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Power, rights, freedom, technocracy and postcolonialism in sub-Saharan Africa

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Economic 'unfreedom', in the form of extreme poverty, renders individuals prey to the violation of other kinds of freedoms. Historically, colonial activities by the West openly disrupted the rights of the impoverished in the rest of the world. In this paper I argue that subjectification and State overcoding has operated in a manner that has directly affected the discursive and non-discursive spaces within which rights operate, regulated by specific hierarchical arrangements of power via a State apparatus. What is ultimately experienced is a 'thin equality' and an 'emaciated democracy'. As rights have been propagated as the codified consequence of social struggles in sub-Saharan countries, so too have bio-political and technocratic regulations intensified, resulting in brutal exploitation through unregulated markets particularly in the so-called developing world, resembling indentured labour and voluntary servitude. Ultimately, the asymmetry of power breeds a silent brutality – disparities of power generally prevent the sharing of various prospects. Free development and State overcoding, through extra-political means, may constitute an efficacious problem-solving practice that offers a way out of the bind.

Keywords: Power, rights, freedom, technocracy, postcolonialism, development, sub-Saharan Africa

1. Introduction

In contemporary times, the modes in which development in sub-Saharan Africa has been written about and analysed have been subject to intense examination, revealing the influences of wider philosophical and theoretical deliberations that have swept through Western social and political sciences. It is increasingly recognised that development is interweaved with power – its operations, its geographies, its exceedingly irregular distribution and strategies for achieving it (Crush 1995, Radcliffe 1999). The scrutiny of power is therefore also fundamental to modern-day development considerations.

Out of conceit and partisan convenience, Western donors are crafting and investing in hierarchical technocratic solutions to be enforced on impoverished people in the developing world. Donors are also being unduly influenced by dictators, even evolving into mini-dictators themselves (Roodman 2014). Easterly (2014) argues that the actual basis of poverty is the unrestricted control of the State against impoverished people deprived of rights. The emphasis on technical explanations and solutions tends to obscure the infringements of the privileges of individuals, and remains an ethical tragedy of development in contemporary times. I reason in this paper that a fair and more certain course to economic development, historically Marx (1968, 1977) in the context of the West, lies in acknowledging the rights of impoverished communities, and enabling them to resolve their own difficulties by means of free development, in a manner that no expert could.

2. Development, freedom, poverty alleviation, technocracy and colonialism

The concept 'development' will firstly be examined within the context of freedom, followed by a critique of capitalistic technocratic approaches to development. The Indian economist and philosopher Amartya Sen (1999) appeals for a widening of the concept 'development' – past the traditional and present restricted emphasis on economic measures, such as per capita gross domestic product (GDP) and profit margins. He argues that there is no direct connection concerning a measure such as a nation's GNP growth rate and the actual freedoms that its inhabitants experience. Nevertheless, acknowledging the significance of economic targets, Sen (1999) argues for the necessity of an extended characterisation of development to incorporate actual human 'freedoms' such as partisan freedoms, economic services, transparency assurances and protective havens, all of which have been problematic within the sub-Saharan context. These human freedoms are both the principal end purpose and the primary means of development. Sen (1999) also accentuates the need to eliminate 'unfreedoms' such as deprivation,

famine, dictatorship, scarce economic prospects, methodical social deprivation, and disrepair of community amenities, bigotry, and the over-activity of despotic states. He comments that economic unfreedom, in the form of extreme poverty, can render a person prey to the violation of other kinds of freedom (Sen, in Wallace 2004). He asserts that human development should concern itself with the expansion of citizens' capabilities. For Sen (1999), freedom implies increasing citizens' access and opportunities to the things they have reason to value.

A number of Marxist theorists rejected liberal democracy as being an illusion. Speaking to the aspect of State control, Marx (1977) offers a persuasive commentary on nominated legislatures, public bureaucrats, and politicians who have made use of widespread suffrage to advance a practice of voluntary servitude of citizenship in liberal democracies, and thus, he implied, these could never offer a meaningful mode of emancipation. He did contend, however, that the State is from one point of view an external necessity; its character is such that its laws and interests are subservient to it and contingent on it. The State's strength rests in accord with its own universal end and aims and the specific interest of individuals. Marx (1977) contends that individuals should have duties to the State in proportion as they have rights against it. Other notable Marxist theorists such as Lenin (1965), Luxemburg (1951) and Lukács (1968), among others, proposed analogous arguments that either rejected liberal democracy or observed some level of revolutionary potentialities within it, to varying degrees.

