Power, Politics and Global Civil Society

Ronnie D. Lipschutz

Although there remains considerable dispute about Global Civil Society (GCS) – whom or what it includes, whether it is international or truly global, and how it is constituted – there is no doubt that the agents, actors, organisations, and institutions of transnational social and economic exchange and action exist. But what is GCS? Is it a space or locus of sovereign agents, or merely a structural effect? Does it wield compulsory power or it is a mere epiphenomenon, a reflection of the state system? Is GCS an institutional phenomenon, the result of the exercise of power by other actors, or is it a productive phenomenon, constituted by the social roles and relations growing out of contemporary states and markets? In this article, I adopt a neo-Hegelian approach, and propose a dialectical relationship between developing modes of global political rule and the markets that it shapes and governs. I problematise GCS as a central and vital element in an expanding global neo-liberal regime of governmentality, which is constituted out of the social relations within that regime and which, to a large degree, serves to legitimise that regime.

My objective in this article is not to argue for the existence of Global Civil Society (GCS), but rather to ask what it is and what has produced it. Is GCS a space or locus of sovereign agents or merely a structural effect? Does it wield direct power over states or it is a mere epiphenomenon, a reflection of the state system? Is GCS an institutional phenomenon – the result of the exercise of power by other agents and actors acting within and through institutions – or is it a product of that power through which society is produced, constituted by the social roles and relations growing out of contemporary states and markets? In surveying the growing literature on GCS, one can find advocates of each of these, as well as other, perspectives. This is not wholly surprising, since there is hardly a consensus to be found about the origins of domestic civil societies or their relationship to state and market.¹

¹ This article is drawn from my forthcoming book (with James K. Rowe), Globalization, Governmentality, and Global Politics: Regulation for the Rest of Us? (New York: Routledge, 2005).

¹ See for example, Jean Cohen and Andrew Arato, Civil Society and Political
In this article, I propose that GCS is best understood in terms of a dialectical relationship between developing modes of public global governance and a global market system that is only weakly regulated by states and international institutions. In particular, I problematise much of GCS as a central and vital element in an expanding global neo-liberal regime. GCS is constituted out of social relations within that regime and, with and through the ‘capillaries of productive power’, helps to legitimise, reproduce, and sometimes change that regime. In this respect, GCS is generated by agents who seek to resist or moderate the expansion of the market into various realms of social life but who may act in ways that, unwittingly perhaps, support the logics of the market and its further expansion. Paradoxically, perhaps, the same relations of power that give rise to this form of social action also produce movements that pursue major structural change in the global political economy in a quest to alter the social ethics that enable or constrain individual and corporate autonomy within politics and markets.

I argue, in other words, that GCS manifests in two forms: a moral and an ethical or, alternatively, through markets and politics. In this I draw on Hegel’s distinction between moral and ethical behaviour; the former having to do with individual conscience, the latter with the foundations of political community (in his terms, the State). There is no global State, of course, but to a growing degree, the global political economy constitutes a singular transnational capitalist social formation that resembles, more and more, a state-in-formation. Inasmuch as its regulatory elements largely reflect the post-World War II preferences and practices of an increasingly-imperial United States, this state-in-formation remains quite underdeveloped by comparison with its market elements. In light of the growing global role of US military and market discipline in keeping order, we might even call it an emerging ‘watchman’ state. To put the point another way, following Empire; this entity is bound together through an

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2. The former is discussed in Anna Holzscheiter, ‘Discourse as Capability’, in this issue.
integrated global network of accumulation and exchange, but the
governmentality through which it is managed emanates from the center
and is struggling to gain full domination through military means. This
everging global unit is, moreover, a single capitalist formation, in which new
property rights and rules of the political economy are being created
through a system of national and international institutions dominated by
the American executive and legislative branches, and through which
‘imperial’ law comes to trump international law.

Within this arrangement, GCS is generated through productive
power – in a sense, it is willed into existence – as particular agents in
command of certain discursive resources seek to impose limits on the
autonomy of market-based actors in the face of a very weak global
ethical and normative regulatory structure. As explained later in this
article, most of these agents pursue their goals through institutions –
that is, through the rules and authority of national and transnational
agencies and association – and attempt to induce change in the moral
behaviour of state- and market-based actors. Some agents – especially
those commonly described as ‘social movements’ – work through
productive power in an effort to transform the ethical bases of political
action and thereby to reconstruct the structural principles governing
both domestic and global political economy.

The empirical grounding for the arguments presented here is found,
first, in the welfare activities of many GCS organisations. Here, I discuss
recent activities by private relief organisations following the Indian
Ocean tsunami as well as social struggles to regulate the negative effects
– what I call ‘externalities’ – of global capitalist accumulation. In contrast
to these welfare activities, those who are active in the more inchoate
‘global justice movement’ appear to be intent on changing the structural
framework of political action through the state and its domestic and
transnational agencies than in reforming capitalism or making it

University Press, 2000).

