



# The "Dark Side" of Marine Spatial Planning

A study of domination, empowerment  
and freedom through theories of  
discourse and power

Ralph Tafon

SÖDERTÖRN DOCTORAL DISSERTATIONS



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A study of domination, empowerment and freedom  
through theories of discourse and power

*Ralph Voma Tafon*

Subject: Environmental Science  
Research Area: Environmental Studies  
School: Natural Sciences, Technology and Environmental Studies



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Cover image: Jonathan Robson  
Cover layout: Jonathan Robson  
Graphic form: Per Lindblom & Jonathan Robson

Printed by Elanders, Stockholm 2019

Södertörn Doctoral Dissertations 164  
1652-7399

ISBN 978-91-88663-67-2 (print)

ISBN 978-91-88663-68-9 (digital)

## **Abstract**

This thesis aims to contribute to the marine spatial planning (MSP) literature by elaborating a robust theoretical account of power for a more rigorous and balanced critical analysis of MSP. Conceived as a problem-solving regime, MSP has emerged as a radical approach to govern the use and protection of marine resources. However, critics are questioning the radicalness of MSP, particularly its ability to address issues around knowledge, stakeholder and land-sea integration, as well as power asymmetry, distributive justice and equity. Nonetheless, critics largely conceive power in MSP as restricting agency. Even so, insidious mechanisms of power remain under-examined, as are the productive power and potential of planning. This thesis brings concepts from discourse and power theories together (drawing on Foucault, Laclau and Mouffe, and Haugaard) to conceptualize various mechanisms of power in MSP. The framework is then brought into dialogue with planning issues in Estonia and Poland. Empirical data are drawn from semi-structured interviews, legal judgments, planning and policy documents, as well as position papers and media statements, which are produced by planners, officials, developers, fishers and coastal residents. The following findings and conclusions are reached. First, MSP'ing (verb form) restricts agency because (a) in planning encounters, powerful actors misuse opportunities for concerted action to reach sectoral rather than collective goals; (b) in setting the agenda, various biases are mobilized in favor of vested interests; and (c) the fantasmatic power of planning conjoin with the planner's cognitive limitation to naturalize and sustain subjugation. Second, MSP is a laudable system. It provides stakeholders with the dispositional power to get things done in concert, which entails a normatively felicitous move from the risks of open commons-type conflicts and chaos to structuring and predictability. Third, when planning is rigidly done within the confines of legality and programmatic norms, "free" subjects of planning may be transformed into immovable subjects of resistance, who may develop contestatory strategies that have transformatory potentials. Fourth, to both facilitate equitable planning processes and outcomes, and ensure efficiency and stability, not only must the planner be reflective of the norms and ideologies that shape her actions and/or inactions, but the state as the ultimate governing authority in MSP must also take measures to minimize asymmetries in the distribution of social resources. The thesis makes a call for scholars to contribute towards planning praxis through analyzing who the weakest actors are in each MSP setting, what their context-specific needs are, and what empowerment may entail for them.

**Keywords:** marine spatial planning; discourse; power; domination; empowerment; freedom; conflict; resistance; small-scale fisheries; offshore wind energy.

*To my children, Nabila Tafon and Dinga Tafon.  
May you remain tenacious and levelheaded.*

## Acknowledgements

Carrying out doctoral studies is a challenging task, yet a fulfilling one whose finality is the completion of a PhD thesis. While writing a doctoral thesis is an academic activity guided and sustained primarily by the informed advice of academic professionals, the indefatigable support of friends and relatives is also an indispensable requisite for the development and finalization of a PhD thesis. I want to take time to thank those who accompanied me both academically and otherwise through the gestation of this thesis to its completion.

My gratitude goes first and foremost to my supervisors, Michael Gilek and Fred Saunders, whose useful suggestions, thought-provoking queries and persistent constructive critique contributed tremendously to my transformation from the staggering analytical novice that I once was, to the critical and hopefully, self-reflective learner that I now am. Oftentimes, writing from within quite opaque intellectual walls, I would somehow expect you to magically have the clairvoyance of reading through and making sense of my often-inarticulate thoughts. I don't know how you did it, but you always managed not only to penetrate my thoughts, but more importantly, to guide them to the light. Working with you has been a formidable experience as you allowed an obstinate learner to drag you through the thorny journey of power in planning. Thank you.

Staying within the field of academia, I also want to thank Tim Richardson, David Payne, David Howarth, Steven Griggs and Mark Haugaard who through discussions and written comments, often posed hard power questions that made me recognize and reflect on my own cognitive fallibilities. To my peers at the department, Falkje, Elise, Igne, Natasja, Tove, Erika, Mathilde, Juliana, Cristian, Mohana, Sara and many others, I say merci infiniment, for the technical and emotional support and, above all, the laughs.

This thesis would not have seen the light of day without the moral contribution of closed ones. To my brother, Valentine Tafon (Pippo), and my friends, Thierry Pascal Kemdib, Ojie Tambe, David Aghenabit, Mia Rätty, Lucyna Korhonen, Mpoki Mwakagali, Harold Tairo, and Michael Nyenko (Senior), I say thanks for staying by me through thick and thin. You are great.



## List of Papers in this Thesis

This thesis is based on the following papers referred to in the text by the Roman numerals (I–IV):

**Paper I:** Tafon, R. (2018). Taking power to sea: Towards a post-structuralist discourse theoretical critique of marine spatial planning. *Environment and Planning C: Politics and Space*, 36(2): 258–273.

**Paper II:** Tafon, R. Howarth, D. & Griggs S (2019). The politics of Estonia's offshore wind energy programme: Discourse, power and marine spatial planning. *Environment and Planning C: Politics and Space*, 37(1): 157–176.

**Paper III:** Tafon, R. Small-scale fishers as allies or opponents? Unlocking looming tensions and potential exclusions in Poland's marine spatial planning. (submitted).

**Paper IV:** Tafon, R., Saunders, F. & Gilek, M. Re-reading marine spatial planning through Foucault, Haugaard and others: An analysis of domination, empowerment and freedom. (submitted).

## Contribution of author to the different manuscripts

Paper I: Sole author.

Paper II: Designed the study, collected and transcribed data, and contributed to data analysis and completion of manuscript.

Paper III: Sole author.

Paper IV: Designed the study, analyzed the data and completed the manuscript.



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# 1. Introduction

## 1.1. Defining Marine Spatial Planning

Marine Spatial Planning (MSP) is conceptualized worldwide as a holistic governance approach to rendering sound and effective decision-making in the marine environment. In the European Union (EU) context, MSP has gained traction over the last decade. MSP arrangements range from issues framing at the international level, to collaborative planning at the regional seas level, as well as cross-sectoral consultations and draft plan commenting processes at the domestic level (EC, 2014). These processes often entail the participation of government agencies, civil society actors, business operators, municipal actors, coastal residents and other marine user groups in both formal and informal arrangements.

In land-based participatory planning, there is mounting evidence in the literature that collaborative governance arrangements often produce or reinforce inequality and social inequity, as they are marred by co-optations, power asymmetries and conflicts between environmental protection and extraction (Tafon & Saunders, 2015). This thesis studies power relations in the context of marine spatial planning and governance. Specifically, I examine and problematize key assumptions and social logics of MSP, as well as its practices, including its scholarship.

MSP is heralded as a thought-through solution to the afore-mentioned challenges facing natural resources governance. Its spatial orientation explicitly supports zoning prioritization and encourages mixed uses so as to take account of possible tradeoffs and synergies between different dimensions of sustainability (Ehler & Douvere, 2007; 2009; Trouillet *et al.*, 2019). MSP is thus seen as an effective means to reach sustainable development at sea in a balanced fashion – although what is actually meant by sustainability, or what balance actually means, and how it should be pursued in practice remains a major challenge. Nonetheless, the discourse of participatory planning is commonly drawn on to promote MSP as a transparent process to enhance trust, avoid or resolve conflicts, and secure the legitimacy and social acceptability of plans (Douvere, 2008; Pomeroy & Douvere, 2008; Gopnik *et al.*, 2012), while ensuring effective marine protection and sustainable ocean use (Ehler & Douvere, 2007). MSP is thus extolled as an effective means to reach consensus among various stakeholders with variegated worldviews, interests, values and power resources.

Furthermore, underpinned by a rationalist epistemology that flags the importance of a seemingly unassailable evidence-based planning process, proponents

claim that by drawing on the best available scientific (and other forms of) knowledge, the techno-managerial expertise of the planner should assist various stakeholders in making rational choices (see Agardy *et al.*, 2010). MSP is also grounded, at least in theory, on the ecosystem approach as a guiding principle. Accordingly, proponents flag MSP as a spatially-oriented approach that considers the entire marine/coastal ecosystem and its coupled biophysical and social processes (Sivas & Caldwell, 2008). The ecosystem approach is also supposed to permit planners to consider socio-ecological processes along the land-sea continuum (Smith *et al.*, 2011). At the trans-national level, the basin-wide approach to ecosystem-based planning should provide a common platform for making decisions that will result in regional cohesion (EC, 2014; van Tatenhove, 2017).

Underpinned by these core logics, proponents hail MSP as ‘an idea whose time has come’ (Ehler, 2012 p. 3). Indeed, it is often extolled as a solution to the problems of single sector and piecemeal management that bedevil traditional marine planning approaches (Douve, 2008; Agardy *et al.*, 2010). From this perspective, MSP is seen as a “problem-solving” regime that is immunized from the messiness of every-day politics, conflicting interests and power asymmetries that bedevil traditional governance arrangements, whether at sea or on land. Flagged thus, the new governance regime has secured endorsement from transnational, multilateral and national governance entities, as well as from environmental non-governmental organizations, businesses and academics alike. However, after a decade of MSP’ing (verb form) around the world, there are serious concerns about whether the new governance regime is living up to its numerous ambitions and promises, particularly, those related to social and distributive justice, planning neutrality, land-sea connections, as well as consensus and conflict resolution.

## 1.2. Research Problem

MSP across the world was pioneered by international conventions, as well as government departments and agencies with mostly an environmental remit (Jay *et al.*, 2013; Kidd and Shaw, 2014). This has had consequences for both the formative discourse of MSP, as well as how the new governance regime is studied and practiced. Put more directly, until recently the policy and practice of MSP and its academic literature have been dominated by natural science perspectives, with very little contribution from the social sciences (Kidd & Ellis, 2012; Retzlaff & LeBleu, 2018). The implication is that this “natural science capture” overlooked a key reality of the marine environment – ie., that, because marine governance interventions occur in ‘peopled seascapes’, research and practice thereof must adopt a human/societal dimension (Bennett & Roth, 2018 p. 1–4).

The early literature made some attempts at bringing in social science perspectives and considering the societal dimensions of MSP. Topics around cultural, institutional, stakeholder, or management arrangements have thus been considered

(see Douvere, 2008; Pomeroy & Douvere, 2008; Jay, 2010; Gopnik *et al.*, 2012). However, this early scholarship remained largely descriptive and promotional of MSP and as such, tended to be conformist in orientation. Indeed, it overlooked not only the fact that MSP is socially constructed (Peel & Lloyd, 2004), but also that its practice and the decisions it spawns cannot be detached from politics. Put otherwise, rather than evaluative of the social logics of MSP, including the potential of the governance regime to meet its numerous objectives, the early literature largely served to justify the *logical necessity* of MSP. The consequence is that while enthusiasts were chiefly concerned about the urgency of the governance imperative and the delivery of plans, the underlying assumptions and rationales of MSP, as well as the realities of its practice remained largely unproblematized and under-examined. Yet, as Flyvbjerg and Richardson (2002) perceptibly note, it is precisely those systems that have ‘treated practice as social engineering, i.e., as an epistemically derived techne, that become most repressive’ (p. 54). Indeed, Forester (1999) noted that, while one may be sympathetic to those who are chiefly concerned with ‘planners’ real problems of getting something done’, professional ethics demands that planning scholars should also be ‘critical enough to worry about the quality of *what* in the world gets done and, of course, *for whom* it gets done’ (p. 176 emphasis in original). Thus, by giving MSP *carte blanche*, one can argue that the observed quietism in the early scholarship may have helped to sustain or reinforce particular modes of subjugation and symbolic violence that MSP’ing may be inflicting on vulnerable subjectivities.

In this generalized quietism, planners are not without blame, particularly at a period when MSP lacked both regulation and protocols for checks and balances. Indeed, by taking refuge behind the mask of pseudo-neutrality or what Long (1959) coined ‘the personally uninvolved scientists’ (p. 168) planners are ultimately in the thick of *politicizing* the sea. That is, if we follow Steven Lukes’ claim that *inaction* is a serious exercise of power (Hayward and Lukes, 2008), then by being silent in the face of power asymmetries, planners may be guilty of the charge of contributing towards delegitimizing particular stakeholder groups, while giving effect to wider political programs that have been laid down at higher-level governing orders.

It seems to me, therefore, that the failure by scholars and planners alike to acknowledge and address issues around power in the early years of MSP, amounts to what Wachs (2013) described as a ‘collective failure of professional ethics’ (p. 112) or what Luke (2016 p. 114) aptly called an unjustified ‘passive quietism and theoretical torpor’. In Foucauldian terms, one may say that planners and early MSP scholars did not give themselves the freedom and ethics necessary to play the “parrhesiastic game” – to be self-reflective of their actions and/or inactions and to speak truth to power. Foucault (1983) argued that ‘someone who is deprived of *parrhesias* is in the same situation as a slave to the extent that he or she cannot take part in the political life of the city, nor play the “parrhesiastic game”’ (p. 5 emphasis in original).

That said, the past few years have witnessed an upsurge of scholarly work that contributes with alternative perspectives to explore, critique and inform MSP practice, thus breaking with the previous passivism. Realizing that ‘as the theoretical foundation of Marine Spatial Planning was being laid, the issue of power was arguably not sufficiently problematized’ (Smith & Jentoft, 2017 p. 34), scholars now pay increasing attention to previously taken-for-granted assumptions of and about MSP. Concerns around how, for instance, politics, discourse history, administrative culture and political priorities are shaping and influencing planning processes and outcomes (Hassler *et al.*, 2018) are prominent on the agenda of this emerging critical scholarship. The realization is that all systems of social relations are inherently systems of power and MSP is no exception. With numerous calls for social scientists to take a “radical” approach to analyzing the politics of MSP’ing at different scales (Kidd & Ellis, 2012; Flannery *et al.*, 2016), the literature is increasingly being driven by theoretically- and analytically-informed questions that are of significant critical and ethical relevance.

Critics now ask a number of Flyvbjerg-inspired (Flyvbjerg, 2009) phronetic planning research questions: What are the underlying rationales and assumptions driving MSP in different settings? How is MSP variously perceived and interpreted across stakeholder groups? What are the different social struggles and power mechanisms at play? Who are the winners and losers? Is MSP desirable, and if so, what role can research play in reforming it? (Ritchie & Ellis, 2010; Kidd & Shaw, 2014; Jones *et al.* 2016; Jentoft; 2017; Smith & Jentoft, 2017; Flannery *et al.*, 2018; Retzlaff & LeBleu, 2018). Suffice it to say that while MSP may very well be an idea whose time has come, critics have simply refused to take a post-political stance with regard to its pseudo-neutrality and rationality. With this growing refusal to surrender, it is safe to say that power is fast becoming an operative concept from which scholars springboard a critical analysis of MSP.

This “critical turn” in the MSP scholarship is highly timely, particularly given that the new governance regime had been essentialized in its early years. A key argument is that if power asymmetries are not acknowledged and addressed, MSP may end up reinforcing or exacerbating existing social inequalities, and thus foreclose possibilities for equitable processes and outcomes (Flannery *et al.*, 2016). However, if the “consensus” on the effects of power is to have sufficient critical and transformative purchase in MSP, at least two theoretically- and analytically-relevant limitations in the literature need to be addressed.

While it is often argued (and rightly so) that power and politics play a crucial role in shaping the design, practice and outcome of MSP processes, there are very few attempts to substantiate this claim by way of either theoretical explanations, or empirical analyses that go beyond “flirting” with power in under-elaborated ways. Put otherwise, while many scholars regularly make reference to power when analyzing MSP, so far there has not been a comprehensive exploration of its mechanisms, nor of its effects, whether negative or positive. Specifically, when writing about

power in MSP, the tendency is to approach it either from a behavioral, agentic viewpoint – that is, as a phenomenon that can be readily captured in deliberative processes (Pomeroy & Douvere, 2008), or from a structural notion in which action is shaped by and largely takes place within an institutionally determined context (see Kidd & Ellis, 2012;). Still, in the latter approach, structural power is conceived predominantly in terms of the mobilization of bias (see Jones *et al.*, 2016; Smith & Jentoft, 2017; Flannery *et al.*, 2016; 2018). In my view, these “thin” conceptions of power overlook subtler and insidious processes of power (e.g. discourse, ideology and subjectification) through which rule-following subjects of planning are potentially created.

A second problematic is that the MSP scholarship predominantly conceptualizes power as having dominative effects. Here, the tendency is to think of power relations in MSP as an *episodic*, zero-sum game whereby actor A’s win necessarily entails actor B’s loss. From this point of view, critics, in a bid to “save” MSP from the charge of being a power minefield then proceed to elaborate ways in which the new governance regime can regain its “radical” potential – that of correcting the problem of democratic deficit inherent in traditional marine governance regimes (see Jentoft, 2017). Yet, power is both a scalar phenomenon and a recurring game (Haugaard, 2012). By scale, I mean that the same zero-sum processes may also *empower* various social actors (what I shall term power *of* planning), while by recurrence, I allude to the fact that the cyclical nature of planning and the multi-institutional landscape of MSP may present opportunities for the episodic loser B to potentially win over the episodic winner A in future encounters.

While this reasoning may give credence to the MSP rhetoric and ambition to deliver win-win outcomes across stakeholder groups, I however start from the premise that one must first understand social relations of domination (i.e., power *in* planning), or the conditions that negate the possibility of win-win outcomes. Only then is it possible to proceed by examining how the same processes simultaneously empower various social actors, but also how they open up possibilities for *freedom* (i.e., power *in* and *on* planning). Thus, besides empowering differently-positioned social actors, I contend following Foucault (1982) and Laclau (1990) that the exercise of dominative power also opens a plethora of possibilities for social actors to respond and/or intervene productively – possibilities that have, to a large extent, been under the radar of the critical MSP scholarship.

To be sure, the critique made above is by no means a claim that the critical MSP scholarship has not made efforts at rescuing the new governance regime from its current socio-ecologically regressive orientation or its asymmetric power relations. Indeed, strides have been made towards this direction. For instance, in an attempt to “democratize” MSP, Flannery *et al.* (2019) offer citizen science as an alternative participatory model. On their part, Trouillet *et al.* (2019) suggest knowledge co-production as a means to empower weaker stakeholders like small-scale fishers. Elsewhere, realizing that the social pillar of sustainability is markedly underpri-

vileged in MSP practice, scholars have called for an explicit consideration of issues of resource equity and distributive justice – in terms of speeding up a “slow train coming” (Gilek *et al.*, 2019), or “adding people to sea” (Saunders *et al.*, 2019).

However, for the most part, the analysis of power relations remains theoretically and empirically latent in MSP – hence the need to take the critical analysis of the new governance regime further. Through developing a theoretically-guided empirical analysis of power relations, this thesis constitutes a first attempt at offering a comprehensive analysis of what I call the “dark side of MSP’ing”. To study the dark side of planning, Flyvbjerg and Richardson (2002) argue, is to situate planning within ‘the domain of power’ (p. 45), which entails ‘accept[ing] power as unavoidable [and], recognizing its all-pervasive nature’ (Ibid p. 50). While the idea of the pervasiveness of power has been erroneously taken to imply that power is predominantly negative, Flyvbjerg insists following Foucault that, one must emphasize ‘its productive as well as destructive potential’ (Flyvbjerg & Richardson, 2002 p. 50), although regrettably, his analyses often fall short of locating the productive capacity of power in particular historical contexts of planning. This thesis thus contributes both to the critical MSP scholarship and to planning theory (e.g. Flyvbjerg, 1998; 2009; Gunder & Hiller, 2007; Allmendinger & Haughton, 2010; 2012; Metzger, 2013; Metzger *et al.*, 2015 etc.) through highlighting the restrictive and productive potential of collaborative planning, or power *in*, *on*, and *of* planning. In doing so, the analysis resonates with but goes beyond the typical approach of characterizing the infamies of planning.

### 1.3. Aims and Research Questions

This thesis aims to contribute to the MSP literature through elaborating a more robust and balanced theoretical account of power for the empirical analysis of MSP social relations. To do this, the account offered draws on two distinct but analytically relevant traditions of social critique: discourse theory – as advanced by Michel Foucault, and Ernesto Laclau and Chantal Mouffe – and theories of political power, as offered by Robert Dahl, Peter Bachrach and Morton Baratz, Steven Lukes, Michel Foucault<sup>1</sup>, and Mark Haugaard – within the so-called *dimensions* school. Jentoft (2017) recently argued that because power is everywhere and oftentimes hidden (because it is intrinsic to structures and practices), this complexity renders both research on power ‘methodologically demanding’, and efforts at ‘institution-building aimed at empowerment a challenging process’ (p. 270). By drawing on ideas from discourse and power theories, I hope to transcend the difficulties described by Jentoft. Methodologically, the thesis contributes to the MSP literature through offering an analysis of various mechanisms through which power operates

<sup>1</sup> To be sure, Foucault does not originally belong to this category. However, his account of subjectification has been designated as four-dimensional power in the *dimensions* tradition – I will follow suit.

in MSP and with what effects. In terms of planning praxis, the thesis explores how MSP can potentially contribute to more equitable processes and outcomes and in so doing, clarify the both the relationship of human agency to social structures and the significance of both in bringing about change in the complex field of power relations. Building on the theoretical analysis, the thesis has two objectives.