Furthermore, foreign expertise within the context of development is not necessarily an impartial phenomenon. Economists and others who endorse a technocratic approach to poverty alleviation generally hold a concerning naiveté with regards to control believing that as restrictions on power are relaxed or even eliminated, that the identical authority will continue to be altruistic of its own accord. When development was initially considered, overt racism prohibited Western players from considering a free substitute – that is, a substitute grounded in individual rights and ingenuity – as conceivable in the remainder of the globe. Colonial activities by the West, such as the exploitation of cheap local labour, openly disrupted the rights of the impoverished in the remainder of the world. Not only do experts frequently lack responses to the intricate technical questions that confront developing nations, but expertise itself often turns out not to be the impartial phenomenon that it is purported to be (Easterly 2014). It may have also at times served the ideological purpose of legitimating decisions made elsewhere for political and financial, rather than scientific or humanitarian, ends (Fischer 2000).

Ultimately, it may be argued that technocracy often functions as a colonial identity construction that advances the logic of technological capitalism, and

thereby, technocratic determinism that maintains and reproduces sociotechnical regimes. Historically, technocratic advancement activities failed to advance the welfare of colonial subjects, as seen in the mining industry in a number of African nations, an example I return to. However, as explicit racism and colonialism declined, the attractive technocratic beliefs have persisted. Technocratic progression became fashionable with a notable assortment of interest groups, involving colonialists in the West, as well as the pro-independence leaders in the remainder of the world which had been subject to racism and colonialism. It was attractive to humanitarians in wealthy nations who wished to halt worldwide impoverishment, but also to people concerned about the poor but who really only cared about transcontinental policy and the state safety requirements of wealthy nations. Numerous Western philanthropists concentrated on the technocratic solutions of colonial sovereignty, as opposed to the infringement of local communities' rights by those colonial dominions (Deleuze and Guattari 1987, Deleuze 1992). Philanthropists similarly held a condescending opinion about colonial subjects (such as Africans); the laws of the West did not apply to the rest of the world, they thought, and so the rights of impoverished people were ignored. Technocratic advancement was given much significance by those who had the most interest in it: development specialists. Many economists from the start of the development era in the 1950s had a missionary fervour to become development specialists, while a courageous few resisted (Easterly 2014). Most observers concur that the partisan interests of the United States throughout the Cold War, for example, dictated which nations received donor aid – and how much (Douzinas 2007).

Furthermore, the success of the role of technocracy, within the context of colonialism and development, was historically inscribed into the charter of the new United Nations in 1945, where envoys of the world's nations signed the UN Charter, which in part reads: 'We the peoples of the United Nations', in order 'to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and ... to promote social progress and better standards of life in larger freedom', have determined 'to employ international machinery for the promotion of the economic and social advancement of all peoples' (United Nations 1945). At face value this is commendable, however, there is a central exclusion: although the UN Charter emphasised rights and freedom, it made no (initial) reference to autonomy for colonial populaces, though it should be kept in mind that the United Nations was at the time quickly adapting to post-world war developments. However, W.E.B. DuBois, a US sociologist and civil rights activist, denounced the United Nations founders of 'lying about democracy when we mean imperial control of 750 millions of human beings in colonies' (Mazower 2013: 62-63). More recently,

Burke (2010) explores the changing impact of decolonisation on the United Nations human rights programme. By recovering the contributions of those Asian, African, and Arab voices that joined the global rights debate, he demonstrates the central importance of Third World influence across the most pivotal battles in the United Nations, from those that secured the principle of universality, to the passage of the first binding human rights treaties, to the flawed but radical step of studying individual pleas for help. The United Nations Trusteeship Council was also later established to help ensure that **trust territories** were administered in the best interests of their inhabitants and of international peace and security. The trust territories – most of them former **mandates** of the **League of Nations** or territories taken from nations defeated at the end of **World War II** – have all now attained self-government or **independence**, either as separate nations or by joining neighbouring independent countries (Burke 2010). Furthermore, the United Nation's second Secretary-General, Dag Hammarskjöld, between 1953 and 1961 clearly advocated decolonisation; he used his office to act on the basis of anti-hegemonic values, including solidarity and recognition of otherness (Melber 2018).

3. Colonialism, rights and power

Concepts pertaining to colonialism and the ambivalent place of rights within the colonial/post-colonial power matrix will be deliberated on next, and how this interconnects with the issue of development. The prospect of creating truly decolonised, postcolonial knowledge became a topic of substantial discussion during the 1990s. Postcolonialism continues to be a problematic and challenged term; not least because it is far from clear that colonialism has been relegated to the past (Ashcroft et al. 1995). Rather than signalling an epochal shift from colonialism to after-colonialism, postcolonialism refers to ways of criticising the material and discursive legacies of colonialism (Radcliffe 1999). Broadly understood, postcolonial perspectives can be said to be anti-colonial. Postcolonialism attempts to recuperate the lost historical and contemporary voices of the marginalised and oppressed, by means of a radical reconstruction of history and knowledge production (Guha 1982). It challenges the notion of a single path to development and insists on the recognition of an assortment of perspectives and priorities. One objective of postcolonial approaches is to attempt to overcome inequalities by opening up spaces for the agency of non-Western peoples, and explore how nation-states and cultures outside the West have developed their own autonomous knowledges and rights (McEwan 2001). However, it should be kept in mind that rights, to the extent that they operate on normative interpretations of humanity, themselves seek a monopoly on citizens through which they can impose a humanist, imperialist, neo-colonialist view of the subject and subjectivity, even though historically it is this exact identity that

