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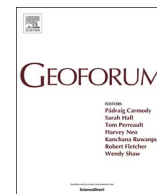
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## With-against-and-beyond the human right to water

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### ABSTRACT

In this paper we consider the risk that struggles for the right to water will position the state at the heart of future struggles for water justice. While considering the ways in which water justice activists might avoid reifying the state, we nevertheless refuse a simplistic rejection of the state as irrelevant or as a simple obstacle to water justice. Instead, we consider ways in which it might be possible to move within against and beyond the state. Our discussion begins with a brief vignette from South Africa, which, while not typifying the struggle for the right to water sheds light on some of the strategic questions faced by water justice activists. Given the questions posed by the South African case and the paradox with which we began, we then turn to political ecological approaches to the state, finding them to lack an adequate conceptualisation of the constitutive role of struggle in producing the state form. Better capturing the influence of a diverse range of struggles requires revisiting how the state is “derived” as a fetishized form from such processes. Refusing to accept an either/or approach to the relations embodied in the state form, we call for a rethinking of the state when it comes to the human right to water and an approach that seeks to move in-against-and-beyond the state and, in turn, to think and act with-against-and-beyond the right to water.

### 1. Introduction

While rightly viewed as a victory for a broad coalition of social movements, and therefore a triumph for the grassroots, the UN General Assembly’s recognition of the human right to safe and clean drinking water paradoxically places, the state at the heart of future struggles for water justice. Thus, for both the former UN Special Rapporteur on the Human Right to Water, Catarina de Albuquerque (2014), as well as for many water justice activists around the world, the potential success of the right to water as a legislative framework rests on the ability of the citizen to make effective demands on the state. This repositioning of the state can be seen, for example, when, in her role as Special Rapporteur, de Albuquerque argues that the right to water positions the UN as the developer of a legislative framework, without which “the State cannot be held accountable by the individuals, or ‘rights-holders’, who live within its jurisdiction” (de Albuquerque, 2014: 21). Elsewhere, water justice activist Maude Barlow (2012) cites the fact that each member state of the UN will now have to develop its own Plan of Action for the Realization of the Right to Water and Sanitation, before having to report regularly on meeting its performance according to this plan. The state therefore becomes the institution responsible for both achieving and accounting for progress towards the right to water. Similarly, publications by Amnesty International, WASH United and other NGOs

all assert the importance of the state being legally accountable to its citizens if the human right to water is to be realistically achieved.

The re-centering of the state within the human right to water is related to a variety of discursive, legal and political factors. Some of these factors can be seen as contingent, others as more deeply rooted within struggles for water justice. Crucial in the present moment has been the very welcome rolling back of forms of private sector involvement in water service provision. Thus, according to the most comprehensive research (Kishimoto et al., 2015), rates of re-municipalisation are now outstripping the process of privatization within the water sector. The recognition of the human right to water therefore comes at a time in which the public sector is once again being recognized as the most efficient and effective provider of basic services. While this trend is to be celebrated, it poses thorny questions for water activists. As William Morris (1968: 53) was to note, and as will be demonstrated most clearly in the case of South Africa “men and women fight and lose the battle, and the thing that they fought for comes about in spite of their defeat, and when it comes turns out not to be what they meant, and other men and women have to fight for what they meant under another name.”<sup>1</sup> Grassroots movements thereby find themselves having to contend with a new set of unequal relations in a context in which the thing that they fought for (and lost) appears to have come about. The set of socio-ecological relations that goes by the name of the state is central to this paradoxical situation.

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<sup>1</sup> Following Gail Day (2011: 2) we “have taken the liberty of extending the gender reference of William Morris’ echo of Hegel’s ruse of reason”.

Of course, as Rodina and Harris (2016) suggest, narratives of state and society have always been deeply entwined with the provision of water and sanitation services. States are generally assumed to provide at the very least rudimentary water and sanitation services for their citizens. Conversely state failure can be measured by a lack of ability to provide adequate services. Nevertheless, there is a risk that struggles for water justice will be enrolled in a narrative that reifies the state, thereby turning what is in reality a complex set of social relations into a ‘thing’ capable of achieving change in its own right. To focus on the state over and above a range of different social relations, furthermore, risks undermining the potential for far deeper change.

As an intervention in such debates, ‘commoning’ approaches have often been juxtaposed with state-centred strategies: the struggle to define a more radical approach to the right to water has generally revolved around these two positions (Bakker, 2007). Thus, in line with this kind of commons approach, some scholars and activists have argued that to presuppose that the human right to water inevitably requires ‘the state’ is to make both a strategic and an analytical error. To take one recent example Patrick Bond (2014) argues in relation to South African experiences that something of a mythology has developed around the state, with the latter now appearing as the sole guarantor of material improvements and of human rights when, paradoxically, the South African state can sometimes be seen as a barrier to greater material improvements. The mythology described by Bond deepened with the much-praised constitution in the country, one of the first to guarantee the right to water. Thus, in its failure to achieve greater improvements to people’s lived realities, Bond suggests that “the Constitution [ultimately] facilitates inequality because it serves as a mythmaking, deradicalising meme, its grounding in property rights typically trumps activist claims to human (socio-economic) rights ... [and] it has been a mistake to invest too much in romantic Constitutional fantasies of socio-economic rights” (Bond, 2014: 463–4).