- First, to empirically examine how planning in specific Baltic Sea Region contexts becomes a site of contestations, and how social actors variously draw on diverse discourses and power strategies to challenge and/or stabilize specific discursive components (rationales, norms, and rules) and practices of MSP.
- Second, to analyze how MSP empowers differently-positioned social actors, and how “freedom” is both inherent and can be brought to bear in dominative power relations.

The thesis addresses the following three theoretically- and empirically-relevant research questions (RQs):

1. What mechanisms of power are at play in MSP social relations and with what implications for both collaborative governance and subjectivity?
2. How are taken-for-granted discursive components of MSP being challenged in specific Baltic Sea Region planning settings?
3. How is MSP empowering various social actors and what are the *actual* processes and *possibilities* of freedom in the new governance regime?

#### 1.4. Power *of*, *in* and *on* Planning: Some Cursory Comments

In analyzing the dark side of MSP'ing, I follow Van Assche et al. (2014), who distinguish between the power *of* planning, power *in* planning, and power *on* planning. The power *of* planning refers to the impact of planning in society. This can be conceptualized both in terms of the role of planning in ensuring spatial coordination (or predictable, structured action and the distributed agency that planning confers on differently-positioned social actors within the planning system (cf. Haugaard, 2015). Power *in* planning refers to the use and abuse of power in planning relations, be it by the planner who supposedly represents the “the people” in her quest for the “common good”, or by powerful, often sectoral actors who have a stake in planning. This manifestation of power speaks therefore, of the steering nature of planning. The works of (Long (1959), Gunder (2003), Flyvbjerg (1998), Gunder & Hiller (2007), Allmendinger & Haughton (2010; 2012), Metzger et al. (2015) have been influential in revealing this mode of power *in* planning as a steering device. Power *on* planning, on the other hand, refers to the external, societal influence on the planning system.

In operationalizing these manifestations of power relations to suit the research aims of this thesis, I shall primarily mean domination, empowerment and freedom when I talk of power *in*, *of*, and *on* planning/MSP. Yet, this conceptualization is only a cursory and thus, highly simplistic understanding of the complex manifestations and scales of power. For instance, Following Foucault’s (1982) observation that power is not only ubiquitous but fluid (in the sense that it flows and changes form), power *in* planning can be characterized in terms of both dominative and productive power relations, where domination may open up possibilities for freedom – either as counter-hegemonic power (*in* planning), or interventions at a higher, state level (power *on* planning). Likewise, when seen from the viewpoint of dominative power relations, power *of* planning, which I initially conceptualize in terms of empowerment (productive power), can also capture the negative distributed effects of planning, which speaks to negative power *in* planning or processes of “elite capture” within the planning system. Furthermore, although power *on* planning is primarily deployed to capture possibilities of freedom (i.e., the role of the planner, the state and other MSP-related functionaries such as appeals judges in bringing about non-dominative planning relations), it also speaks to the restrictive force of structures and other external factors on the planning system (i.e., in limiting possibilities of freedom within the planning system). The point here is that power relations are very complex and scalar in nature, so that a particular restrictive power may also produce positive effects and vice versa. Throughout the analysis I shall therefore, alert when we are confronted with the complexity and scale of power *in*, *of*, and *on* MSP.

### 1.5. Structure of the Thesis

The thesis is structured in the following manner. Section 2 elaborates the methodological approach and research materials used. This is followed by a section on reflections on some tensions and overlaps that exist between the two traditions of theorizing power that I draw on in this thesis – discourse theory and the *dimensions* approach to power (in Section 3). Section 4 presents a summary of the four papers making up this thesis. In Sections 5 and 6, I present my critical contribution to MSP research and practice, through offering a robust theoretical account and analysis of social and political power in the new governance regime. Here, I analyze MSP on the basis of (1) the modes of *subjugation* that it reinforces or creates and, (2) how it both *empowers* different social actors and opens up possibilities for *freedom* – where freedom is understood in terms of both resistance (productive power *in* planning) to, and possibilities to minimize, dominative power relations (positive power *on* planning). Section 7 concludes the thesis by way of reiterating the main discussions and findings.

## 2. Methodology

This thesis takes a critical approach to the study of MSP, particularly its ambition to reach environmental, economic and social sustainability at sea in a balanced fashion. Since much has been written about the relationship between MSP and its environmental and economic objectives, my focus is on exploring the capacity and potential of the governance regime to deliver socially just MSP processes and outcomes and ensure accountable planning practice. In order for these objectives to be met, I contend, equitable participation must be promoted, which is contingent on, among other things, the elimination of sources of inequalities (e.g. through ensuring access to timely information and building the civic capacity of weaker groups) and various poverty traps (Pansardi, 2016). Ultimately, these issues point to the incumbency of addressing the inevitable question of power or the “dark side of MSP’ing”, which as I have noted earlier, consists not only in laying bare dominative power relations in MSP, but also in discovering both the actualities and possibilities of non-dominative power and freedom.

As indicated earlier, the tendency in the critical MSP literature has been to approach power predominantly as restrictive. Even so, not only do insidious forms of restrictive power remain under-explored in the critical MSP scholarship, but importantly, the productive capacity of power, including the possibilities that power opens are also under-theorized and under-examined. Thus, while in this thesis I start from the premise that MSP, like all social systems is forged and maintained through various arts of governing, and as such is a restrictive force, I nonetheless take the critical analysis of marine governance through and beyond this limited understanding of social systems. Therefore, in navigating a critical path to the study and practice of MSP, I take my cue from Foucault’s (2001) conceptualization of critique as a practice that seeks to ‘speak out against every abuse of power, whoever the author, whoever the victim’ (p. 474). Tellingly, Foucault wrote that:

... if governmentalization is indeed this movement through which individuals are subjugated in the reality of a social practice through mechanisms of power that adhere to a truth, well, then! I will say that critique is the movement by which the subject gives himself the right to question truth on its effects of power and question power on its discourses of truth. Well, then!: critique will be the art of voluntary insubordination, that of reflected intractability... that would ensure the desubjugation of the subject...’ (Foucault, 1997 p. 47).

Here, critique has a dual purpose – that is, it is an act of defiance, a challenge that positions itself as ‘both *partner* and *adversary* to the arts of governing’ (Foucault, 1997

p. 45 my emphasis). In this manner, critique entails not so much the futility of effacing power relations, but more of an ethical sensibility – i.e., that one gives oneself an *ethos* geared towards letting the ‘games of power to be played with a minimum domination’ (Foucault, 1991 p. 18). Following from Foucault therefore, this thesis positions itself as both adversary and partner to MSP in the following ways.

First, as adversary, this thesis is an attempt to critically “speak truth” to MSP/power. Foucault termed this kind of scholarly endeavor *parrhesias*, which entails a “game” of truth-telling between a speaker/critic and his/her interlocutor (Foucault, 1983). In playing the “parrhesiastic game”, i.e., speaking truth to various MSP interlocutors (e.g. scholars, planners, decision-makers at different tiers of governance, the private sector, as well as society at large) through unveiling various modes of subjugation that their actions and/or inactions may be creating or reinforcing, it is hoped that dominative MSP relations may be transformed into non-dominative processes. To do so, I follow the post-structuralist claim (e.g. Glynos & Howarth, 2007; Bacchi, 2012) that a fruitful way to study a governance regime like MSP is by opening up for critical scrutiny those taken-for-granted assumptions, but normatively suspect logics and practices that provide its condition of possibility. This means that rather than assume that MSP emerges from a fixed, “natural” essence, it is instead approached as the contingent effects of politics and power (cf. Laclau and Mouffe, 1985). From this presupposition, the thesis takes a *problem-driven* approach to MSP as constituting an ensemble of discourses and practices that structures what is thought, said or done in the marine environment. As such, I follow Foucault’s lead to problematize both the meaning and the political implications of this regime of practice. Foucault argued in an interview that to problematize is to show how norms and practices which appear evident and necessary, are in fact fragile and merely rest upon particular circumstances (Foucault in Mort & Peters, 2005 p. 19). This is not an attempt to uncover some rational “truth” about the world, but rather, to make visible rules and practices that make an art of governing acceptable. In short, to problematize is to make visible the politics and power relations that shape, regulate and render intelligible a particular regime of thought or practice (Bacchi, 2012). This requires both critical reflexivity and ethics. To be ethical entails a commitment to ‘voicing concerns in public and withholding consent about anything that appears to be unacceptable’ (Flyvbjerg & Richardson, 2002 p. 52). Critical reflexivity means ‘not only to focus on problems, and the decisions designed to deal with them, but also to examine the normative assumptions upon which they are based’ (Fischer, 2016 p. 96).

Taking my cue from this, it follows that particular practices, epistemologies, as well as discursive and programmatic logics that render MSP intelligible are all implicated as forms of problematizations to be opened up for critical scrutiny, or the “procedure of eventualization” as Foucault (1997) coined it. In this procedure, Foucault says, one ‘takes a group of elements where, in a totally empirical and temporary way, connections between mechanisms of coercion and contents of know-

ledge can be identified'. These mechanisms, he notes, 'maybe legislative elements, rules, material set-ups, authoritative phenomena, etc.' (Foucault, 1997 p. 59). In the context of MSP, such elements include its scientific theories and academic literature, its regulatory, legislative, prescriptive and practical guide texts, as well as its cognitive paradigm and established rules of engagement. These elements (discourses and practices) require critical reflexivity because as 'tacit elements withheld from easy scrutiny' (Fischer, 2016 p. 96), they often 'produce forms of problematization that create objects and subjects necessarily involved in how rule takes place' (Bacchi, 2012 p. 6). As I shall argue subsequently drawing on Foucault, the idea of rule-following in MSP does not involve the subjects of planning alone – the various actors whose activities are structured and planned through MSP – but also includes bureaucratic, institutional functionaries, such as the planner and others whose routinized and sometimes unreflective practices may function to maintain dominative practices and outcomes. I shall clarify this subsequently, first in a cursory manner below where I introduce the partnership role that the thesis plays vis-à-vis MSP practice, and then later in some detail in Sections 5 & 6.

Reflecting on the effects of dominative power relations in planning and of the possible role of the planner in bringing about progressive change, John Forester proposed that '[w]e need to rediscover power less, and act to change it, more' (Forester, 1999 p. 185). Of course, as a fervent proponent of the "deliberative turn" in planning, Forester was inspired by the Habermasian theory of communicative action. Because the communicative action paradigm predominantly thought of power as repressive, "good" planning therefore entailed for deliberative planning theorists, 'a search for power-free deliberations' (Van Assche *et al.*, 2014 p. 2388), that is, deliberations that are 'predicated on *a priori* reasoned knowledge' (Gunder, 2003 p. 236) – hence Forester's irritation with a renewed, poststructuralism-inspired search for power in planning theory. However, if, following Bent Flyvbjerg, the task of the social scientist consists in 'bringing more transparency to what they study and to trigger action through transparency' (Clegg *et al.*, 2014 p. 284), then Forester's advice to "rediscover power *less*" seems to me methodologically unsustainable, particularly in a context like MSP where power is not only an elusive concept, but many practitioners and scholars alike seek to avoid, rather than embrace and harness conflict productively. One only needs to point to the groundbreaking scholarship produced after the heydays of the communicative planning paradigm (e.g. by the likes of Bent Flyvbjerg, Michael Gunder, Jean Hiller etc.) to understand the continuous need to discover various context-specific manifestations of power and the embedded irrationalities of planning.

What is more, the need to locate and explicate context-specific manifestations of power is not urgent in the relatively new field of MSP alone. Indeed, despite its massive scholastic uptake, power, particularly, when seen from a poststructuralist ontological or epistemological standpoint still remains an under-examined phenomenon in the more established discipline of planning theory. As Van Assche *et al.*

(2014) perceptively note, although power theory has taken substantial roots in planning and there is much consensus around poststructuralist notions of the embeddedness of power relations and of a social, discursive construction of reality, there are however, good reasons to rediscover power *more* in planning. As some of the vexing flaws inherent in avowedly poststructuralism-inspired power/planning analyses, these authors highlight the tendency among planning scholars to both pay lip-service to the concept of power and to unreflectively accept the underlying assumptions of planning. Notable exceptions, of course, include planning scholars like Gunder (2003), Flyvbjerg (1998; 2009), Gunder and Hillier (2007), Flyvbjerg and Richardson (2002), Swyngedouw et al. (2009), Allmendinger and Haughton (2010; 2012), Metzger et al. (2015) etc. who have been consistent and thorough in reflecting on the political character of planning practice, through unveiling both its neoliberal growth leanings and its post-political guises. Nonetheless, it remains that a key thrust in Foucault's writings – i.e., the idea of the productive capacity of power and of the possibilities that power opens – has not been given sufficient thought in planning scholarship, including in MSP.

Besides the problems highlighted by Van Assche et al. (2014) above, another major flaw which can be attributable to planning scholars such as Forester and several self-styled "progressives" is that they often presuppose that those who criticize a regime of practice are necessarily seeking its destruction. One such, and perhaps, the most iconoclastic progressive is James Ferguson for whom those who critique a system are 'always "anti", not "pro"'. They are '[a]nti-globalization, anti-neoliberalism, anti-privatization, anti-imperialism, anti-Bush, perhaps, even anti-capitalism' (Ferguson, 2009 p. 166). For one thing, Ferguson's remarks simply confirm what Luke (2016) has perceptibly alerted scholars against – 'the rise of a comfortable clerisy displacing an engagé intelligentsia' (p. 113). What this means is that, the need for critical reflexivity is, perhaps, more pressing today than ever – at a time when '[t]oo many institutions are either frozen by inaction or failing at accustomed duties', as intellectuals who are supposed to be posing vexing questions 'instead drift away in doubt' (Luke, 2016 p. 114). Of course, it does not suffice for the critical exercise to limit itself acts of denunciation. Critique entails both denouncing a practice or system and finding ways through which it can be transformed into a progressive force. Therefore, in contrast to Ferguson's description of critique<sup>1</sup>, I find Flyvbjerg's take quite persuasive, not least his hope in the transformative potential of critique for planning praxis. He summarizes this potential and the need to focus on power in the following words:

Exploring the dark side of planning theory offers more than a negative, oppressive confirmation of our inability to make a difference. It suggests that we can do planning in a constructive empowering way, but that we cannot do this by avoiding

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<sup>1</sup> With all fairness to Ferguson, his ambition was to underscore the analytical fruitlessness of conflating and thus using terminologies such as neoliberalism as all-embracing concepts.

power relations. Planning is inescapably about conflict: exploring conflicts in planning, and learning to work effectively with conflict can be the basis for a strong planning paradigm (Flyvbjerg and Richardson, 2002 p. 58).

The bottom line is that any serious attempt at fostering non-dominative practices and positive change in planning cannot forsake the continued process of rethinking various forms of dominative power/planning relations. Indeed, as planning is inevitably about conflict, '[t]he fearful', as Long (1959) once suggested, 'would do well to join Ophelia in a nunnery' (p. 168). If we take Braun's (2016) point that critique 'denotes both a theoretical and a practical project, one that undertakes in one way or the other to analyze, historicize and denaturalize hegemonic forms of thought and practice that stabilize existing relations of domination, injustice and subordination or exclusion' (p. 111), well then, my critique of MSP is far from being "anti-MSP" or what for Ferguson (2009 p. 169) amounts to nothing but a 'politics of the "anti"'. As Jentoft (2017) notes, 'It is nevertheless possible to be supportive of co-governance and MSP, and critical as to their particular design and way of functioning' (p. 273).

To be sure, I criticize MSP not so much because of its capitalist agenda per se, but more because of the violence that its practices exercise on particular subjectivities, lifestyles, values and epistemologies – an approach that Ferguson himself would endorse. Here, we shall recall Foucault's statement that when one studies a medical profession, for example, it 'is not criticized primarily because it is a profit-making concern but because it exercises an uncontrolled power over people's bodies, their health, and their life and death' (Foucault, 1982 p. 780). In short, my critique of MSP aims not to overthrow it but rather, to stir up critical reflexivity so that its practice can be imbued with a commitment to social justice and non-dominative relations. Indeed, if we follow Foucault's meaning that the practice of critique (or *parrhesia*, i.e., truth-telling) should be inflected with a moral ethos – that of care of the self as a practice of freedom (Foucault, 1991) – then the least one should do as a planning scholar is to give oneself that parrhesia, that autonomous subjectivity, that freedom to be critical, not least because of the transformative potential that care of the self holds for others. But of course, while being optimistic, one must also be reflexive enough to recognize the limits of critique/freedom, i.e., the precarity of the environment in which one wants to bring about change.

In partnership with planning practice therefore, this thesis contributes to MSP through analyzing the new governance regime beyond domination. But before outlining how this will be done, a lingering methodological misgiving that I associate with some self-styled Foucault-inspired critics needs to be cleared, not least because the thesis draws substantially on Foucault and other likeminded theorists. I refer to particular (mis)interpretations of Foucault's theorization, which in my view, fail to discern his view on power as a *relational* entity. That is, more often than not, scholars who draw on Foucault limit their interpretation of power in terms of governmentality, often leaning selectively on Foucault's (1979) seminal

work – *Discipline and Punish*. This flaw has been duly observed in the planning literature by Flyvbjerg and Richardson (2002) who note with dissatisfaction that planning scholars often limit their understanding of Foucauldian power mainly as ‘negative institutionalized oppression’ (p. 53). This misreading of Foucault – which is not without a significant analytical cost – is not limited to the scholarship on planning alone but has also seeped into critical policy studies in general. Bacchi’s (2015) interpretation of Foucauldian problematizations mainly as ‘the products of governmental practices’ (p. 3) is illustrative of this general attitude. What this means is that Foucault’s theorizing of power as simultaneously negative and productive is largely missed. A major consequence of emphasizing negative, over productive, power is that scholars tend to approach social structures as though they were fully constituted entities. That is, they often overplay the determining and thus, “caging” role of social structures over human agency. This understanding of structures as totalizing (1) provides a limited understanding both of political power and of Foucault’s work, and (2) leaves untheorized and under-examined the relation of human agency to wider social structures, and the role of actors in bringing about social change.

Of course, Foucault (1979) argued that power and discourse are mutually constitutive and that both play a key role in the institution and routinization of social logics and practices. In this sense, Foucault is the Nietzschean democrat who, based on the will not to be dominated sets out to lay bare the dominative practices of institutions that appear neutral (Flyvbjerg and Richardson, 2002 p. 53–55). Yet, beyond his conceptualization of power in which discourse restricts agency, Foucault also tellingly submitted that discourse can be ‘a hindrance, a stumbling block, a point of resistance and a starting point for an opposing strategy’. That is, while ‘discourse can be an instrument [...] of power’ it simultaneously ‘undermines and exposes it, renders it fragile and makes it possible to thwart it’ (Foucault, 1990 p. 100-01). Thus conceptualized, we are equipped with an understanding of power as simultaneously negative and productive – of the possibility of human agency within structures, an understanding of agency that goes beyond a fatalist conception in which humans are nothing but *over-socialized* and *caged* beings. It is to this productive capacity of power, of the possibility of human agency that I now turn to outline how it is subsequently dissected and analyzed in the later parts of this thesis, while keeping in mind practical difficulties in exercising agency towards social change.

As will be recalled, RQs 2 & 3 concern themselves respectively with analyzing (1) how particular discursive structures and practices of MSP are being challenged and (2) how MSP empowers various social actors, and how actual processes and possibilities of freedom may be inherent in the new governance regime. First, in terms of *empowerment*, the thesis shall draw on Hannah Arendt’s theorization of it as “concerted capacity” or consensual agency to consider how MSP provides differently-positioned social actors with *dispositional capacity* to act in concert and get things done. Mark Haugaard’s analytical development of the concept shall prove

particularly useful in this task. It shall be recalled that it is to this productive capacity of MSP that I referred when I talked of the power *of* planning – that is, in terms of its positive impact on society. Second, in terms of *freedom*, the thesis shall build on Foucault’s (1982) statement that when power is exercised, it is done ‘only over free subjects... [i.e.,] individual or collective subjects who are faced with a field of possibilities in which several ways of behaving, several reactions and diverse comportments, may be realized’ (p. 788). These fields of *possibilities* and *reactions* shall be analyzed in two fundamental ways.

In the first instance, freedom is understood as those practices orchestrated by aggrieved social actors to challenge particular MSP rules, practices and/or discursive logics, where challenge can be channeled either as the expression of discontent or as outright resistance. Thus, when analyzed in terms of freedom, it becomes clear (as highlighted earlier) that power *in* planning is not only negative but encompasses the productive dimension of power. Foucault’s ideas about resistance, when complemented with Ernesto Laclau’s concepts of radical *contingency* and social *dislocation* shall serve as tools to theoretically explicate the possibility of this (radical) agency in MSP social relations. That said, the second conceptualization of freedom draws on Foucault’s conceptualization of power as the capacity to modify people’s actions. Here, I deploy the concept of power *on* planning (in its positive usage) to discuss how asymmetrical power relations may be corrected *procedurally* by key actors, such as the planner and other functionaries in the multi-institutional landscape of MSP (e.g. appeals judges). This draws on the important, yet under-emphasized normative ethos that Foucault attaches to subjectivity – the care of the self. For him, a competent subject, or a *parrhesiastes*, is he who both speaks frank truth to power and gives himself the ethics of care, both of the self and for others (Foucault, 1983; 1991). This care or *parrhesias* is not only a voluntary act, a moral duty (the freedom to speak the truth), but importantly, it is a quality that is associated with and expected from authority. The failure to speak truth to power, Foucault argued, amounts to being incompetent, unfit to work for the community (Foucault, 1983). Thus, performed as a moral duty and by a competent subject, *parrhesias* is aimed at leveling the power playing field for various social actors.