7. Ronnie D. Lipschutz, ‘The Clash of Governmentalities: The Fall of the UN
Republic and America’s Reach for Imperium’, Contemporary Security Policy 23,

8. I use the economic term ‘externality’ for both analytical and ironic reasons.
First, when ‘normal’ production and economic exchange generate social costs
that are not absorbed by the beneficiaries of those activities, a classical
externality results. Second, many economists are quick to point out that such
social costs are more appropriately subsumed under the category of comparative
advantage and market equilibrium. Consequently, the low wages received by
workers in ‘Third World’ factories represent the normal functioning of
international supply and demand, rather than a subsidy – or positive externality
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‘friendlier’.” In this sense, the global jihadi movement, of which Al Qaeda is the most prominent element, must also be understood as an ethically-oriented agent, even if its ethics are not to our liking. This article, however, draws specifically on recent work on social movement activism in the Clayoquot Sound of British Columbia for its empirical data.  

I begin by offering a typology of four types of power. Two of them are of the conventional, instrumental type; two are structural. I then turn to a discussion of what global civil society is, why it has emerged in its present form over the past few decades, and the role of GCS in the reproduction of liberalism with its peculiar public-private divide. In the third part of the article, I examine the problem of ‘politics via markets’, which involves the use of market-based tools and techniques to achieve political objectives. This, I argue, represents the bulk of GCS’s social activism and does little to alter the structure of either national or global political economies. I then examine how ‘productive’ power can operate to alter the structural context of politics and create zones of sovereignty. I conclude the article with a few thoughts on the difficulty of practising politics under conditions of neo-liberal globalisation. To understand GCS and its politics, in short, requires us to consider how ‘global’ actors are produced in a realm characterised by diffuse forms of power, and why GCS must be recognised as a product of neo-liberal globalisation rather than something distinct from or necessarily in opposition to it.

Power Reconsidered

As a general rule, scholars of political science have focused on two forms of power: direct and institutional. In general political theory direct power is seen as the ability of A to make B do something that B does not want to do; in International Relations (IR), direct power is generally the focus of realism.  

Institutional power, by contrast, resides in the capacity and authority of established collective groups (agencies, organisations, etc.) to manage and manipulate situations in their interest (‘agenda-setting’ power or mobilisation bias). This is the focus

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9. At the extreme, some seek to abolish or destroy capitalism. See for example, Notes from Nowhere, WE ARE EVERYWHERE: The Irresistible Rise of Global Anticapitalism (London: Verso, 2003).
of neo-liberal regime theory in IR and the new institutionalism in comparative politics, both of which focus on the ‘principles, norms, rules and decision-making procedures’ that lead to convergence of actor expectations and constraints on actor autonomy. Both of these forms of power are generally directed toward distributive matters: ‘who gets what, when, and how’ in Harold Lasswell’s classical formation. These do not, however, exhaust the types of power important in politics.

Drawing on Foucault, as well as recent work by Barnett and Duvall, we can discern and define two other forms of power, which are not distributive, involving the division of resources (the famous liberal ‘pie’), but rather constitutive, having to do with the structures and organisation of society, state, and market. These are structural and productive power. ‘Structural’ power resides in the sovereign’s authority to establish and alter the regulatory conditions through which institutions are created and by which they are able to function – this is part of its sovereign authority. The state, for example, is in a position to specify what constitutes a market, to formulate the regulations governing markets, and to determine the circumstances under which they apply. The ‘sovereign’ is able to determine the rules that constitute a particular game and how the agents that play it can score points. ‘Productive’ power, by contrast, resides in political subjects and, if we accept Foucault’s arguments about the ‘capillaries of power’, it also constitutes them as the seemingly-autonomous individuals of modern liberalism. To put this another way, our subjectivity is generated through the social and structural conditions – the cultural and material relations – that constitute individuals and collective identities. Such power is exercised – if it can be said to be exercised at all – through discursive means; at the level of language, cognition, social construction, and so on.

The table below offers a typology of these four forms of power along two axes: the type of authority (either constitutive or distributive), and the type of agent (sovereign or social). Note that none of these categories says anything about the specific nature of the agent

imbricated within a particular form power – it can be an individual, a corporation, a group, or a state. What matters here is the arena in which power is exercised (the household, the group, the company, or society) and the purpose of power (constitutive or distributive).17 ‘Social subjects’, for the most part engage in distributive point-scoring, although they may fight over the interpretation or legality of a particular move or play. But by drawing on productive power, through collective political action social subjects can also produce change in the forms and exercise of structural power by the sovereign. How these different forms of power are exercised can be seen in the respective examples concerned with ‘rights to pollute’ given in the table.

