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Responses to Wainwright and Mann's 'Climate Leviathan', July 2012

## Liberalism, Sovereignty, and Politics

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Joel Wainwright and Geoff Mann have written a timely reflection on climate politics. Their argument is that the global order will be defined in relation to struggles over climate. More provocatively, they suggest that the governing logic of this order will take a limited number of forms based on relations between sovereignty - the ability of the political order to take extraordinary measures to care for life - and capitalism - specifically the dominance of the M-C-M' value form. However one assesses the adequacy or likely realization of the political categories Wainwright and Mann prophesy, the authors forcefully pose the question as to the ways climate will structure possible futures. Such a stimulating piece deserves attention and a careful response. In a time when the institutional conditions of academic research push scholarship toward ever-narrower empirical questions, Wainwright and Mann's ambitious attempt to frame problems of global concern is heartening.

On the other hand, empirical scholarship has its uses. Even if we accept Wainwright and Mann's topology of political orders, political formations remain internally variegated and heterogeneous. As the authors well know (Mann's 2007 book being an exemplary analysis of the ways social formations emerge from and change through the micro-politics of struggles over the wage), these variations are the exact locations where different political futures will (or will not) be realized. Thus, if something like Climate Mao (or any of these other orders) will come to

fruition, it won't be based on an inevitable concatenation of events flowing from peasant insurgency through Mao's thought and ending in a centralized policy of the Chinese Communist Party. Rather Climate Mao could only be *retroactively recognized* as a global political order after it emerges from and is shaped by the dynamic on-going interactions between the complex politics of the Chinese state and political economy, the diverse Maoist and non-Maoist anti-capitalist movements both within and beyond Asia, the disparate uses of Mao's thought, and the varied confrontations "between millions of increasingly climate-stressed poor people and the [similarly varied] political structures that abet those very stresses" (on political orders as effects see Mitchell 1999; on varieties of Maoism see Gidwani and Paudel forthcoming). Wainwright and Mann's argument invites on-going discussion with the detailed work that geographers and other critical social scientists are already doing on the political formations and social movements arising in relation to climate politics (see for instance Bond 2012).

Recognizing as much, what use is a theoretical intervention such as this? Although the authors' prognostications are oriented around on/off or for/against relationships between sovereignty and capitalism that are overly schematic and, I argue, mischaracterize the present, they pinpoint the political urgency of theory. In particular, they suggest that theory can re-introduce us to our current political conjuncture in ways that indicate possibilities already residing within existing social relations, yet remain unrealized. Moreover, it is precisely because this type of immanent critique depends on taking categories from the current conjuncture that "positing" a matrix of political possibilities based on "variables" of sovereignty and capitalism is insufficient.

Take, for instance, the figure of Climate Leviathan. For the authors, Climate Leviathan represents the top left category, in which both planetary sovereignty (the ability to decide on the exception) and capitalism (the dominance of the value-form) are affirmed. They use the term "Leviathan" to suggest that this order "is a direct descendant in the line from Hobbes' original to Schmitt's sovereign". This order maintains the principle that laws can be suspended to secure public welfare. It also refuses to consider capitalism as a cause of anthropogenic climate change. Although the precise relation between the sovereign exception and capitalism is not fully developed, the authors indicate that capitalism will continue to function as an important component of a broad state regulatory project under the hegemony of liberal-capitalist nation-states and international institutions. This project will aim both to save humanity from climate

catastrophe and capitalism from its own natural limits, a goal the authors present as contradictory and impossible.

In assessing the argument, we should recall that Schmitt's conception of sovereignty was not just an extension of Hobbes, but more importantly a critique of liberal theories of law spanning the entire post-Kantian line of legal reasoning, which culminated in the work of Hans Kelsen. Although the decision is present in Hobbes (particularly in Part II, Chapter 17 of *Leviathan*) it was Schmitt (2006) who elevated the decision on the exception as the essential element of sovereignty. For Hobbes, it was the contract. Schmitt's decisionism was a critique of liberal theories of law which in the context of, first, the Weimar Republic (2006) and, second, the post-war international order (2003) threatened to dissolve sovereignty in infinite and interminable discussion. Schmitt argued that liberal law delayed necessary actions to save the law from existential threats. Moreover, Schmitt's extended this critique from liberalism to capitalism, arguing that global capital - and specifically its need for expansion - was similarly incapable of founding a *nomos*, a political and territorial order defined by relations of inclusion and exclusion.

