York: Oxford University Press, 1995); James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995); Amy Gutman (ed.), *Multiculturalism: Examining the Politics of Recognition* (Princeton, NJ: Princeton University Press, 1994).

[86] Stockholm Resilience Centre, *What is Resilience: An Introduction to Social-Ecological Research*, available at: {http://www.stockholmresilience.org/download/18.5ea7abe0139d0dada521ac/resilience_summary_lowX.pdf}.

Law follows society but not because there is a clash between liberal universalism and cultural relativism but because liberal frameworks of law are understood to be the barrier to governing complexity rather than a solution. These approaches share the focus on the local societal milieu of liberal peace debates, but in these framings the milieu is seen as providing the sphere in which transformative agency is generated through practice. In effect, resilience approaches to law repose the problem not in terms of a 'gap' between law and society (or the abstract and the concrete) but in pragmatic terms of specific problems or consequences, which can no longer be meaningfully addressed through the mechanisms of law (or external subject positions) as a guide to practice.[87] It is the internal processes of practical relations and outcomes that need to be understood and worked upon, not the external mechanisms and frameworks which need to be refined.[88] This pragmatic approach evades the problems of liberal peace, neither imposing a universal framework over sociocultural difference, nor recognising or privileging 'local' choices as emancipatory.[89] The problem is the contextual assemblage within which practices take place.

The 'local', or the 'everyday' is understood neither as a product of social and economic structures or fixed ideological and cultural values nor as a barrier or limit but rather as a set of fluid micro-processes of practices in a constant interaction driven by the agency of ordinary people in concrete circumstances. In this way, 'everyday' life operates across or outside of the structural spatial orderings of critical sociological theory and the homogenising assumptions of top-down understandings of science, law, and politics. For the advocates of resilience approaches, it is the 'tactics' of the everyday which constitute the world and its problems, not the universalist 'strategies' of liberal regimes of power shaped by an external viewpoint somehow 'outside' the problematic. As Foucault indicated, this shift away from the sovereign and disciplinary power of law, focuses on the real lives or the 'everyday' of individuals and communities 'and their environment, the milieu in which they live … to the extent that it is not a natural environment, that it has been created by the population and therefore has effects on that population'.[90] It is this 'milieu' of societal practices which thereby 'appears as a field of intervention' rather than the formal sphere of law.[91] In this framework, governance operates through societal processes rather than over or against them.

---

[87] Where Richmond does bring into his analysis de Certeau and the tactics of the everyday this is still seen in terms of flexible and hybrid approaches combining liberal and non-liberal understandings, rather than as a pragmatic or resilience approach based on practical policy consequences, 'A Post-Liberal Peace: Eirenism and the Everyday', pp. 571–2.

[88] As Manuel DeLanda notes, the key to non-linear understandings of complexity is that the internal organisation of an entity is more important that the external or extrinsic factors, which 'are efficient solely to the extent to which they take a grip on the proper nature and inner processes of things'. One and the same external set of policies or causal actions 'may produce very different effects'; *A New Philosophy of Society: Assemblage Theory and Social Complexity* (London: Continuum, 2006), p. 20.

[89] According to Charles T. Call, Senior Adviser in the US State Department Bureau of Conflict and Stabilization Operations, current approaches seek not to impose artificial external goals nor to merely accept local values, but to facilitate local transformative agency: 'to find those organic processes and plus them up' (comments at the International Paternalism workshop, George Washington University, 4–5 October 2013, notes with the author).

[90] Foucault, '*Society Must Be Defended*': *Lectures at the Collège de France 1978–1979* (London: Allen Lane, 2003), p. 245.

[91] Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977–1978* (Basingstoke: Palgrave, 2007), pp. 20–1.

The drug problem in the Americas

A good example of the resilience approach to law and institutional frameworks is that of the discussion with regard to the 'war on drugs', which has been reposed not as a question of law enforcement but in terms of 'the drug problem in the Americas'.[92] What makes the report particularly interesting is that it is produced in two parts: the Analytical Report based on a series of case studies, which analyses the problem; and a Scenarios Report based on a hypothetical analysis of four possible futures. It is the Scenarios Report, which I wish to focus upon here. The four possible future scenarios are categorised as 'Together', 'Pathways', 'Resilience', and 'Disruption'. These different scenarios can be heuristically categorised, respectively, as: liberal internationalist institution-building; cultural pluralist experimentation to align law and sociocultural norms; resilience-based approaches which are concerned with the problem in terms of the contextual framing of local practices; and the perceived *status quo*, which would lead to diverse responses, including compromising with criminal networks where the costs of controlling them were considered too high.