<table>
<thead>
<tr>
<th>Authority to define, decree, decide ('rules of the game')</th>
<th>Sovereign agency</th>
<th>Social agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural power: The ‘sovereign’ can structure conditions through rules governing political economy (e.g., creation of property rights to pollute).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Productive power: Social subjects can affect ethical basis of action through language, habitus or structuration (e.g., generating a broad ethical sense that there should be no ‘right to pollute’).</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Authority to divide, distribute, expropriate ('scoring points')</th>
<th>Sovereign agency</th>
<th>Social agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct power: ‘Sovereign’ can use force, coercion, manipulation or influence to protect or pursue its interests (e.g., imposing fines and punishments on polluters in order to cause them to cease).</td>
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<tr>
<td>Institutional power: Social subjects can engage in agenda-setting, law-making or role-setting to distribute resources to favoured interests (e.g., trading in pollution rights in order to reduce it, as opposed to requiring reductions).</td>
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In terms of the political economy, which I define here as the organisation of relations between production and reproduction, the state (notionally) possesses the sovereign authority to structure social life and make constitutional decisions that organise and legitimate institutions and their productive and reproductive remits.19 In theory, only the state is permitted to create or change those structures – that is, only the state possesses the sovereign authority to determine

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18. Adapted from Barnett and Duvall, *Power*, ch. 1
19. Admittedly, the extent of the contemporary state’s ‘sovereign’ authority in both regards is fiercely debated. As these are ideal categories, the issue of sovereignty can be put aside for the moment.
‘exceptions’, in Carl Schmitt’s words. 20 In practice, of course, the state is the site of struggles among all manner of social forces, some of whom gain leverage or control over various parts of the state and influence or change these structures. 21 Under liberalism, institutions are the arenas in which ‘games’ of distributive production and reproduction are played. Agents are constituted through the particular contractual relationships that define their assigned role, which may involve overseeing the rules and play (e.g., referees), or playing the game (e.g., workers and staff). In other words, the organisation of social life is structured by the state, and institutions and practices are reproduced by repeated play according to distributive rules, and the players’ identities arise in the playing of the game. The state has the authority to ensure that the rules of subordinate institutions are obeyed and to punish those who violate those rules. But inasmuch as the state is itself made up of institutions that are themselves open to influence by other institutions and social forces, the exercise of structural authority in a liberal system is never an easy or straightforward proposition. Social struggle among contending interests and forces is the order of the day.

‘Productive’ power is thus more difficult to identify and locate in this liberal scheme, but it is that power rooted in the language and practices that construct and organise social life, individual and collective identities, and membership in a political community. That is, productive power is that which is exercised through both collective discourse and action by groups engaged in social struggles and determined to affect both institutions and structures. 22 This could mean changing the distributional rules of social institutions through lobbying legislatures or campaigning to influence public opinion. But it could also involve attempts to change the constitutive structures that frame and shape the environments within which institutions operate, altering a collectively-held sense of what is ‘right’ and appropriate, and using a variety of tactics that, ultimately, result in state action and discipline.

What is this ‘Civil Society?’

My argument here is that global civil society is a foundational element of an emergent, globalised, neo-liberal system organised around individualism, private property, and exchange. The United States has

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21. In other words, the state is not autonomous but reflects a balance of social forces within the polity. See Sandra Halperin, War and Social Change in Modern Europe – The Great Transformation Revisited (Cambridge: Cambridge University Press, 2004).

taken on the dominant role in structuring this political economy under which capitalism can maximise its global accumulation possibilities. While a great deal of contemporary research on the activities of GCS focus on its human rights advocacy against an overweening state, we must not ignore the comparably predatory nature of an unregulated market, in which the agents of capital are only too eager to commodify the body and human labour in search of profits. Civil society becomes an arena of social struggle over this tendency as well, as certain fractions of the bourgeoisie seek to avoid impoverishment by market forces via action through both state and market. What we see here, however, is a dialectic rather than causality: while civil society cannot exist absent a liberal system, a liberal system also cannot exist if civil society is absent. They are mutually constitutive, having come into existence through an historical materialist process that, today, continues to generate states, markets, and civil societies.

It is possible through historical analysis to see how struggles between bourgeois social forces and the absolutist state during the eighteenth century gave rise to a ‘liberal’ formation composed of representative state, deregulated market, and what we now call civil society. Under the principle of ‘divine right’, the sovereign possessed the authority to expropriate, at will and whim, both possessions and bodies of the landlords and the urban bourgeoisie. Quite understandably, neither group favored this principle, since it opened them and their property to arbitrary expropriation. But, unable or unwilling to invoke such divine authority themselves for the protection of property and person, these groups began to call on the Enlightenment concept of Natural Law as an alternative. Individualism, representation, human rights, and naturalisation of the market all emerged from this doctrine through the exercise of constitutive power. In different forms, and with different trajectories, this pattern emerged in England, France, the United States and other liberal societies. More recently, a similar process has taken place in Eastern Europe, Latin America, and other parts of the world, too, even in decidedly non-liberal societies.


