

**Two Crises, Impoverishment and Sovereign
Biopolitics**

Sam Adelman

Conference Paper N°1

II Conferência IESE

**“Dinâmicas da Pobreza e Padrões de Acumulação Económica
em Moçambique”**

Two Crises, Impoverishment and Sovereign Biopolitics

Sam Adelman¹

Despite assertions that sovereignty is being decentred, deterritorialised, disaggregated split or shared, pronouncements of its decline have been greatly exaggerated.² It remains the organising principle of an *international* juridico-political order in which the myths of supreme authority within a territory, formal equality, the voluntary assumption of obligations and non-interference are regarded as axiomatic. It is the foundation of power to which states in the giant laboratory of the European Union and elsewhere cleave and an atavistic, nihilistic, self-defeating, anti-cosmopolitan force that must circumscribed and limited. If adhering to it too much to it is a sign of failure, ceding too much of it is a sign of national weakness and surrender to the tsunami of capitalist globalisation.³ It is devoutly craved and profoundly feared, an object of desire and the stuff of nightmares. In the global South it has been both a positive expression of decolonisation and self-determination and the negative manifestation of elitism, cronyism, corruption and thanatopolitics. Paradoxically, the developmental state manages to appear simultaneously as an agent of capitalist globalisation and a bulwark against it. Everywhere, sovereignty has been the most egregious violator of the human rights of which it is ostensibly the guarantor and regularly kills those it is supposed to protect.

Michel Foucault argued against Max Weber's assertion that the modern state was characterised by its monopoly of legitimate violence.⁴ In Foucault's view, from the nineteenth century onwards power could no longer be comprehended in such a unified, hierarchical and juridicalised form. Sovereignty's negative, deductive power was gradually superseded by the positive exercise of governmentality as biopower, a paradigm shift occurred in which the right to kill gave way to the necessity to make live. Sovereignty's law was no longer *primus inter pares* and turned into one discursive power amongst others. Foucault was at once entirely correct and absolutely wrong: sovereignty both succumbed and endured as the ever-present, evanescent shadow of biopower. Labile in time and space, it metastasises whilst retaining its essential character and therefore seems to disappear without going away. Hence Foucault's frustration at the fact that in "political thought and analysis, we have still not cut off the head of the king" (Foucault 1976:88-89) and "the fact that that which must supposedly be surpassed persists" (Golder & Fitzpatrick 2009: 58).

¹ School of Law, University of Warwick, Coventry CV4 7AL, UK (s.adelman@warwick.ac.uk). Please do not cite without permission of the author.

² From the vast literature see for example Hardt & Negri, 2000 and Slaughter, 2004.

³ I distinguish capitalist globalisation or what others have referred to as late capitalism from globalisation *per se* and earlier forms of worldwide expansion like colonialism and imperialism.

On the compatibility between sovereignty and cosmopolitanism, see Beck, 2005, 2006 and Beck & Grande, 2007.

⁴ The modern state was also characterised by its monopoly of (the ability to mediate) law. Under globalisation, sovereignty continues to assert its monopoly of legitimate violence even if its monopoly of law has long since been diluted in the global risk society.

Sovereignty is part of our *weltanschauung*. It is a given, ‘there’ even in decline. In times of crisis, we almost instinctively turn to it as a bulwark against biopolitical excesses like market failure and the calamitous consequences of anthropogenic climate change seems to be in inverse proportion to our growing cynicism about the power of states. With typical postmodern *angst*, we belabour both the possibility and the absence of international normativity in the global Hobbesian state of nature. We cling to the tail of the tiger in the vain hope that we the beast will eventually be tamed. Are the magical gatherings of sovereigns in summits an aggregated form of supreme global authority or emblematic of the disaggregated powerlessness of the handmaidens biopolitics, hubristic expressions of a declining capacity to control non-state *dispositifs* of governmentality that long since broke the bonds of sovereignty? Or do such gatherings indicate that sovereignty retains a sufficient residue of its declining powers to still impose its collective will on non-state actors who threaten the planet’s survival or the world’s financial infrastructure - especially now that the state and regulation have been rediscovered in the west? If Foucault is correct we are caught in the horns of a dilemma: by wilfully ignoring the extent to which they are co-implicated and misguidedly looking to sovereign as a bulwark against the discipline, surveillance, control and punishment of institutions of global governmentality we risk intensifying both forms of power.

There is a debate tension in the literature about the extent to which sovereignty, biopolitics and the state form are historically contingent.⁵ According to Foucault, sovereignty began to decline when the aims of government shifted from the legalised violence of the sword to the management of populations; the emergence of biopolitics signalled its gradual, uneven but irrevocable decline. Yet biopolitics seems at most to have destabilised sovereignty without dethroning it; indeed, sovereignty seemed to encourage biopower and adapt to it to such an extent that these ostensibly contradictory forms of power develop a mutual accommodation as in an unhappy relationship in which the partners are condemned to each other.

The aim of this article is to examine whether the destruction of sovereignty – characterised by an inherent impulse towards thanatopolitics on the one hand and the self-reproduction that is its *raison d’être* on the other⁶ - should be the aim of politics and, alternatively, the paradoxical possibility that postmodern sovereignty⁷ is the necessary foundation of any political community and a potential

⁵ As we shall see, whereas Agamben treats sovereign biopolitics as the ahistorical paradigm of western political modernity, Prozorov argues that biopolitics are manifested as historically contingent forms of a relatively timeless sovereignty. It can be argued that Anghie, who does not address the issue of biopolitics *per se*, would nonetheless regard it as historically contingent as he does sovereignty.

⁶ These are the two fundamental characteristics that comprise what I call sovereign rationality.

Foucault asserted that “since the population is nothing more than what the state takes care of for its own sake, of course, the state is entitled to slaughter it, if necessary. So the reverse of biopolitics is thanatopolitics” (Foucault 2000: 416).

⁷ I use postmodern sovereignty for two reasons. First, to make the argument that sovereignty is metamorphosing in the ‘postmodern’ era that follows the age of ‘modern’ sovereignty that lasted from the Peace of Westphalia in 1648 to the adoption of the Universal Declaration of Human Rights in 1948. Unfortunately, space precludes a fuller exposition of this argument. Second, I use the term in reference to Foucault’s different periodisation, namely the supersession of sovereignty by disciplinary power in the seventeenth and eighteenth centuries and its subsequent supplementation by biopower in the nineteenth – an account that, in passing, does not adequately address the contradictory relation between sovereignty and human rights.

bulwark against global risks like climate change and capitalist globalisation. Is sovereignty indispensable to sustainable development and human rights?⁸ Is it indispensable in finding solutions to problems which it has been complicit in making?⁹ Is there after all an unambiguously redeeming quality to this unique form of power that could turn it into a force *for* rather than *against* life?

Either sovereignty and biopolitics are incommensurate and parallel forms of power, as they are for Foucault and Esposito, or they coexist. Either biopower is on the way to full ascendance in a post-sovereign order or biopolitics is contingent upon unarticulated premise of sovereignty. To act as a bulwark against biopolitical governmentality, sovereignty must to some extent be opposed to the mechanisms and infrastructure of biopower even as it facilitates them.