The liberal peace approaches to the drug problem are divided into two in the OAS report – the liberal universalist approach, focusing on state institutional frameworks, and the cultural pluralist approach of attempting to 'organically' relate the law to social practices. The universalist liberal approach focuses on state-level institutions, arguing that the drug problem 'is part of a larger insecurity problem, with weak state institutions unable to control organized crime and the violence and corruption it generates'.[93] The response is then that of strengthening the capacity of judicial and public institutions, improving their professional status and bringing in new techniques, benchmarks, and success indicators. Collectively, states in the region will then be able to launch a sustained campaign against transnational criminal organisations. In this scenario, liberal institutional changes are seen to be effective: reducing the power of criminal organisations and trafficking gangs through increasing the strength and effectiveness of democratic and legal institutions. This liberal good governance framing would also be understood to strengthen economies in these states and to transform local values and understandings, lessening support for organised criminal groups and enabling liberal institutional frameworks, based on human rights and transparent procedures, to extend even in outlying areas where drugs are grown and produced.[94]

However, the universalist approach is seen as just one possible scenario. The report argues that there is also plenty of evidence against such approaches, which were the *sine qua non* of international programmes in the 1990s. The complexity of drug production, trade, and consumption in the Americas and the different contexts, which state institutions are faced with, can also be argued to undermine such universalist understandings of 'good government'. For many of the states concerned, the focus on law enforcement and drug prohibition 'produces more damage that the drugs themselves'.[95] It is understood that enforcement efforts not only fail to sufficiently reduce the supply and the demand for drugs but that they also have the unintended

---

[92] OAS, *The Drug Problem in the Americas.*
[93] OAS, *Scenarios*, p. 23
[94] Ibid., p. 30.
[95] Ibid., p. 41.

consequence of providing illegal criminal gangs with huge profit margins, while risking the security of their citizens and the integrity of their democracies.[96]

The neoliberal or new institutionalist approach of cultural pluralism argues that there is no such thing as a universal solution to the drug problem, particularly at the level of formal framings of law, good government, and institutional capacity. While drugs might be a problem, using the law to prohibit drug production, transportation, and use is also a problem where the sociocultural context militates against its effective operation, or produces even more problematic unintended consequences in the increase of police and paramilitary power. It seems that the paradox of universal liberal approaches is that the unintended consequences of their adoption appear to be just as problematic as the problems they are intended to resolve. The 'paradoxes' or 'contradictions' of liberal interventionist approaches based on universalist assumptions, have of course been well rehearsed in the international peacebuilding and statebuilding literatures.[97]

Pluralist approaches attempt to escape this paradox through either working to adapt local cultures to the rule of law or (using the same ontological framing, but privileging 'local' rather than 'international' voices) adapting law to the social context. The pluralist approach as portrayed in the OAS report appears to adopt the latter perspective, advocated by the more radical critics of liberal peace,[98] and outlined in the 'Pathways' scenario, which rearticulates the drug problem in less universalist terms.[99] The reason for a pluralist approach, it is argued, is that the drug problem and the use of law enforcement to address it cannot be properly grasped outside of the specific cultural-socio-political context:

the international drug control framework may operate well enough for some countries but generates serious problems for others. For example, harms and costs related to drug consumption in the region (loss of productivity, dependency, treatment costs, stress on families) and those related to drug control enforcement are unevenly distributed and do not affect every country in the hemisphere in the same way or to the same extent. Political leaders in some Central and South American countries where there is drug crop cultivation believe that problems of drug-related violence, high homicide rates, insecurity, overcrowded prisons, and human rights violations are made worse or are even largely caused by efforts to prevent the illicit production and trafficking of drugs.[100]