Writing from a Bolivian perspective, Bustamante et al. (2012: 227) find a similar set of contradictions between “the seemingly radical discourse of the Right to Water, and the reality of basic service provision in Bolivia, which appears to be much more conservative in reality” (2012: 223). Perhaps most interesting for this paper, the authors claim that

“If we are to consider how rights can be recognized and employed by the state, we are recognizing and justifying the state as responsible for ensuring compliance. A rights-based approach means that other institutional and organizational forms are not recognized, even though they may occupy spaces for interaction and rights that don’t necessarily originate from the state.”

Both Bustamante et al. (2012) and Bond (2014) contribute to a longer-standing critique of the right to water, one acknowledged most explicitly in Bakker’s (2007) seminal paper on the topic. Having excavated market environmentalist reforms within the water sector, Bakker goes on to suggest that the right to water emerges as an alternative framework being demanded by water justice activists. Nevertheless, she suggests that conceptual slippages and confusions remain. In addition, the right to water in no way forecloses private sector involvement in the water sector (something acknowledged by one of the key mouthpieces for the private sector, Global Water Intelligence, when it wrote of the UN’s 2010 resolution on the right to water ‘as a massive defeat for the global water justice movement’ (Gasson, 2010) (for a lengthier discussion of the twists and turns here see Sultana and Loftus, 2012, 2015)). Bakker thereby finds a more productive basis for a water justice movement in a ‘commons’ approach, even if she detects a certain naivety to the way in which the state is sometimes rejected. Thus, she notes further conceptual slippages between a commons approach and some of the more market environmentalist reforms:

“both neoliberal reformers and defenders of the ‘commons’ invoke

dissatisfaction with centralized bureaucratic state provision (cf. Scott, 1998). Whereas over much of the 20th century, ‘public good’ would have been opposed to ‘economic good’ in defense of the state against private interests by anti-privatization activists, alter-globalization movements – such as ATTAC and the Transnational Institute – explicitly reject state-led water governance” (2007: 442)

Bakker’s own response therefore represents an attempt to clarify what is at stake in each approach, and to resolve certain contradictory aspects of the alter-globalization critique:

“the most progressive strategies [towards achieving greater water justice] are those that adopt a twofold tactic: reforming rather than abolishing state governance, while fostering and sharing alternative local models of resource management” (2007: 446)

Clearly, whether advocating for, opposing, or seeking greater conceptual clarification on the right to water, the question of the state will remain central to ongoing debates around water justice. This, perhaps, is no great surprise: the question of the role of the state in emancipatory social change has, of course, animated political debates for decades, and has been posed particularly sharply in recent years in the wake of urban uprisings across the world in 2011. Those occupying urban space – from Cairo to Madrid, Wall St. to Athens – were often sceptical of engagements with the state, tending to adopt prefigurative experiments in urban commoning and grassroots democracy over attempts to level demands on, or capture, state power (Graeber, 2013; Swyngedouw, 2014). Yet in the aftermath of 2011 – and amidst frequented criticism of this non-state orientation (Žižek, 2012) – myriad left electoral projects have emerged, adding an interesting twist to already lively discussions (Cooper, 2017; Angel, 2017).

Nevertheless, while several of the chapters in Sultana and Loftus (2012) touch on questions of the state (see the aforementioned chapter by Bustamante et al. (2012) and the chapter by Meehan (2012)) none is devoted to a thoroughgoing exploration of how the state is positioned and to be engaged with over the question of the human right to water. And even though recent contributions from Rodina and Harris (2016) note how intertwined narratives of state and citizenship are to the right to water, they focus less on the socio-ecological basis of the state as it emerges in relation to struggles over the right to water. In what follows, we seek to address this lacuna while simultaneously developing a politically useful socio-ecological understanding of the state. Crucially, we will consider the degree to which the state emerges as a reified form of a broader set of ecological relations. In so doing, we provide a political ecological reading of the state derivation debates of the 1970s (Holloway and Picciotto, 1978), before developing a position that moves in-against-and-beyond the state and in turn that thinks with-against-and-beyond the right to water. In the latter part we draw considerable inspiration from a series of debates taking place amongst the London Edinburgh Weekend Return Group of the Conference of Socialist Economists (LEWRG, 1980). We begin with a brief vignette from South Africa.

## 2. A snapshot from South Africa

Although it would be wrong to read too much into the specificities of one country, as Bond (2014) makes clear, the case of South Africa is an important one for teasing out the role of the state in relation to the right to water. Thus, we start with the South African context not because we see it as typifying others, but rather because struggles around the right to water in this case pose the contradictions of the state particularly sharply.