1. *Sovereign Biopolitics*¹⁰

Foucault argued that the transition from sovereignty to biopower¹¹ took place in the seventeenth and eighteenth centuries via the control of individuals through disciplinary power, which was “absolutely incompatible with relations of sovereignty,” “the exact point-for-point opposite of the mechanics of power that the theory of sovereignty described or tried to transcribe.” Disciplinary power “is radically heterogeneous and should logically have led to the complete disappearance of the great juridical edifice of sovereignty. In fact, the theory of sovereignty not only continued to exist as, if you like, an ideology of right.” It formed the basis of European juridical codes in the nineteenth century, not least because it concealed the mechanisms and domination of disciplinary power (Foucault 2004: 35, 36). Far from replacing sovereignty, disciplinary power supplements it: “Sovereignty and discipline, legislation, the right of sovereignty and disciplinary mechanics are in fact the two things that constitute – in an absolute sense – the general mechanisms of power in our society” (Foucault 2004: 39). Foucault took great pains to distinguish the two forms of power conceptually but he “stresses their symbiosis and mutual interaction, and the necessary relations between law and the modalities of power outside it” (Golder and Fitzpatrick 2009: 23).

A century later this supposedly anachronistic form of rule is confronted by “power’s hold over life” (Foucault 2004: 239):

...I wouldn’t exactly say that sovereignty’s old right – to *take life or to let live* – was replaced, but it came to be *complemented* by a new right which does not erase the old right but which does penetrate it, permeate it. This is the right, or rather precisely the opposite right. It is the power to ‘make’ live and ‘let’ die. The right of sovereignty was the right to take life or let live. And then

⁸ Sustainable development is a contested concept. See Dryzek (2007). Escobar (1995: 195) notes how the sustainability side of the equation is undermined by the distortions of developmentalism.

⁹ On global risk, see Beck, 1992.

¹⁰ This section might more felicitously have been entitled ‘biopolitical sovereignty’ rather than ‘sovereign biopolitics.’ The latter is preferred because it suggests that sovereignty is not so much a passive victim of biopower, by which it is effectively colonised, but rather a power that actively accepts, deploys and moulds it.

¹¹ Esposito (2008: 15) makes the salient point that “there is a lexical bifurcation between the terms, used indifferently sometimes, of ‘biopolitics’ and ‘biopower.’ By the first is meant a politics in the name of life and by the second a life subjected to the command of politics.

this new right is established: the right to *make live and let die*. (Foucault 2004: 241; my emphases).

12

For Esposito, biopolitics “is primarily that which is *not* sovereignty. More than having its own source of light, biopolitics is illuminated by the twilight of something that precedes it, by sovereignty’s advance into the shadows ... whereas in the sovereign regime life is nothing but the residue or the remainder left over, saved from the right of taking life, in biopolitics life encamps at the center of a scenario of which death constitutes the external limit or the necessary contour” (Esposito 2008: 33; 34 emphasis in original). Esposito

describes the politicization of life as “immunization” or “negative protection of life”: as power takes hold of the biological foundation of the species, it finds within life itself that which can threaten it. Sovereignty thus takes place in the paradoxical movement of separating or dividing life from itself in order to protect it ... The paroxysmal paradox of this *dispositif* is that, in trying to preserve life, immunity may eliminate life itself. In order to protect “the People,” biopower can erase large sectors of the population; in order to increase health, it can destroy the body. In this vertiginous ambivalence, argues Esposito, we need to understand some of the most dramatic paradoxes of our era that, under the logic of security, can normalize and make acceptable any form of violence. (Giorgi and Pinkus 2006: 100).

In Esposito’s own words, there is a contradiction between community and immunity: “what safeguards the individual and political body is also what impedes its development, and beyond a certain point risks destroying it.”¹³

How then can we account for the continued materialisation of this illusion? Either sovereignty subsists as the necessary precondition for biopower, which it actively deploys as a means of self-reproduction, or it a rump that succumbs to “new right.” Either way, however, it endures and we live with the consequences.

Foucault regarded sovereignty as an almost exclusively Austinian juridical form of power, leading some commentators to argue that identifying the emergence of disciplinary power led him to virtually expel law.¹⁴ In my view, Golder and Fitzpatrick make the more cogent argument that law remains but takes a different form. They cite the distinction highlighted by François Ewald, Foucault’s former colleague, between the *legal* and the *juridical*:

If, as Foucault puts it, ‘the law cannot help but be armed,’ and if its weapon *par excellence* is death, this equation of law and death does not derive from the essential character of the law ... In the age of bio-power, the *juridical*, which characterized monarchical law, can readily be opposed to the *normative*... (cited in Golder & Fitzpatrick 2009: 36; emphases in original).

Law does not decline *in toto* but rather as an exclusively juridical manifestation of sovereign power. It becomes more normative (in the Foucauldian sense of normalisation) and less a punitive form of

¹² “One might say that the ancient right to *take* life or *let* live was replaced by a power to foster life or disallow it to the point of death” (Foucault 1976: 138.)

¹³ Campbell, Timothy (2006), “Interview: Roberto Esposito”, *diacritics* 36.2: 49-56.

¹⁴ Most notably Hunt and Wickham (1994) and Hunt (1992).

deduction or *prelevement*. As such, far from being expelled, it proliferates.¹⁵ Law's power may be attenuated but this does not lead to the eclipse of sovereignty, which continues to provide the juridico-political infrastructure that biopolitics requires. Indeed, Foucault warned against seeing

things as the replacement of a society of sovereignty by a society of discipline, and then of a society of discipline by, say, of government. In fact we have a triangle: sovereignty, discipline and governmental management, which has population as its main target and apparatuses of security as its essential mechanism. (Foucault 2007: 107-08).

The fact that it continues to play a central role means that the "*problem of sovereignty is not eliminated; on the contrary, it is made more acute than ever*" (Foucault 2007: 106-07; my emphasis). It endures, lurking with intent. Foucault's inability to resolve this conundrum meant that he failed to identify what Agamben calls the "hidden point of intersection between the juridico-institutional and the biopolitical models of power" so that the "Foucauldian thesis will ... have to be corrected or, at least, completed" (Agamben 1998: 6, 9). In Agamben's ahistorical conception, biopower was inscribed in sovereignty, which has remained essential unchanged, from the outset of western politics. Thus, whereas Foucault regarded biopower in a positive light, Agamben views as a negative form of power whose biopolitical capacity to "make live" increasingly manifests itself not in human wellbeing but the production of the bare lives of *homines sacri* in expanding states of exception.

Bare life is a zombie state towards the latter end of the spectrum between good life and death. In one of the few references in Agamben's work to the global South he writes almost in passing that "today's democratic-capitalist project of eliminating the poor classes through development not only reproduces within itself the people that is excluded but also transforms the entire population of the Third World into bare life" (Agamben 1998: 180). He defines sovereignty as "the production of a biopolitical body is the original activity of sovereign power" (1998: 6). Like Foucault he must also be corrected because he underemphasises the significance of death in the exercise of sovereignty. Ultimately, bare life is fully comprehensible only in terms of what it is not, i.e. death. Sovereign rationality is forever on a tightrope, balancing between the impulse to kill and the imperative to make live. In order to retain its uniqueness it can never completely abandon death, but resorting to it too much destroys the subject-objects necessary for its self-reproduction and is therefore tantamount to sovereign suicide. For Agamben, it compromises by producing bare life, but in the global South sovereign biopolitics is manifested as much by letting die as the making of bare life. Apart from the taking of life by individuals, sovereignty is almost always implicated in untimely death like those resulting from impoverishment. In its management of populations, the essential shift that occurs in sovereign biopolitics appears as a shift from proactivity to passivity, from intention to negligence or from murder to manslaughter. Janus-like, the developmental state is trapped in this tension between life and death, choosing between its thanatopolitical tendency (a lesson well learned during colonialism) and acting as a bulwark against capitalist globalisation, violating rather than protecting human rights, and

¹⁵ Golder and Fitzpatrick (2009: 37ff.) argue that viewing law in purely normative terms fails to adequately capture its full dimensions including its constitutive role in society.

too often taking life or letting die than than making live.¹⁶ These choices are circumscribed by the gap between formal and substantive sovereignty (Anghie, 2004).