In this sense, the description of the current order as an emergent Schmittian Leviathan is off the mark. In particular, it presents this regime as both a liberal order committed to capitalism - which for Schmitt was no law at all - and, at the same time, a kind of Schmittian sovereign declaring exceptions to save the order from crisis. Climate Leviathan runs together both the liberalism Schmitt detested, on one side, and the order Schmitt envisioned as a response, on the other, as a description of our most likely future. Yet as the authors indicate, contemporary climate politics are not dominated by a sovereign who decides. Rather, today's order is characterized by continuing discussions deferring action (the failure of talks, the inability to arrive at a consensus, *etc.*). As with Holdren's "Planetary Regime", there are certainly calls for a global sovereign who acts in the name of human welfare. Nonetheless, global politics is oriented toward liberal theories of deliberation between formally equal sovereign states, which are of course unequal in fact.

This is not to say that this order, which we can call Climate Kelsen (or even Climate Kant), does not have recourse to the exception. As many critics have pointed out, including Schmitt and Benjamin (1978), as well as more recently Agamben (1998; 2005) and Roberto Esposito (2008a; 2008b), the exception remains at the ontological core of liberalism. This can be

clearly seen in the numerous states of exception during the Weimar Republic, or the continuous suspensions of law that characterize the current U.S. security state. William Scheuerman (2004) has argued that economic globalization itself - the rapidity of transactions across space - threatens procedural norms of deliberation central to the liberal rule of law. And, in spite of attempts of liberal legal theorists to limit legally authorized suspensions of law through mechanisms such as legislative or judicial oversight (see for instance Ackerman 2004; Tribe and Gudridge 2004), the exception continues to be ever present in liberal politics.

This suggests to my mind a current political conjuncture not directed toward an emergent decisionist sovereign, but one that is resolutely incapable of responding to the political tasks required by climate change. In short, the authors are most accurate when arguing that there is no political resolution on the horizon. Instead, anthropogenic climate change poses the paradox of sovereign abandonment as an increasingly vital political problem to which the current order has no answer. Moreover, this suggests that whatever conclusions are arrived at, they won't be determined by a matrix of sovereignty and capitalism as independent variables (Sovereignty ✓; Capitalism ✓), but rather by different ways of securing the public welfare, along with the types of political demarcations between populations that sovereigns articulate and polities accept in the name of their own salvation.

Pursuing the problem in this manner exposes the processes and modes of abandonment that subtend each of the potential hegemonic formations Wainwright and Mann discuss. The emergence of a Schmittian planetary sovereign that has little interest in addressing climate change and suspends the law to consolidate its own power against social movements for climate justice is certainly one possibility. So, too, is a climate sovereign that suspends property rights in the name of reducing carbon emissions, or, for that matter, theological orders that distinguish between bodies of believers and the apostate. This formulation also presents global capitalism itself is a mode of sovereign abandonment. After all, what is global capitalism if not a particular mode of governing life, constantly drawing divisions between valued life and life without the possibility of producing value? That this political theology, in which populations are abandoned as unproductive for capital, underlies the current global political and economic order seems to be increasingly clear (see Ong 2006; Povinelli 2011). It is also evident that this regime's focus on technological and market-based solutions are insufficient to addressing the problem of climate

change, much less the deeper structural issues of inequality and the socio-natural limits of capitalism itself.

Most importantly, framing the question in this way suggests a different type of political objective than that offered by Wainwright and Mann's typology. The authors leave us hoping for an unnamed political formation defined primarily in negative terms against both capitalism and sovereignty. Keeping the problem of sovereign abandonment forefront in our analysis significantly changes the stakes of politics, suggesting the need for an affirmative biopolitics outside of relations of sovereign abandonment. Wainwright and Mann, I believe, share this vision when they write of "an irreligious movement in place of a religious structure...". Achieving this irreligious movement, however, requires affirming the potentials within the social order as much as negating hegemonic forms of domination.

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