Having written the right to water into the widely praised constitution of 1996, the country was one of the first to guarantee this right to its citizens. Section 27: 1 of Chapter 2 of the Bill of Rights states, “Everyone has the right to have access to ... sufficient food and water”. Furthermore, Section 27: 2 notes that “The state must take reasonable legislative and

other measures, within its available resources, to achieve the progressive realisation of these rights". The Water Services Act of 1997 (further clarified in 2001) went on to confirm "Everyone has a right of access to basic water supply and basic sanitation". This basic water supply was then specified as "a minimum quantity of 25 l per person per day or 6 kilolitres per household per month ... within 200 m of the household" (RSA Government Gazette, 2001).

The commitment to the right to water has, according to many politicians, enabled a dramatic increase in the numbers of South Africans able to access safe and sufficient supplies of water. Thus, in his 2014 State of the Union address, it was possible for Jacob Zuma to argue: "95% of households have access to water" and for him to claim that this was one of numerous "good stories to tell" (for a critique of this narrative, see Bond, 2014). There is no doubt that the roll out of infrastructure across both rural and urban households has indeed provided the potential for a dramatic increase in access to water. Nevertheless, the somewhat crude coverage statistics mask what is actually a far more complicated picture (Rodina, 2016). Indeed some of the thinly veiled contradictions in South African policy were already beginning to emerge at the turn of the millennium when a cholera outbreak swept through parts of KwaZulu Natal. The causes of the outbreak could be traced to the fact that many households were required to access their water through pre-payment meters and, owing to a lack of ability to pay, had turned to contaminated sources of water (Deedat and Cottle, 2002). Although the connection rates were improving, the ability of poorer households to pay for water was declining. As David Hemson notes "there is strong evidence that cholera was spread through contaminated rivers; the installation of pre-paid metered standpipes acted to force the people to use the suspected Umfolozi River as well as highly polluted streams within Madlebe" (Hemson, 2004: 7).

At the time of the cholera outbreak in uThungulu District Municipality, eThekweni – the official name for the municipality of which Durban is a part – some 200 km further South, was able to demonstrate how it might be possible to develop a free basic water policy while also ensuring high rates of cost recovery in the water sector. Durban thus developed a progressive block tariff in which the first 200 l would be made available for free to each household in the municipality on a daily basis. With metering nearly universal across the municipality from the early 1970s onwards, it was easy to build this daily allowance into the monthly bill. Thus, each household would not pay for the first 6kl each month (later increased to 9kl and, from July 2016, dependent on the rateable value of the property). Tariff blocks above and beyond this free basic allowance increased progressively so that households might be encouraged to conserve supplies at the same time as allowing cross-subsidisation from high volume consumers to lower volume consumers who were often assumed to be the poorest households. The national government quickly seized on the model developed in eThekweni as providing an example that could be emulated in other municipalities. At the same time, however, frustrations were beginning to grow because of the inability of such a system to distinguish between high volume consumers who were rich and those who were poor. Thus, research in the municipality in 2002–3 (Loftus, 2006) showed that township households were increasingly struggling with arrears and finding themselves unable to pay for volumes of water above and beyond the free basic allowance. In 2003, the head of (what was at the time called) eThekweni Water Services, the main public provider in the city, confirmed that roughly 4000 households were being disconnected from the water network on a weekly basis in the municipality. At the same time, paradoxically, the municipality was being singled out as an example of how the human right to water might be achieved in reality. Standoffs between disconnection bailiffs and angry residents were frequently witnessed in the municipality. Tear gas was occasionally fired and, in one incident, a disconnection bailiff was shot dead (for the most vivid account of struggles over service delivery in eThekweni at the time, see Desai, 2002).

In one of the more high-profile examples of the struggle for the right to water in Durban, a resident of Chatsworth township, Christina

Manquele, challenged the municipality over her disconnection from the water network, claiming that the municipality had acted unlawfully in relation to the 1997 Water Services Act through disconnecting her water supply for non-payment. Challenging such a claim, an advocate representing the municipality went on to argue that the state was only obliged to fulfil such rights if it was within its budgetary capabilities to do so. Reading Section 27:2 of the Constitution – quoted above – one can see how this judgement might be arrived at. Thus, in not paying Manquele had undermined her claim to the right to water. Although winning the first round of the case and having her water supply reconnected for a short time, when the Durban High Court released its final judgement a year later it fully supported the legality of the municipality's right to disconnect. On the one hand the Manquele case represented a partial victory in the struggle to ensure that the state fulfills the right to water; however, on the other, it frustrated activists through channeling energies into a legal process that seemed stacked against them. It further strengthened the state as the institution with the sole authority to decide what is and what isn't a just distribution of water.