1.1. *Sovereignty as Freedom*

For Sergei Prozorov, the exercise of sovereignty is a defence not only against biopolitics but, paradoxically, against itself - the basis upon which freedom can be reconstructed. Sovereignty and biopolitics are ontologically and ontically distinguishable. The former is transcendent, formal and exterior, whereas biopower is immanent, substantive and inside the diagram. Although they are radically distinct and incommensurate forms of power sovereignty paradoxically, provides the means to escape both biopolitics and (state) sovereignty itself through the exercise of what Foucault called concrete freedom. In his view, because sovereignty and bare life are structurally homologous in their Schmittian capacity to decide the exception and straddle the inside and outside of the governmental-diagram in their liminality *homo sacer* can make a sovereign decision to refuse the embrace of biopolitical love and care. His argument involves a problematic leap in which sovereignty is no longer understood in its relation to the state or as the exercise of power by a new historical agent like Hardt and Negri's multitude but effectively as a politics of refusal (very similar to Hardt and Negri) by an aggregation Kantian individuals.

Sovereignty is pure law without content, biopower is norm without the form of law (see Ojakangas 2005a). What is at stake "in the distinction between sovereignty and biopolitics is precisely the substantive orientation of power towards the life of its subjects that in the case of biopolitics no longer operates through division but rather a *synthesis*..."; "the limitlessness of biopolitics is different to the absolute character of sovereign power. Aside from its right of killing or letting live, sovereign power largely does not *care* about its subjects and it is this absence of care that differentiates it from the biopolitical tradition ... whose paradigm of intervention is indeed not decapitation but the loving embrace" (Prozorov 2007: 105-06; emphases in original).

Prozorov acknowledges that sovereignty and biopower coexist in Foucault's 'demonic' admixture¹⁷ in which there is an "uncanny coupling of absolutely incommensurable elements: the negative and the positive, the transcendent and the immanent, scarcity and plenitude, etc." (Prozorov 2007: 107). Whereas sovereignty always excludes, nothing is excluded by biopolitics, not even law in its Agambenian exclusive inclusion. Like law, biopower is inherently violent because although it disqualifies death from politics, it simultaneously allows people to be "cared to death" by the "experts of life" (Prozorov 2007: 108, citing Dillon, 2005).¹⁸ If sovereign violence "consists in inflicting unbearable

¹⁶ Achille Mbembe argues that "*commandement* (rationality of colonial rule) was based on a *regime d'exception* - that is, a regime that departed from the common law' (Mbembe 2001: 29), and elsewhere, 'the colonies are the location *par excellence* where the controls and guarantees of judicial order can be suspended - the zone where the violence of the state of exception is deemed to operate in the service of 'civilization'" (Mbembe 2003: 24).

¹⁷ "The demonic nature of the modern state is a "confluence of the murderous power of the sovereign's sword and the productive, vitalist power of biopolitics. The modern state is a monstrous unison of the executioner and the physician" (Prozorov 2007a: 57, citing Foucault 1988: 71).

¹⁸ The "'experts of life' take upon themselves the right of the deprivation of life and, conversely, the sovereign, whose historical metonymic symbol was the sword, is entrusted with the thoroughly alien function of the care of the living" (Prozorov 2007: 107).

pain on the living being through torture to the point of death, biopolitical violence consists in making life itself unbearable” (Prozorov 2007: 108). The difference is that sovereign power is lethal “but bio-power is suffocating. Consequently, bio-power may be kind but sovereign power allows for freedom” (Ojakangas 2005b: 53).

Prozorov insists that the conflation of sovereignty and biopolitics by Agamben and Hardt and Negri has the consequence that “[u]ltimately, biopower becomes little more than a new, fancier term for sovereign power or, alternatively, sovereignty becomes generalised to embrace additional functions” (Prozorov 2007: 103).¹⁹ In Agamben, the logic of sovereignty renders *zōē* and *bios* completely indistinct in a state of exception in “which sovereignty returns itself to that which it has excluded and law establishes a relation to life, to which it is otherwise unrelated...” (Prozorov 2007: 104). Pure sovereignty is manifested not in state power or by a new historical agent like Hardt and Negri’s multitude but in *homo sacer*’s affirmation of the bareness of his life, and it is this that finally enables him to escape both biopolitics and sovereignty as it is conventionally understood. “If resistance to sovereignty, which in all its versions is essentially a relationship of command, consists in disobedience and revolt against the existing locus of supreme authority, resistance to biopower must abandon its fixation on the figure of the sovereign and instead take the form of the *refusal of care*, an attitude of indifference no longer to the threat of power, but to its loving embrace” (Prozorov 2007: 111).

As I have demonstrated above, Prozorov misunderstands the nature of the relationship between sovereignty and biopolitics, which is one of interdependence rather than mutual exclusivity. Moreover, there is an implicit acknowledgement in his argument that sovereignty is the spectral, lurking shadow of biopolitics. For example, “There is an uncanny resemblance between what Agamben finds intolerable and what he describes in terms of a messianic redemption. Indeed, isn’t a form of life exhausted in bare life precisely the form of sovereign abandonment, in which it is *now the sovereign itself that is abandoned by its subjects?*” (Prozorov 2007: 114; my emphasis). Similarly, the “caesura between ‘sovereign power’ and ‘bare life’ that has defined modern politics as we know it is mended in the emergence of the sovereign power *of* bare life, which remains abandoned, but no longer to anything external, but merely to its own potentiality and hence to its own freedom. Thus, we may finally define ‘sovereign life’ as a life that is wholly and irreparably abandoned to *itself*” (Prozorov 2007: 122-23; emphases in original). In an unsustainable contradiction, sovereignty must thus be reaffirmed at two levels, “as the transgressive foundation of every diagram and as the stake in the struggle for its expulsion from the lives of its subjects” (Prozorov 2007: 123). Ridding sovereignty of any thanatopolitical residue, Prozorov constructs it as tilt against a windmill that can be beaten if we celebrate and embrace bare life.

¹⁹ Prozorov appears to contradict himself in arguing that “If biopolitics substantialises power, taking it beyond the absolute negativity of the ‘unconditional threat of death’ towards the positive administration of people and things, it can’t be ‘indistinct’ from sovereignty” (Prozorov 2007: 114).

It is not enough to argue that sovereignty is mere form. If the problem of power is not its exteriority but its immanence, it cannot be solved by conceiving biopolitics and sovereignty as parallel forms of power and ascribing to the latter an exterior ontological formalism with no ontic dimensions:

the pathway of resistance must consist in the gesture opposite to that of Hardt and Negri, i.e., the *relegation of power to a position of pure exteriority*, i.e., the refusal of biopolitics through what ironically appears to be a certain reaffirmation of sovereignty. In other words, the objective of resistance is not freedom *from* the transcendent apparatus of power but rather freedom *within* the immanent space of biopolitical production. The target of resistance is thus biopolitical production itself, i.e., the production of *power over life* that maximises the capacities of man as an object of government and simultaneously diminishes the freedom of man in the sense of the *power of life* that precedes the deployment of biopolitics. To assert one's power as a living being against the power, whose paradigm consists in the 'care of the living', is to affirm the radical autonomy of the human being that precedes governmental care and does not require governmental love to sustain its life. (Prozorov 2007a: 64-65; emphases in original).