26. This is an admittedly very brief summary of a much more complex and
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There are two rather broad conceptualisations of civil society in tradition and in the literature that illuminate its existence, if not its origins. The first is associated with the market and the private sphere (Ferguson, Smith, and Marx), the second, with politics and the public sphere (Hegel, Gramsci, and Alejandro Colas). Although we tend to view Ferguson and Smith as the intellectual antagonists of Marx and Engels, all four worked within the framework of classical political economy and understood civil society in terms of (a) a separation between state (public) and market (private), and (b) as a realm of civil association beyond the reach or authority of the state.27 As propagated by Alexis de Tocqueville in *Democracy in America,* the liberal version of civil society extant in the United States provided both public goods that the state was unable to supply and private goods and affiliations that could only be obtained through the market and outside the state. Marx understood civil society in much the same terms, but regarded it as the cats-paw of a bourgeoisie concerned to mark a very visible border between state and market in order to fence off its private property from the grasp of both the poor and the state. In Marx’s teleology, consequently, when the proletarian revolution finally arrived not only would the state wither away, but so would civil society. And with them would go private property as well as the market.

The contrasting version of civil society’s origins is associated with philosophers such as G.W.F. Hegel and Antonio Gramsci and has more recently been explored by Alejandro Colas.29 It is, in many ways, a less prosaic and more romantic explanation; perhaps in keeping with its strong German influences. All the same, it is not any less correct than the classical and marxist political economists’ version. As Shlomo Avineri explains, Hegel distinguishes between *Moralität,* which is individual, subjective morality and *Sittlichkeit,* the

contested project, but it offers the essential elements for our purposes. See Halperin, *War and Change*; and Koselleck, *Critique and Crisis.*


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wider totality of ethical life. *Moralität* . . . regulates the relations among individuals with one another *qua* individuals. But superimposed on this is the broader ethical life of the community [i.e., the State – RL] of people relating to each other not as individuals but as members of a wider community.30

Expanding on this, Colas points out that

for Hegel, morality can only become meaningful if it operates within a community, if it is given content through the individual’s involvement in public life. . . . [T]he associative elements of civil society take on not only a representative but an ethical role by integrating individuals into the wider community, recognizing the value of their work and educating them in the virtues of civic life.31

Moreover, Hegel wrote that

[i]f the state is confused with civil society, and if its specific end is laid down as the security and protection of property and personal freedom, then the interest of the individuals as such becomes the ultimate end of their association, and it follows that membership of the state is something optional. But the state’s relation to the individual is quite different from this. Since the state is mind objectified, it is only as one of its members that the individual himself has objectivity, genuine individuality, and an ethical life.32

Hegel seems not to have been much interested in the sources of this ethical life – whether it originated in the family, civil society, or elsewhere – only that it must be lived through the political community. But Hegel’s distinction between the *private* life of the individual and the *public* life of the members of the political community underlines a critical point: that constitutive politics must be something apart from distributive politics, and that civil society plays a central role in marking this divide. I shall return to this point, below.

Gramsci placed civil society between state and market and outside of the private sphere of family and friendship. In his framework, the ‘corporate-bureaucratic state order with its linked capitalist economic order’ stood as a more-or-less unitary arrangement through which the hegemony of the capitalist class was both exercised and naturalised.33
Civil society then became ‘primarily a sphere of ‘ethical-political’ contestation among rival social groups’ struggling for ideological hegemony.’ As Kai Nielsen puts it,

[i]n locating civil society we must look for those organizations or practices that are not directly governmental or economic but which generate opinions and goals, in accordance with which people who partake in those practices and are a part of these organizations seek not only to influence wider opinion and policies within existing structures and rules, but also sometimes to alter the structures and rules themselves.35

Under these circumstances, evidently, civil society groups can become a threat to the established order, especially if they have political objectives or ‘seek to alter the structures and rules’ regulating the political economy.

Colas draws on Gramsci to argue that civil society is the setting from which social movements and political activism originate ‘within the context of capitalist modernity’.36 In order to reconcile the two apparently conflicting views offered by the political economists and the political philosophers, Colas further asserts that ‘civil society has historically found expression in two predominant forms – one linked to the private sphere of the capitalist market, the other to the struggles against the all-encroaching power of the state’.37 The former is populated by those organisations and actors who pursue their self-interest through the mechanisms of the market; the latter by those who seek to challenge and change the ethical structures and politics of the state. These are, of course, idealised forms; operating within the structures and strictures of economic liberalism, in which reproduction necessitates activities within the market, even the most dedicated social movement cannot survive on air alone. But note: activism through the market presumes that individuals’ morality can be relied upon to effect social change; activism directed toward the state seeks to change the ethics binding state society, and the market.38

Civil society thus plays a dual role in liberalism and its maintenance; on the one hand, contesting distributive policies and

37. Ibid., 47.
outcomes through the market, on the other, struggling to instantiate constitutionally the social ethics that underpin the specific form of and limits on both market and state. Not all elements of civil society are therefore political in this ‘constitutive’ or constitutional sense; indeed, by the conventional definition (one shared by Locke and Marx, although to differing conclusions) civil society exists in some twilight zone between state and markets, engaging in activities that constitute and reproduce the fabric of everyday social life. By this definition, civil society is not considered to include the purely-private realm, such as the family or the body, even though the norms of civil society as well as the laws of the state and the practices of the market all thoroughly permeate and colonise the household, family, and body.