Much has changed in South Africa since 2003 (for an account of municipal transformations in relation to changing political economy see Hart, 2014; on water and sanitation provision, see Galvin, 2016). Nevertheless, the role of the state in relation to the right to water remains as contentious as ever. The development of indigent policies by individual municipalities from the late 2000s has meant that the state is not only able to decide what is and what isn't a just distribution of water but also who is and who isn't the deserving poor in relation to municipal service provision (for a critique see Hart, 2014). Where activists position themselves in relation to the state remains as divisive and difficult as it did in 2003. Whether or not to pursue a legal strategy through the courts or whether to resort more to direct action and protest remains an open question (exemplary in relation to such questions is Julian Brown's (2015) work on "making politics in and from the courtroom" and also Langford et al. (2013)).

Contextualising some of the legal challenges that have been pursued around the right to water, Bond (2012) demonstrates that the state has continually sought to read that right in its narrowest sense, initially emphasizing access to the right to water over and above the right itself. For him it becomes necessary to move beyond a narrow juridical reading of the right to water and, instead, to mobilise a participatory understanding (see also Clark, 2012). Indeed for Bond, the constitution and its legal guarantee is now part of the problem that water justice activists need to confront. Although somewhat less critical of the right to water, Bond's sense of the myriad tensions and contradictions within the right to water are echoed in Rodina's (2016) research, which develops a 'lived experiences' perspective to chart the "uneven water access, tensions and conflict" that persist in Khayelitsha in spite of the right to water. For Rodina, it becomes harder to grasp these realities when state institutions often rely so heavily on somewhat crude measures of infrastructure coverage statistics and when they so often appear to equate the right to water with the most basic service delivery (see also Rodina and Harris, 2016; Harris et al., 2015). Overall, for strategic and for analytical purposes it seems crucially important to better conceptualise the state in relation to the right to water. One way in which we will seek to do so is through de-reifying the state form. Rather than a coherent thing, we will consider the state as a form emerging out of a contradictory set of social relations and a process of struggle. We begin by reviewing some of the most influential contributions to the political ecology of the state, arguing that these overlook the constitutive role of political ecological struggles.

### 3. The socio-ecological constitution of the state form

Attempts to theorise the state within political ecology have progressed considerably in recent decades. In one early iteration Bryant and Bailey (1997) position the state as one of several agents within

what they refer to as a politicised environment. The two authors provide in many respects a classic political ecological theorisation. Understanding the environment as a terrain criss-crossed with different power relations requires a focus on how different actors interact with one another in unequal ways.

More recent work, however, has sought to move away from a view of the state as an actor or thing. Although many scholars note the difficulties in finding an adequate vocabulary to de-reify the state, political geographers are now relatively comfortable with the claim that the state is not a ‘thing’ but is rather an idea, an effect, or a reified set of social relations (Robertson, 2015; Harris, 2017). In a neat summary of such a position, Kuus and Agnew (2008) write that the state has “no ontological status apart from the practices that constitute its reality”. For Painter (2006) it is through prosaic practices that the state – or, better “stateness” – is enacted. Painter’s framing of such prosaic geographies of stateness is intended to counter the problematic conceptualisation of ‘state’ and ‘society’ as separate spheres, as well as challenging the reification of the state while simultaneously capturing the deepening “statization” of social life.

Building on an extensive engagement with the question of the state, Painter notes in particular the important work of Abrams (1988), for whom, while there may well be a state-system and a state idea, it is an act of mystification to posit a thing above and beyond the state system and state idea. Much of Abrams’ posthumously published paper therefore seeks to make sense of how the state idea develops as an ideological construct with such force. Mitchell’s (1991) position is a somewhat different one. Reviewing a range of engagements across political science in the US, he eschews the attempt to develop a more precise definition of the boundary between state and society, arguing instead that the very elusiveness of this boundary should be taken as a clue to the “state’s nature”. Overall, “[t]he state needs to be analysed as a structural effect. That is to say, it should be examined not as an actual structure, but as the powerful, metaphysical effect of practices that make such structures exist” (1991: 94). Crucially “mundane arrangements ... help manufacture an almost transcendental entity, the nation-state” (1991).

Leila Harris (2012) draws directly on the work of Mitchell to look at how the state is better viewed as a socionatural effect. Drawing out the geographies that emerge within the water politics of Southeastern Turkey, she is able to show how water infrastructure becomes one part of a broader set of practices through which the state-society boundary takes hold. Meehan (2014) adopts a related approach, albeit one that focuses less on the practices constituting the state and more on the role of infrastructure in cementing and limiting ‘stateness’:

“While state power is increasingly understood as the effect of material practices and processes, I draw on the idea that objects are ‘force-full’ to argue that infrastructure helped cement federal state power in Tijuana over the twentieth century, and simultaneously limited the spaces of stateness in surprising ways” (2014: 215)

Developing this insight further, Sarah Kelly-Richards and Jeffrey Banister (2017) examine the constitution of the state in the informal “colonias” of Nogales, Sonora, on the US-Mexico border: the incomplete, diffuse and uneven infrastructure networks of Nogales are said to be generative of a patchy, ambiguous and incomplete mesh of emergent state effects. Endeavoring to expand this post-human perspective towards a decolonial political ecology, Noah Theriault’s (2017) ethnographic research on Palawan Island in the Philippines seeks to establish the agency of invisible forest ‘beings’ and ‘spirits’, central to Palawan ontological practices, in the “(de)constitution of state power” (p.114).