This argument to a certain extent reflects the discussion in the United States where the war on drugs has been seen to be a war on the poor and marginalised (both inside and outside America) and it is argued that the balance needs to be refocused in a more 'emancipatory' way to concerns of human rights, health provision, and the development and protection of cultural and indigenous rights.[101]

---

[96] Ibid., p. 42.
[97] See, for example, Paris and Timothy D. Sisk (eds), *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations* (London: Routledge, 2008).
[98] However the challenge to liberal universalist understandings could also be seen as a less emancipatory lowering of expectations, analogous to Merilee S. Grindle's conception of 'good enough governance'. See further Grindle, 'Good Enough Governance: Poverty Reduction and Reform in Developing Countries', *Governance: An International Journal of Policy, Administration and Institutions*, 17:4 (2004), pp. 525–48; Grindle, 'Good Enough Governance Revisited', *Development Policy Review*, 25:5 (2007), pp. 553–74.
[99] OAS, *Scenarios*, p. 43.
[100] Ibid., p. 45.
[101] Ibid., p. 47.

The cultural pluralist understanding focuses much less on the institutional frameworks and more on the specific cultural context in which the law operates, and in this way seeks to mitigate the unintended consequences of universalist approaches. The location of the solution is shifted downwards to experiment with alternative legal and regulatory frameworks. The most consensual regulatory shift in this regard is experimentation with the decriminalisation of softer drugs such as cannabis and focusing more resources on major criminal networks than on small-scale production and consumption. In this way, resources can be better distributed, lifting the burden on police, prisons, and courts as well as reducing the drug market and enabling drugs, which are decriminalised, to be better regulated.

Of course, it should be noted that, in this framing, law is being adapted to the sociocultural reality rather than making a 'culture of lawfulness' attempt to adapt sociocultural reality to the law. However, the problems of privileging local culture and values and of adapting law to the reality of the 'local' – the paradox discussed above – become clear. In relation to the discussion in the US, regarding the decriminalisation of cannabis, the contradictions have been highlighted by critics, such as *The Wire* creator David Simon, who have argued that such changes would be just as 'artificial', merely benefitting privileged 'middle-class white kids' while intensifying the criminalisation of poor African-Americans in crack-infested communities.[102] There are clear limits to the capacity of adapting law to local reality, as removing the universal 'detachment' of law from reality leaves the law open to accusations of arbitrariness and cultural relativism. If law really was 'culture' then these accusations would be hard to avoid.

The 'Resilience' approach is notable in that the focus is no longer upon law and its enforcement nor upon how law may be pluralised but instead is placed upon states' 'improved social capital to build community-based approaches, in which the underlying emphasis shifts from treating drug use and related violence as primarily a legal or security matter to responding to the drug problem by strengthening community resilience'.[103] The resilience approach locates the problem of drugs as an outcome of complex societal practices not as something which can be dealt with as a discrete problem to be tackled by law. Rather, 'the drug problem is a manifestation and magnifier of underlying social and economic dysfunctions that lead to violence and addiction'.[104]

It should be clear that not only is the drug problem not a discrete problem to be solved in isolation, resilience approaches, of necessity, construct the drug problem as a matter of community practices and amenable to community solutions. In resilience approaches, communities imbricated within the production and trade of illegal drugs are less likely to be seen as criminal objects of the law and more likely to be understood as in need of facilitating intervention to enable them to be the leading agents of transformation. The individuals most likely to be involved in the production, trafficking and consumption of drugs, and the communities in which they live, would be subject to enabling interventions designed to use cultural, communal, and informal networks to produce less problematic practices. Rather than intervene coercively

---

[102] Ed Vulliamy and Saptarshi Ray, 'David Simon, creator of *The Wire*, says new US drug laws help only ''white, middle-class kids'' ', *The Observer* (25 May 2013), available at: {http://www.guardian.co.uk/world/2013/may/25/the-wire-creator-us-drug-laws}.

[103] OAS, *Scenarios*, p. 20.

[104] Ibid., p. 23.

to enforce the law or adapt law to the differentiated level of the 'local', resilience approaches seek to use the 'really existing' power of the local community as a transformative mechanism.[105] It is this element of internalisation of the problem and focus on local transformative agency that distinguishes resilience approaches from those of the external subject positions of liberal peace, both the liberal top-down approaches – which see individuals as objects of law and subject to social engineering – and those of cultural pluralism, which understand local cultural-socio-political milieus as barriers to universal frameworks of law and thereby seek to adapt the law to the circumstances.