But this definition is almost surely incorrect. Where, then, can we locate civil society? In a liberal system, civil society is concerned not only with social reproduction but also with ensuring that neither state nor market take complete control of the bourgeoisie and its ‘life, liberty, and property.’ And it is civil society that, ultimately, is the location of contestation over the public-private divide. The particular organisation of market societies, with public and private constituted as distinct realms of activity and rule, is hardly ‘natural’ as so often claimed. From the classical perspective, the public-private divide is essential to protect private property from expropriation by the state or the masses. From a Marxist perspective, however, the division between public and private, and the structural reasons for that distinction, are foundational to capitalism, the liberal state, and the activities of capital. Justin Rosenberg and Ellen Meiksins Wood both argue that capitalism represents a separation of the political and the economic, the public and the private, that is historically unique. Political authority over segments of the public realm is hived off into the private sphere, where property rights are guaranteed by, but insulated from, the state’s direct and structural power.

From an analytical perspective, however, the boundary between the public and private is a puzzling one: how is it created, naturalised, and maintained? It is one thing to argue, as did Locke, that private property is the product of one’s labour and investment. It is quite


another thing, however, to privatise that which is arguably, or customarily, public goods or commons property. In particular, the ‘privateness’ as such of even private property can be contested. Property is best understood as a relation among people, rather than a thing possessed by an individual. That is, for individually-held property to exist, others in a society must acknowledge, either through title or custom, that an ‘owner’ holds some essential relationship to the thing that is ‘owned’. Consequently, property exists only by virtue of the willingness of society to accept both the relationship between owner and owned and the relation between owner and society. Property is, in other words, a social construct whose privateness is subject to social intervention (and this is, as well, central to the concept of the ‘social contract’).

In putting such a fine point on the line between constitutive and distributive authority, and between public and private spheres, the liberal state is subject to social forces engaged in a struggle over the maintenance and reproduction of that boundary. To wit, the expansion of the private realm can take place only under the authority of the state and at the expense of a contraction of the ‘public’, as seen, for example, in the privatisation of formerly state-provided services and protections. This particular and peculiar organisation of liberal societies, with public and private constituted as distinct realms of authority and activity, relies heavily on civil society to maintain and reproduce the boundary and the distinction. Because of competition between capitals and capitalist organisations, as well as the uneven distributive outcomes of capitalist accumulation, the threat of an unravelling of the social contract and destabilising of society is always present, as Polanyi argued. Under conditions of globalised neo-liberalism, however, the mechanisms through which such struggles occur are very underdeveloped and the ‘state’ is engaged primarily in providing attractive and stable conditions for capital and is less interested in addressing externalities or market failures. Under these circumstances, it falls to civil society to become
more politicised and, through its own regulatory activities, reinforce or reinscribe the separation between the public (politics) and the private (markets).48

To what, then, does all of this add up? Structural power exercised by and through the state reflects not only the conventional ‘balance of social forces’ within a society – both directly and institutionally, as discussed above – but also a discursive sense of how things should be (‘common sense’ in Gramscian terms). Growing contradictions in the social and material organisation of a society tend to affect this discursive sense, which can ultimately inspire the formation of social organisations and movements seeking to resolve the contradictions through social and class struggles. However, for the most part civil society organisations (i.e., non-governmental organisations) focus on institutions and the practices associated with them, trying to exert direct influence (e.g., through consumer boycotts of offending companies) to induce capital to protect human rights. But these particular struggles serve only to reform the practices of concern. That is, they do not articulate or instantiate those ethical limits that movements demand, society expects, and states have agreed to (e.g., labour and other rights, environmental protection, etc.). It is only through changes in the structural rules that do articulate such limits that these struggles and demands can be transformed into social ethics, to which agents must adhere and which structurally constrain them. Thus, much of what is regarded as political activity by global civil society is the exercise of institutional power taking place within the context of the market, the so-called private realm.

Politics via Markets

Keeping in mind the bifurcation of global civil society into distributive and constitutive fractions, the relative lack of constitutional political mechanisms in the emerging arrangements of global rule leaves distributive politics through markets as the most-accessible mode of action open to social activists. The process and consequences that result can be seen in two examples I present here: first, the upsurge in NGO activities and solicitations in the wake of the tsunami in the Indian Ocean on 26 December 2004 and, second, ‘Corporate Social Responsibility’ (CSR) projects in which NGOs and companies compete

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to protect workers’ labour rights. Although in the first case the private provision of donations and relief services to the victims of the disaster have been dwarfed by public commitments, the global response to the tsunami shows how ‘international emergencies’ have become one of the mainstays of financial support for aid organisations. In the second instance, CSR campaigns seek to influence producer and consumer behaviour as a means of pressuring corporations to do well by doing good. In both instances, the state’s responsibility to treat people in an ethical fashion as a public good has been displaced by private provision of services and protection.