A more general set of positions on the political ecology of the state, which also seeks to de-reify the thing referred to as the state can be found in Whitehead et al.’s (2007) exploration of the relationship between “states” and “natures”. While recognising the myriad ways in which resource struggles and geopolitical conflicts are mediated

through the state, they reject an approach that fetishizes either ‘the state’ or ‘nature’. Building on Raymond Williams, they argue that few categories are as internally differentiated as ‘the state’ and ‘nature’ within the English language. Having rejected a fetishisation of the state, they advocate for an approach that focuses on “state nature”. The ‘state’ and ‘nature’ should, within such an approach, be seen as collections of interrelated processes. There are two consequences of such an approach: first, the need to unpack the two categories; and, secondly, “by understanding natures and states as processes we [Whitehead et al.] argue that state forms and natural systems are always already deeply implicated moments within a complex system of mutual co-evolution” (Whitehead et al., 2007: 14). Framing the production of “state natures” in this way draws on Alfred North Whitehead’s process-based view of the world. In order to analyse these processes, Whitehead et al. (2007) mobilise Callon’s work on processes of framing, as well as a Latourian account of the modern constitution and, finally, recent work from geography on the relationships between state-building and territorialisation.

Most recently Ioris (2015) has proposed a Hegelian understanding of the socio-ecological repercussions of state action and of the politics underpinning environmental statehood. He notes the irony in the fact that the contemporary state has become a key socio-ecological actor – albeit an environmental actor that is fractured and contradictory – at the same time as “the wider politico-ecological relevance of the capitalist state and the barriers for dealing with the conservation of the commons have not yet received enough theoretical or analytical treatment”. We would largely agree with the more general claims; nevertheless the assertion that “Hegelian thinking underpins environmental governance” strikes us as highly questionable.

Overall, while political ecological theorisations of the state have moved away from earlier approaches that appeared to fetishise the state form as an actor within a broader constellation of forces, disagreement remains as to what it is that produces state effects. For Harris (2012), the practices associated with infrastructures produce boundaries and stateness; for Meehan (2014), infrastructure itself is forceful – both generating and limiting state power; for Whitehead et al. (2007) the state is bound up with nature in a process of co-evolution that ‘frames’ and territorialises both. Nevertheless, none of these approaches adequately addresses the more strategic question of how the state should be positioned in relation to political ecological struggles such as that over the right to water. In short, how might we build on efforts to achieve a more equitable distribution of water without either dismissing the state or reifying it further? How might one avoid the pitfalls of the South African situation where it now appears that the state is the sole entity able to dispense water justice? The approaches discussed so far offer little in the way of a starting point for thinking through these political questions, because they overlook the role of socio-ecological struggles in the constitution of the state. Our contention in this paper is that returning to the state derivation debates of the 1970s – and in particular developing a political ecological reading of these debates – can prove productive in addressing this lacuna. It is to this question that we now turn.

#### 4. The state as a reified form

Painter (2006) is careful to distinguish his critique of the reification of the state from previous “neo-Marxist” engagements. Quoting Joachim Hirsch (1983) he suggests that such “neo-Marxist writers emphasize the structural relationships involved. In this paper, I [Painter] want to draw attention to the mundane practices through which something which we label ‘the state’ becomes present in everyday life” (Painter, 2006: 753). But the critique of an over-emphasis on ‘structural relationships’ is too easy and too crude a dismissal of a range of different approaches that often seem equally as interested in mundane practices: from working as a civil servant within the state, to forms of social reproduction in the home, the school, and the hospital. As we will go on

to demonstrate, revisiting the debates touched upon in a brief sentence by Painter may well enable a more useful political ecology of the state, one that avoids reification while, crucially, paying particular attention to the diverse range of struggles – including those over the right to water – that give rise to the state form.

In part a response to what was claimed to be the ‘politicism’ in previous state theories, the state derivation debates attempted to go beyond what several authors perceived to be an undue focus on the surface appearance of the state (Holloway and Picciotto, 1978: 24). The targets of this critique are both Nicos Poulantzas (1978) and Ralph Miliband (1969), two authors who had dominated discussions around a Marxist approach to the state in the 1970s, and who were generally assumed to have taken contrasting approaches. Poulantzas (1978) himself appears to give some ground in the critique of ‘politicism’. He therefore admits to a tendency to “bend the stick in the other direction [away from ‘economism]” in order to bring a sense of the politics of the state back, thereby countering what he perceived to be the opposite tendency, reducing the state to its underlying economic relations. Rejecting both Poulantzas’ and Miliband’s alternative formulations of the state, the essays in Holloway and Picciotto (1978) are an attempt to move beyond the choice of economic reductionism or “the relative autonomy of the state”. Thus, for Hirsch, in order to better conceptualise questions of social reproduction it became necessary to consider how to “derive the way in which the state apparatus functions from the context of the reproduction and crisis of the capitalist system” (Hirsch, 1978: 76). Hirsch begins by arguing that the state plays a crucial role in the process of primitive accumulation, before being ‘pushed back’ in the liberal phase of bourgeois society. As contradictions began to sharpen, largely through the tendency of the rate of profit to fall, the state resumes a central role and an “ever more determining significance” (1978: 82). Thus, the bourgeois state must “be understood in the determination of its concrete functions as a reaction to the fundamentally crisis-ridden course of the economic and social process of reproduction” (1978: 97).