Freedom will be forged by an ahistorical, non-essential, pre-identitarian subject whose resistance is called forth by power. The "first step in articulating a mode of resistance to this dual structure of power relations is to dissociate sovereignty and biopolitics, citizen and man. Man does not have rights, only citizens do. Man, on the other hand, possesses *freedom*, a freedom of a living species that precedes politics and conditions its possibility. One can resist political power not because one has rights (which, as an object of law, are logically always an effect of political power) but precisely because one *does not* have them as a living being, because the being of man precedes politics, citizenship and rights" (Prozorov 2007a: 61; emphases in original). Instead of seeking to deny sovereignty's transcendence, the aim should be to reintroduce it into biopolitical immanence: "If the transcendent aspect of sovereign power is contained in the figure of the sovereign exterior to the immanence of the life of its subjects, a sovereign who kills but does not care, the transcendent moment of immanentist biopolitics may well be embodied by the figure of a living being who does not care so much for being cared for by power, a being that rebels against being 'cared to death' and would rather die (or kill) than live *like that*." He agrees with Foucault and Agamben that there is nothing to be gained by "resisting biopower on the terrain of sovereignty with its conceptual armour of laws and rights. However, it is possible to resist biopower on its own terrain by asserting the 'power of life' against the 'power over life'..." (Prozorov 2007a: 62).²⁰ However, on Prozorov's own argument, there is equally no point in resisting biopolitics as if it was detachable from sovereignty because the latter is the irreducible *sine qua non* of any political community. As such, it is impossible to conceive an exclusively biopolitical from which the possibility of the exception has been banished.

Too readily accepting Foucault's assertion that biopolitics superseded sovereignty and too insistent on their distinctiveness, he elides the extent to which they are co-implicated. We are very far from

²⁰ This argument involves a misunderstanding of law as entirely Austinian, a common lapse amongst Foucauldian scholars for which Foucault himself may be responsible. As Golder and Fitzpatrick (2009) point out, such an approach tends to neglect or underemphasise law's constitutive role in society. In addition, it tends to confuse and conflate norm and normalisation on the one hand, and the extent to which law operates as the infrastructure of biopolitics and, as such, as a normative brake on biopower. This is demonstrated in ways in the tension between law as bioethics and biopolitics as biotechnology, a subject to which Foucault devoted extended output, not least in his analysis of Nazism as thanatopolitical sovereign suicide (Foucault, 2004).

the complete evacuation of sovereignty by a power that, recalling Marx, consists solely in the administration of people and things. Like sovereignty, biopower is deductive and negative: as much about taking – profit, land and life – as caring. Criticising Agamben and Hardt and Negri for conflating them, Prozorov arguably does the same thing. Sovereignty is magically transformed from an external power that produces *homo sacer* into a power that he himself possesses. In this Kantian individualisation of sovereignty the abducted, disempowered figure of *homo sacer* becomes the source of his own redemption. Containing the potential to be the negation of a negation in a form that belies its inherent predilection towards death, sovereignty becomes the solution to sovereignty in a way that empties the concept of meaning. If, in this exercise of concrete freedom *homo sacer* escapes his biopolitical prison, where does he end up? In truth, Prozorov succeeds only in highlighting the extent to which biopolitics is not sovereignty's antidote but its continuation by other means. In appearing to suggest that the refusal of suffocating biopolitical care can finally resolve the problem of sovereignty, he merely begs the question in different terms.

2. *Impoverished Development*

According to the Russian proverb, “the rich would have to eat money, but luckily the poor provide food.” Since the creation of wealth is predicated on impoverishment, the rich produce the poor, who suffer doubly: in the production of wealth and for the avaricious excesses of the rich. In times of crisis, the poor suffer first and worst. Baxi argues that the “trouble with the word ‘poverty’ is that it is a passive word, suggesting a state of social affairs, which has to be confronted, as best they can, by state and society, and until then to be endured by those called ‘poor.’ The words ‘poverty’ and ‘poor’ *normalize* what should be centrally *problematic*.” In contrast, impoverishment is not a natural state but a “*dynamic process of public decision-making in which it is considered just, right and fair that some people may become or stay impoverished*” in which people are made poor” (Baxi 1988: vi; emphases in original). It is a deliberate process of pauperisation (Amin, 2003; Escobar, 1995) but in the Western mindset is generally viewed as arising from natural causes. The role of human agency in the most destructive biopolitical *dispositifs* like colonialism, imperialism and developmentalism is thereby masked.

2.1 *Developmentalism*

Escobar demonstrated how the combination of power and knowledge makes development a biopolitical discourse *par excellence*. ‘Expert’ intervention transformed it into developmentalism, an ideology masquerading as science (something with which it has in common with economics) that promised to solve the conundrum of underdevelopment and eliminate poverty. Based on the fetish of eternal economic growth, it has fixated on measurements like GDP and per capita income. “Poverty on a global scale was a discovery of the post-World War II period ... [M]assive poverty in the modern sense appeared only when the spread of the market economy broke down community ties and deprived millions of people from access to land, water, and other resources. With the consolidation of capitalism, systemic pauperization became inevitable” (Escobar 1995: 22). After 1945, two-thirds of the world’s population were constructed as poor in an “economic conception of poverty [that] found an ideal yardstick in ... annual per capita income” (Escobar 1995: 23).

Almost by fiat, two-thirds of the world's peoples were transformed in poor subjects in 1948 when the World Bank defined as poor those countries with an annual per capita income below \$100. And if the problem was one of insufficient income, the solution was clearly economic growth ... That the essential trait of the Third World was its poverty and that the solution was economic growth and development became self-evident, necessary, and universal truths. (Escobar 1995: 23-24).

With decolonisation, neo-colonialism dictated that the modernisation of underdeveloped countries was a problem that could be solved only by imitating the West, from which tutelage and salvation would be delivered to the feckless and idle impoverished of the South. Like all ideologies:

Development promises a comprehensive final answer to all of society's problems, from poverty and illiteracy to violence and despotic rulers. It shares the common ideological characteristic of suggesting there is only one correct answer, and it tolerates little dissent. It deduces this unique answer for everyone from a general theory that purports to apply to everyone, everywhere. There's no need to involve local actors who reap its costs and benefits. Development even has its own intelligentsia, made up of experts at the International Monetary Fund (IMF), World Bank, and United Nations. (Easterly 2007:31).

The World Bank and the IMF present this pseudo-science as naturalised commonsense and challenge those who condemn it as irrational. In an almost pathological form of cognitive dissonance, these international financial institutions (IFIs) view the failure of developing countries to modernise along Western lines by following their nostrums as the cause poverty rather than the inevitable outcome of policies with endless conditionalities designed to reproduce underdevelopment. Ostensible solutions like the Millennium Development Goals (MDGs) address the symptoms instead of the underlying structural causes of impoverishment. Indebtedness, structural adjustment programmes (now spun by the World Bank as poverty reduction strategies) and free trade are biopolitical mechanisms designed to reproduce dependency. With the complicity of local elites, Third World poverty was constructed by the West. Too often, the result has been sustained underdevelopment.²¹

2.2 *Neo-liberalism*

In the early 1980s, developmentalism was overdetermined by Anglo-American neo-liberalism that laid the foundations for the global economic crisis that began in 2007.²² Setting out to destroy the post-war welfare state settlement, America and Britain resorted to a combination of Hayek's libertarianism and Friedmanite monetarism in order to reassert the dominance of capitalism.²³ The mantra of the market fundamentalists who imposed it was 'market good, state bad' and their favoured biopolitical techniques were deregulation, liberalisation, privatisation and denationalisation. The IFIs imposed drastic structural adjustment programmes (at a time when Western banks were being encouraged to recycle petrodollars in a process that would massively increase the indebtedness of the

²¹ Put another way, the most sustainable feature of development has been exploitation and profit.

