This presentation is based on work in progress on questions of capital and its articulations with juridical regimes within the current moment of financialization, new rounds of primitive accumulation, at a planetary level, with particular inflections in the Global South. This draft circulated for a presentation at WISER includes scattered notes on this new project and excerpts from chapters on neoliberal governmentality (articulations of law/capital) in postcolonial Africa from a previous book, “The Spirit of the Laws in Mozambique”

1.
The current project takes further the case study developed in that book, related to current articulations of private and public sovereignty, the blurring of distinctions between state and capital, the capture of the state by financial capital, and the effect of mechanisms of debt on this process.

The project deepens and expands on a comparative level the analysis on the role that the recognition of locality, community, custom, special rights, legal pluralism, on the ground, plays within the more general framework of late liberal governmentality.

This ongoing research project examines parallel processes within capital (hegemony of financial capital over other areas of the economy) and law (turn towards norm and normativity, plurality of legal regimes, dominance of Anglo – Saxon common law over Roman law and other juridical regimes). These transformations are central to neoliberal regimes of governance (broadly construed, and understood as juridico-economic assemblages).

The project focuses on new forms of juridico-political and economic governance, on the recent emergence of new global arts of government. While on the one hand we witness new rounds of originary accumulation of capital (a repetition of the alleged primordial scene and point of origin of capitalism), on the other hand, we observe parallel, entangled, juridical forms unfolding that re-calibrate the social and demarcate new territories, boundaries and groups of people.

As in the “original” process of primitive accumulation, the current round unfolds as an assemblage of new articulations of economic processes, legal regimes and violence.

The main category for the study of these developments at the economic level is that of subsumption (and the passage, back and forth, between real and formal subsumption). The main concept to study these developments at the juridical level, and the instantiation of a new “nomos of the earth” is that of jurisidiction.
The project has a central focus on questions of time and temporalities. Earlier rounds of accumulation had a definitive spatial structure, as conquest of new territories and fixation of populations within demarcated spaces.

It could be argued that the current round of accumulation, led by financialization and instruments such as future contracts, derivatives and debt mechanisms is centrally predicated upon questions of temporalization of space and life.

Value is being produced and extracted on the basis of the temporalization of territories and populations.

Capital having subsumed most of the planet and almost all space having been colonized and commodified, the current round of primitive accumulation of capital is predicated upon the accumulation of time.

2.
Community constitutes a key category of juridical / economic governmentality in the neoliberal period.

Biopolitics: power targeting life and the living; power knowing and reproducing life; law capturing life.

Biopolitics classically has targeted populations. Late biopolitics (under the form of neoliberal governmentality), crucially, also targets communities.

“Community” as a key term, a novel technology of governmental intervention.

Community is linked to a revival of recognition of the power and legitimacy of locality: local community.

Community is linked to local collective rights, communal property, communal land tenure, legal pluralism, communal normativity, customary law, etc

Community is an economic unit. Within the increasing hegemony of financial capital, communities and their territories are subsumed within the logic of finance, considered as financial instruments, and their temporalities subsumed under the temporal dimensions of finance, futures, derivatives.

Community is juridically defined. The Law considers it as collective/individual legal subject.

Community represents an amplification of the way neoliberal subjects are understood as self-governed entrepreneurs.
Within the logic of neoliberal governmentality, the national state and trans-national governance devolve spaces of self-governance to communities. Rights are transferred, along with responsibility and self-control / self-management.

The notion of community as key category of government eschews both macro juridical spaces of the nation and the state.

Community is a new inflection of biopolitics: a late modern, late biopolitical formation of the governmental motto “omnes et singulatim”, everyone and each one, totality and singularity of large populations and individual subjects. It is a more microphysical version of that management of equivalent singularities (as in citizenship / late liberal democracy).

(Late biopolitical) Governmentality: government of / through communities constitutes a more capillary, more microphysical intervention, more direct mechanism of knowledge, management and targeting of life. Government thus is deployed at a smaller scale than that of populations.

Community presents a seemingly organic bond (allegedly linked to race, ethnicity, religion, kinship/custom; soil/territory). This organic spirit, is targeted by late biopolitical government as a new form of intervention on life/the living.