Analytically, this ethical sensitivity suggests that one studies *how* non-dominative power may be brought to bear on the planning system. Here, Heller’s (1996) power question is relevant – ‘is it [i.e. power] used to increase the freedom of others, or to capture them in relations of domination?’ (p. 104). To underscore the role of the planner and other planning-related functionaries is not to say that planning exists as a system in and of itself. Foucault recognized that although power is fluid, in certain relations it may become frozen, immobile so that opportunities for change may become stifled therein. Thus, although care of the self is both a *moral duty* and a means to freedom, there exist significant limits to freedom. That is, we must accept that while “competent” subjects or functionaries are those that are driven by a moral ethics to desubjugate themselves and enfranchise others from

dominative power relations, their capacity to realize this kind of *procedural* freedom in MSP may be constrained by rules and other forces that operate at higher tiers of governance, beyond their areas of competence. In other words, while disciplined subjectivity or self-restraint may be an apt tool or means to freedom, the room for maneuver available to “free” agents or *parrhesiastes* is often constrained by forces outside their realm (e.g. established rules and regulations about the practice, purpose and direction of planning). In this case, interventions of a *substantive* sort may be required. Thus, my analysis of power *on* planning as a means to freedom shall also take account of the role of the state, of possible intervention outside the planning system aimed at bringing about non-dominative power *in* planning.

To recapitulate then, in analyzing freedom as a moral duty (or productive power *on* planning) I take account of both the possibilities of, and limits to, freedom – the possibilities for bureaucratic agents to discipline or free themselves procedurally and the constraints that broader contextual factors may bring to bear on this productive *capacity*. That is, where power seems to be immobile, frozen, so that its productive capacity is constrained within planning system (i.e., when understood in terms of the limits to the freedom of the planner or the appeals judge), I shall consider how society, particularly the state as the ultimate authority in MSP may intervene *substantively* to promote both individuality and collectivity, to ensure that the games of power are played out at the procedural level with minimum domination, as the ethical Foucault would hope for. It follows from the foregoing discussions then, that besides studying what is *actually* done, as Flyvbjerg (1996) once enjoined planning scholars to do<sup>2</sup> – I problematize this in section 5 – my analysis of power in MSP also makes ample room for what *should* be done to transform the new governance regime into a more socially just, progressive and accountable practice. In short, drawing on the different traditions outlined above, the thesis provides a more cogent account of power, analyzing its dominative processes on the one hand, and the limits and possibilities of its productive capacity, on the other hand. Therefore, neither is my approach “anti-progressive” (it is not “anti-MSP”) nor is it overly “pragmatist” (it embraces conflict and thus goes beyond Forester’s collaborative planning approach). In other words, the thesis acknowledges power as a pervasive and ineliminable dimension of social life (Mouffe, 2005) and from this premise, it analyzes its negative and productive character, including possibilities through which weaker social groups can be enfranchised so that the games of power are played with minimum domination. Foucauldian, Laclauian and Haugaardian theories of power shall serve as key conceptual tools to analyze these productive capacities and possibilities in the marine environment. Therefore, in playing the “parrhesiastic game” with scholars and practitioners alike, the hope is that this

<sup>2</sup> Flyvbjerg (1996) privileged a focus on what is *actually* done (i.e., *realrationalität*) over what *should* be done.

thesis will inspire them to self-reflect on their actions and/or inactions and engage in what Foucault called the parrhesiastic “contract” (Foucault, 1983).

A final methodological observation needs clarifying. Specifically, as can be observed in the foregoing discussions, the thesis draws significantly on Foucault’s power analytics. However, it is worth pointing that this is not so much the case in the different papers making up the thesis. While **papers I** and **II** are inspired by Laclau and Mouffe’s discourse theory, **paper IV** draws mainly on the dimensions approach to power and to some extent, Foucault’s notions of freedom and subjectivity. There are two reasons for this heterogeneity in theory. The first is that it was not until some months into my PhD education that I became familiar with Laclau and Mouffe’s discourse theory, which some scholars (e.g. Jacob Torfing) describe as “third generation” and distinct from other discourse theories, including Foucault’s. Being a debutant, I followed this distinction, although as I later show in Section 4, this distinction is only spurious. The second observation is that, in the course of studying MSP I found discourse theory lacking in conceptual grammar with which to easily delineate and analytically clarify different dynamics and manifestations of power – hence the use of the *dimensions* approach both in **paper IV** and in this thesis. Yet, while both traditions enable me to present a comprehensive account of power as dominative and productive, there exist some incommensurabilities between the two traditions. In Section 3, I reflect on these tensions (first between Foucault’s and so-called third-generation discourse theories, and then between discourse theory in general and the dimensions approach) while drawing out key points of convergence. Furthermore, in **Section 5** where I analyze dominative power relations, the two traditions are drawn on separately. The reason for this is simply to permit a comprehensive coverage of the various mechanisms of power. However, this distinction is abandoned in **section 6** so as to make possible an eclectic analysis of productive power. Having said that, I now turn to outline what research materials the thesis draws on and how they are used, before a summary of the different papers making up the thesis is presented.

## 2.1. Research Materials and their Use

This thesis follows a phronetic planning approach, as highlighted below. Because phronetic planning research concerns itself with power, all the research papers making up this thesis deal explicitly with power, some empirically and others theoretically. Specifically, while **paper IV** analyzes power in MSP more generally, **papers II** and **III** are more detailed, and study specific cases of planning interventions. **Paper I**, on the other hand, is both general – presents a general critique of MSP based on discourse theory insights – and specific – I conduct a textual analysis of how the marine “problem” and its “solution” are framed in the EU MSP Directive (EC, 2014) and tease out the implications of this way of framing issues for both subjectivity and effective marine protection.

Moreover, **papers II** and **III**, follow a case study approach, focusing on MSP-related issues in Estonia and Poland respectively. The choice of a case-study approach was motivated by the fact that although MSP has domestic, transnational and international (e.g. EU) components, it is at the domestic level that concrete MSP processes are organized and given effect. Thus, MSP interventions at the domestic level were judged more suitable for studying the contextual minutiae and micro-politics of planning. This is because domestic processes potentially reveal more nuances and interrelations between and across a wide range of actors, interests, values and power strategies. Through the case-study approach, it was therefore possible to capture (1) how various context-specific value-rationalities (e.g. national priorities, socio-cultural practices, history, forms of knowledge, as well as attachment to place) were drawn upon by differently-positioned social actors to challenge key MSP logics and practices in different contexts and, (2) the discursive and programmatic strategies deployed by practitioners and other MSP proponents to defend their positions and stabilize contested issues and relations around planning. This is not to say, it must be pointed out, that the international context is of less relevance to the understanding of the realities of planning interactions – far from that.

In arguing for a phronetic planning research, Flyvbjerg emphasizes ‘the primacy of context’ (Flyvbjerg, 2009 p. 298), where the object of analysis is ‘the socially and historically conditioned context’ within which a given regime of practice takes place (Clegg *et al.*, 2014 p. 283). This socio-historical context consists of ‘both the small, local context, which gives phenomena their immediate meaning, and the larger, international and global context in which phenomena can be appreciated for their general and conceptual significance’ (Flyvbjerg, 2009 p. 298). In short, only by studying planning both in a specific context of power, and in a way that is ‘at the same time as detailed and as general as possible’, Flyvbjerg writes, can we possess a commanding understanding of planning/power and potentially transform it into a socially progressive activity (Ibid p. 295). Seen thus, **papers II** and **III** can be said to focus on the “small, local” contexts, which shape MSP interactions and outcomes in these settings. **Papers I** and **IV** on the other hand, study the general and conceptual significance of MSP. The former studies key discursive logics and assumptions of MSP, with a focus on its policy landscape (in this case the EU) and teases out the implications of these key logics and discourses both for how MSP is practiced and how rule-following subjects are potentially created. The latter is a conceptual analysis of MSP, which both clarifies its dominative and empowering capacities and probes its possibilities to deliver equity and distributive justice through non-dominative power relations.

That said, in terms of case-study selection strategy, Estonia and Poland were chosen as research sites for two main reasons. Estonia had already concluded its MSP on the island of Hiiumaa (main research site). However, the adopted plan was subject to objections from local residents and municipalities and this presented a

unique opportunity to empirically evaluate the MSP ambition to resolve conflicts and deliver environmental, economic and social sustainability in an objective and balanced fashion. In Poland, while national MSP processes were already ongoing, planning in coastal areas, which are important fishing grounds for small-scale fishers (SSFs), had not yet begun. Importantly, some forms of consultation considered to be outside of formal MSP had been conducted but had registered a low participation rate from SSFs, which signaled their potential non-participation in upcoming local MSP processes. The purpose of the study was, therefore, to unlock the potential non-participation, exclusion and further marginalization of the already vulnerable small-scale fisheries. This was done through (1) clarifying vulnerabilities faced by SSFs, which are linked to fast-paced socio-political, economic and organizational transformations that both the country and its small-scale fisheries underwent, (2) highlighting how SSFs construct their role and that of others in shaping the MSP process and, (3) offering ways on how planning can potentially transform small-scale fisheries into an activity for the sustainable exploitation, planning and protection of marine resources. Therefore, the Polish case offered opportunities to analytically reflect on how positive power *in* planning could be brought to bear on existing realities in a specific MSP context – a context in which power prevails as the historical domination and marginalization of SSFs.

In terms of materials, the thesis makes use of both primary and secondary data. These include theories of power and discourse, the existing scholarship on MSP, EU MSP policy documents, national regulations and MSP road maps, web-based position statements, verdicts from MSP-related juridical proceedings, as well as open-ended individual and group interviews with relevant MSP publics: These include SSFs, coastal residents, local and national planning authorities, and the business sector. As more detailed methodological descriptions relating to different parts of the study are found in each paper, table 1 below presents a summary of the data and methods used in each paper, including the context of the study and the study participants involved.

That said, a key aspect pertinent to the Estonian study, which is not described in **paper II** but nonetheless essential to the understanding of power relations in that context needs highlighting. I refer specifically to the fact that the study, which was finalized and published in May 2018, based some of its reflections on key MSP-related court decisions that had been reached at the time of analysis. However, three months after publication of the study, the Supreme Court of Estonia made a new ruling on the case, thus cancelling the rulings previously made by the lower courts. Key factors motivating the Supreme Court's decision, and the implications of this new ruling are described and reflected upon in this thesis, as well as in **papers III and IV**.

<b>Papers</b>	<b>Contribution Type</b>	<b>Data and Methods</b>	<b>Interviewees</b>	<b>Planning Context</b>
Paper I	Conceptual paper	Content analysis of academic literature and policy documents	None	European Union
Paper II	Case study	Semi-structured individual and group interviews; documentary analysis of media statements, legal judgments, and policy and regulatory texts.	Wind energy, coastal residents, county planners, national planners.	Estonia
Paper III	Case study	Semi-structured interviews; documentary analysis of policy texts and academic literature	Small-scale fishers	Poland
Paper IV	Conceptual paper	Documentary analysis of academic literature on power and MSP.	None	Global

Table 1: Summary of data and methods used in each paper, including the context of the study and study participants.

### 3. Discourse and Power. Navigating Theoretical (In)commensurabilities

As indicated previously, this thesis draws on two broad traditions of theorizing – discourse theory and the so-called *dimensions* approach to power – to theorize and critically analyze MSP as system of governing the sustainable use and protection of marine resources. While ideas and concepts in these different traditions enable me to present a cogent apprehension of relations of power in MSP, there are, however, some tensions that separate these traditions apart, particularly at the level of theoretical abstraction and epistemological worldviews. This section reflects on these points of divergence, while also shining light on a number of overlaps between the theoretical traditions, beginning with discourse theory.

#### 3.1. Foucault, and Laclau and Mouffe: The not so Explored Overlaps in Two Rich Accounts of Power/Discourse

Discourse theory emerged in the 1970s as a critique of, among others, the emerging neoliberal hegemony of representative democracy and economic determinism. It proposed new analytical perspectives for critically explaining ‘the rules and meanings that condition the construction of social, political and cultural identity’ (Torfing, 2005 p. 1). There are different variants of discourse theory, including rhetorical political analysis, discursive psychology, critical discourse analysis, Q methodology, Foucauldian discourse and the so-called third generation discourse theory, or political/poststructuralist discourse theory (PDT) as elaborated by Ernesto Laclau and Chantal Mouffe and others. While all variants share a ‘concern with questions of meaning and the centrality attributed to subjects in the construction and apprehension of meaning’, they however, tend to be somewhat dissimilar in their foci, purposes and ontological presuppositions (Glynos *et al.*, 2009 p. 5).

Torfing (2005) classifies Foucauldian and Laclau and Mouffe’s discourse theories as second and third generation discourse theories respectively, which I shall follow for the time being. Torfing argues that while in his *archaeological writings* Foucault distinguished between the discursive and the non-discursive, Laclau and Mouffe (1985) disagreed, arguing that seemingly non-discursive elements like economic processes, institutions or technology are ultimately discursive in the sense that they are constructed through discursive systems of difference (Torfing, 2005 p. 9). Beyond this difference at the level of methodological abstraction, the distinction between Foucault, and Laclau and Mouffe is oftentimes spurious. Elsewhere, Carol Bacchi also distinguishes between the Foucauldian form of critique and that of the

third-generation adherents, except arguing for the merits of the former over the latter (Bacchi, 2015). However, in my view, such a distinction is overplayed, as third-generation discourse theorists (e.g. Griggs & Howarth, 2017; Howarth, 2010) often draw fruitfully and complementarily on Foucault to foreground their explanatory critique and analysis of contemporary social practices.

A further critique has been levelled against Foucault, particularly with respect to how he conceives the constitution of the subject – which, if it were held to be true, would constitute a marked distinction between Foucauldian and Laclau and Mouffe's discourse precepts. But as I intend to show, this critique is flawed: it does not hold sway when confronted with Foucault's latter conception of subjectivity. Critics of Foucault often argue that in his conception of discourse, subjectification is theorized in ways that make it impossible to locate and explain autonomous, radical human agency in relation to structures. For instance, Balbus (1988) writes that, 'subversive subjectivity cannot be explained with the [Foucauldian] framework of a discourse for which subjectivity and subjugation are correlative terms' (p. 152). Similarly, Habermas (1987) writes that in the Foucauldian 'perspective, socialized individuals can only be perceived... as standardized products, of some discourse formation – as individual copies that are mechanically punched out' (p. 293).

Such criticisms, it seems to me, are epiphenomenal at best – they often emanate from selective readings of Foucault, particularly his early writings and thus, do not take into account his ideas on subjectivity in his *genealogical writings*. Foucault himself has categorically disavowed this negative conceptualization of the subject that is often imputed to him. Consider the following debunking statement: 'the statement, "you see power everywhere, hence there is no place for liberty"', Foucault writes, 'seems to me to be absolutely incomplete. One cannot impute to me the idea that power is a system of domination which controls everything and leaves no room for freedom' (Foucault, 1991 p. 13). Indeed, as Heller (1996) notes, Foucault's (1979; 1990) numerous accounts of social struggles pitting the proletariat against the bourgeois or those of various categories of the "perverse" against the legal apparatus and psychiatry would suffice to substantiate Foucault's disownment of the idea of a subject as antithetical to liberated power relations. Nonetheless, to all lingering sceptics who may suggest that Foucault's accounts of social struggles offer very little by way of explanation of how a liberated subjectivity is constituted, the following quote constitutes a definitive response. Foucault writes: '[W]e must conceive discourse as a series of discontinuous segments whose tactical function is neither uniform nor stable... but as a multiplicity of discursive elements that can come into play in various strategies... and with the shifts and reutilizations of identical formulas for contrary objectives that it also includes' (Foucault, 1990 p. 100).

This idea of discourse as discontinuous, non-uniform and thus unstable, provides for an informed rapprochement – rather than difference – between Foucault, and Laclau and Mouffe. Both Laclau and Mouffe, and Foucault converge in their explanation of the instability and precariousness that inhabits a discourse, with the

only difference being at the level of preferred vocabulary. For instance, while Laclau and Mouffe (1985) talk of a “constitutive outside”, Foucault (1990 p. 101) refers to ‘contradictory discourses’ to explain the instability of a discourse formation. Put succinctly, both Foucault, and Laclau and Mouffe posit that a particular discourse becomes stabilized because it co-opts different and often contradictory discourses to cover over its ontological incompleteness. The “outside” that the inside (i.e., hegemonic discourse) incorporates is precisely “constitutive” because it has a contradictory effect – ‘it denies that identity and provides its conditions of possibility at the same time’ (Laclau, 1990 p. 39). It is precisely because of this contradictory effect between the hegemonic discourse and its constitutive outside that Foucault argues that when conceptualizing discourse, ‘[w]e must make allowance for the complex and unstable process whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy’ (Foucault 1990 p. 101). This idea of a discourse as both a hindrance and a starting point for an opposing strategy is what Laclau (1990) refers to as *dislocation* – which I shall have reason to come back to subsequently (in section 5). In short, then, Foucault’s conceptualization of the subject makes space for the constitution of a liberated subjectivity in similar ways that does Laclau and Mouffe’s. Jon Heller’s reading of Foucault also captures this. In his dismissal of numerous charges levelled at Foucault he notes that, although for Foucault all subjects ‘are “subjected” to discourses that temporarily and ontologically precede them, the inevitable multiplicity of those discourses ensures that subjectification invariably produces structurally incompatible (i.e., hegemonic and counter-hegemonic) subject-positions’ (Heller, 1996 p. 94).

The point I have tried to make thus far is that despite some points of divergence, Foucault, and Laclau and Mouffe share a fundamental understanding of the subject’s ontological status as a decentred, and thus constructed entity. That is, because they agree on the impossibility of a fully constituted meaning – be it structures, discourses, or subjects – by extension, they agree on the possibility of a (partially) liberated subject. This possibility, as we have seen, is also the result of the contradictory coexistence in a social formation between the hegemonic discourse and the various discourses that the former accommodates. In short, it follows that because social structures and discourses are never fully constituted, they can never fully constitute the subject (Laclau, 1990). However, it is their deployment of the concept of *dislocation* and of the Lacanian psychoanalytic concept of *identification* to conceptualize the constitution of a *radical* subjectivity, that (in my opinion) gives Laclau and Mouffe’s theorization of the subject an explanatory edge over Foucault’s (more on this in section 5).

Nonetheless, as a further point of convergence, both camps conceptualize power as simultaneously restrictive and productive and treat power and discourse as mutually constitutive entities. In addition, both camps also draw on the anti-essentialist ontological premise that the social is never essentially given, but is con-

stituted, instituted and contested through politics and power. In short, the authors' mutual insistence on the ontological fluidity, relationality, de-centeredness, and ineradicability of power; of the de-centeredness of social structures and subjects, and of the possibility of liberated power relations, as well as their emphasis on contingency as the *explanans* are good reasons to treat their work as a unified theory of discourse/power. This is so even if they tend to word the same phenomena dissimilarly (e.g. hegemony/counter-hegemony for Laclau and Mouffe, and power/resistance for Foucault). Therefore, although in analyzing dominative power through discourse I focus on Laclau and Mouffe's theory, Foucault's analytics could just as well have done the job.

Having drawn close but irreducible affinities between Foucauldian and Laclau and Mouffe's theories of discourse, I now turn to discuss a few epistemological incommensurabilities in this thesis that draw attention, particularly with respect to the conjoined use of *discourse/power* theory and the *dimensions* approach to power.

### 3.2. The Dimensions Approach and Discourse: Some Comments

What I refer to in this thesis as the *dimensions* approach to power is an ensemble of theories of power as differently espoused by American political scientists. Steven Lukes (1974), the theoretical father of three-dimensional power, built on and extended earlier theories of power, particularly as espoused by Dahl (1957) and Bachrach and Baratz (1962), to whom he would impute one- and two-dimensional typologies of power respectively. As we shall see subsequently, one-dimensional power, presents a strictly individualist, agentive view of power, whereby an individual is powerful in the sense that he is capable of getting what he desires, in bringing about a change in the activities of another. On the other hand, the two- and three-dimensional accounts present a structuralist view of power, where structures either restrict the decision-making agenda (as in two-dimensional power) or determine and shape people's wills, desires and preferences (as in the three-dimensional account). Added to these dimensions is a fourth, Foucauldian power. Foucauldian power has been theorized as four-dimensional power to refer to his ideas on discipline and subjugation, whereby the agent submits to structural power through self-discipline. Conceptualized thus, two- three- and four-dimensional power typologies are determinist, as power is predicated on structures. Two things are important to point out here. First, taken individually, the different dimensions of power are problematic in that they entrench a structure-agency divide through emphasizing either agency over structures or structures over agency – a conceptual problematic that I have attempted to transcend. As a second problematic, both individualist (agentive) and the determinist (structuralist) accounts conceptualize power predominantly as negative, which is in direct contrast to my approach to power, as has been abundantly highlighted.