²² It began as a financial crisis that became the biggest economic crisis since the Great Depression on 9 September 2008, the day on which Lehman Brothers collapsed and a date now referred to by some in an appropriately apocalyptic allusion as 9/15.

²³ With a few honourable exceptions like Amartya Sen, the damage inflicted on the global South by Nobel economics laureates is incalculable.

global South) containing harsh conditionalities that later included ‘good governance.’²⁴ This onslaught against the world’s poor was facilitated by capitalist globalisation, which was characterised by rise of information technology, biotechnology, and the compression of time and space that enabled markets and transnational corporations (TNCs) to be unleashed around the world.²⁵ Consistent with the ideology, sovereignty’s capacity to let die was sub-contracted.

By the end of the decade, the fall of the Berlin Wall led to erroneous proclamations about the triumph of liberal democracy and the end of history. Towards the end of the millennium, Gordon Brown, then Chancellor of the Exchequer, trumpeted the end of ‘boom and bust’ and celebrated markets, which history teaches have always failed, as alchemists.²⁶ As Sen points out, “early advocates of the use of markets, including [Adam] Smith, did not take the market mechanism to be a freestanding performer of excellence, nor did they take the profit motive to be all that is needed ... He was not only a defender of the role of the state in providing public services, ... he was also deeply concerned about the inequality and poverty that might survive an otherwise successful market economy.”²⁷ Marx had demonstrated capitalism’s inherent tendency towards crisis, but ideologues do not let empirical facts or the lessons of history get in the way.

Discussing, Foucault argued that the form neo-liberalism assumed in Germany, ordoliberalism, sought to “adopt the free market as organizing and regulating principle of the state, from the start of its existence up to the last form of its interventions. In other words: a state under the supervision of the market rather than a market supervised by the state” (Foucault 2008: 116). Neo-liberalism differs from previous forms of liberalism in two ways. First, it involves a redefinition of the roles of and the relation between the state and the market. Second is the basis of government: “Neo-liberal thought has a central point of reference and support, namely *homo oeconomicus* ... Neo-liberalism no longer locates the rational principle for regulating and limiting the action of government in a natural free-

²⁴ ‘Good governance’ went beyond the remit of the IFIs on any reasonable interpretation of their constitutive documents. Essentially comprising the imposition of liberal democracy and the rule of law no matter whether these were consistent with the choices or histories of the countries affected, the IFIs speciously argued – in an ironic vindication of Marx’s dictate that economics can never be detached from politics - that the mandates they enjoyed in respect of economic affairs could not be fulfilled unless the ‘appropriate’ legal and political infrastructure was put in place. It was precisely this developmentalist posture that led Trubek and Galanter (1974) to lament the failure of the first law in development movement.

²⁵ A good example is the Thatcher government’s ‘big bang’ deregulation of financial institutions in the City of London. In different ways non-governmental organisations whose survival depends to some extent on sustaining poverty as a global social problem have also been complicit.

²⁶ “Ideology proclaimed that markets were always good and government always bad. While George W. Bush has done as much as he can to ensure that government lives up to that reputation—it is the one area where he has overperformed ... While Bush’s ideology led him to underestimate the importance of government, it also led him to underestimate the limitations of markets ... [I]n a sleight of hand, free-market economists promoted the idea that, once the economy was restored to full employment, markets would always allocate resources efficiently. The best regulation, in their view, was no regulation at all, and if that didn’t sell, then “self-regulation” was almost as good. The underlying idea was, on the face of it, absurd: that market failures come only in macro doses, in the form of the recessions and depressions that have periodically plagued capitalist economies for the past several hundred years” (Joseph Stiglitz, “Reversal of Fortune”, *Vanity Fair*, November 2008: <http://www.vanityfair.com/politics/features/2008/11/stiglitz200811>).

²⁷ Amartya Sen, “Capitalism Beyond the Crisis”, *New York Review of Books* 56:5, 26 March 2009: <http://www.nybooks.com/articles/22490>.

dom that we should all respect, but instead it posits an artificially arranged liberty: in the entrepreneurial and competitive behaviour of economic-rational individuals” (Lemke 2001: 200).

In 2001, the ‘war on terror’ was added to this chronology and the politics of fear placed American security against a threat it helped to create above food security, and unilateral sovereign prerogative above human rights in a self-fulfilling clash of civilisations. In a fateful concoction, neo-conservatism was added to neo-liberalism in the hubristic ‘project for an American century.’

This necessarily brief history brings us to the present conjuncture and the concatenation of the twin crises of global warming and worldwide economic meltdown in which neo-liberalism has been a common factor. On the one hand, faith in the magic of deregulated markets resulted in the decision to make the ‘cap and trade’ regime the centrepiece of the Kyoto Protocol.²⁸ This produced a carbon market that was designed to fail to correct the inability of capitalism to address what the Stern Review described as “the greatest or widest-ranging market failure ever seen.”²⁹

3. *Twin Crises and Global Risk*

The paradoxical capacity of sovereignty to make live or let die is illustrated by the intersection of the global economic crisis and climate change. Global warming exacerbates famines, floods and droughts and undermines the capacity of developing countries to adapt and mitigate its effects. The economic crisis deepens their impoverishment and undermines their capacity to deal with global warming.

3.1 *Climate Change*

There is an overwhelming scientific consensus that anthropogenic climate change is warming the planet to a dangerous degree.³⁰ Unless the emission of greenhouse gases can be stabilised at a maximum of 450 ppm and then reduced, average temperatures will rise between 4 and 6C and by the end of the century rising sea levels will threaten the livelihoods of 600 million people and displace up to 10% of the world’s population.³¹ A 4C in temperatures above pre-industrial levels could result in the Amazon rainforest shrinking by 85% within 100 years.³²

Developing countries will be hit first and worst.³³ Their relative inability to deal with flooding, water shortages and desertification is likely to lead to social unrest. Long-term drought will create millions

²⁸ Signed in December 1997, it came into force in February 2005. The carbon market has signally failed to reduce or stabilise greenhouse gas emissions.

²⁹ *Stern Review: The Economics of Climate Change*, 2006; Executive Summary, p. 1 (http://www.hm-treasury.gov.uk/d/Executive_Summary.pdf)

³⁰ Intergovernmental Panel on Climate Change (IPCC), Fourth Assessment Report: *Climate Change: Synthesis Report* (2007) (www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf). See also Adelman (forthcoming, 2009).

³¹ “Sea level could rise more than a metre by 2100, say experts”, *The Guardian*, 11 March 2009 (<http://www.guardian.co.uk/environment/2009/mar/11/sea-level-rises-climate-change-copenhagen>).

³² “Amazon could shrink by 85% due to climate change, scientists say”, *The Guardian*, 11 March 2009 (<http://www.guardian.co.uk/environment/2009/mar/11/amazon-global-warming-trees>).