In the ten countries hit by the tsunami, as many as 250,000 people died, while millions were made homeless, in desperate need of food, water, and medical care. For the most part, the affected states had only very limited capacity to respond to the disaster, lacking the personnel, resources, and equipment needed to provide both short- and medium-term relief. We need not explore here the reasons for this chronic lacuna in underdeveloped states – it is worth noting that only India refused, at first, to accept outside assistance – except to point out that, to a growing degree, an extensive network of private international relief and aid agencies have become mainstays of global responses to such ‘complex emergencies’.

Within days of the tsunami, growing numbers of groups around the world were soliciting private donations from concerned individuals, while others were consulting and contracting with donor and recipient governments to provide both immediate and longer-term relief services. Radio and television stations, schools, corporations, and others were holding fund-raising campaigns as well, with the intention of supporting international aid groups.

Undoubtedly, these NGOs, which are indisputably part of global civil society, do serve important international and institutional functions, providing a range of goods that states are either unable or unwilling to offer. Yet, it is also the case that many of them rely on state permission, and often protection, to enter a disaster zone and work there. While many non-profit international relief organisations rely heavily on volunteers willing to work in these disaster zones, they nonetheless are ‘businesses’ that require a steady income in order to continue their operations. Staffs must be paid, offices maintained, travel and transport costs paid. They are part and parcel of the global capitalist economy and, to generate revenues, rely on the full panoply of protection.

of techniques used by corporations seeking to increase profits. Whether donors are called members, associates, customers, or consumers, the goal is to grow and reproduce the organisation. Thus, relief activities are not only charitable, they are also fundamental to the production of these organisations.

This is not to deny that non-governmental aid organisations play an important role in disaster relief and assistance. Without them, many millions of people would go without basic needs and essential services. In this respect, they may, indeed, be part of and integral to what John G. Ruggie calls ‘a fundamental reconstitution of the global public domain’ in which states, NGOs, and corporations ‘seek to take advantage of the scope of the transnational private sector in the attempt to create global public value.’ Nonetheless, these NGOs are for the most part dedicated to complementing the distribution of such social services as are available (or not), and not working to restructure the political economy that leaves people impoverished and at risk in the first place. In that respect, they are expanding the realm of private action at the expense of the public.

The nature of politics via markets can be seen more clearly in CSR campaigns. The refusal of many states to regulate the activities of capital and force it to internalise or eliminate various social costs has led to the generation of a vast number of national and transnational campaigns that utilise lobbying, public pressure, influence, and expertise to impose regulation on capital. The majority of these campaigns seek regulation through markets, trying to convince individuals to engage in ‘socially conscious consumption’ and businesses to adopt ‘corporate social responsibility’ In other words,

51. Although no one could have foreseen this particular tsunami, the vast majority of the people who perished or were left homeless were already quite impoverished. Few organisations and agencies paid any attention to these conditions during the decades prior to the disaster.
through an elucidation of ‘real’ interests within market settings, civil society organisations seek to use institutional (market-based) power to influence consumer and corporate behaviour as a means of improving labour conditions in factories, reducing environmental effects from industry, and managing international trade in various kinds of goods, such as clothing and coffee. Consumers come to believe their selective purchasing can induce fear of loss of market share and profits in corporations, who will then internalise social costs in order to protect their bottom lines.

Many of these campaigns have been successful in terms of these instrumental goals, but they suffer from serious political limitations. The most significant of these arises from the ways in which those whose rights are being violated by externalities are treated as objects, rather than subjects, of the campaigns, and are thereby deprived of both structural and productive power. Moreover, although individual corporations may change their behaviour, those individual changes have little or no effect outside of the factory walls. Under neo-liberal conditions, in other words, the only obvious and acceptable means of regulating markets – in effect, moving the public-private boundary – are based on the methods of the market, that is, action articulated through institutional power. Consequently, what appear to be acts by the autonomous agents of civil society to promote workers’ rights become, instead, programs to privatise these rights within a corporation’s commodity chain.