Irrespective of these flaws that are inherent in this tradition of theorizing power, I nonetheless retain the different dimensions to conceptualize and analyze dominative power relations in MSP. The key motive behind this retention is that unlike its discursive counterpart, the dimensions tradition provides clearer analytical concepts with which to distinctively categorize the different faces of social/political power as they manifest themselves in a given regime of practice. In other words, while the discourse tradition constitutes the theoretical boardwalk into the field of power relations, the dimensions tradition is drawn on mainly for analytical clarity. That said, it must be underlined that some theorists in the dimensions tradition (e.g. Mark Haugaard) often share similar theoretical views and ontological starting points about social life and power with theorists in the discourse tradition. Suffice it to say that the works of Michel Foucault and Hannah Arendt provide significant theoretical inspiration for theorists in both traditions, even though their analytical foci and purposes often differ. For instance, it is common to see Haugaard draw on the notion of *capacity* by both Foucault (1982) and Arendt (1958; 1970) to analyze productive structural power in terms of empowerment – i.e., dispositional capacity or concerted agency. In short, it is not an overstatement to suggest that the view of power retained in both the discourse and dimensions (at least, Mark Haugaard’s work) traditions is that which rejects neither the role of structures nor that of agency. Rather, it is argued that while structures make us who we are (i.e., they form part of our “second nature”) – whether as a result of socialization, ideological interpellation, or habitus – they are however, never complete in and of themselves and as such are susceptible to challenge and change over time by human agents, who also reproduce them. Thus, in addition to the discourse tradition, I shall draw on Mark Haugaard’s retheorization of the different dimensions of power to analyze both the empowering role of MSP and the actual processes and possibilities of freedom inherent in the new governance regime.

In this section, I have spelled out some points of discordance between the two theoretical approaches to power, while highlighting their key, irreducible points of convergence. In what follows, I present a synoptic view of the different research papers forming up this thesis, before analyzing dominative and non-dominative MSP processes in the ensuing sections.



## 4. Summary of Research Papers

The thesis is made of four research articles, which contribute to the analysis of discourse and power in MSP. While some (e.g. **papers II and III**) are empirical and study power strategies and antagonisms in specific Baltic Sea Region MSP settings (i.e., Estonia and Poland), others (**papers I and IV**) address theoretical and analytical gaps in the MSP scholarship, which are relevant for the analysis of marine governance relations more broadly. Put together, the different papers offer fresh ways on how MSP can be characterized and critically analyzed through a power lens. In this section, I present a brief overview of how the different articles address the three inter-related RQs. But before I do that, it is important to reiterate that the different papers are inspired by two dissimilar but interrelated theoretical traditions – political/poststructuralist discourse theory and the *dimensions* approach to power – so that individually taken, the papers do not present a holistic approach to critically analyzing MSP – a concern addressed subsequently (in sections 4 and 5). Furthermore, while the different papers draw individually on these two traditions, this thesis also turns to Foucault’s insightful (but relatively under-explored) conceptualization of power to present a more cogent understanding of the complex field of power relations. That said, the different articles address the three RQs posed in the previous section in the following ways.

- I. Taking power to sea: Towards a post-structuralist discourse theoretical critique of marine spatial planning.

The paper partly addresses RQ1 through elaborating a poststructuralist variant of discourse theory to critically analyze MSP. Specifically, it sets out to unseat both the rationalist evidence-based epistemology and the neoliberal logics and assumptions that underpin MSP thinking and practice. By rationalist evidence-based epistemology, I refer to the fact that MSP is underpinned by a discourse that foregrounds the importance of “scientific evidence” and “full information” as a means to reach “consensual” and “objective” decisions in what is fundamentally an undecidable terrain – planning. Yet, it would appear that MSP is narrowly done within the confines of programmatic and juridical logics and mechanisms. These logics and mechanisms effectively serve as gatekeepers that block “alternative” epistemologies or ways of knowing from entering the *privileged* realm of what is considered *scientific*.

By neoliberal logics, I refer to the seemingly unassailable belief in the capacity of the technocratic and “neutral” planner to design and conduct participatory processes in ways that can minimize or resolve conflicts that arise from potentially

irreconcilable value-rationalities into “balanced”, win-win outcomes. Paradoxically, rather than provide the conditions for truly democratic debates over what constitutes the marine “problem” and how it should be resolved, the neoliberal logic often covers over and legitimizes an ensemble of preconceived technocratic and managerial solutions, which exclude debates over the purpose of interventions, as well as alternative epistemologies and visions of the future. The paper offers a textual deconstruction of the neoliberal orientation of MSP, which is deeply engrained in the EU MSP Directive (EC, 2014). The Directive fuses around master signifiers like evidence-based planning, consensus, win-win solutions, resource efficiency, green economy, blue growth, or sustainable coexistence of marine uses, which (I argue) are no more than euphemisms that obscure a predominantly capitalist agenda to expand the economic productivity of the marine environment. As a neo-liberal project, the devolution of decision-making power to lower levels of government, the private sector, civil society organizations and the public may merely serve as a means to ensure the legitimacy and social acceptability of preconceived objectives. Underpinned by these logics, the paper reads MSP as intrinsically a form of “post-politics”. The danger with post-political interventions is that their narratives potentially interpellate and render social actors (including planners) ideologically complicit in sustaining, rather than challenging neoliberal logics of techno-managerialism and capitalist expansionism that often drive them. In doing so, post-political interventions either create or reinforce normatively suspect norms, practices and modes of subjugation, while rendering them intelligible and seemingly necessary. However, the paper argues, as all forms of post-politics are bound to contend with *radical contingency* – the ontological incompleteness of all identities, discourses and social structures – critical scholars need to pay attention to the “political” moment of MSP. This speaks to the susceptibility of MSP to *dislocation*, whereby aggrieved subjects may seek to challenge established norms, practices and social relations on the basis of alternative meanings and reinterpretations of what constitutes marine/coastal sustainability.

## II. The politics of Estonia’s offshore wind energy programme: Discourse, power and marine spatial planning.

This paper partly addresses RQs 1, 2 and 3 through the empirical analysis of MSP practices in Hiiumaa in Estonia. It builds on the documentary analysis of national policy papers and court verdicts related to MSP, as well as semi-structured interviews with key MSP actors in the Hiiumaa MSP process. These actors include national and county-level planners, offshore wind energy (OWE) developers and coastal residents of Hiiumaa. The article contributes with empirical knowledge on the political practices of protest (politicization) and governing (depoliticization) in MSP. That is, through the lens of depoliticization, or power *in* planning (negatively construed), the paper examines how planners and developers in Estonia created the

conditions for the articulation of objection (related to an OWE plan in Hiiumaa), and then developed new strategies to negotiate and circumvent community resistance. By the same token, the paper develops a politicization lens to examine the strategies of political mobilization and the rival discourses of expertise and sustainability that Hiiumaa residents and municipal actors deployed to contest the OWE plan in court. Their counter-hegemonic strategies can thus be seen as a case of power *in* planning (in its positive usage), or *freedom* in the first Foucauldian sense of the term (i.e., resistance as introduced in **section 2**), which is in line with parts of RQs 2 & 3. In addition to this understanding of freedom, the paper also proposes the concept of “pragmatic adversarialism” as an alternative model for handling public controversies in MSP, which in *procedural* terms, can potentially transform MSP into less of a “rationalistic”, “scientific” and “power-neutral” regime of practice, and more of an agonistic, equitable and freedom-leaning system of governing and protecting socio-environmental systems.

### III. Small-Scale Fishers as Allies or Opponents? Unlocking Looming Tensions and Potential Exclusions in Poland’s Marine Spatial Planning.

This paper addresses RQs 2 and 3. In terms of RQ 2, the paper explores how particular discursive logics of MSP (e.g. science-based knowledge and the purpose of planning intervention) and its practice (i.e., the conduct of participation) are perceived and challenged by SSFs in Poland. The paper further (1) studies how SSFs construct their role, as well as that of scientists and marine managers in shaping the planning process and (2) clarifies the problem of the various vulnerabilities faced by SSFs in upcoming local MSP processes. Then building on this, and in line with RQ3 (i.e. concerns over possibilities for freedom and/or social change) the paper proposes ways through which MSP in Poland can both secure the meaningful participation of SSFs and potentially transform small-scale fisheries into an activity for the sustainable exploitation, planning and protection of marine resources. This transformative potential is framed in terms of both *procedural* preconditions (i.e., positive interventions on the part of planners) and the guarantee of *substantive* political equality – that is, the elimination of sources of vulnerabilities for SSFs (e.g. through enacting government policies and legislation aimed at increasing ownership of, and access to, marine space and resources access.

### IV. Re-reading marine spatial planning through Foucault, Haugaard and others: An analysis of domination, empowerment and freedom.

The paper addresses parts of RQs 1 and 3. It does so first through elaborating the different *dimensions* through which dominative power relations work in MSP – i.e., power *in* planning. The paper then explores actual but taken-for-granted (and therefore overlooked) processes of *empowerment* that are inherent in MSP (i.e., power of

planning), as well as potential avenues for inclusivity, freedom and transformative change (i.e., power *on* planning). To operationalize this, power is conceptualized as a scalar phenomenon, where the same processes of restrictive power simultaneously have positive effects. This means, on the one hand, that restrictive power is also empowering in that various social actors are empowered to act together and get things done, which is a condition of possibility of MSP in the first place. On the other hand, when conceptualized in relation to possibilities of freedom, restrictive power can have unintended effects, as it may occasion subjugated social actors to seek ways to get out of their “minority” position – hence productive power *in* planning, which is normatively laudable. Furthermore, because restrictive power often works not only through the actions (whether conscious or unconscious) of *powerful* agents, but perhaps more importantly through their *inaction*, the *disciplined* reflectivity of authority agents at various layers of governing (i.e., care of the self in Foucauldian terms), as well as positive interventions from the state are analyzed as requisites for non-dominative MSP processes – hence power *on* planning.

## 5. Marine Spatial Planning as Domination: Discourse and Power

Taken as a whole, the different papers making up this thesis draw on, and contribute to, different disciplines, including environmental politics, planning theory, environmental discourse, marine spatial planning, sustainable development, fisheries governance, wind energy conflict, as well as theories of participation, discourse, power and social movement. However, in what follows I draw mainly on theories of power and discourse to offer a rich theoretical account and analysis of MSP social relations, which constitutes my critical contribution to the other research fields. Still, while the academic output on discourse and power is quite rich and extensive, I make no claims to cover them exhaustively. Rather, I focus my discussion on relevant insights that inform my theoretical reflections on, and empirical analysis of power relations in the afore-mentioned spirit of critique as both adversary and partner to MSP. I begin with discourse and power as first as domination, before moving to analyze freedoms in section 6.

### 5.1. Domination from a Discourse perspective

Foucault argued that discourse and power are mutually constitutive and as such, the one cannot exist without the other. He developed a discursive notion of power that emphasizes the way discourse both regulates actions by means of shaping identities, capacities and relations of subordination in both restrictive and productive ways. Drawing on these Foucauldian insights, but also on the works of the likes of Antonio Gramsci, Louis Althusser, Jacques Derrida and Jacques Lacan among others, Laclau and Mouffe (1985) elaborated a political discourse theory (PDT) that set out to tackle the problem of *essentialism* – class reductionism and economic determinism – associated with Marxist theory. They both challenged the objectivist, rationalist and reductionist bias of modern social theory, and drew attention to knowledge paradigms, identity formation and the role of discourse in the construction, sedimentation and/or challenge of norms, values and symbols (Torfing, 2005)<sup>1</sup>.

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<sup>1</sup> While Laclau and Mouffe introduced PDT in largely theoretical terms, several theorists have contributed to fleshing it out with empirical analyses across disciplines, including feminist studies, psychoanalysis, political science etc. Notably, Jason Glynos and David Howarth have made great contributions to PDT through equipping it with a methodology of its own – the *logics* approach (see Glynos and Howarth, 2007). However, it is largely thanks to David Howarth and Steven Griggs (Griggs and Howarth, 2017) that PDT has established itself within studies on environmental politics and governance.

The ontological presuppositions underpinning PDT can be summarized in the following six related points, which put together, have largely informed my critical analysis of MSP in **papers 1** and **2**. While I discuss them in some details – with the aim of facilitating the reader’s comprehension of an apparently difficult-to-access ensemble of related postulates – I constantly reflect on how they are operationalized in those papers. While focus here is on Laclau and Mouffe’s discourse theory – principally because it (and not Foucault’s) informed my critical analysis of MSP in **papers 1** and **2** – it shall be recalled, as shown previously that the difference between PDT and Foucault’s discourse is often overstated. In short, scholars more familiar with Foucault’s work will certainly recognize themselves in following the PDT theoretical postulates presented below.

### 5.1.1. Discourse Theoretical Postulates: Implications for Methodology and the Analysis of Structure, Agency and Power in MSP

Given that planning is a regime of practice, a crucial question begs attention – where is the place of a discursive approach in what is *practice* – the application of science-based knowledge and techno-managerial skills to get things done? To the untrained eye, this question may seem trivial and inconsequential. Yet, when prominent planning scholars, particularly those who draw much of their inspiration from Foucault, for that matter, both claim that practice and discourse are distinct phenomena and enjoin us to study the former and forsake the latter, there is need to be weary. For instance, within planning circles (both research and practice), phronetic planning as a distinctive research program owes its methodological development to Bent Flyvbjerg, who deals explicitly with the “big” and “small” issues of power, while regrettably offering a rather limited understanding of power. Indeed, in advancing the usefulness of phronesis, the methodological father of phronetic planning research curiously enjoins planning scholars to proceed by ‘looking at practice before discourse’ (Flyvbjerg, 2009 p. 295). To hammer out his argument, he writes: ‘What people actually do in planning is seen as more fundamental than either discourse, text, or theory – what people say.’ Furthermore, interpreting Foucault, he adds: ‘Foucault says that discourse is not life; regular, daily practice is life’ (Ibid. p. 296). I bracket this issue momentarily. Suffice it to say that in developing the following PDT postulates below to clarify the relevance of a discourse approach to planning, we shall find Flyvbjerg’s claims wanting.

As a first postulate, *discourse* is coterminous with meaning, particularly the conditions that undergird and make meaning (and practice) possible and intelligible. Those conditions of possibility, Laclau (1990) posits, are not ahistorical or essentially given, but are the result of political struggles and historical transformations, whereby certain objectivities are repressed. What follows from this is that PDT adopts both an anti-essentialist ontology and an anti-foundationalist epistemology. In other words, there exists no *a priori*, ‘self-determining essence capable of determining and ultimately fixing all other identities within a stable and totalizing

structure' (Torfing, 2005 p. 13). The idea of abandoning a pre-given, self-regulating, transcendental center is neither a suggestion that the social is in complete chaos, nor is it a denial of the "existence" of a world out there (Laclau and Mouffe, 1985). Rather, it enjoins us to pay attention to 'the contingency and historicity of objectivity, as well as the primacy of politics and power in its formation' (Glynos *et al.*, 2009 p. 7). From this, it follows that we should replace the idea of the "existence" of a Truth or Reason, as a universal and extra-discursive category with an understanding that objectivity is "discursively constructed" and thus, is local, temporal and flexible. That is to say, what becomes "reality" at a given time and space is 'conditioned by a discursive truth regime which specifies the criteria for judging something to be true or false' (Torfing, 2005 p. 14). Thus, when analyzing discourse, PDT scholars are engaged in 'a type of analysis primarily addressed not to facts but to their conditions of possibility' (Laclau, 1993 p. 67), which suggests that 'discourse is both an instrument and an effect of power' (Foucault, 1990 p. 101). Despite his preference for discourse over practice, Flyvbjerg himself clearly agrees with the idea that discourse and power are mutually constitutive when he states that 'power often ignores or designs knowledge at its own convenience' (Flyvbjerg, 2001 p. 143).

A second postulate is that the social is a terrain of sedimented discursive practices (Laclau, 1990). This means that discourse is a social or *articulatory practice* that links together and resignifies elements – whether cultural, natural, physical or linguistic – into *relational* systems. In other words, what we say, think or do flows from a sedimented discourse, which in itself is modified and transformed by what we say, think or do (Laclau and Mouffe, 1985; Foucault, 1982). Understood dialectically thus, Flyvbjerg's (1996; 2009) advice for planning scholars to methodological privilege *practice* over discourse (or what people actually do (i.e., *realrationalität*) over what people "say") becomes analytically suspect. Earlier, I cursorily questioned this approach on the basis of a flawed distinction between discourse and practice. There is more to it. First, Flyvbjerg's distinction between discourse and practice stems from the fact that in foregrounding a phronetic planning research strategy, he adopts a behavioral approach to power, the primary objective of which is the location of power in "observable" conflict. For instance, he submits that when taken to the field of planning practice, Foucauldian analytics 'would allow a re-imagining of planning in the light of *conflict*' (Flyvbjerg & Richardson 2002 p. 54). Elsewhere, Flyvbjerg talks of 'the planning conflicts [that] planning researchers examine' (Flyvbjerg, 2009 p. 290). In all fairness to Flyvbjerg, his statements were intended as a critical (and timely) response to the communicative "turn" that had gripped planning research, which, as I highlighted earlier tended to imagine planning in a power-free context. (The work of Patsy Healey (e.g. Healy, 2003) is more nuanced). In short, what underpinned Flyvbjerg's research was a commitment to demonstrate the irrationalities of planning, as well as the pervasiveness and recalcitrance of conflict in planning encounters. In this way, he deals explicitly with power à la one- and two-dimensional expressions. Yet, his account leaves other modes of domina-

tive power relations unproblematized. Indeed, as we shall see in **section 5.2**, power/planning is as multi-dimensional as are the modes of subjugation that it engenders. As Foucault (1982) pointed out, power (and to this we may add planning) is ‘an ensemble of actions which induce others and follow from one another’ (p. 786). In other words, power/planning is not a one-dimensional phenomenon but entails multi-layered and multi-scalar processes.

In the EU MSP context, for instance, one thinks of planning “practice” in terms of a discourse formation around the marine “problem”; its formulation into policy or directive; the establishment of rules of engagement; the transposition of such policy into national regulations; and the design and conduct of domestic processes, including stakeholder consultations, licensing, plan implementation, monitoring etc., all of which involve mechanisms of power. The point here is that, while power relations that are of “visible” and invisible nature are paramount to Flyvbjerg, the fact that planning is multi-layered means that other mechanisms of power that are inherent in the various spheres of planning (e.g. hidden and self-subjected forms of power) deserve equal treatment. In my interpretation therefore, how, for instance, the marine planning agenda is set, how actors are interpellated and/or subject themselves to the discursive elements of planning, are key issues that constitute, but are not visibly manifest in open, multi-stakeholder planning processes. The second problem with Flyvbjerg’s approach (and which follows from the previous) is that, in my view, it represents both a misunderstanding of what constitutes “practice” and a misreading of Foucault’s conceptualization of discourse. Of course, for Foucault, one needs to understand a phenomenon through studying its multiple practices. But Foucault (1990) would argue that discourse and practice are inseparable. And he would add that theory – or what people write – is a discursive practice that constructs a “problem” and its intervention. Indeed, as argued earlier and highlighted by others including Bacchi (2012), Foucault insists that to understand a seemingly self-evident practice like incarceration, for instance, entails inquiring into its condition of possibility, or ‘the terms of reference within which [the] issue is cast’ (Bacchi, 2012 p. 1). These terms of reference include particular ways through which an issue is necessarily thought, discussed, analyzed, classified or regulated (Foucault, 1990). As Foucault indicated in an interview, they range from speech activities to ‘decrees, regulations, hospital or prison registers, judicial precedents’ (Foucault, 1969 in Eribon, 1991 p. 216). A similar point is made by Laclau and Mouffe (1987) when they argue against a behaviorist approach in which linguistic and non-linguistic elements are distinguished. For them, both linguistic and non-linguistic elements are partial operations that constitute a totality, which is called discourse – that which constitutes the subject position of social agents makes every social configuration meaningful (Laclau & Mouffe, 1987 p. 82–3).

To return to our main concern (i.e., planning as discourse), it follows from the foregoing discussion that MSP as a regime of practice is a discursive construct, which both structures, and is modified by how we relate to and plan the marine

environment. Understood in terms of discourse, MSP can thus be seen as resting on what Glynos et al. (2009) describe as *relational configurations* of elements that comprise agents (or subjects), words and actions (p. 8 emphasis in original). To take a discourse approach to MSP therefore means (1) to unmask those seemingly “objective” logics and practices that make them appear necessary (e.g. its policy instrument, or its regulatory, programmatic and scientific texts) and the modes of subjugation that these institute at various levels of planning, and (2) to trace where social change is possible. Put differently, to study MSP from a discourse theory approach is to characterize and explain how its logics, practices and social relations are both instituted and potentially challenged or transformed in what is fundamentally an *undecided* terrain. In practical terms, **paper I** represents an attempt at both deconstructing key logics and discursive components of MSP – its scientific and regulatory texts, its participatory and map-making practices, as well as its rationalist epistemology – and teasing out how these potentially create rule-following subjects (see **section 2**). When taken to a specific planning context, **paper II** contributes to an understanding of MSP as a political process, through analyzing how MSP-related logics (e.g. scientific knowledge and planning regulation) and institutions (e.g. the judiciary) both shape how participation is conducted, and are discursively drawn upon in instrumental ways by various publics to contest and/or stabilize key MSP decisions. (We shall come back to this subsequently).