³³ This is due to a combination of the accident of geography and the legacies of colonialism, developmentalism, neo-liberalism and northern industrialisation.

of environment refugees (for whom there is no adequate international human rights regime) and further undermine food security. Swaths of agricultural land will be lost to flooding due to the rise in sea levels, particularly on the Asian sub-continent where more than 17 million Bangladeshis are threatened and between 160 million and 370 million worldwide by 2100. Perversely, droughts will be experienced in west Asia, the Middle-East, Central America, the Mediterranean and the Amazon basin. Climate change has been a contributory factor to the conflict in Darfur and will probably cause wars elsewhere.³⁴

By early 2009, scientific evidence suggested that global warming had become irreversible. Even if negotiations about a successor to the Kyoto Protocol produce a coherent response temperatures are predicted to rise by 4C by 2100. NASA scientist James Hansen believes that Kyoto II is “guaranteed to fail” to reduce emissions³⁵ and George Monbiot argues that hopes of mitigating climate change under the UN Framework Convention on Climate Change appear to have failed, leaving adaptation – for which less developed countries have insufficient resources - as the only option. A rise of 3C is likely to result in an overall decrease in global food production and the world’s vegetation becoming a “net source of carbon.” In early 2009, developed countries had disbursed 5 percent of the \$18 billion promised to poor countries for adaptation, much of which was transferred from aid budgets. The result is:

a net gain for the poor of nothing. Oxfam has made a compelling case for how adaptation should be funded: nations should pay according to the amount of carbon they produce per capita, coupled with their position on the human development index. On this basis, the US should supply more than 40% of the money and the European Union over 30%, with Japan, Canada, Australia and Korea making up the balance ... The ecological debt the rich world owes to the poor will never be discharged, just as it has never accepted that it should offer reparations for the slave trade and for the pillage of gold, silver, rubber, sugar and all the other commodities taken without due payment from its colonies ... The world won't adapt and can't adapt: the only adaptive response to a global shortage of food is starvation.³⁶

Paradoxically, global warming comprises both the biggest risk facing humanity and an unprecedented opportunity for the emergence of a more rational and equitable global juridico-political order. It provides an opportunity for states to demonstrate their capacity to make live, but only by subordinating their sovereign prerogatives. Insistence by rapidly developing countries like India and China (which is now the biggest polluter on the planet) that this is now their time to develop in the same ways as rich countries did is self-defeating and nihilist because it will undermine their capacity to do so in the long-term. At the same time and for the same reasons, developed countries must counter justifiable accusations of hypocrisy and hidden forms of protectionism. First, all countries, big and small, rich and poor must be involved. Second, the minimally acceptable outcome must be

³⁴ The facts in this paragraph are derived from the UK Met Office (<http://www.metoffice.gov.uk/climate-change/guide/effects/security.html>).

³⁵ “Leading climate scientist: ‘democratic process isn't working’”, *The Guardian*, 18 March 2009: <http://www.guardian.co.uk/science/2009/mar/18/nasa-climate-change-james-hansen>.

³⁶ George Monbiot, “If we behave as if it's too late, then our prophecy is bound to come true”, *The Guardian*, 17 March 2009 (<http://www.guardian.co.uk/commentisfree/2009/mar/17/monbiot-copenhagen-emission-cuts>). See also Oxfam Briefing Paper 104, May 2007, “Adapting to climate change: What’s needed in poor countries and who should pay” (<http://www.oxfam.org/sites/www.oxfam.org/files/adapting%20to%20climate%20change.pdf>)

to stabilise and then reduce GHG emissions at levels consistent with the scientific consensus. Third, if insistence on the carbon market is adhered to despite the implosion of neo-liberalism, the price per tonne of carbon emissions must be set at a level that makes it viable to adopt cleaner technologies and loopholes that facilitate cheating must be closed. Fourth, rich countries, which historically caused the problem by pursuing ecologically disastrous economic policies, must make sufficient resources available to enable developing countries to mitigate and adapt *without* undermining their ability to pursue development policies designed to reduce impoverishment. This inevitably involves two things: a massive redistribution of global resources and an equally large rethinking of development policies that sacrifice the false god of GDP in favour of quality of life measures. The growth of inequality – both within and between countries – that was a direct outcome of neoliberal globalisation must be reversed, not merely because it is morally unacceptable but because the future of the planet depends upon it.

Climate change is a global risk that is simply not susceptible to modern sovereign rationality based on unilateralism and exceptionalism. Carbon emissions do not respect borders and cannot be killed. The only viable solution is a multilateral international legal regime that provides for sanctions and a strong dispute settlement mechanism. It is sadly ironic that the WTO, the organisation most responsible for imposing the biopolitical disciplines of neo-liberalism, should provide a template for what is possible – but, as with the rescue of the Western banking system, it demonstrates what is possible when the masters of the universe set their minds to it.

At the same time, however, it is, if not directly counter to it, at least demands an attenuation or subordination of it inconsistent with its contemporary understanding – not least by the two biggest adherents to modern sovereignty, China and the United States.... Negotiations on Kyoto II begin in Copenhagen in December, 2009. The shape and contents of the new protocol will be decided by sovereign states which decided, consistent with neoliberal fundamentalism, that a carbon market would be the centrepiece of Kyoto I. It was a market designed to fail.

Climate change will either sound the death knell of Realism – the idea that states are impelled to operate according to narrow interest rather than loftier ideals like human rights and peace – or vindicate it entirely because it leads inexorably to an unavoidable logic. Because global warming does not respect borders, any state that refuses to curb carbon emissions is acting nihilistically and counter-productively and undermining its own long-term prospects for development. It is a problem that can only be dealt with collectively. This is (almost literally) a problem in which we cannot sink or swim alone. It therefore suggests, in embryonic form, the outlines of a rational cosmopolitan future [not like Beck, who assumes it's here or wills it into existence] dictated not by Kantian liberalism but the unavoidable rigorous dictates of logic. We can choose multilateralism and rationality over unilateralism and exceptionalism or we can choose to commit collective suicide.

We may agree with Giddens when he writes that “Every crisis, Sigmund Freud said, is potentially a stimulus to the positive side of the personality and an opportunity to start afresh. Today we are facing two global crises in tandem - the economic recession and climate change. Both are deeply worry-

ing, but what is their relationship likely to be?³⁷ The key questions that this begs in light of the concatenation of the crises are what the implications will be for poverty and what starting afresh should entail. If this means overcoming a temporary regulatory blip in order to return to business as usual, we should not waste our time. At the very least it is necessary to understand (i) that the two crises are inextricably linked, (ii) that the neo-liberal model of global capitalism is bust, (iii) that development must be reconceptualised and reappropriated by the impoverished and immiserated, and (iv) that the state and regulation are as important as markets.

3.2. *The 'Great Recession'*

Fatefully, the biggest global economic crisis since the Great Depression began to unfold at the same time that scientific evidence suggested that the extent and pace of global warming had if anything been underestimated. When the credit crunch turned into the biggest economic crisis since the Great Depression, vast amounts of money were found to fund a form of socialism for banks in sharp contrast to the failure of the same countries to commit 0.7% of GDP to development aid or adequately to fund the Millennium Development Goals (MDGs).³⁸ Euphemistically termed the Great Recession by the head of the IMF, the crisis exposed the consequences of unregulated capitalist globalisation. The economic crisis was facilitated by states' collusion in the decentring and deterritorialisation of their sovereignty on the specious pretext that markets had effectively become an uncontrollable tsunami. However, whereas it is hoped that the global economy will eventually be rectified, the volume of voices arguing that global warming is now irreversible is increasing as the evidence mounts up. The erstwhile masters of the universe assume that it will be possible to return to business as usual in a slightly attenuated form with a minimum of social, political, economic and cultural upheaval, such changes are necessary on unprecedented scales if global warming is adequately to be addressed. Common to both crises is the necessity for a degree of multilateral co-operation that is not possible through traditional manifestations of sovereign rationality. By their very nature global risks are oblivious of borders, territory and jurisdiction. What distinguishes them is the contradiction between the argument that states are capable of re-regulating global markets and the cap-and-trade ideology at the centre of the UN Framework Convention on Climate Change.