Thus, the crucial question: what have been the constitutive (as opposed to distributive) effects of such campaigns? How have they altered either corporations or capitalism in structural terms? For example, are workers in the Nike commodity chain now able to exercise their productive power, that is, to unionise and bargain collectively? Has the public-private boundary actually been moved? Nike offers improved conditions and higher wages to the workers in its subcontractors’ factories, but workers as well as consumers remain fully-integrated into the regime of consumption that constitutes contemporary globalisation and subjectifies those workers and consumers. Workers are still unable to influence or change constitutional arrangements on the factory floor or in society at large. They remain the object of corporate authority. To put this another way, in host societies as a whole, there has been little in the way of political

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55. For a discussion of successes and failures, see Lipschutz, Globalization, Governmentality, ch. 4,5.
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reform, of stronger state regulation, or greater exercise of labour’s right to unionise. Capital continues to exercise institutional power, which is structurally authorised by the state. At the end of the day, the result is little social change. Structures receive a paint job, so to speak, but underneath, they are still the same.

What is lacking in these regulatory campaigns is any sense of the political inherent in the very notion of social policy or a recognition of the ways in which power constitutes not only that which activists seek to change but the activists themselves. Decisions must be made by those who are subjectified about what is necessary for the good and just life; that is, they must become autonomous subjects themselves rather than objects dependent on corporate munificence. What we find instead are versions of what Sheldon Wolin attacks as ‘fugitive democracy’, that is, non-political decision-making or ‘subpolitics’ through markets and expertise, or what Chantal Mouffe calls the ‘democratic paradox’, in which liberalism seriously constrains the political in the name of order and profit.

Productive power and political change

Foucault’s conception of governmentality helps to illuminate and clarify the problem of ‘politics via markets’ discussed above. Governmentality, as he put it, ‘has as its purpose not the action of government itself, but the welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, etc’.

In developing this concept, Foucault proposed, in particular, that it replaced sovereignty, that is, the autonomy of the sovereign. Today, the residue of such autonomy is to be found in the concept of ‘consumer sovereignty’, the freedom to choose in the market. Foucault did not argue that autonomy is impossible but thought that, at best, it is highly constrained within contemporary liberal systems. Global social activism dependent on producer behaviour and consumer choice for

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60. Michel Foucault, ‘Governmentality’, 236, 244.
61. Schmitt, Political Theology.
political effect thus becomes one more manifestation of this very limited autonomy. But Foucault also argued that power is ‘productive’ and not something that can be accumulated for the purposes of compulsion. As he famously wrote:

If power were never anything but repressive, if it never did anything but say no, do you really think one would be brought to obey it? What makes power hold good, what makes it accepted, is simply the fact that it doesn’t only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a productive network that runs through the whole social body, much more than as a negative instance whose function is repression.63

On the one hand, power ‘produces’ the subject, but the subject that is produced is not always as standardised as the parameters of governmentality might suggest. We are not mere social automatons. On the other hand, agency seems to be highly constrained. Is there no way to break out? In a discussion of ‘The Subject and Power’, Foucault suggested that ‘in order to understand what power relations are about, perhaps we should investigate the forms of resistance and attempts made to dissociate these relations’.64 He described a set of ‘transversal struggles . . . that are not limited to one country’.

These are ‘immediate’ struggles for two reasons. In such struggles, people criticize instances of power that are the closest to them, those which exercise their action on individuals. They look not for the ‘chief enemy’ but for the immediate enemy. Nor do they expect to find a solution to their problem at a future date (that is, liberations, revolutions, end of class struggle). In comparison with a theoretical scale of explanations or a revolutionary order that polarizes the historian, they are anarchistic struggles.65

In the course of these struggles, people attack those things that, in effect, lead to alienation of the individual from others, from the community, indeed, from himself: they are struggles against the ‘government of individualization’.66 And, argued Foucault, if we recognise that power generates its own resistance, insubordination, and ‘a certain essential obstinacy on the part of the principles of freedom,

64. Michel Foucault, ‘The Subject and Power’, in Essential Foucault, 129.
65. Ibid.
66. Ibid.
then there is no relationship of power without the means of escape or possible flight’. But flight is not a simple matter; there is no abrupt or global escape ‘by a sort of radical rupture or by a flight without return’. What is required is strategy.

In a recently-published volume on activist struggles to defend forests in and around Clayoquot Sound, in British Columbia, Canada, William Chaloupka addresses the question of strategy. He writes that ‘ethics alone does not a strategy make’, and that ‘when we strategize, we bring the normative into contact with the pragmatic’. According to Chaloupka,

> [e]very movement based on civil disobedience (or other forms of ethical protest) must confront the gap between the moralism of protest’s justifications and the strategies such protest must usually deploy when it interacts with the political world, which is contingent and multileveled.

Strategy is exercised by all actors as they seek to achieve their ends; it involves the exercise of power, but not simply the power to influence or coerce. Instead, it is the power that emerges through doing those things that are naturalised discursively and normally. In the case of timber companies, for example,

> [t]hey are engaged in (more or less effective and thus challengeable) strategies of maintaining their power to continue their operations as they see fit. They wish to appear inevitable, and the notion that their prerogative is a question of property rights abets this wish.

And, continues Chaloupka, ‘the moral power associated with protests against logging is not “possessed” or owned on the basis of righteous analysis. That authority has to be created in action’.