In their own work, Holloway and Picciotto (1978) agree in the main with Hirsch’s critique of the fetishisation of the state form but add certain correctives, arguing that there is a tendency for the latter to move from a focus on the struggle to accumulate, to one that separates the accumulation process and the state, seeing the two as merely mediated through class struggle. Such a separation, they suggest (Holloway and Picciotto, 1978), falls back into a fetishisation of the political. Instead, the accumulation process should be seen as an ongoing process of struggle. Overall, they write that:

“the economic and the political are both forms of social relations, forms assumed by the basic relation of class conflict in capitalist society, the capital relation ... The development of the political sphere is not to be seen as a reflection of the economic, but it is to be understood in terms of the development of the capital relation” (1978: 14)

Their aim is therefore to analyse the articulation of the totality of capitalist social relations and to understand the state as one reified form that emerges within this broader set of social relations. A critique of political economy therefore implies a critique of such reified forms.

While acknowledging the importance of Holloway and Picciotto’s contribution, Bob Jessop (1982) argues that their theorisation of the so-called ‘separation-in-unity’ of state and capital is not fully adequate. To theorise the state as one moment within the capital relation is, for Jessop, to risk a return to an overly capitalocentric account: in short it carries with the economism it sought to supersede. For while Holloway and Picciotto avoid economism by conceiving of capital “as a relation that is simultaneously economic and political”, they still end up “reducing the state to the needs of the self-reproduction of capital” (Jessop, 1982: 133). Or, put differently, while the instinct to conceive of the state as a reified form that emerges through struggle is productive, the struggles that constitute the state are not limited to that between

capital and labour. This is not to deny that the state must take on certain “minimum requirements” for the accumulation process to be maintained over space and time (Harvey, 1976). Nor is it to deny Holloway and Picciotto’s (1978) central claim: that the back-and-forth between capital and labour plays a vital role in the evolution of the state as a reified form. Rather, it is to acknowledge that other relations and struggles which articulate alongside and through capital, but ought not to be reduced to capital – for instance around questions of gender, race, sexuality, coloniality – are also active in the constitution of the state. Such struggles become far more present within Holloway’s later work (Holloway, 2002, 2010a) and especially within the debates conducted within the London Edinburgh Weekend Return Group (LEWRG, 1980) to which Holloway contributed. But they are absent within the original collection of essays.

Jessop’s own Strategic Relational Approach to the state builds on the state derivation debate alongside a range of other sources to argue that the state is “strategically selective” (1982, 1990, 2007). This framework sees state effects as “selective” towards certain strategies over others, depending upon the outcome of struggle. Under a capitalist mode of production, then, state effects will tend to privilege the reproduction of the capital relation. But Jessop’s account brings out clearly that struggles against capital’s reproduction – as well as struggles and relations that are not fully subsumed to this – can be state effects too. The implication is that while the form and function of the state are deeply embedded within capitalist and other relations of domination – and thus are likely to frustrate struggles for emancipatory change – it is the dialectical motion of struggle that constitutes the state, leaving disruptive possibilities open.

While neither Holloway and Picciotto (1978) nor Jessop (1982) explicitly pick up on the theme, it does not take much to begin to see that the sets of social relations analysed by these authors also encompass socio-ecological relations, whether in the “fleshy, messy and indeterminate” practices of social reproduction (Katz, 2001) or in direct struggles over resources. ‘The environment’, and ‘nature’ therefore need to be positioned within such an understanding of the state as a constellation of social (or socio-ecological) relations, as they increasingly come to be produced through the exchange relation, acquiring a specificity not seen before.

We thereby come to a slightly different political ecology of the state from those discussed in the previous section. Within our conception the state is not a thing in and of itself, sitting above the socio-ecologies that are then shaped by it. Nor are state-natures an outcome of processes of framing, territorialisation and centralization. Instead, the state must be seen as emerging from an active process of struggle over the production of nature (Smith, 1984). Refusing the reduction of nature to an abstract form – the second nature that Smith (1984) argues is defined above all by exchange value – such struggles are often witnessed around the commodification and decommodification of basic “resources” such as water. They can be seen as a rebellion against the reduction of concrete natures to a one-dimensional abstraction in the same way as the struggle against the reduction of concrete labours to their abstract form constitutes one of the principle ‘cracks’ within capitalism (Holloway, 2010a). In Holloway’s more elegant terms “Although abstract labour subordinates and contains useful doing, it does not subsume it completely: useful doing exists not only in but also against and beyond its form” (Holloway, 2010b: 915). The same goes for the struggle in-against-and beyond the subsumption of concrete natures to an abstract form. The state emerges in part in relation to such struggles and can be understood as a reification of the complex and contradictory socio-ecological relations through which resources are produced, exchanged and distributed. If narratives of state and society are bound up in the distribution of water (Rodina and Harris, 2016), so the state form can be traced to the contradictory demands to ensure both the smooth circulation of abstract nature and to support life itself through the provision of concrete resources.