As the OAS scenarios report suggests, the resilience approach works directly with – and not over or against – individuals and communities caught up in the drugs problem:

The significantly expanded drug and alcohol treatment, harm reduction, screening and early intervention programs, and alternatives to incarceration, decriminalization of possession for personal use in most regions, drug treatment courts, probation services, monitoring, and counselling, health services within prisons for drug-dependent users, and restorative justice initiatives involving victims and offenders – all lead to an increased number of people who benefit to such an extent that many of them manage to rebuild their families and work lives. These successes, in turn, impact levels of crime, family cohesion, and community health in a number of areas.[106]

Rather than a cultural pluralist or new institutionalist approach, which emphasises the hold of the past, in terms of path dependencies and deep cultural values, resilience approaches argue that everyday settings can be enabling and transformative. As well as focusing on the 'roots' of the problem in terms of those directly involved in the practices of producing, trafficking, and consuming drugs, there is also a great deal of attention to the community networks and relationships seen to provide the context for practices; thereby resilience responses:

are supported by the flowering of initiatives in other related fields as well: regional Responsible Fatherhood and Motherhood campaigns, values programs for schools, prison education programs, sports and cultural programs for underprivileged communities, vocational training programs, basic skills for a successful life programs for young, uneducated parents, and community-based policing programs for the region.[107]

The emphasis, as stated, moves away from drugs *per se* to a focus on resilient people and communities. As the OAS report states, in this framing: 'citizens gradually become aware that they are fundamental part of the solution and not just victims of the problem'.[108] With this shift, the focus is no longer on the problem of community understandings and values – the problem is not understood to be 'in the heads' of local people, but in the context shaping the outcomes of their practices. Law is no longer the key framework for measuring success in dealing with the 'drug problem', instead the metrics concern everyday practices from parenting to employment training: 'The paradigm change of focussing on building resilient societies forces people and governments to look inward for solutions and to acknowledge the need for social reforms.'[109]

---

[105] As Moe and Simiojoki note, key to interventions based on pragmatic rather than liberal peace understandings is the mobilising and organising of 'existing capacities', 'Custom, Contestation and Cooperation', p. 407.
[106] OAS, *Scenarios*, p. 58.
[107] Ibid.
[108] Ibid., p. 61.
[109] Ibid., p. 62.

Conclusion

The shift away from liberal peace formulations, towards the pragmatic philosophy of resilience, moves beyond the 'abstractions' of formal frameworks to focus on the 'reality' of the everyday. However, there seems to be little evidence to suggest that reframing international intervention without the baggage of liberal peace understandings will lead to the improved outcomes through 'practical learning', which pragmatist thought seems to promise. Jettisoning liberal concerns with the formal constitution of a political community does little to enable the broader structural and socioeconomic context of decision-making to come under consideration while the shift of interventionist policymaking from the public sphere of constitutionalism and law does little to clarify accountability for policymaking. At least liberal peace frameworks forced a discussion of power and policy accountability on to the agenda and thereby a discussion of the allocation of agency and responsibility to either internationals or locals.

Pragmatic approaches of resilience remove this possibility of external accountability, as the focus upon the practices of the 'everyday' allows the insinuation of international intervention into mechanisms of community development in informal, and much less accountable, ways. In removing the external subject position of international interveners, the liberal peace paradox, which reproduced hierarchical and binary understandings – continually reproducing the divide between international interveners and the communities in which they acted – appears to be overcome. However, the cost of this removal is the internalisation of both the policy problem and its solution in the closed system of the differentiated local production of differentiated local worlds. Resilience removes the external intervener from external intervention and with this makes local capacities, practices, and understandings the means and the ends of intervention. Rather than enlarging our understanding of problems and their solutions, the removal of the 'big picture', universalist meta-narratives, and critical sociological understandings could be seen as constructing a new and much more problematic paradigm. The end of the liberal peace may well be welcome but the rise of the pragmatic philosophy of resilience should not be seen as a step forward.