As a third PDT postulate, some articulatory practices may manage to provide a credible point from which to read past, present and future events. When this captures people’s minds, the sedimented discourse becomes *hegemonic*. Hegemonic articulations of meaning often involve the construction of social antagonism. Social antagonism involves the paradoxical inclusion and exclusion of a threatening “Other” known as a *constitutive outside*. As discussed earlier, the constitutive outside has a paradoxical function vis-à-vis the hegemonic discourse or identity in that it both ‘denies that identity and provides its condition of possibility at the same time’ (Laclau, 1990 p. 39). In other words, social antagonism involves ‘the exclusion of a series of identities and meanings that are articulated as part of a chain of equivalence, which emphasizes the “sameness” of the excluded elements’ (Torfing, 2005 p. 15). In **paper I**, I characterized this paradoxical relation through reference to the discourse of sustainability to which MSP subscribes. In this regard, the concept of sustainability is seen as representing no more than an empty signifier that attempts to cover over and materialize a predominantly capitalist logic of industrializing the marine environment. As a hegemonic discourse, the capitalist logic of MSP is sustained by drawing chains of equivalence with its threatening, constitutive “others” (e.g. marine protection, distributive justice or social inclusion). Relatedly because MSP fuses around floating signifiers like “stakeholder consultation”, “scientific” knowledge or “evidence-based” planning, and often discursively constructs and sutures them together with the promise of numerous benefits (e.g. “balanced”, “coherent” “rational” and consensual planning decisions), the new

governance regime is thus seen as a dominative system of governing marine social relations. In other words, MSP functions through fantasmatic narratives that create “rule-following” subjects – subjects who agree on and legitimate institutionalized but normatively suspect norms around how the marine space should be used and managed – while paying only lip service to serious concerns raised over resource exploitation and degradation, elite “capture” of the decision-making space, or the lack of distributive justice and equity.

As a fourth postulate, all identities (whether subjects, discourses or structures) are *radically contingent*. The idea of radical contingency stems from the fact that all systems of meaning are fundamentally incomplete, as they are penetrated by a negativity that prevents them from constituting a full identity (Laclau & Mouffe, 1985). Because of this fundamental lack, objects of discourse can be constructed or interpreted in various ways by competing forces. Here, empty signifiers function as nodal points or privileged moments of organizing different elements into a partially fixed identity. And because meaning is only partially fixed, political discourse theorists analyze articulatory practices both in terms of their ability to reshape meaning and their failure to give it finality. For instance, in studying MSP social relations in Estonia (**paper II**) and Poland (**paper III**) radical contingency is empirically analyzed through studying the contestatory practices of various marine stakeholders. For purposes of consistency (i.e., keeping in line with our present focus on dominative power in MSP) we shall momentarily bracket radical contingency and resume its discussion when we consider inherent spaces of freedom in MSP.

As a last postulate, it follows from the idea that identities are ontologically finite that, a hegemonic discourse that attains a degree of stability becomes *dislocated* when it is confronted by events that it cannot domesticate into its symbolic order. Social dislocation reveals a structural or organic crisis and is marked by the inability of a discursive structure to stabilize meaning into a stable topography. In this sense, dislocation both reveals the fundamental undecidability of the social – as political struggles erupt between competing forces to “fix” the problem – and provides the condition of possibility of freedom or *radical* subjectivity. The idea of freedom as a function of dislocation does not suggest a conception of an ahistorical subjectivity that is given outside structures (Laclau, 1995; Torfing, 2005). To be sure, the subject is internal to the structure. However, s/he is neither entirely determined by it nor completely free of it. In other words, subjects are partially determined by structures, but since, like every identity, structures can never fully constitute themselves, what the subject has is ‘a *failed* structural identity’ (Laclau, 1990: 44 emphasis in original). Given structural dislocation, the “failed” subject that ‘has neither a complete structural identity nor a complete lack of structural identity’ (Torfing, 2005 p. 17) is thus ‘*condemned* to be free’ (Laclau, 1990 p. 44 emphasis in original). Here, the traumatized subject of lack/incompleteness might either disintegrate or try to cover over its lack. Attempts to cover this lack often take the form of identification with projects that promise a fullness-to-come (Glynos & Howarth, 2007). This promise

of fullness may lead the subject to construct antagonistic relations with “others” that are believed to block its identities and interests.

In the foregoing paragraphs, I have discussed how from a discourse approach MSP as a governance system constitutes domination. Of course, I have made only cursory illustrations of how domination works. Furthermore, I have only hinted conceptually at how spaces of freedom are also inherent in dominative power relations. These were deliberate choices and were motivated by concerns over methodological coherence and clarity. Therefore, in reading MSP as domination from a *dimensions* perspective, other aspects of dominative power relations that I have thus far left out will be analyzed. Thereafter, I analyze MSP in terms of empowerment and freedom.

## 5.2. Domination from a Dimensions Perspective

In the previous section, I have discussed in general terms, the usefulness of PDT pre-suppositions and concepts for both the problematization and methodological analysis of MSP as a regime of practice. In so doing, I have also provided an explanation of the relationship between human agency and social structures, and the significance of this to the study of power. In what follows, I conceptualize and analyze how MSP can be read as domination from a *dimensions* approach. It should be borne in mind that the same analytical illustrations I make in this section are equally relevant from a discourse approach. That is, while a PDT-inspired analysis can also adequately capture domination in its various forms, it does not, however, provide a clear conceptual vocabulary to explain both the distinct forms and locations of practices of domination – an analytical gap that the *dimensions* approach fills.

### 5.2.1. One-Dimensional Dominative Power

As a first step, dominative power relations can be studied in arenas of direct, visible conflict. This is a pluralist conceptualization of power as *one-dimensional* (1-D) à la Robert Dahl (1957) in which different interest groups in a given democratic arena struggle for their arguments and interests to prevail in final decisions. Visible conflicts are suitable as entry points for analytical inquiries into which actors wield power in a given planning setting. By planning setting, I refer not only to the traditional understanding of it in terms of, say, participatory planning, but also to other avenues where conflicts are often displaced – e.g. the media and appeal courts – but which often escape the analytical gaze of planning researchers. Here, focus is on both processes and the decisions that prevail thereof. Thus, by approaching domination through the 1-D view of power one can answer the Flyvbjergian power question: ‘Who gains and who loses, and by what mechanisms of power? (Flyvbjerg, 2009 p. 289). The mechanisms of power could be discursive, programmatic or governmental, and include the use of media platforms, knowledge paradigms, planning regulations or legal instruments. While not exclusive to those who “wield”

power (so-called *powerless* actors may also deploy these strategies as we shall see in subsequent discussions) these “technologies” constitute key power resources through which the government of subjectivities often takes hold.

Visible, dominative MSP power relations have been empirically analyzed in various case-specific settings (see Flannery *et al.*, 2018; Jones *et al.*, 2016 for an analysis of conflict in U.S. and European settings respectively). In **paper III**, this has been analyzed through uncovering how MSP is perceived by SSFs as contributing to imposing further restrictions on their access rights to and use of the marine space and its resources. Specifically, SSFs view wind energy development as the main driving force behind MSP and as such, developers are perceived as wielding enormous power. Similarly, SSFs also perceive scientists and planners as wielding power over them because they believe that planners make little effort to listen to and give weight to their spatial needs and local experiential knowledge. In short, for SSFs, planners and fishery scientists are simply working at the behest and service of wind energy interests.

Similar perceptions were recorded in the context of Estonia’s first MSP process in Hiiumaa county, as illustrated in **paper II**. Here, there was an overt conflict between wind energy opponents (local residents and municipal actors) and various MSP actors (developers, county and national planners and the Hiiumaa Environmental Board). Like in the Polish context, the latter actors were perceived as pro-wind or “wind energy fanatics”, as one opponent called them. Conflictive relations spiked during stakeholder consultative processes as wind energy opponents questioned the process that led to the establishment of a SEA. They also questioned the “green”, socio-economic and place-based claims of the wind energy project. The Hiiumaa plan was contested in two administrative courts in Tallinn, which nonetheless ruled in favor of wind energy interests. In this case, it can be said that the Hiiumaa Environmental Board, the county and national planners – who respectively approved the SEA and the marine plan – as well as the appeals magistrates and wind energy actors effectively wielded power over aggrieved local residents and municipal actors. Of course, this is true only to the extent that by the actions and/or inactions of these functionaries, wind energy actors emerged victorious – albeit only *episodically* (more on this subsequently). Therefore, in both Polish and Estonian MSP contexts, actor perceptions and discourses, as well as key participatory planning and legal decisions enabled the analysis of negative power *in* planning as visible conflict.

### 5.2.2. Two-Dimensional Dominative Power

Dominative power relation in the *two-dimensional* (2-D) view – was theorized by Bachrach and Baratz (1962) as follows: ‘A devotes his energy to creating or reinforcing social and political values and institutional practices that limit the scope of the political process to public consideration only of those issues that are compara-

tively innocuous to A (p. 948). Here, domination entails instances of “non-decisions” whereby institutional practices constrain decisions and mobilize bias in favor of vested values and interests. Although it has not been explicitly conceptualized as such, this invisible dimension of power has been widely discussed in the MSP literature, drawing on experiences in different domestic MSP settings (e.g. Jay, 2010; Kidd & Ellis, 2012; Jones *et al.*, 2016; Flannery *et al.* 2018; 2019 etc.). For instance, Smith and Jentoft (2017) note that in Scotland, local communities were not invited to the country’s first stakeholder consultation, which was held in 2010 as a single “joint workshop”. This key workshop, they argue, resembled ‘a cross-sectoral approach and not a “public process”’ (p. 37). The absence of local communities and the predominance of maritime industry actors in this meeting is explained by the fact that the key values and priorities that were considered at this early workshop had already been framed and set at a higher level of agenda-setting space – during the UK High level Maritime Objectives meeting that led to the UK Marine Policy Statement.

Seen from the perspective of 2-D power, such acts of non-decision in MSP are compatible with John Gaventa’s typology of elite decision-making spaces as “closed spaces”. Closed spaces are those spaces where exclusive actors deliberate behind closed doors, to which access is denied for those deemed outsiders to this elite group (Gaventa, 2006). The effect of this form of organizational bias (i.e., the tendency to invite only key sectoral actors to early, goal- and priority-setting workshops) in MSP is that it shapes how the power games are subsequently played out in lower-order planning processes and with what outcomes. As Smith and Jentoft (2017) note, the ‘power differential that exists at the outset may determine who the winners and losers would be, especially when MSP provides new opportunities for the already powerful stakeholders to secure their interests’ early-on (p. 270).

The Scottish/UK mobilization of bias is not an isolated event. In short, there is consensus in the literature that in conceptualizing and designing MSP at both the EU policy and domestic levels, huge political, regulatory and financial support is mobilized in favour of wind energy developments. It therefore comes as no surprise that Jay (2010) encourages developers to seize ‘the politically-determined policy context [... and] opportunities presented by the practices of spatial planning for a more skillful integration of wind arrays into the complex mosaic of marine uses and environmental sensitivities than might otherwise occur’ (p. 498). What is more, wind energy and other profit interests are not the only beneficiaries of the organizational bias of MSP. It is also argued that MSP is explicitly committed to realizing marine protection objectives (Gilek *et al.*, 2019; Saunders *et al.*, 2019). A key reason behind this is that, because MSP was pioneered by international conventions and governments with an environmental remit (Jay *et al.*, 2013; Kidd & Shaw, 2014), environmental organizations were successful in influencing its formative discourse (Colado *et al.*, 2012).

However, as bias is mobilized in favor of reaching economic and environmental objectives at sea, the consequence (whether intended or unintended) is that only lip service is paid to concerns over distributive justice or the minimization of social inequalities in the marine/coastal sphere (Saunders *et al.*, 2019). Likewise, the principle of considering maritime issues along the land-sea continuum (Smith *et al.*, 2011; Kidd and Shaw, 2013; 2014) is likely to be just that: a *principle*. In this light, the seemingly unproblematic discourse of “Blue-Growth” has thus been criticized as constituting no less than a neoliberal euphemism that masks the capitalist and anti-politics orientation of MSP (Flannery *et al.*, 2016; 2019). From this point of view, MSP can be read as a manifestation of the current global move towards power and ocean grabs (Bennett *et al.*, 2015; Barbesgaard, 2018; Brent *et al.*, 2018). In this likely configuration, the desire to industrialize the sea tends to tromp over the performativity of MSP whereby the impacts of maritime-related activities on

Apart from the bias towards environmental and economic interests, the epistemological basis of MSP also constitutes a problematic non-decision. By this I refer to the privileging of so-called “scientific” knowledge over local experiential knowledge, or how knowledge is framed in MSP, how it circulates and how it relates to power – in short, the *régime du savoir* as Foucault (1982 p. 781) coins it. First, we must underscore that the binary separation of knowledge into “scientific” and “local” is arbitrary (Nursey-Bray *et al.*, 2014) and counter-productive to the ambition of MSP as a progressive force. While the idea of arbitrariness may be understood as *chance*, however, when read from a power perspective, chance immediately gives way to *strategy*. As Foucault (1982) notes, ‘[e]very relationship of power puts into operation differentiations which are at the same time its conditions and its results’ (p. 792). In this sense, to differentiate between scientific and local knowledge is in and of itself an act of power (i.e., non-decision), whose effect is also power – the former shapes relations at lower-order processes. Differentiation is a key practice in modern planning. Often, ‘truth and reason [are] defined by just one dominant rationality that privileges the implementation of universal theory over local action’ (Gunder 2003 p. 237).

Indeed, because MSP is underpinned by a rationalist epistemology that heralds scientific knowledge as a reliable means to reach objective and consensual decisions, it not only privileges techno-managerial expertise over phronesis or local experiential knowledge, but also functions to create or reinforce existing power asymmetries among participating marine stakeholders (see **papers I** and **III**, but also Nursey-Bray, 2016; Jentoft, 2017; Flannery *et al.*, 2019). In the Polish MSP context (**paper III**) it is shown that SSFs perceive the knowledge that informs MSP practice as jargonistic at best (i.e., ill-suited to their needs) and politically-determined and non-objective at worst (i.e., tailored to the needs of maritime industries, who are believed to both sponsor scientific studies and influence their outcome). In short, if we take for a fact that SSFs in general are ‘the most politically marginalized among all stakeholders’ (Jentoft, 2017 p. 267), then the epistemological basis of MSP, which

privileges “expert” knowledge over phronesis constitutes a non-decision, a mechanism for both “molding” small-scale fishers and other vulnerable groups into rule-following subjects and “herding” their participation towards achieving pre-determined outcomes. It comes as no surprise therefore, that (in keeping with the predominantly conservation and Blue-Growth agendas of MSP), marine planners are asked by policymakers to ‘go out to the sectors and learn to speak their language’ (European MSP Platform, p. 30 cited in Flannery *et al.*, 2019, p. 2004). Thus, as MSP accommodates new maritime activities into the marine environment, which often entails the imposition of spatial restrictions on existing users (Kafas *et al.*, 2018), it may very well be perceived as an instrument that facilitates ocean grabs, at least from the perspective of SSFs and members of other under-represented marine/coastal interests (e.g. those of cultural, esthetic, sporting or spiritual values).

What flows from this discussion is that institutionalized discourses and rationalities of MSP often function to maintain and rationalize dominative power relations in the name of an all-encompassing ideal of the “common good”. The point here is that, while rationality-as-rationalization (Flyvbjerg, 1998) may appeal to reason in the name of “due process” or structured action (structuration) à la Anthony Giddens (1979), it often functions to keep conflict at bay or from arising in decision-making encounters and as such, may normalize and render subjugation and other normatively suspect practices reasonable. This is not to suggest that non-decisions are fundamentally “invisible” to the power analyst or to those whose activities and subjectivities are planned. For the power analyst (as we have seen), MSP non-decisions can be opened for critical scrutiny through probing into the underlying rationales and logics of MSP that are couched in key planning and regulatory texts, but also through inquiring into the symbolic violence that its epistemology and rules of engagement may exercise on particular subjectivities while rendering them natural. These “non-decisions”, which are not always “invisible” to the subjects of planning, deserve attention because they function to regulate the *what*, *who* and *how* of planning encounters and procedures. Here, we may want to recall Foucault’s analytical guidance cited earlier, namely that in order to identify and establish ‘connections between mechanisms of coercion and contents of knowledge’ we need to analyze discourse/theory through probing into its ‘legislative elements, rules, material set-ups, authoritative phenomena, etc.’ (Foucault, 1997 p. 59).

In the context of Estonia’s MSP in Hiiumaa (**paper II**), it was found that like several EU countries, wind energy is the key driving force behind the country’s MSP. Relatedly, it was also found that a non-decision over *who* is entitled to participate in MSP and *how*, has been carefully scripted in the country’s planning regulation. That is, while certain groups of actors (e.g. environmental groups and key ministries e.g. Defense) can meaningfully participate and veto planning decisions, others (e.g. residents and municipalities) have mere *procedural* entitlements to participate. Put differently, although local municipalities and residents are entitled to raise concerns, planners are not bound by regulation to consider their comments and objections in

any meaningful ways. This is because as per planning regulation, they do not “own” the sea – as county and national planners contended. In Estonia, ownership and stewardship of the marine environment (there exists no notion of the “coast” as a delimited space) is the prerogative of the State – usually delegated to the county government. In this sense, through established rules contained in planning regulation, the rights of residents and municipalities to participate equitably and affect planning decisions have been organized out of debate. By contrast, it was found that much programmatic weight (at least at the level of MSP’ing) was put towards facilitating the approval of a wind energy proposal. Indeed, while one of the key objections raised by residents against the MSP-backed wind energy proposal centered around its perceived adverse environmental impacts on a proposed marine protected area, objectors were however surprised at what they perceived as the indifference of environmental organizations, including the Hiiumaa Environmental Board – a local office of Estonia’s Ministry of Environment.

A further example of organizational bias can be illustrated through controversies over what is or should constitute the precise nature and content of Strategic Environmental Assessments (SEAs). As analyzed in **paper II**, Hiiumaa residents and municipal actors challenged the SEA that was conducted as part of the MSP process for being overly simplistic and void of content. However, the Hiiumaa Environmental Board approved the sea on the basis that SEAs are, by definitional fiat, strategic in character (that is to say, only indicative) and as such are not required to be detailed either of the possible adverse effects of proposed developments or of planned measures to minimize them. In rationalizing its decision, the Environmental Board effectively displaced conflict both temporally and spatially, arguing that detailed studies are required only during the implementation phase of the proposed wind energy project. As it were, county and national planners supported the Environmental Board’s decision and its rationalized logic – much to the satisfaction of wind energy developers. What is more, in 2017, two appeals courts would subsequently draw on similar reasoning to rule in favor of the contested wind energy proposal and the marine plan that gave it legal backing. However, in a drastic turn of events, a further legal objection by local municipalities and residents resulted in the cancellation of both the wind energy project and the adopted Hiiumaa marine plan by Estonia’s Supreme Court in August 2018. Surprisingly, the Supreme Court based its verdict on the fact that the SEA did not demonstrate sufficiently how the proposed wind farm might adversely affect Natura 2000 sites and other protected marine species (see **paper III**).

This extraordinary turn of events should, however, not be read as antithetical to my earlier claim that in the Estonian MSP context sufficient bias has been mobilized in favour of vested interests and against the interests of local municipal authorities and residents. Rather, the fact that in its verdict the Supreme Court mostly cited EU policy objectives and commitments to protect endangered marine species stands as testament to the fact that environmental concerns hold much sway in MSP. Indeed,

one can speculate that the Supreme Court might have given the wind energy project the same support it got in the planning process and the lower courts had developers taken marine environmental sensitivities more seriously. Thus, inasmuch as planners, the Environmental Board and the lower courts drew rigidly on off-the-shelf statutory requirements on the precise content of SEAs and programmatic rationalities around sea ownership/stewardship to normalize and rationalize the limited participation of local municipal actors and residents, these “non-decisions” functioned to create or reinforce dominative power relations in the Estonian planning process.

In the foregoing, we have established that while such seemingly apolitical MSP texts like planning regulation and policy or SEA guidelines appear unproblematic, they constitute carefully scripted out and institutionalized rules that shape the *who*, *what* and *how* of public inclusion in marine decision-making processes. Nonetheless, as we have seen, acts of non-decision are not always “invisible” to the subjects of planning. Indeed, the very fact that residents and municipal actors in Estonia were able to contest these rationalities and were seen at times to also draw on them to bolster their opposition (as seen in their objection to wind energy on the basis of both its possible adverse impacts on marine protection and its inconclusive scientific studies) speaks to the unfixity of non-decisions as stable topographies from which people interpret the world. We shall revisit this idea of the “visibility” of acts of non-decision subsequently when we analyze power as freedom in MSP. Suffice it to say here that notion of discourse or non-decisions as unfixed and precarious is antithetical to Lukes’ (1974) false-consciousness thesis, to which we now turn.

### 5.2.3. Three-Dimensional Dominative Power

In the *three-dimensional* (3-D) view, dominative power was famously conceptualized by Steven Lukes in the following words:

Is not the insidious exercise of power to ascertain ... that they [the *powerless*] accept their role in the existing order of things, either because they can see or imagine no alternative to it, or because they see it as natural and unchangeable, or because they value it as divinely ordained and beneficial? (Lukes, 1974 p. 28).