In its Global Monitoring Report UNESCO argued that the economic crisis would have a severe impact on internationally agreed development targets.³⁹ Its authors "estimate that reduced growth in 2009 will cost the 390 million people in sub-Saharan Africa living in extreme poverty \$18bn, or \$46 per person.⁴⁰ The projected loss represents 20 per cent of the per capita income of Africa's poor – a figure that dwarfs the losses sustained in the developed world." The GMR warned that "[t]hese

³⁷ Anthony Giddens, "The climate crunch heralds the end of history", *The Guardian*, 11 March 2009: <http://www.guardian.co.uk/commentisfree/2009/mar/11/climate-change-carbon-emissions>. Would it be churlish to point out that prognosticators of the end of history do not have a particularly good record?

³⁸ At the time of writing, the scale of the economic crisis might be argued not to be as extensive as that of the Great Depression, but in retrospect it will prove a close run thing at the very least.

³⁹ Education For All – Global Monitoring Report (2009), *Overcoming inequality: why governance matters* (UNESCO); <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.

⁴⁰ Ironically the amount that rich countries have pledged to combat global warming.

numbers will bring the region's limited progress in poverty reduction to a shuddering halt."⁴¹ As the crisis intensified, international aid necessary to reduce fiscal pressure diminished. For example, the EU's aid commitment to provide 0.56% of GDP in aid by 2010 was being discounted to the extent that its real financial value is likely to be \$4.6bn lower.

Rich countries have long paid lip service to the problem of poverty. They have repeatedly failed to make good a promise to dedicate 0.7% of GDP to aid or to resolve the debt crisis.⁴² In the teeth of overwhelming evidence to anyone with a rudimentary knowledge of economics they continue to insist on conditionalities that reproduce impoverishment. In a speech to the US Congress a day after the GMR report was published British prime minister Gordon Brown, one of the architects of casino capitalism argued "wealth must help more than the wealthy, and riches must enrich not just some of our community but all our community."⁴³ And pigs will learn to fly.

During global economic crises of such magnitude LDCs suffer from the diversion of resources away from aid and increased levels of indebtedness as they are forced to turn yet again the IMF. Given its record, perhaps the most perverse decision made at the G20 London summit in March 2009 was to extend the reach of the IMF. Noticeably absent from its 'achievements' were an expansion of debt cancellation and the creation of a transparent and accountable debt tribunal, movement towards a fair trade regime, or acceptance of the need to remove conditionalities such as 'good governance'. Time will tell how meaningful will be proposals to reform the IFIs (whether they will become more representative without privileging rapidly developing over less developed countries)⁴⁴ and to crack down on tax havens, tax evasion and illicit capital flight capital. A symptom of the ideological bankruptcy of global capitalism was the assumption that implicitly underpinned the summit: that correcting the regulatory failure of financial markets would make it possible to return to something approaching business as usual, i.e. the reproduction of impoverishment and death.

4. Conclusion

Sadly, the concatenation of the two crises is likely to exacerbate rather than reduce impoverishment. In fact, there are not two crises but two sides of the same coin. Business as usual led to anthropogenic climate change which dictates the necessity for new models of clean development. The absence of regulation resulting from market fundamentalism that led to the credit crunch also makes it impossible to combat climate change. *Laissez faire* is broken – hopefully forever, but don't hold your breath. Unless and until the underlying causes of impoverishment, reflected in the structural inequities of the global political-economy, are addressed, things will either remain the same get worse. As

⁴¹ UNESCO Press Release, 3 March 2009, available at http://portal.unesco.org/en/ev.php-URL_ID=44687&URL_DO=DO_TOPIC&URL_SECTION=201.html.

⁴² In 1970, rich countries undertook to devote 0.7% of GDP to development aid, a promise that was reaffirmed at the 1992 United Nations Conference on Environment and Development in Rio de Janeiro and again at the 2002 UN International Conference on Financing for Development in Monterrey. This undertaking is also the basis for the MDGs. By 2005, only five countries (Denmark, Luxembourg, the Netherlands, Norway and Sweden) had fulfilled this promise.

⁴³ "Brown's call to US: Seize the moment to tackle world crisis", *The Guardian*, 5 March 2009; (<http://www.guardian.co.uk/world/2009/mar/05/gordon-brown-congress-world-crisis>).

⁴⁴ A divide and rule strategy separating rapidly developing states like India, Brazil and South Africa from less developed countries at a time when solidarity and a successor to the non-aligned movement is urgent.

the French say, *plus ça change, plus c'est la même chose*. By itself, the economic crisis will undermine development by reducing prices and demand for primary commodities, and slash aid. At the same time, it will drain away the resources needed by developing countries to deal with global warming. Together, the two crises constitute a potentially devastating setback to their capacity to simultaneously address climate change and poverty.

What is at stake is nothing less than the idea of development itself. First, the dominant notion of development based on eternal increases in GDP is unsustainable. Different measures must be adopted that privilege social welfare over conspicuous consumption. Inequality, both within and between states, must be addressed and the future of the planet must take precedence over the tyranny of unregulated markets and the false god of profit. Understood as endless growth based carbon-fuelled industrialisation, development is now turning into its antithesis by destroying the resources that make it possible. First, the false gods of developmentalism and neo-liberalism must be slain. The fallacious notion that there is a single path to development (essentially involved Western-style modernisation) must be jettisoned along with the calamitously stupid idea that unregulated markets are an unmitigated good. Like development, human rights must be reappropriated in the name of humanity; to this end, what Baxi calls the trade-related, market friendly human rights regime that emerged with neo-liberalism must be overturned (Baxi, 2005).

Second, the rediscovered role of the state must be acknowledged. Developing countries must be allowed to 'own' and decide their own strategies of development without the kind of conditionalities historically imposed by the IFIs – in paradoxically, a reaffirmation of (substantive) sovereignty and self-determination. Ironically, the IMF argued that “[c]urrent financing constraints make it even more important for donors to ensure that aid is predictable, transparent and *aligned with the policy priorities of the recipients*. Aid would be particularly useful now.”⁴⁵ Structural impediments to development must be removed, not least the WTO's obsession with free trade. For the Doha round to be brought to a satisfactory conclusion, northern agricultural subsidies must be removed and viable access to its market (included value-added finished goods) permitted.⁴⁶ This is the main contribution that developed countries can make to combating poverty, to back up empty promises with action. This is, however, a necessary but insufficient condition because any gains likely to result if this came about are likely to be undermined by the effects of global warming.

Third, the science and economics of climate change dictate a substantial redistribution of global resources to enable developing countries to adapt to global warming and to mitigate its effects.

Demanding these levels of redistribution during a global economic crisis might seem utopian, but any talk of a global new deal will otherwise ring hollow. The richest countries on the planet have proved that the billions necessary to recapitalise banks and ring fence toxic 'assets' can be found.

⁴⁵ IMF (2009), *Impact of the Global Financial Crisis on Sub-Saharan Africa*, p. 10, my emphasis <http://www.imf.org/external/pubs/ft/books/2009/afrglobfin/ssaglobalfin.pdf>.

⁴⁶ The list of specifics is much longer and includes, *inter alia*, closing tax havens as a major means of dealing with tax evasion, dealing with the bonus culture, a maximum wage, restructuring of the IFIs and the WTO – in general, greater democracy, transparency and accountability. This implies the possibility that the Bretton Woods structures can and should be reconstructed, something that is not self-evident.