The state, as a reified form, comes to be enrolled within and

implicated in such tense relations. Quite simply, in the case of water, it becomes impossible to divorce the myriad relations bound up in the production and distribution of potable water as an exchangeable commodity from the relations that constitute the state form and vice versa. One of the most brilliant examples of the historically and geographically specific ways in which this relationship manifests can be found in Swyngedouw's study of Spanish hydropolitics in the 20th Century (Swyngedouw, 2015). Again, one of the many merits of Swyngedouw's study is his ability to demonstrate how the capital relation is one of several that come together within a broader totality to shape the Spanish state. These overdetermined struggles over Spanish hydropolitics, in turn, are bound up in the emergence of the Spanish state in a totalitarian form.

Thus, just as the imperatives of capital accumulation are an operative process within the production of nature, these imperatives also prove influential in the socio-ecological constitution of the state. Yet, returning to Jessop's (1982) response to Holloway and Picciotto (1978), we must be careful not to adopt an overly capitalocentric account. The point is not to reduce the state to a monad within the capitalist production of nature. Rather, the state emerges out of myriad co-evolving socio-ecological processes, including but not limited to the reduction of nature to an abstract form. These processes are not pre-determined or fixed; rather, in recognising the ways in which the state emerges from a process of struggle along various different axes, we suggest the possibility that such hierarchical relations can be transformed. Capital accumulation can be blocked, colonial dispossession resisted, gender subverted, racism fought. By intervening in these processes, our socio-ecological world – including but not limited to the institutions of the state – can be remade. Equally, while the relations within state institutions – the operations of a court, parliament or school, for instance – are inseparable from these broader socio-ecological processes, Painter (2006) emphasises that the “prosaic” practices of human actors within the state are contingent, contradictory and in flux. Struggles over water have material effects, both state effects and beyond. We therefore need to think more carefully about the range of different arenas, the places and spaces in which these struggles might take shape.

## 5. In-and-against the state

If, then, the state can be understood as a reified form of contested socio-ecological processes, what follows for political ecological struggles such as those waged around water justice? Firstly, the extent to which the state is likely to inhibit emancipatory change is made plain, for the state form emerges out of the very unjust and exploitative socio-ecological processes that render access to water uneven. Nonetheless, a strategy of eschewing the state does not necessarily follow, for the relations that constitute the state are not fixed, meaning that possibilities for progressive gains are left open. Yet the state apparatus cannot simply be “captured” as a tool for building water justice through the seizure of state power. For as long as the state remains embedded within broader relations of violence and domination, the tendency of state institutions to reproduce these relations will not be undone. Ultimately, the task must be to intervene in and transform the relations that constitute the state and the broader socio-ecological environment. Struggle oriented within state institutions is likely necessary, but not sufficient, for success in this regard.

In sum, a relational analysis of the state calls for a political strategy that refuses its reification as either the principle locus of struggle, or as its supreme villain. This was a point grasped, back in 1979, by the London Edinburgh Weekend Return Group (LEWRG), a working group of the Conference of Socialist Economists. The members of the LEWRG – including, among others, John Holloway – were all employees of state institutions or else organisations funded by the state. In an influential pamphlet entitled *In and Against the State*, the LEWRG argued that the state embodies a major contradiction: “Resources we need involve us in

relations we don't” (1980, n.p. Chapter 2). Because while the state plays a vital role in social reproduction via the provision of basic goods like healthcare and housing, our experience of the state as workers and users of its services is often demeaning and dissatisfying, on account of the state's role within relations of domination.

Given the dual-character of the state, our political approach must be similarly dual-focused. In sum, this means a political strategy that works in the state apparatus in order to struggle against the unjust and exploitative relations that this apparatus is constituted by and tends to reproduce. Concretely, for the LEWRG, this means using our position as workers within state institutions, or as users of state services, in order to subvert the underlying processes we seek to reconfigure. Teachers, for instance, might introduce collectivised pedagogical support groups to refuse isolation and atomisation. Or patients of striking health workers might join the picket line.

## 6. With-against-and-beyond the right to water

The LEWRG were writing to address a specific political question, namely that of how workers and service users within the institutions of the British state of the late 1970s could use their everyday interactions with these institutions as one aspect of a transformative political praxis. This, of course, is in many ways a very different conjuncture to that faced by the water justice movements of today, who address a variety of historically and geographically variegated states, around the specificity of the water sector, from subject positions both within and outside of the state apparatus. Nonetheless, our contention is that the strategic insights of the LEWRG can help carve out an approach to the state that might serve to advance contemporary water struggles.