While this dimension may appear to share similarities with the 2-D conceptualization, dominative power in the 3-D framework rather works through the grip of ideology, which functions, according to Lukes, through distorting the “real” interests of the subjugated so that they internalize, rather than seek to change relations of domination. The problem with 3-D power is that Lukes did not provide sufficient explanations as to how ideology “sticks”. Secondly, his “false-consciousness” thesis – the explanatory backbone of his work – has been critiqued for having paternalist connotations, or the implicit assumption that the researcher possesses some “true” knowledge that can assist the unwitting, false-conscious subject out of her predi-

cament (see Haugaard, 2012). In this thesis, while I distance myself from Luke’s false-consciousness thesis, I nonetheless retain elements of his 3-D power, particularly his theorization of the fantasmatic function of ideology.

In the MSP scholarship 3-D power has not been approached beyond a “thin” understanding of ideology. Notably, there are contentious debates between those who claim that MSP is a mechanism for ensuring marine protection – the so-called “strong” sustainability interpretation (Qiu & Jones, 2013) – and those who see it as advancing “soft” sustainability, or the materialization of Blue-Growth objectives (Gopnik *et al.*, 2012; Flannery *et al.*, 2016). Others still (e.g. Jentoft, 2017; Flannery *et al.*, 2019), have discussed MSP through a Foucauldian power/knowledge nexus, thus emphasizing the specific assumptions and rationalities that underlie and shape MSP practice, be they its epistemological basis, its post-political underpinnings, its institutionalized rules of engagement or the influence of specific sectors in shaping the formative discourse of MSP. However, as we have seen in the previous section, what the analysis of these rationalities reveals is how bias is organized in favor of vested interests. It is my contention therefore, that the analysis of MSP in these instances pertains more to the 2-D view of power than to the 3-D conceptualization.

Yet, I believe that by drawing on PDT and its psychoanalytic resources, it is possible to conceptually explicate the mechanism of ideological *grip* beyond a “thin” conception of ideology – an explanans that seems missing even in Foucault’s sophisticated theorizing. I refer here to the affective dimension of ideology or how particular fantasmatic narratives inherent in specific practices and discourses *grip* subjects (Glynos *et al.*, 2009). Specifically, the affective dimension of fantasy captures the “jouissance” or enjoyment that subjects of desire and lack procure from their attachment to and identification with certain policy discourses/practices (Griggs & Howarth, 2013). As we will recall, subjects are fundamentally incomplete, as they are penetrated by the “real”, or a negativity that prevents them from ever constituting a full identity (Laclau, 1990). In an attempt to cover over this lack, the “failed” subject identifies with a project that gives the illusory promise of a fullness-to-come (Glynos & Howarth, 2007). The subject’s “investment” or attachment to fantasy works in two fundamental ways. The attachment can be either to a beatific narrative, which ‘promises a fullness-to-come once a named or implied obstacle is overcome’ or to a horrific one ‘which foretells of disaster if the obstacle proves too threatening or insurmountable’ (Glynos *et al.*, 2009 p. 12). Conceptualized in terms of the “failed” subject’s investment, one can thus maintain a “thick”, 3-dimensional conception of power as ideology in a way that does not necessarily default to the false-consciousness thesis, or the idea that subjects consent to their own domination because they do not know their “real” interests. Rather than the effect of an ideological distortion, it is the subject’s constitutive lack, “investment” and identification that accounts for both the continuities and changes that policies and practices undergo over time. For the time being, we shall bracket the idea of change and focus

rather on policy continuity/stability, in line with our present concern – (i.e., rediscovering restrictive power).

In practical terms, **paper I** teases out, based on the EU MSP Directive (EC, 2014) how the construction of the marine “problem” through beatific and horrific narratives potentially forecloses alternative interpretations and actions for stakeholders and thus, creates a particular variety of problem-solving subjects. That is, docile subjects who, by virtue of their inherent nature as subjects of “lack” may identify with the promise of an ensemble of beatific fullness-to-come – e.g. “high levels of employment”, “climate change mitigation and adaptation”, “shoreline dynamics control and disaster prevention” or the “sustainable coexistence” of multiple and potentially irreconcilable marine uses (EC, 2014 para. 3–13). In order to achieve these enjoyments, an ensemble of threatening, horrific narratives that must be eliminated are also listed in the document. They include “loss of biodiversity and degradation of ecosystem services” and “severe impacts on coastal economic development and growth” etc. (EC, 2014 para. 13). What is required to eliminate these threats is a governance regime that can “manage spatial uses and conflicts in marine areas”. It would ultimately require that various actors *invest* in “identifying and encouraging multi-purpose uses” (EC, 2014, para. 19).

The implication here is that such narratives may shape subjects of lack into rule-following subjects, who are ideologically complicit in acquiescing, and giving effect to a neoliberal MSP that seeks to industrialize the marine/coastal environment, while promising care for environmental and social sustainabilities. In fact, it would not be farfetched to extrapolate from the Estonian case discussed earlier – the indifference of environmental actors to the threat that the proposed wind farm posed on marine life – that as subjects of lack, these actors may have identified with the narrative of “integrating” and “balancing” marine conservation with the seemingly inviolable economic imperatives of MSP. In a similar vein, one can also argue that the fantasmatic character of planning functions both to shape and restrict the planner’s agency. As Van Assche et al. (2014) note, planning itself has a fantasmatic character: ‘a planning ideology that sustains itself by excluding reflection on the power structures upholding it’ (p. 2394). It is precisely because of this restrictive effect of the power *of* planning that Friedman (1971) called on planners to be reflective both of their practice and of their cognitive limitations (p. 251). To those planners who still believe in the neutrality and objectivity of their practice, it should be recalled that the claim to ‘[p]urity from politics has a consequent sterility’ (Long, 1959 p. 168): sterility with respect to the self, to agency. Indeed, without self-critique, planners miss a key point: ‘that where planning does emerge, it might be without the planners bearing the label “planner”’ (Van Assche *et al.*, 2014 p. 2394). In such a case, the planner at the lower-governing order, may simply be the vessel through which predetermined meta-order decisions (that have not been subjected to public debate and scrutiny) materialize (Smith & Jentoft, 2017). Below, I deploy the Foucauldian category of subjectification, or the idea of being tied to a self-

knowledge, to explore how sterility of the self may function to further sustain underlying ideologies of planning.

#### 5.2.4. Four-Dimensional Dominative Power

In its *four-dimensional* (4-D) form, dominative power is conceived as the formation of “normalness” in subjects, where “normal” subjects are not biologically given, but socially forged through, for example, education or discipline. 4-D power is conceived in terms of subjectification à la Foucault – although it was Digeser (1992) who categorized it as such. 4-D power constitutes, in my view, the most insidious of all forms of power. This is because unlike in 1- 2- and 3-dimensional instances where power is exercised by an A over a B, subjectification entails power that the subject exercises over him/herself either through being tied to his/her own identity by a self-knowledge or through submitting to someone’s control. It is a form of power:

which categorizes the individual, marks him by his own identity, attaches him to his own identity, imposes a truth on him which he must recognize and which others must recognize in him. It is a form of power which makes individuals subjects. There are two meanings of the word “subject”: subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to (Foucault, 1982 p. 781).

Foucault used Jeremy Bentham’s Panopticon prison as a metaphor to illustrate this process of routinized self-discipline. As Haugaard (2012) notes, the human subject is transformed into an object of knowledge/study so that s/he not only becomes aware of his/her “visibility” by an observer, but as a consequence, starts to observe and discipline him/herself through the latter’s imagined eyes. Because 4-D power limits agency, it has far-reaching implications for MSP as a radical governance regime.

As argued in **paper IV** the constant threat of “individualization” or the fear of being viewed as “abnormal” has the potential of creating subjects who are socialized through various techniques and discourses not only into doubting and questioning what may then appear as their own “irrational” desires, goals, thoughts, knowledge and practices, but more so, may actively seek ways to “normalize” and thus align these with apparently “reasonable” ones. Ultimately, for different marine users, the result is the absence of debate on critical issues. For instance, the primacy of so-called science-based knowledge may be accepted by certain user communities as given, alongside their internalization of the conventional wisdom that alternative knowledge forms and uses of the marine environment (e.g. esthetic, spiritual, cultural and other place-based uses of and attachments to, the sea) are both irrational and secondary to sectoral objectives.

An important element of subjectification needs emphasizing here. I refer to the fact that when thinking about powerlessness in planning, one typically analyzes dominative power *in process*, or power *in planning*, with little emphasis on how the

power *of* planning shapes and constrains agency. Here, the tendency is to emphasize how planning processes marginalize those weaker actors whose activities are planned. However, from a 4-D perspective, subjectification encompasses various decision-makers (i.e., agents in authority positions, be they the planner in the lower-order planning process, or the appeals judge when planning disputes are brought before him/her). While it is a serious claim to impute subjectification to planners and other decision-makers, it is however, not theoretically vacuous. Indeed, in theorizing the subject, Foucault explicitly linked subjectification with specific qualities – knowledge, competence, and qualification – which an authority agent is required to have (Foucault, 1982 p. 780–1). Equipped with these qualities, the authority agents have a duty to engage in what Foucault calls “immediate” struggles. When authority agents engage in “immediate” struggles ‘they look not for the “chief enemy” but for the immediate enemy’ (Foucault, 1982 p. 780). In other words, for planners and other authority agents, to engage in “immediate” struggles is to criticize *not* some far-off relation of dominative power, but rather their own submission to a self-knowledge or to someone else’s control. Without self-critique, these agents are nothing but passive, unqualified or “incompetent” functionaries. They are incompetent because they have refused to look for ‘the immediate enemy’, to discipline themselves, to attack ‘the “government of individuation”’: that form of power which subjugates them and makes them nothing but “subjects” of scientific, administrative, economic and ideological state violence (Foucault, 1982 p. 781).

Thus far, we have seen by what mechanisms power works in MSP as domination. In what follows, I shall discuss the productive capacities of power and how these are inherent and possible both within MSP and beyond.



## 6. Empowerment and Freedom in Marine Spatial Planning

Foucault (1982) argued that when one ‘treads endlessly in the double question: What is power? and Where is power?’ one tends to suggest that the term power is an ‘all-embracing and reifying’ concept (p. 786). In asking these kinds of questions, Foucault maintains, we often equate power with violence, which is not a basic nature of power. Rather, violence is the absence of power. Violence bends, breaks, ‘destroys or closes the door on all possibilities’ (p. 789). Foucault suggests that we should rather ask the “how” question and when we do so, it should *not* be ‘*in the sense of “How does it [power] manifest itself?” but “By what means is it exercised?” and “What happens when individuals exert (as they say) power over others?”*’ (Foucault, 1982 p. 786 emphasis in original). In the previous section, I have analyzed the *how* question, showing by what means dominative power is exercised and what it does to various social actors. What I have demonstrated thus far is a zero-sum relation in which the actions and/or inactions of actor A – whether in the one-two- or three-dimensional instance – entails a cost on actor B: the effects of A’s action/inaction are an uncontrolled power over the participation, knowledge, bodies, lifestyles, and livelihoods of actor B. I have also established that in the four-dimensional instance, it is A that exerts power over him/herself – through submission to a self-knowledge or to someone else’s control.

Yet, power also induces, seduces, produces goods and things and makes easier (Foucault, 1980b; 1982). In what follows, I want to take the Flyvbjergian notion of the “dark side of planning” beyond an emphasis on the restrictive effects of power. Specifically, I emphasize the scalar nature of power/planning through the analysis of its productive capacities, beginning with empowerment and then charting my way through and uncovering possibilities of freedom that planning/power opens. To be sure, the search for productive power is in no way a search for a utopian absence of negative power à la Habermasian communicative action theory. For this would be antithetical to the idea of radical contingency – or the argument ‘against the idea of a reconciled society from which all antagonism and power relations would have been eliminated’ (Laclau in Warsham and Olson, 1999 p. 20). What I want to establish is that the same dominative processes also produce normatively felicitous goods and subjectivities.

### 6.1. Marine Spatial Planning as Empowerment

In the power theory literature, dominative power is predominantly theorized as power *over*. However, power *over* also often presupposes normatively laudable

power *to* or *with* (Haugaard, 2003a; Pansardi, 2012), otherwise theorized as empowerment or concerted dispositional power following (Arendt, 1970). Concerted action, according to Arendt (1958) is a precondition for meaningful action in a given society because it 'is what keeps the public realm, the potential space of appearance between acting and speaking men, in existence' (p. 200). While empowerment does not necessarily preclude relations of domination, in defining this kind of power, Foucault explicitly bracketed zero-sum relations to emphasize the multiple effects of power.

... what characterizes the power we are analyzing is that it brings into play relations between individuals (or between groups). For let us not deceive ourselves; if we speak of the structures or the mechanisms of power, it is only insofar as we suppose that certain persons exercise power over others. The term "power" designates relationships between partners (and by that I am not thinking of a zero-sum game but simply, and for the moment staying in the most general terms, of an ensemble of actions which induce others and follow from one another) (Foucault, 1982 p. 786).

Here, empowerment derives from the simultaneous role of social structures as constraining and enabling. Importantly, constraint is not understood negatively, but as a shared understanding of problems and a common commitment to action. Understood in terms of a shared commitment, it can be said that social actors have an 'almost ontological consensus' (Haugaard, 2003b p. 90) on the current state of affairs and the required intervention. To be sure, consensus as used here refers not to the Habermasian meaning of it as the elimination of conflict but rather, to a shared interpretive horizon among social agents, which is the source of normatively felicitous *power to* (or collective agency) and the planner's *power over* various participating stakeholders. Because of their shared interpretive horizon, social actors internalize structured action so that it not only constitutes part of the social order, but 'is inseparable from its meaning-giveness' in a given space and time (Haugaard, 2015 p. 149). Importantly, the relationship between constraint and *disposition* is dialectical. Through their commitment, actors are not only reproducing structures, but by so doing, structures "give" them *dispositional capacity* or normatively desirable *power to* act in concert (Haugaard, 2012). Thus, in consenting and committing to structured action, social actors are collectively empowered to get things done.

In relation to MSP, it follows that despite coming to the table with conflicting interests à la 1-D power, stakeholders are nonetheless collectively committed to performing a common structural act of planning, which also contributes to the reproduction of MSP as a system, including its various components (e.g. participatory planning and the structural role of the planner) and the structures within which it is embedded. Counterfactually, the absence of structured action or collective commitment to plan various uses of the sea would entail either a centralized system of management or worse, an open commons-type situation à la Garrett Hardin. Seen

in this light, concerted power *to* and *with* entails a move from the possibility of open conflict à la 1-D power to structuring, which entails predictability and guarantees normatively desirable agency.

To be sure, the collective commitment or shared interpretive horizon of social actors does not by any means suggest the existence of a consensus either on specific goals or on outcomes. Haugaard (2003b) notes that '[a] shared interpretive horizon which enables members of a society to make sense of the world in a largely similar way is a form of consensus which does not preclude conflict with regard to specific goals' and 'which is not a concert with regard to outcomes' (p. 90, 92). Foucault (1982) is also clear about this: 'the relationship of power can be the result of a prior or permanent consent, but it is not by nature the manifestation of a [Habermasian] consensus' (p. 789). Indeed, as noted earlier, various stakeholders commit to act collectively, even if their individual, specific interests and goals vary (Haugaard, 2003b). Here, even when actors do not necessarily share the outcomes of a given, *episodic* encounter, the fact that their participation reproduces MSP and the structures within which it is embedded, this empowers them with a further dispositional power. Put concretely, the reproduction of the structure (i.e., both the cyclical nature of planning and the multi-institutional landscape of MSP) entails that the episodic loser B gains dispositional power from defeat – a resource that is necessary for her to *replay the game* and potentially prevail over the episodic winner A in a future date and encounter.

To reiterate, when actors enter into contest, what enables one to win over the other is that the loser is willing to consent to her defeat. Consent is not necessarily tied to the outcome of the interaction, but to the structural reproduction of the structures of democracy, or replay of the game (Haugaard, 2012). We can make sense of this reasoning through drawing on events in the Estonian MSP. Although local municipal actors and residents lost episodically (i.e. in both planning and lower-order judiciary encounters) and disagreed with the planning outcome, their recurrent participation in these various jurisdictions reproduced the legal structures within which MSP is embedded, which in turn guaranteed a *replay* of the game at the Supreme Court, in which they incidentally prevailed over the episodic winner – wind energy developers – (see **Papers II** and **IV**). In this case, the multi-institutional landscape of MSP constituted a positive resource for the anti-wind energy public – even if both the participatory process and the verdicts of the lower courts were experienced as exclusionary.

As another key point, it follows from this understanding of empowerment as dispositional capacity that, it is the shared interpretive horizon of various actors, or their commitment to act in concert that empowers the planner with normatively laudable power *over* them. In other words, what constitutes the ring of reference of the power of the planner is not simply her belief in her power as such but importantly, the *consensual agency* that various stakeholders confer on her as a function of their shared interpretive horizon. That is, it is their validation of the

structure of planning and of the authority of the planner – their confirming-structuring act (Haugaard, 2003b) – that gives the planner both power *to* and *over* and reproduces her role as such. It is because of this normatively laudable *power over* (i.e., the consensual agency that the planner obtains) that leads Haugaard (2003a) to argue, following Arendt that, ‘power springs up whenever people get together and act in concert’ (Haugaard, 2003a p. 141). In other words, it is the common meaning that different actors give to action that gives the authority agent legitimate power.

In both instances of empowerment – i.e., the dispositional capacity of various participating stakeholders and the consensual agency conferred on the planner – MSP constitutes a productive force. It provides stakeholders with the capacity to get things done *in* planning and for society at large, and as such constitutes normatively laudable *power of* planning. The power that I considered is not that which is exerted over bodies negatively, but ‘that which is exerted over things and gives the ability to modify, use, consume, or destroy them’ (Foucault, 1982 p. 786): a power which gives the capacity to plan the marine environment. Here, we will recall the statement by Van Assche et al. (2014) that although a key function of planning is coordination, we should not lose sight of its multiple realities: ‘the distribution and acceptance of concepts, strategies, forms and materialities’ (p. 2393).

Of course, to emphasize the normative significance of MSP as an empowering force does not preclude the existence of dominative power relations, nor is it an endorsement of the normatively undesirable effects of steering/government: influential actors may bend opportunities provided by structured, concerted action to suit their individual, specific goals and priorities, just as the consensual agency conferred on the planner may be misused by the latter. In either case, as I have established, one criticizes power/MSP because of the violence that it exerts on subjectivities, lifestyles, livelihoods etc. Nonetheless, these instances of misused power can be designated as *political power*, which is distinct from, and does not cancel the importance of the empowering *power of* planning. In fact, to be clear, dominative and productive power seldom occur in isolation, which is by no means the product of chance. Rather, domination and empowerment are constituted through the same process: one does not preclude the other (Haugaard, 2012). They ‘overlap one another, support one another reciprocally, and use each other mutually as a means to an end’ (Foucault, 1982 p. 787).

From this perspective of dominative and productive power as overlapping and reciprocal, a key lesson can be drawn from the Estonian MSP. While MSP empowered various stakeholders to act collectively and get things done, the mobilization of bias made it easy for professionalized agents and key sectoral actors to use the space and opportunities for concerted action to reach preconceived sectoral goals. This, however, led to conflict, which in turn helped restructure the future imaginary of planning in that context. Here, conflict resulted in a Supreme Court decision, which established jurisprudence for how future planning in Estonia

should be conducted. What this means is that, the misuse of both consensual agency and the space for concerted action may have counter-hegemonic consequences.

We can conclude from the foregoing, that when empowerment is reduced to instrumental strategies (i.e., when power relations are so rigid that they are reduced to the question of “government”), the government of men and women transforms the governed into adversaries. In this case, as we shall analyze below, power will ultimately have to contend with a recalcitrant freedom which both provides its condition of possibility and defies it at the same time (Laclau, 1990). As Foucault (1982) puts it, while ‘consent [i.e., concerted action] may be a condition for the existence or the maintenance of [dominative] power’ (788), power is ‘exercised only over free subjects, and only insofar as they are free’ (p. 790). As) The point here is that, when planners pay only lip-service to the requests of aggrieved actors, the latter have the freedom to ‘pursue legal challenges, take direct action or become political campaigners’ (Inch *et al.* 2017 p. 475).

In the remainder of the analysis, we shall consider freedom first in terms of those spaces that “government” opens for, and are seized by, aggrieved actors and second, those possibilities for positive action that may be available to authority agents and the state. In the second instance, we shall be concerned with opportunities for promoting collective agency and reducing resource inequity.

## 6.2. Freedom as Contestation

Foucault (1982) argued that in order to have a proper understanding of power relations, we must ‘investigate the forms of resistance and attempts made to dissociate these relations’ (p. 780). The emphasis on struggle as an entry point into the analysis of power relations is relevant because it reveals a fundamental characteristic of the social as antagonistic and thus enjoins us to abandon the notion of the possibility of a society completely reconciled with itself. Laclau and Mouffe (1985) are clear about this when they state that, ‘the central role that the notion of antagonism plays in our work forecloses any possibility of a final reconciliation, of any kind of rational consensus’ (p. xvii). A final harmony can never be achieved because of the fundamental unfixity of every identity and meaning, but also because ‘we will never be able to leave our particularities completely aside in order to act in accordance with our rational self’ (Laclau & Mouffe, 1985 p. xvii). Besides revealing the fundamental undecidability of the social and of the pervasiveness of antagonistic forces that attempt to stabilize meaning, the emphasis on conflict is also important because conflict is both an expression of, and a condition of possibility of a democratic polity (Mouffe, 2013).