Now is the time for them to prove that resources can be found to deal with the twin global emergencies of climate change and impoverishment. What is clear is that one cannot be addressed without the other.

It would, of course, be useful if at the same time developing countries could finally begin to deal with corruption, cronyism, elitism, authoritarianism and find the backbone to resist complicity with neo-liberalism – but we may have to move one step at a time.⁴⁷

The war crimes trials following the second world war and the Universal Declaration of Human Rights inaugurated in period in which sovereign immunity and impunity have come under increasing attack. However, the focus must be as much on circumscribing or removing sovereignty's indifference, demonstrated by its willingness to let die, as on its prerogatives to torture and kill. If not, it can never be a proper safeguard against climate change, impoverishment or anything else.

Facing these twin crises, progressives will be culpable if they fail to offer viable alternatives. The time has come for radical rethinking. Under neoliberal capitalism, based on the fundamentalist assertion that markets are good and states are bad, the role of markets went largely unquestioned. But the question needs to be asked again: what are markets for? The assumption had been that the answer to this is self-evident. To put it another way, we need to invert the assumption that people exist to serve markets and to see markets – to the extent possible under capitalism – as existing for ends beyond themselves. Markets have existed in all societies, from barter to complicated exchange...

The good elements and connotations of development must be reclaimed. Instead of being based on the fetish of growth as a national symbol of virility or, like markets, regarded as an end itself, it must be subordinated to higher ends like the elimination of impoverishment and sustaining the planet. It should be life enhancing rather than soul destroying, aimed at finally vindicating Foucault's assertion that biopolitics is about making live not letting die. For this to occur, biopolitics must finally escape the trap of sovereign rationality.⁴⁸

⁴⁷ On corruption in Kenya specifically, but with wider lessons about the complicity of TNCs, see Wrong (2009).

⁴⁸ Marx probably did not envisage biopower when he wrote about the administration of things... This argument should not be taken to imply either that biopolitics is a terminus or that it is an unadulterated good – as Foucault repeatedly argued, power inevitably begets resistance. The discourse of developmentalism must be resisted.

Bibliography

- Adelman, Sam (2008), "Between the Scylla of Sovereignty and the Charybdis of Human Rights: The Pitfalls of Development in Pursuit of Justice", 2 *HR&ILD* 1
- (2009), "Rethinking Human Rights: The Impact of Climate Change on the Dominant Discourse" in Humphreys, Stephen (ed.), *Human Rights and Climate Change* (Cambridge University Press, forthcoming).
- Anghie, Antony (2004), *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press: Cambridge).
- Agamben, Giorgio (1998), *Homo sacer: sovereign power and bare life* (Stanford University Press: Stanford).
- Amin, Samir (2003), "World Poverty, Pauperization & Capital Accumulation", *Monthly Review* 55:5 (<http://www.monthlyreview.org/1003amin.htm>).
- Baxi, Upendra (1988), Introduction to *Law and Poverty* in Upendra Baxi (ed.) (N. M. Tripathi: Bombay).
- (2005), *The Future of Human Rights* (2nd Ed.), (Oxford University Press: Delhi).
- Beck, Ulrich (1992), *Risk Society: Towards a New Modernity* (Sage Publications: London).
- (2005), *Power in the Global Age: A new global political economy* (Polity Press: Cambridge).
- (2006), *Cosmopolitan Vision* (Polity Press: Cambridge).
- Beck, Ulrich and Grande, Edward (2007), *Cosmopolitan Europe* (Polity Press: Cambridge).
- Dillon, Michael (2005), "Cared to Death? The Biopoliticised Time of Your Life", *Foucault Studies* 2: 37-46.
- Dryzek, John (2007), "Paradigms and Discourses" in Daniel Bodansky; Jutta Brunnée and Ellen Hey (eds.), *The Oxford Handbook of International Environmental Law* (Oxford: Oxford University Press).
- Easterly, William (2007), "The Ideology of Development", *Foreign Policy* 161, July/August 2007.
- Escobar, Arturo (1995), *Encountering Development: The Making and Unmaking of the Third World* (1995: Princeton University Press: Princeton).
- Esposito, Roberto (2008), *Bíos: Biopolitics and Philosophy* (University of Minnesota Press: Minneapolis).
- Foucault, Michel (1976), *The History of Sexuality: An Introduction, Vol. 1* (Penguin Books: London).
- (1988), "Politics and Reason" in Kritzman, L. D. (ed.), *Michel Foucault: Politics, Philosophy, Culture. Interviews and Other Writings: 1977-1984* (Routledge: London).
- (2000), *Power. Essential Works of Michel Foucault 1954-1984. Volume 3*, James D. Faubion (ed.) (New Press: New York).
- (2004), "*Society Must Be Defended*": *Lectures at the Collège de France, 1975-76* (Penguin: London).
- (2007), *Security, Territory, Population: Lectures at the Collège de France, 1977-78* (Picador: New York).
- (2008), *The Birth of Biopolitics: Lectures at the Collège de France, 1978-79* (Palgrave MacMillan: Basingstoke).
- Giorgi, Gabriel and Pinkus, Karen (2006), "Zones of Exception: Biopolitical Territories in the Neoliberal Era", *diacritics* 36:2, 99-108.
- Golder, Ben and Fitzpatrick, Peter (2009), *Foucault's Law* (Routledge-Cavendish: Oxford).
- Gordon, C. (1991). Governmental Rationality: An Introduction. In G. Burchell, C. Gordon, & P. Miller (Eds.), *The Foucault effect: Studies in governmentality* (pp.1-52). Chicago: University of Chicago Press.
- Hardt, Michael and Negri, Antonio (2000), *Empire* (Harvard University Press: Cambridge, Massachusetts).
- (2004), *Multitude: War and Democracy in the Age of Empire* (The Penguin Press: New York).
- Hunt, Alan (1992), "Foucault's Expulsion of Law: Toward a Retrieval", 17 *Law & Social Inquiry* 1.

- Hunt, Alan and Wickham, Gary (1994), *Foucault and Law: Towards a Sociology of Law as Governance* (Pluto Press: London).
- Lemke, Thomas (2001) “‘The birth of bio-politics’: Michel Foucault’s lecture at the Collège de France on neo-liberal governmentality”, *Economy and Society*, 30(2), 190-207.
- Mbembe, Achille (2001), *On the Postcolony* (University of California Press: Berkeley).
- (2003) “Necropolitics”, Libby Meintjes (trans.), *Public Culture* 15(1): 11-40.
- Okaganjas
- Prozorov, Sergei (2007), *Foucault, Freedom and Sovereignty* (Ashgate: Aldershot).
- (2007a), “The Unrequited Love of Power: Biopolitical Investment and the Refusal of Care”, *Foucault Studies* 4: 53-77.
- Slaughter, Anne-Marie (2004), *A New World Order* (Princeton University Press: Princeton).
- Trubek, Carl and Galanter, Marc (1974), “Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States”, *Wisconsin Law Review* 1062.
- Wilkinson, Richard and Pickett, Kate (2009), *The Spirit Level: Why More Equal Societies Almost Always Do Better* (Allen Lane: xxxx).
- Wrong, Michela (2009), *It’s Our Turn to Eat: The Story of the Kenyan Whistle Blower* (Fourth Estate: London).



Av. Patrice Lumumba, 178 - Maputo
MOÇAMBIQUE

Tel. + 258 21 328894
Fax + 258 21 328895
www.iese.ac.mz