Those who participated in and those who later analysed the activism at Clayoquot Sound seem to agree that such authority (or ‘authorisation’) was created there. Over the course of more than two decades, First Nations in coalition with a broad range of local, national, and transnational NGOs were able to create a political space from which to upset and restructure the authority of both province and the

67. Ibid., 142.
69. Foucault, ‘Subject and Power’, 142-44.
70. Chaloupka, ‘Must be Some Way’, 68, 71.
71. Ibid., 69.
72. Ibid., 77.
Canadian state. From that space activists interrupted the predominant pattern of development in the region – one of timber extraction – and forced an alternative developmental path. The regional political economy that has emerged – one that emphasises tourist attraction more than resource extraction – is not without its problems, but is interesting insofar as it safeguards environmental sustainability without completely denying resource extraction and productive relationships with the land. This newly-constituted economy did not emerge until after considerable struggle among activists, and between activists, state, and capital, and its continued existence is never guaranteed. Yet, what made it possible was the productive power inherent in that social activism.

The exercise of productive power evident at Clayoquot and other comparable sites of social movement politics seem to allow for what might be thought of as ruptures or discontinuities in the web of governmentality, the creation of small zones of ‘sovereign action’. These ruptures are small and are hardly noticeable, at best, but they represent zones of agency, autonomy, resistance and contestation within which forms of sovereign politics can take place. Such zones might involve ‘unauthorised’ actions focused on the environment, the mobilisation of political movements, or mass demonstrations that drive presidents from office. Whether peaceful or violent, political action in such zones of agency serve to expose the contradictions inherent in the increasingly dense web of global governmentality and make it possible for people to act in spite of those webs. Whether political resistance and contestation can change or overcome governmentality is much less clear. Perhaps new webs can be spun within these ruptures, webs that begin to restructure the state through the weaving of ethical strands, as it were.

The image of a ‘web’ of governmentality is only a very crude metaphor, but it begins to suggest something about power: it must be exercised within the microspaces and capillaries of contemporary life, in the ‘spaces of appearance’, and it must be a politics in which not only Habermasian discussion but also group action are possible.

73. Ibid., emphasis added.
75. See James Rowe, ‘Rethinking Politics, Rethinking Theory’, forthcoming in Theory and Event.
76. But, for a critique, see Chandler, ‘Building Global Civil Society ‘From Below’?’. 
Politics, in the sense I mean it here, has to grow out of some form of face-to-face praxis, not because place is central, as many environmentalists have argued, but because a democratic politics is subsumed into governmentality when it comes to depend wholly on representative forms. And politics must involve action, for it is only then that power becomes productive and the political can be practiced. This suggests a rather different conception of democracy than that commonly held, one that is based in practice rather than platitudes, one whose apotheosis is not the vote but debate and action, as it were.

Conclusions

The ‘problem’ of accounting for GCS in its many variants and alternatives, as well as explaining its relationship to global governance, arises for several reasons. First, many scholars are more interested in analysing and fostering the efficiency and transparency of non-governmental participation and process. Second, they seek to elucidate and develop mechanisms through which the desires, needs, and interests of those blocked by powerful actors can be fulfilled. They are less interested in the normative implications and consequences of how power is exercised and the results of that exercise. There are forms of theorising aptly suited to a liberal worldview, which eschews foundational questions of politics and power and deals with distribution rather than constitution. Such a focus accepts the deployment of power as a given and begs for dispensations from the powerful.

From this view, global civil society is less a ‘problem’ for power than a product of power. It is deeply enmeshed with forms and practices of governmentality. It accepts the naturalisation of the market as ‘efficient’ and ‘effective’. GCS is a means whereby those matters that cannot or will not be addressed by the agents of the state or interstate institutions will, nonetheless, be dealt with by someone. In this, most of the organisations of GCS accept the order of governmentality as a given. This account of GCS does not undermine its potential so much as it forces us to recognise how particular forms of society and governmentality are constituted and reconstituted, sometimes through

79. Mouffe, *Democratic Paradox*.
80. For a more developed version of this argument, see Lipschutz, *Globalization, Governmentality*, ch. 8.
81. See, e.g., Keck and Sikkink, *Activists Beyond Borders*.  

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the very agency that, at first glance, appears to be a means of opposition and resistance, if not liberation.

It also motivates us to ask whether it is possible to (re)create forms of political sovereignty that can function, perhaps, to challenge the discourses and structures of neo-liberal governmentality. I would argue that a sole concern with distributive issues not only leaves the offending discourses and structures intact but also leads to collaboration with those who exercise domination and institutional power. What is more important in my view is finding ways of generating productive political engagement directed toward social transformation through the structural capacities of the state. Mixing up metaphors, it is not sufficient to focus on the size of the pie’s slices, it is necessary to act to change the filling, the crust and, indeed, the pudding. And that is something that the agencies and organisations of global civil society, as they are constituted today, cannot do and will not do.

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