To say that conflict is an ingredient of a vibrant democracy takes us to a key condition of power *viz* that power is not a fundamental entity but a system of relations. Approached relationally, one can say that domination is effective only

insofar as it is parasitic upon power as freedom (Hauggaard, 2012). Or as Foucault (1982 p. 790) puts it, in power relations,

freedom may well appear as the condition for the exercise of power (at the same time its precondition, since freedom must exist for power to be exerted, and also its permanent support, since without the possibility of recalcitrance, power would be equivalent to a physical determination).

If freedom is both the condition and precondition for the exercise of power, then the analysis of power cannot therefore, be isolated from freedom – that which makes power a relationship as such. Through defining power and freedom as having a mutual relationship, Foucault (1982) thus gives two meanings to the word “conduct”. To “conduct” means to “lead” others through mechanisms of coercion, and at the same time ‘a way of behaving within a more or less open field of possibilities’ (p. 789). It is for this reason that Laclau (1990) argued that, ‘power is paradoxically the very condition for freedom’ (p 81). In short, because to “conduct” is ‘always a way of acting upon an acting subject or acting subjects by virtue of their acting or being capable of action’ (Foucault, 1982 p. 789), it follows that the ‘relationship between power and freedom’s refusal to submit cannot, therefore, be separated’ (Ibid p. 790). From this perspective, to talk of power relations is to presuppose the possibility of flight or resistance that is opened to the governed.

However, it is not sufficient to claim in generalized terms that power is a relationship between acting subjects (i.e., that power is always confronted by an almost essentially obstinate freedom) without characterizing the *strategies* or mechanisms brought into play by the various *acting* subjects in specific contexts of power relations. This is because, every power relationship potentially entails a strategy of struggle between two forces. Importantly, each strategy deployed is aimed at directing the conduct of others, at replacing the free play of antagonistic reactions with stable mechanisms, the ultimate goal of which is the suspension of the confrontational power relationship (Foucault, 1982 p. 794; see also Laclau, 1990).

Empirically, **paper II** studies the *strategic* play of power relations in Estonia, following the dislocation of various MSP discursive elements (e.g. scientific knowledge, participation, balanced sustainability etc.). Specifically, the study captures struggles over what constitutes (1) the purpose of MSP, (2) the social, environmental and place-based benefits of wind energy, (3) the precise meaning of the “common good”, (4) inclusive stakeholder participation, and (5) the criteria for determining the scientific quality of Strategic Environmental Assessment reports (SEAs). In analyzing the *relational* and *contingent* character of the conflict, the paper deploys the categories of *politicization* and *depoliticization* to capture how “pro-wind” and “anti-wind” publics both symbolized and responded to the events engendered by the MSP process. Specifically, in terms of strategies of confrontation, the concept of politicization was deployed to characterize how both Hiiumaa

residents and municipal actors sought to resist a wind farm proposal and the final marine plan that gave it legal backing, while through the lens of depoliticization we captured how planners and wind energy actors sought to stabilize meaning and fix/suspend the relationship of power that the “anti-wind” public had established.

For opponents, their strategy consisted in (1) building a political alliance in the Hiiumaa community, (2) articulating disparate demands and interests around a contingent we-don’t-want-wind-farms empty signifier, (3) splitting and constructing the heterogeneity of the MSP “community” into a “we/they” camp (thereby constructing particularities into relative universalities), and (5) constituting themselves into a legal entity to contest decisions, first at lower courts, and then at the Supreme Court. In response, the “pro-wind” camp drew on programmatic and discursive logics to hegemonize and fix meaning around the contentious wind energy proposal and the marine plan, as well as their attendant discourses and social relations. In terms of programmatic logics, as discussed earlier, planners, wind energy actors and the lower courts approved the wind energy proposal and the marine plan on the basis that (1) residents and municipalities do not “own” the sea, (2) the MSP process was transparent and inclusive of various interests, (3) the SEA is, by regulation, was not required to be detailed, and (4) the wind energy plan was not in contradiction with Natura 2000 regulations (However, a proviso was evoked to the effect that parts of the designated areas for wind energy development would be scrapped in the event that a proposed, adjacent MPA were to be formalized).

Furthermore, in terms of discursive logics, the “pro-wind” energy camp’s strategy at fixing a relationship of power, at stabilizing the wind energy and marine plans consisted mainly in “dis-othering” through “othering”. That is, while the “anti-wind” camp had constructed them as the “other”, or the “enemy” of Hiiumaa community, the “pro-wind” camp sought to break this barrier through highlighting their “oneness” with the Hiiumaa community. This was done through evoking the multiple socio-cultural, developmental and economic benefits that the wind energy project would provide to the entire Hiiumaa community. By dis-othering themselves thus, “pro-wind” actors also discursively constructed the “anti-wind” camp as the recalcitrant, uncompromising “other”, whose opinions are by no means representative of the views of all Hiiumaa inhabitants.

As discussed earlier, in a ruling in August 2018 the Supreme Court of Estonia invalidated the previous lower court verdicts that had legalized the wind energy proposal and the marine plan. As further noted, the Supreme Court’s verdict established jurisprudence with regard to how future SEAs should be conducted in Estonian planning. In terms of power relations, this decision is significant because it represents both victory for opponents and a historic change for planning practice. Indeed, because all future SEAs in the country will have to show in more details the possible adverse impacts of planned activities on marine protection and land-based activities, as well as anticipated measures to minimize them, the Hiiumaa resistance can be seen as having revolutionized a hegemonic, well-established two-dimen-

sional power norm around the conduct of SEAs in Estonia. The success of this counter-hegemonic struggle was made possible by the ability of the resisters not only to constitute themselves into a legal entity, but importantly, to articulate chains of equivalence with a key discursive logic of MSP – marine protection, as established in the EU Marine Strategy framework Directive (EC, 2008), which has as its key objective the achievement of Good Environmental Status of Europe’s seas.

To understand the possibility of this freedom, we must stress the kind of subjectivity we are dealing with here. What I am hinting at is that while freedom as conceptualized and analyzed here is both a condition and limitation of power, it is nonetheless not something that is “given” to social actors at the origin of things. In other words, as acting subjects, the anti-wind actors analyzed were not external to the structures or norms of MSP. Rather, they were internal to these structures but were neither completely determined by them nor completely free from them. It is the constitutively decentered nature of these structures, or their failure to fully constitute themselves that led to their very dislocation, the result of which was the emergence of a new power center and along with it, a *radical* subject. As Laclau (1990) puts it, ‘to explore the field of the subject’s emergence in contemporary societies is to examine the marks that contingency has inscribed on the apparently objective structures of the societies we live in’ (Laclau, 1990, p. 61). As discussed in **paper I**, although ideology may structure actors into rule-following subjects (through shaping the way they read and act upon events) and thus conceal contingency, such ways of knowing and acting become dislocated when the structures incarnating them are faced with events that they fail to symbolize, suture or cover over. The originally “failed” (acting) subject that emerges from social dislocation, is therefore ‘*condemned* to be free’ and to reinterpret the world in alternative ways (Laclau, 1990 p. 44 emphasis in original).

As we have seen, social dislocation in the Estonian MSP gave room for radical agency, as aggrieved actors became transformed into adversaries and constructed antagonistic relations with “others” whom they believed to block their identities and interests. Importantly, to say that dislocation generates a plurality of relative power centers is to emphasize the relational character of power, as each force strives to suture the dislocated structures around particular nodal points. In our case, the “anti-wind” public sought to reconstruct key wind energy/MSP discourses, practices and social relations, while “pro-wind” actors sought to fix or stabilize them. Of course, the latter’s will to stabilize meaning, to fix the power relationship is testament to the ambiguity and limitation of power. As Foucault (1982) notes, ‘every intensification, every extension of power to make the insubordinate submit can only result in the limits of power’ (Foucault 1982, p. 794). For Laclau (1990), any attempt to repress something ‘entails the *need* to repress, which involves limitation of power’ (p. 60 emphasis in original). Because the *need* to repress reveals the limitation of power, Laclau argues that dislocations have paradoxical effects. ‘If on the one hand,

they threaten identities, on the other, they are the foundation on which new identities are constituted' (Ibid p. 39).

More concretely, we have seen that MSP'ing in Estonia paid only lip-service to the numerous grievances tabled by residents and local municipalities. The threat of being disenfranchised by the MSP process transformed them into adversaries: subjects with capacities to resist and transform established social practices and norms in a historic fashion. In short, while MSP was experienced as exclusionary and dislocatory, it nonetheless provided new possibilities for a historic action that paved the way for the establishment of a new order – a new norm guiding the conduct of future planning. It follows therefore, that while planning has a performative function in society (that of imagining and creating fantasies in and of the community), society too, may provide planning with conceptual innovation on how future planning should look like (Hillier, 2008; Van Assche *et al.*, 2014). This is not to undermine the power of planning, but 'to undermine the hopes of ever stabilizing a planning system or of ever perfectly tying it to a community' (Van Assche *et al.*, 2014 p. 2396).

### 6.3. Freedom as an Ethic of Care for the Self and the Other

Foucault identifies three types of struggles. They are

either against forms of domination (ethnic, social, and religious); or against forms of exploitation which separate individuals from what they produce; or against that which ties the individual to himself and submits him to others in this way (struggles against subjection, against forms of subjectivity and submission) (Foucault, 1982 p. 781).

We have discussed the first and second forms of struggles in the previous sections, at least to the extent that one can read conflict in both the Estonian and Polish context as socio-economic (i.e., struggles over historic rights of access to and use of natural resources) although these conflicts could also be read as struggles over knowledge, or struggles over the preservation of cultural and esthetic values. In this section, we are concerned with the third form of struggle – the refusal to submit to one's own identity or to someone else's control through self-knowledge.

To be sure, my task is not to investigate whether or not struggles against subjectivity are a reality in MSP, but rather to consider how the planner as an acting subject could potentially desubjugate him/herself and in so doing, safeguard the interests and values of weaker actors. To proceed fruitfully, we must read Foucault's concept of *discipline* less as the unreflective obedience to authority and knowledge, and more as the capacity to defer self-gratification through the internalization of self-restraint (Haugaard, 2012 p. 49). In fact, we should say that discipline or subjectivity entails a mastery of the self, a liberation from one's own *appetites*, and a care for others. Foucault writes:

Liberty is itself political. And then it has a political model, in the measure being free means not being a slave to one's self and to one's appetites, which presupposes that one establishes over one's self a certain relation of domination, of mastery, which was *arche* – power, authority (Foucault, 1991 p.6 emphasis in original).

In **paper IV**, it is argued that the targeted “disciplined” bureaucratic subjects in the various institutional landscapes of MSP include planners, plan supervisory authorities and administrative judges, whose deferral of self-gratification can potentially result in positive gains for marginalized social actors. Here, we are concerned with the capacity of the authority agent as an *acting subject*, to speak truth to power, to look not for the distant enemy but for the “immediate” enemy: to self-reflect, to question his own knowledge, competence and routine action, and free himself from that which both ‘ties him to his own identity in a constraining way’ and ‘breaks his link with others’ (Foucault, 1982 p. 781). It is the capacity of the planner and other authority agents to be *parrhesiastes* – that is, their capacity ‘to begin, or resist an idea/fantasy/narrative [and] not to be its means or its subject’ (Gunder, 2003 p. 240). Foucault argued that although parrhesia is a voluntary act, not exercising this freedom amounts to social incompetence, in the sense that the authority subject is unfit either to work for the city or to participate in public life. This is because legitimate authority is always associated with competence.

The care for the self aims at the good of others... This implies also a relation with others to the extent that care for self renders one competent to occupy a place in the city, in the community or in interindividual relationships... (Foucault, 1991 p. 7).

We must pause here to reflect on the challenges and possibilities involved in being a conscious, self-reflective subject particularly, given that the subject from whom proactivity, transformative change is required ‘has already been partially created through his or her forms of identification with a structure into which s/he has been thrown’ (Laclau, 1990 p. 60). In other words, how can “free” subjects possibly escape their distorted being-in-the-world, their “false consciousness” à la Lukes (1974) and become competent authorities when they are themselves socialized and shaped by habitus and established rules? Laclau suggests that the fact that structures themselves are marked by an absence or lack, means that his/her ‘identification never reaches the point of a full identity’ (Laclau, 1990 p. 60). Because this suggests the possibility of a degree of agency, let us tease out its possible manifestation. Both Haugaard’s retheorization of three-dimensional power *viz* false consciousness, and Foucault’s historical analysis of *parrhesiastic* practices shall constitute the theoretical lighthouse guiding this analysis.

Haugaard (2012) suggests that a critique of false consciousness suggests the existence *not* of a “true” consciousness for the powerless, but rather of ‘consciousness-raising within an already existing *habitus*’ (p. 47 emphasis in original). *Habitus*, or practical consciousness knowledge (as Haugaard terms it) is *not* uncon-

scious but entails the taken-for-granted knowledge that both constitutes a source of meaning for actors and informs their structuration practices at a given time and space. In other words, habitus needs to be understood as having an ontologically constitutive property, which informs the interpretive horizon of social actors as ‘meaning-giving, interpretive beings’ and as such, is inseparable from their ‘being-in-the-world’ (Haugaard 2015 p. 152). It follows from this that because of its ontological constitutiveness, the inclusions and exclusions that planning often entails do not only appear as the natural order of things for the planner, but importantly, deviating from this habitus entails ‘ontological insecurity’ for the rule-following and habituated planner (Haugaard, 2012 p. 43). Here, Haugaard suggests that rather than “false” consciousness, it is the threat of ontological insecurity that sustains any routine structuration that has subjugating effects. In other words, the planner as a subject is “caged” by habitus from which s/he derives his/her predisposition for ordered social action. In short, rule-following and habitus become the planner’s *second nature*.

To say that rule-following and habitus constitute the planner’s second nature does not, however, suggest that there is no room for agency. For Haugaard, habitus structures our being-in-the-world, it is however, not completely determined by rule following. Social actors learn ‘by rule following, but once they are *socially competent*, these rules become secondary. Such rules and norms are used in sanctioning those with inappropriate habitus knowledge’ (Haugaard, 2008 p. 192 my emphasis). Importantly, while habitus or practical consciousness (which, as we have established, is *not* unconscious but taken-for-granted knowledge and practices) may be constitutive of our ontology as meaning-making subjects, ‘actors can distance themselves from their habitus by making it discursive. In this process, they become “strangers” to themselves’ (Ibid p. 143). Foucault’s analysis of the parrhesiastic practice in the ancient Greco-Roman culture demonstrates the ubiquity of this kind of agency in historical times, which may serve as source of inspiration to planners concerned both with the accountability of their practice and bringing about social change.

According to Foucault, competence was seen in the ancient Greco-Roman culture as a necessary and inseparable quality of the parrhesiastes in both community and public life. In public life, Foucault notes, the parrhesiastic practice had three main components. First, it was a kind of *preaching* that positioned itself ‘against all social institutions insofar as such institutions hindered one’s freedom and independence’. Second, it was a *scandalous* attitude ‘which called into question collective habits, standards of decency, institutional rules, and so on’. Third, the parrhesiastic practice was a *technique* of displacing or transposing a rule from a domain where the rule was accepted to a domain where it was not in order to show how arbitrary the rule was’ (Foucault, 1983 p. 46-7). In all three instances, we see immediately that the parrhesiastes is a revolutionary, whose action is poised against institutionalized and normalized rules. Significantly, in community life, Foucault

notes, parrhesias should be conceived 'not only as a quality, a virtue, or personal attitude, but as a *techne* comparable both to the art of medicine and to the art of piloting a boat' (Foucault, 1983 p. 42 emphasis in original). In both these arts, the parrhesiastes would typically combine the necessary theoretical knowledge and practical training in order for his/her work to be useful. More importantly, in combining both theory and training into practice, the parrhesiastes would take into account 'not only the general rules and principles of the art' but in combination with 'the particular circumstances, and also what the Greeks called "*kairos*", or the critical moment' (Foucault, 1983 p. 43). In both medicine and navigation, Foucault adds, 'one person (the pilot or physician) must make decisions, give orders and instructions, exercise power and authority, while the others – the crew, the patient, the staff – must obey if the desired end is to be achieved' (Ibid p. 43). Key to this historical analysis of the parrhesiastic practice, Foucault draws parallels between the order/obey continuum and politics, which is relevant to our analysis of the "competent" planner and other authority subjects. In politics, Foucault argues, the decision-maker is expected to have certain qualities and techniques which are both tied to his/her position and indispensable for his/her practice to have meaningful effects. S/he must be more competent than the "governed" in order for them to obey and, must demonstrate the ability and skills to determine both the particular circumstances and the critical moment of action.

For in politics the choice of the opportunity, the best moment, is also crucial; and someone is also supposed to be more competent than the others – and therefore has the right to give the orders that the others must obey. In politics, then, there are indispensable techniques which lie at the root of statesmanship considered as the art of governing people (Foucault, 1983 p. 43).

Here, it becomes clear that although the planner is thrown into structures and habitus which shape his/her practice (let us call these his/her theories and rules), s/he only becomes competent when s/he is able to combine these rules with personal judgement; the skill to discern the particular circumstances and critical moment to act proactively. In some cases, competence would entail bracketing rule following (i.e., theory and training), while exerting personal judgement and discretion. And for Foucault, this kind of liberty is not something that the subject invents, as it is tied to an existing habitus expectation of authority. Hence, Haugaard's claim about the possibility of 'consciousness-raising within an already existing habitus' (Haugaard, 2012 p. 47). For Foucault, competence is suggested to the authority agent, and imposed on him by culture, by society.

If I am now interested... in the way in which the subject constitutes himself in an active fashion, by the practices of the self, these practices are nevertheless not something that the individual invents by himself. They are patterns that he finds in his culture and which are proposed, suggested and imposed on him by his culture, his society and his social group (Foucault, 1991 p. 11).

As we saw in a previous quote, Foucault argues that order and obedience have a mutual relationship in the sense that competence is the precondition for obedience and legitimate authority. If so, what then, is the implication of failing to be competent?

Here, we shall recall the previous argument that, the requisite for the effectiveness and legitimacy of the planner's actions is the fact that both the planner and the "governed" share both a commitment to concerted action and the same habitus interpretation of authority. In other words, concerted action and the implicitly shared understanding and agreement on what constitutes legitimate authority by both actors is the point of reference of the planner's *power over* various stakeholders. Importantly, if we follow Foucault that the capacity to work for the community, to participate in public life (to plan, so to speak) is inseparable from certain qualities – the ability to be competent, to make critical judgments at critical junctures – then in order for the "governed" to obey the planner's decisions, his/her *power over* them must be seen as consistent with their habitus expectation of authority. In other words, it is this expectation that authority agents will conform to the structured constraints of their position as fair and impartial arbiters, that provides the condition of possibility for concerted *power to* and *with* (i.e., collaborative planning) and the planner's legitimate *power over* various actors. Here, the compliance of actors B rests on the confidence that the *consensual agency* conferred upon decision-makers will not be misused by the latter either for preconceived structural goals or to transform actors B into a means to the ends of powerful actors A, in the episodic moment when both submit to authority (Haugaard, 2012).

This is precisely the situation referred to earlier in the Estonian MSP legal appeal process, where the Estonian Supreme Court magistrates cancelled the OWE plan, thereby invalidating the previous decisions and verdicts rendered by both the plan supervisory authorities and the lower courts. This is a textbook case of normatively laudable disciplined subjectivity because although a SEA report is by definitional fiat not required to be detailed, the Supreme Court Magistrates nonetheless exercised self-restraint and "competence" by ruling that a SEA should 'not remain formal and leave open the basic principle of areas of development, nor limit itself to the fact that research is still needed to resolve this issue [of OWE plans]' (Supreme Court of Estonia, 2018). That is, even though the rules guiding the conduct and establishment of SEAs are well established, these magistrates exercised critical judgement and bent theory and rules (i.e., established SEA conventions), even though this move was mainly occasioned by the fact that opponents were able to streamline their oppositional demands in ways that resonated with the EU Natura 2000 policy. To borrow from Haugaard, the judges suspended their natural attitude towards habitus (albeit partially): they undermined their ontological insecurity and in becoming strangers to themselves, they effectively transposed a rule from a

domain of acceptability to a domain where it is not accepted (Natura 2000) and thereby revealed its arbitrariness.