In previous papers, (Angel, 2017; Angel and Loftus, forthcoming) we have drawn on the later work of Holloway (2002), as well as Cumbers (2015), to make the case for pushing the LEWRG's in-and-against dialectic towards an approach that is at once in-against-and-beyond the state. To work beyond the state is to abandon the subject-position of the LEWRG as state workers and service-users, and to shift towards a form of struggle oriented both inside and outside of state institutions. Moreover, it is to follow Bakker (2007) and others in leaving open the possibility of forms of social institution beyond the state that might play an important role in a newly democratised socio-ecological world. To work in-against-and-beyond the state, then, is to embrace the state as a productive site of struggle, both in pursuit of material gains and, ultimately, in order to remake the relational composition of the state apparatus, while simultaneously acknowledging the importance of political action addressing other moments in the socio-ecological environment at a distance from state institutions. It is to recognise that working within the state can resource (while also inevitably frustrating) emancipatory politics in various ways, while refusing to limit our political imaginations to the restrictions of the state form.

This political orientation, we suggest, provides a novel and productive lens through which to rethink struggles around the right to water. Earlier, we showed that these struggles tend to be grounded in claims made on the state in pursuit of a more equitable access to water. In the case of South Africa, while such claims have routinely been co-opted, diluted and denied by the state, they have simultaneously led to some notable gains in service provision and access. Thus, to the extent that levelling demands on the state around the right to water answers to immediate material needs, in turn connecting a transformative politics to the “fleshy, messy” daily practices of social reproduction (Katz, 2001: 711), this form of political action has the potential to afford water justice movements, in the terms of the LEWRG, a highly necessary resource. Yet given the state's – and, by extension, the right to water's – place within “relations we don't need”, such gains will be hard to come by, partial and insufficient for the wholesale socio-ecological transformation required to ensure just and equitable access to water for all.

If, therefore, a de-fetishised understanding of the state calls for a

politics that is at once in-against-and-beyond the state, then within the question of water politics, it is productive to think and act with-against-and-beyond the right to water. By working with the right to water, we recognise that an emancipatory water politics must be grounded in the need to fashion more just relations of water access in the present moment: levelling demands on the state pertaining to the right to water is one tool through which to do so. Yet by working against the right to water, we refuse to reify the state and the rights it grants in the process. We understand the need to transform the underlying processes that render access to a basic need like water as conditional upon the ability of citizens to make claims on a set of institutions constituted by relations of domination and violence. And we are aware that the right to water can easily be deployed as a weapon of capital and the state in undermining emancipatory struggle, restricting political aspirations towards small-scale reforms that fail to disturb the socio-ecological processes through which water injustices are forged. As such, just as it would be unwise to disregard the right to water, it makes no sense to fetishise the right to water as the sole way in which water struggle might be expressed. Other forms of political tactic, strategy and imaginary are surely necessary and, in this sense, we must think beyond the right to water. Indeed, Farnak Miraftab (Miraftab, 2006, 2009) has shown that South Africa's struggles already tend to move fluidly between invited and invented spaces of citizenship, making claims on the state through its official channels while simultaneously creating new spaces for a more clandestine and confrontational politics.

## 7. Conclusion

To return to the paradox with which we began this paper, the UN General Assembly's recognition of the right to water was largely achieved through the actions of a coalition of grassroots activists and yet the result has been a centring of the state in future struggles for water justice. Cracking open the form of the state to analyse the sets of socio-ecological relations that give rise to this form enables new ways of thinking through the possibilities and the limits within struggles for the right to water. As argued by Sultana and Loftus (2015) we need to move beyond simplistic accounts of the right to water as either a success or a failure in order to focus more on the conditions of possibility that are generated by historically and geographically grounded struggles. Recognising the ways in which the state form is in part shaped by these struggles enables a more useful political ecology of the state that neither fetishizes the latter nor dismisses the socio-ecological relations underlying the state form as irrelevant. Nevertheless, within the discussions to date the state is frequently invoked in a simplistic and instrumental manner that neglects its own conditions of possibility rooted as these are in a complex set of socio-ecological relations.

Just as a more relational account of the state can mitigate against forms of struggle that call for either engagement with state forms or a rejection of those forms, so a more relational reading of the right to water – in part derived from that relational account of the state – can mitigate against the kind of reading that sees the UN's recognition of the right to water as either a victory or a defeat. The struggle for fairer, more equitable and more democratic access to water needs to be positioned within a set of tensions and contradictions. The state form, the UN's recognition of the right to water, the various constitutional guarantees that have followed in its wake, and the legal challenges that have emerged such as Christina Manquele's brave battle in Durban all need to be understood as relationally constituted and embedded within such a terrain of struggle. Struggling with-against-and-beyond the right to water thereby becomes one of a range of different strategies that generates both obstacles and further opportunities to progressive socio-ecological struggle.

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