Of course, how MSP is given effect in different settings is largely contingent on the context-specific factors, including the institutional designs that prevail – which are not uniform but vary across space and time. Given this contingency, the internalization of self-restraint may take different forms in different contexts and can be exercised at different levels of decision making. They can also aim at correcting context-specific forms of injustice that planning may create or reinforce. And since a major challenge facing several domestic MSPs seems to be insufficient attention paid to issues of equitable participation, distributive justice and equity (Flannery *et al.*, 2016; 2018; Jones *et al.*, 2016), the referral of self-gratification may aim precisely at addressing these social concerns. The pursuit of equity would directly implicate the planner in taking measures to break the gridlock of stakeholder tyranny that often characterizes participatory planning (Jentoft, 2017 p. 273). Here, the practitioner will have to accept that the tendency to take refuge behind the mask of the “uninvolved” scientist may lead to inequitable and socially regressive outcomes. Thus, in acknowledging that through her attendant practices, his/her unreflective subjectivity gives effect to wider political programs that have been laid down at higher-level governing orders, the practitioner can set as a goal for him/herself to deliver just and equitable plans. This will entail empowering the less powerful through for instance, correcting two-dimensional biases at his/her level of competence, while mediating between their interests and those of powerful actors and organizations when they submit to his/her authority in the one-dimensional circumstance. To do this, her practice must be unapologetically informed by ‘an agenda for countervailing power’ (Birnbaum, 2016 p. 319) or ‘an ethical focus to facilitate ongoing agonistic resistance to power and the often pernicious [*sic*] desire by the dominant minority’ (Gunder, 2003 p. 241). As Inch *et al.* (2017) rightly note, ‘it is planners’ silence and lack of resistance that is perhaps a more pressing issue’ to be corrected in planning (p. 475).

Conversely, if the practices of authority agents are perceived as inconsistent with their structured role of authority (i.e., the capacity and competence to discern critical moments and act promptly), the planning process could be discursively challenged either for not respecting the democratic rules of the game, or for having been led by actors who resisted or failed to internalize the expected role of authority. In such instances, far from being disciplined, competent “subjects”, these and other authority agents could be seen as mindless, unreflective and unspontaneous power circuits, whose ordinariness makes them perfect, fertile functionaries for the establishment or reinforcement of dominative power relations (Haugaard, 2015 p. 156). This may undermine the legitimacy of decisions and lead to system instability – through inciting antagonisms that often become disruptive. A further consequence may be the ineffectiveness of MSP as a governance regime to curb marine habitat degradation, resource over-exploitation, particularly since unchecked power rela-

tions often leave individuals pursuing specific goals over collective interests. As Hardin (1968) noted, ‘Ruin is the destination towards which all men rush, each pursuing his own best interests in a society that believes in the freedom of the commons’ (p. 1244).

We must, however, also remember that the planner’s capacity to affect planning decisions may be hampered by a number of factors. First, planners are often faced with more powerful stakeholders who will typically strive to secure the status quo, particularly if this course of action suits their interests more squarely. Second, planners may not have the capacity to appreciate the varied interests and values of various marine users or the fact that actors often have differential capacities to pursue their interests (Jentoft, 2017). Third, even when planners recognize differentials in the capacities of various actors to influence decisions, the broader socio-political and institutional contexts within which the planning system operates may also constrain the maneuvering space, the margin of liberty of the planner. For instance, given the preeminence of conservation and blue-growth actors in shaping the direction and strategies of MSP at the national and supranational level, MSP as an actant may be stripped of its practical performativity and thus do little to correct power imbalances *a posteriori* (Trouillet *et al.*, 2019). The point here is that, although the disciplined subjectivity of the planner is a necessary condition for non-dominative power relations, it is nonetheless *not* a sufficient one. In other words, because planning does not operate in a socio-political or power vacuum, the power of planning as a vehicle for transformative change ultimately hinges on relations of power outside the planning system. To make planning a meaningful activity both for planners and the subjects of planning, the state must intervene ‘both as a stakeholder – and in most cases – the ultimate governing authority in MSP’ (Smith & Jentoft, 2017 p. 34). Of course, skeptics, who have good reasons to have lost faith in the modern state, will find quarrel with this final proposition. Afterall, Foucault himself also warned us against the “pastoral” role of the modern Western state, particularly, its tricky combination of the techniques of *individualization* (e.g. through discipline) and *totalization* (e.g. through education). In fact, Foucault explicitly asked us to resist state *pastoral* power.

Maybe the target nowadays is not to discover what we are but to refuse what we are. We have to imagine and to build up what we could be to get rid of this kind of political “double bind,” which is the simultaneous individualization and totalization of modern power structures (Foucault, 1982 p. 785).

However, while we remain circumspect of the pastoral power of the state, we must also be careful not to throw the baby with the bath water. Indeed, differentials in the capacities of various stakeholders to pursue and defend their varied interests in the planning processes are often more structural than resulting from bad planning or from the actions and/or inactions of an “incompetent” planner. For weaker stakeholders such as coastal residents and small-scale fishers, their capacity to participate meaningfully in deliberative processes is often hampered by lack of

governmental support, ill-tailored regulatory, legislative and legal instruments, as well as the unavailability of a variety of social resources at their disposal, including economic resources, education and organizational skills (Chuenpagdee & Jentoft, 2018; Saunders *et al.*, 2019). Therefore, efforts at empowering these stakeholders and promoting collectivity must be structural as well (Pansardi, 2016).

In most cases, because dominative relations in the one-dimensional circumstance in which the planner is implicated often result from biases at higher-level governing orders, the state will need to intervene at the two-dimensional power level of agenda-setting, that is ‘from the very beginning, when the institutional design is deliberated and decided upon’ (Jentoft, 2017 p. 271). For instance, in several European waters, key sectoral departments often have veto power over planning solutions, which means that those who typically represent local/coastal interests have little influence over the direction of planning in the deliberative, one-dimensional instance (see **paper II** and Jentoft (2017) for Estonian and Norwegian cases respectively). Therefore, to ensure the effective representation and influence of coastal interests in micro-level planning processes, the state can design policies that make the participation of municipal governments in the early stages (where the agenda is set) a mandatory requirement. In the current dispensation of marine governance, environmental organizations, the business sector and key government sectors are usually the ones with exclusive entry into such strategic meetings.

However, elsewhere, in countries such as Sweden, existing regulations are more favorable towards broad participation at the early stage, at least to the extent that municipalities have a degree of planning monopoly on their coastal waters. Besides empowering municipalities, Sweden has a culture of regionalized planning, whereby regional bodies known as County Administrative Boards (CABs), which act on behalf of the national government, are empowered to organize interactions between municipalities and the state in their respective regions. Thus, both the principle of “municipal planning monopoly” and the regionalization of planning constitute examples of pluralism and distributed agency, which are worth emulating and adapting to existing socio-political and institutional realities in different contexts. Elsewhere, national governments have taken different proactive steps to facilitate the effective participation of historically marginalized stakeholders in marine governance, which are also worth emulating and adapting to country-specific conditions. For instance, in Canada, through court decisions, as well as specifically-tailored government policies, and a particular memorandum of understanding with First Nations, the government sort to resolve longstanding problems of Aboriginal ownership and access to specific marine resources. These measures helped build the capacity of First Nations and empowered them to collaborate with the government on a ‘government-to-government basis’ (Jones *et al.*, 2010 p. 11).

In Poland, just as in many other contexts, a key challenge for MSP is how to valorize and incorporate the local experiential knowledge of small-scale fishers (SSFs), and how to make small-scale fisheries an ecologically sustainable and

economically viable activity. As argued in **paper III**, SSFs in Poland increasingly view MSP as an ocean/power grabbing regime (i.e., as a regime aimed primarily to further squeeze them out of their primary fishing grounds in order to make space for new comers like wind energy. This situation is compounded by high levels of distrust in marine scientists and decision-makers, a situation that stems from past contentious fisheries relations. However, as MSP'ing in the country is yet to begin in Poland's coastal waters, it is argued that the effective participation and compliance of SSFs ultimately hinges on the extent to which they are empowered and motivated to participate and influence decisions in MSP. This would entail developing governance strategies that specifically aim to strengthen their collective agency so that their participation can ensure both the economic viability and ecological sustainability of fisheries.

In the Norwegian context, for instance, Jentoft and Finstad (2018) found that the enactment in 1938 of the Raw Fish Act and the legalization of fishers' cooperative sales-organizations by the government effectively addressed some of the pressing predicaments of Norwegian SSFs (i.e., poverty, resource marginalization and exploitation) – which are also faced by SSFs in Poland. These authors note that although these historical organizations have lost some of their socio-political significance in present times (partly because small-scale fishery is no longer the backbone of Norway's coastal communities), 'the law [i.e., the Raw Fish Act] still retains symbolic force as the "constitution" of small-scale fisheries'. The implication here is that the law and the sales organization that it institutionalized provided the foundations for collective agency and despite having lost its social significance, it is still an "objective reality" of Norwegian fisheries' – that is, a resource that 'continues to empower... fishers, in their transaction with buyers' (Jentoft & Finstad, 2018 p. 20). Elsewhere, in Ocracoke in North Carolina, USA, SSFs are increasingly empowered through the promotion of collective social entrepreneurship as a means to curb coastal poverty and revive fishery. Particularly, SSFs benefit from political and financial support from a constellation of forces, including the state, civil society organizations, local politicians and businesses (see Child, 2018).

However, as noted earlier, other key issues facing MSP with regard to small-scale fisheries are how to combine the rights claims of SSFs with increasing demands for space, as well as how to valorize and incorporate their local experiential knowledge into geo-technical data sets. The latter is a particularly contentious issue in planning given the tendency to politicize knowledge and rationalize the inclusions and exclusion that this entails in the name of scientific rationality (Flyvbjerg, 1998). This problematic has led Trouillet et al. (2019) to suggest that the task for MSP should 'no longer be of knowing what data to use and how to map it, but rather of how to turn these issues into an opportunity to promote other "realities" that are not captured by techno-managerial instruments' (p. 90). The argument is that a useful way to empower SSFs is by involving them in the active

production of spatial data needed for planning (Kafas *et al.*, 2018; Trouillet *et al.*, 2019).

However, efforts at co-producing knowledge are often hampered by lack of mutual trust (Ebel *et al.*, 2018). Trust-building is a complex process. Trust takes time to build, it requires a conducive environment and it builds on past relationships and experiences. Yet, trust is indispensable for social learning between participating stakeholders: a requisite that is almost non-existent in the Polish MSP context. Indeed, Poland’s fishery has a unique past, characterized by a history of fast-paced socio-political, economic and institutional transformations, alongside high levels of conflictuality, skepticism and mutual mistrust between fishers, marine scientists and resource managers. This volatile atmosphere is compounded by loss of access rights to fishing grounds as new users enter the scene, on the one hand, and on the other hand, an accompanying worsening economic condition as fishery declines. Thus, even if the conditions for knowledge co-production were favorable in the Polish context, this would not resolve the problem of reduced access, worsening economic conditions or resource overexploitation in Polish waters. In short, knowledge co-production may only address the issue of procedural injustice and as such will do very little to level the playing field for this vulnerable user group. A more promising and lasting solution to the socio-economic, environmental and resource problems related to Poland’s fishery may be found elsewhere (e.g. through experimenting with TURF-Reserves, a co-management initiative that is increasingly recognized around the world).

TURFs (Territorial Use Rights for Fisheries) as a rights-based approach to fishery management, and marine protected areas (MPAs) as a spatial protection regime often develop distinctively. However, nowadays, these two approaches are increasingly being paired under one co-management practice – TURF-Reserves. The aims of TURF-Reserves are to increase fishers’ access to space, increase food sovereignty and economic opportunities while simultaneously reducing overexploitation of fish resources and maintaining healthy oceans (Barner *et al.*, 2015). While some TURF-Reserves typically develop out of a history of community-based marine tenure practices, others result from policies put in place more directly by national governments as an alternative strategy for managing fishery and protecting the marine environment (Afflerbach *et al.*, 2014).

In the Polish context, state authorities may have to build on and adapt the *Maszoperia*, a historical practice among groups of coastal artisanal fishers that served numerous functions – it maintained welfare and culture, provided social cohesion (e.g. through resolving conflicts), ensured sustainable resource use, and empowered coastal communities to interact and negotiate with local government and fish buyers (Bavinck *et al.*, 2015; Marciniak & Jentoft, 1997). The benefit of building on the *Maszoperia* is that it may not only revive small-scale fishery and improve economic conditions for coastal communities, but it is also found that when fishers are granted territorial use rights this sometimes incentivizes them to

establish their own marine protected area (Ovando *et al.*, 2013). Furthermore, in general, Poland's fishery in past years has been marked by open violations and non-compliance with EU formal regulations and restrictions, as fishers were found to harvest fish illegally (Figus, 2013). It is however, likely that if TURFs are well designed and explicitly paired with adjacent MPAs this may decrease illegal fishing (Barner *et al.*, 2015). And since some SSFs are both receptive to and making calls for the reintroduction of the *Masziperia* (Saunders *et al.*, 2016), TURF-Reserves may very well be a beacon of hope for Poland's declining small-scale fishery. TURF-Reserves may transform the country's small-scale fishery into an activity for the sustainable exploitation, planning and protection of marine resources. Of course, TURF-Reserves will ultimately need to be reenvisioned in ways that can be embedded into current EU policy arrangements, such as the Common Fishery Policy. Perhaps, what is most needed is political will.



## 7. Conclusion

This thesis had as aim to contribute to the critical marine spatial planning (MSP) literature through elaborating a more robust theoretical account of power for the empirical analysis of MSP social relations. In doing so, the thesis set out to answer the following three research questions: (1) What mechanisms of power are at play in MSP social relations and with what implications for both collaborative governance and subjectivity? (2) How are taken-for-granted discursive components of MSP being challenged in specific Baltic Sea Region planning settings? (3) How is MSP empowering various social actors and what are the *actual* processes and *possibilities* of freedom in the new governance regime? The following theoretical and empirically-linked findings were reached.

- MSP is the condition of possibility of concerted action in the marine environment. It provides various stakeholders and planners alike with dispositional capacity to get things done in concert and as such, constitutes a felicitous move from centralized management, and the possibility of chaos and open commons-type conflicts to social order, which facilitates predictability and promotes collectivity (**paper IV**; parts of RQ 3).
- MSP is not a one-off process. Various actors participate in MSP and in so doing, reproduce both MSP and the structures in which it is embedded. The reproduction of structures provides opportunities for the episodic loser A to replay the power games and potentially win over the episodic winner B in future encounters (**papers II and IV**; parts of RQ 3).
- Despite empowering social actors with dispositional capacity, MSP processes tend to restrict human agency. As seen at the domestic level in Estonia and Poland (**papers II and III** respectively) but also at the EU level (**paper I**), this happens when (a) planners and powerful sectoral agents sometimes misuse the space and opportunities for collective action as a means to reach predetermined rather than collective goals; (b) in setting the agenda of MSP, bias is mobilized in favor of vested interests; and (c) together with planning fantasies, the cognitive limitation or unreflective subjectivity of the planner (*vis-à-vis* institutionalized norms and arrangements in which s/he is also embedded and by which s/he is also constrained) may allow power asymmetries and stakeholder tyranny to go unencumbered (RQ 1).
- MSP is not an invulnerable system. Like all social systems, it is marked by contingency, which shows the will to either stabilize or challenge particular

rules, assumptions and practices (e.g. around participation, sustainability and scientific knowledge), which are themselves often arbitrary and value laden (**papers I, II & III**; RQs 2 and 3).

- As observed in the Estonian context, when conflict is allowed to play out agonistically at the early stages of planning, this potentially leads to mutual learning and enhance trust among actors. However, when displaced, conflict may re-emerge in ways that are difficult to engage with constructively, as potential allies become adversaries (**paper II**).
- When conflict becomes antagonistic, “weaker” actors sometimes develop strategies that have the potential of transforming planning norms and practices. Their strategy may involve streamlining opposition so that demands resonate with issues that are recognized across policies and laws (**paper II**; RQs 2 and 3).
- In order for the planner to contribute towards equitable and non-dominative processes, s/he will have to combine theory and training with personal skills (i.e., the ability to determine the particular circumstances and critical moments of intervention – which in most cases, will entail defending the interests of weaker stakeholders). This skill or competence is indissociable from habitus expectations attached to authority, which gives him or her legitimate *power over* various stakeholders (**papers II, III & IV**; parts of RQ 3).
- However, although the planner’s critical reflectivity and parrhesiastic ethos is a necessary condition for MSP to become a more accountable, equitable and progressive system, it is nonetheless not a sufficient one. This is because the planner does not operate in a socio-political or power vacuum. Differentials in the capacities of various stakeholders to participate effectively and defend their interests in planning often result from imbalances in the distribution of social resources (**papers III & IV**).
- The state as the ultimate governing authority in MSP must therefore seek ways to empower weaker stakeholders (e.g. through training and capacity-building programs, or through institutionalizing programs and enacting policies and laws that address their specific needs) if MSP is to be a truly radical approach to reaching all dimensions of sustainability (**papers III & IV**; parts of RQ 3).
- Each domestic MSP has its context-specific needs and as such, efforts at empowering weaker stakeholders cannot apply universally, but will have to be tailored to suit the specific socio-cultural, economic, ecological and historical conditions of context.
- Ultimately, besides highlighting the power dynamics involved in MSP, perhaps one of the most fruitful ways by which the critical MSP scholarship can contribute to planning praxis, is through analyzing who the weakest stakeholders are in each MSP setting, what their context-specific needs are, and what empowerment will entail for them.

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## Sammanfattning (Swedish Summary)

Den här avhandlingen bidrar till litteraturen om havsplanering (MSP, Marine Spatial Planning) genom att utveckla en robust teoretisk analysram för en mer omfattande kritisk analys. Havsplanering anses av många vara ett radikalt och ambitiöst sätt att förvalta havsområden som gynnar och balanserar mål kopplade till miljömässig, ekonomisk och social hållbarhet till havs. Dock har kritiker ifrågasatt om havsplanering i praktiken verkligen är så radikal och ambitiös. Denna kritik rör särskilt dess förmåga att hantera problem kopplade till integrering och balansering av olika kunskapsbaser och aktörers intressen, samt utmaningar kopplade till distributiv rättvisa, jämlikhet och ojämn maktfördelning. Dessutom har den tidigare forskningen framförallt utgått från att rådande maktstrukturer och maktutövning inom havsplanering begränsar människors handlingsutrymme. Trots detta har tidigare havsplaneringsforskning inte fördjupat sig tillräckligt i frågor kring vilka mekanismer som begränsar aktörers handlingsutrymme, samt vilka 'utrymmen' och processer i havsplaneringen som kan gynna frihet och handlingskraft. Som svar på detta sammanför den här avhandlingen analytiska koncept från diskurs- och maktteorier (baserat på tidigare studier av Foucault, Laclau och Mouffe, och Haugaard) för att konceptualisera olika maktmekanismer inom havsplaneringen. Det konceptuella ramverket används sedan för att analysera havsplaneringskontroverser i Estland och Polen. Empiriska data erhöles från semi-strukturerade intervjuer samt skriftliga inlagor och uttalanden i media från planerare, politiker, myndigheter, utvecklare, fiskare och kustbor. Vidare har juridiska domar, samt planerings- och policydokument studerats. Följande resultat och slutsatser har uppnåtts: För det första innebär havsplanering ett dominansförhållande samt begränsat handlingsutrymme eftersom (a) mäktiga aktörer missbrukar möjligheter till kollektiva åtgärder vid planeringsinteraktioner för att uppnå deras förbestämde mål; (b) när agendan för havsplanering sätts, mobiliseras partiskhet till fördel för etablerade intressen; och (c) tillsammans med 'fantasier' om planeringen, tillåter de kognitiva begränsningarna hos planeraren att ojämna maktförhållanden bevaras oförminskade. För det andra innebär havsplanering handlingskraft eftersom det tillhandahåller olika intressenter med den fördelade *kraften* att få saker gjorda *i samförstånd*, och innebär därmed en lyckad övergång från öppna konflikter kring bruket av allmänna resurser till en mer strukturerad och förutsägbar situation. För det tredje, när planeringen görs på ett strikt sätt inom lagenliga begränsningar och programmatiska normer, kan förfördelade aktörer utveckla nya motståndsstrategier som har potential att motverka den rådande maktstrukturen. För det fjärde, för att

havsplanering ska kunna vara ett verkligt radikalt system, behöver planeraren inte bara reflektera över de normer och ideologier som formar hans/hennes planeringspraxis, utan även staten som den ultimata styrande kraften inom havsplanering, måste också sträva efter att minimera ojämlikheter i fördelningen av sociala resurser. Den här avhandlingen är en inbjudan till kritiska havsplaneringsforskare att bidra till havsplaneringens praxis genom att analysera vilka som är de svagaste aktörerna i olika havsplaneringssituationer, vad som är deras kontextspecifika behov och vad ytterligare befogenheter och handlingskraft kommer medföra för dem.

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Marine spatial planning (MSP) has been described as an idea whose time has come since it promises among other things, to reach the ecological, economic and social goals of sustainable development in a balanced fashion. This thesis draws on theories of discourse and power to critically analyze both the MSP policy and its scholarship.

First, in terms of the literature, scholars are either overly promotional of MSP and as such take its underlying assumptions, rationales and modes of subjugation for granted, or are simplistic in their critical analysis and read MSP predominantly as a totalizing force. By way of contributing towards a more comprehensive and balanced reading of MSP, this thesis argues that while MSP entails domination for the least powerful, it is nonetheless a system that not only involves a move from the possibility of “resource rush” and chaos to coordinated action, but also provides stakeholders with the opportunity to pursue both individual and collective goals. Pathways towards more equitable planning outcomes are also analyzed, requiring both procedural and substantive interventions.

Ralph Tafon carries out research in the field of Environmental Social Science. Through theories of discourse and power, he specializes in forest and water conflicts and seeks pathways towards their social transformation.

Environmental Science, School of Natural Sciences, Technology and  
Environmental Studies

ISBN 978-91-88663-67-2 | Södertörn University | Library, SE-141 89 Huddinge | [publications@sh.se](mailto:publications@sh.se)