was imposed on colonised others (both external, through 'civilising' missions, and internal, through the humanist, universalist declarations, charters and bills of rights that follow each 'revolution') in the services of Empire, justifying enslavement and atrocities as the means through which the savage other is brought into the fold of liberal Enlightened humanity. This has continued to the current day, perhaps most notably in the US's noble 'bringing of human rights' to the Middle East and various other 'underdeveloped' peoples (Douzinas 2013).

There is also no solitary definition of rights, though rights are generally regarded to be a set of nomological normative values concerning the freedoms and privileges accruing to persons within a particular social arrangement (most frequently a nation state) (Brown 2004, Douzinas 2007). Moral/natural rights, the most basic rights said to accrue to individuals, typically resonate with some or other form of Kantian-style consideration and thus replicate some of the conjectures of the Kantian moral construct: humanism, universalism, the self-identical, transcendental, reasoning subject with a priori of intuitions of time and space and so forth. Within this Enlightenment-style framework, morality is viewed as an abstract discourse with endless foundations and universally related assertions (Eloff 2016). While for the most part tributary legal/civil rights are typically centred upon primary moral/natural rights, they likewise frame these in varying respects within diverse socio-political settings – the precise affiliation between any specific legal/civil right and the moral/natural right it is related to appears to be informed principally by the contingencies of time and place (Brown 1995, Agamben 1998, Foucault 2007).

What can clearly be observed is that these normative codes – given that they are meant to apply transversely to the whole of a field, and to assume their control through laws and regulations – are essentially distributed, enforced and replicated within this arena by what Gilles Deleuze and Félix Guattari term *arrangements* (or *assemblages*, the more frequent translation from the original French terms *agencement* and *dispositif*) of both overlapping institutions that in almost all circumstances include, at minimum, a legal system and a State, as well as other practices for attaining social convention and the dispersal of homogeneous moral theory; what Foucault terms the 'conduct of conduct' (Foucault 2007: 389; Eloff 2016).

The picture is convoluted as one progresses through history: the State has also occupied various forms throughout time, and in the contemporary capitalist era the State apparatus merges overcoding with social subjection and subjectification (as well as machinic enslavement and a general conjugation of flows, which fall outside of the scope of the current discussion) (Deleuze and Guattari 1987, Deleuze 1992). In *A Thousand Plateaus* Deleuze and Guattari (1987:41) define overcoding

as a series of 'phenomena of centering, unification, totalization, integration, hierarchization, and finalization'. Within these modes of subjectification, Foucault (1982: 331) discerned a type of power for which conventional approaches of examination lacked sufficient analytical tools, that is, a configuration of power the effect of which is to attach the subject to his or her own identity, in other words 'a form of power which makes individuals subjects'. One of the ways in which subjectification works is to directly affect the discursive and non-discursive spaces within which rights operate, as Deleuze and Guattari (1987) argue; a particularly relevant example they provide of this is the juridical expression of overcoding as the social contract, the outcomes of which is subjection. Social contract theories provide that rational individuals will agree by contract, compact, or covenant to give up the condition of unregulated freedom in exchange for the security of a civil society governed by a just, binding rule of law (Allen 1991). I will refer to big data here and aspects concerning the right to privacy.

Big data is the ubiquitous term used to describe the vast amounts of information being gathered in every possible way about everyone and everything in order to render the algorithms that are called 'artificial intelligence' apparently able to function on their own (Lanier 2014). Lanier (2014) argues that data algorithms are merely a repackaging of human exertion in such a manner that it is anonymised, with individuals remaining unaccredited or reimbursed. He contends that both big data and artificial intelligence are economic and partisan constructs that marginalise the majority of individuals. Big data presents with ethical complexities, such as confidentiality, for example. Such ethical difficulties have been extensively deliberated on in the news; for instance, they reappear in the lexicon of the Edward Snowden exposés, and the corresponding studies by The Guardian (2013^{a,b}), affected by the proficiencies of intelligence agencies (Lanier 2014). However, this innovation would fail to be the exclusive motive for needing to reconsider how ethics function (Zwitter 2014). In many emerging economies, for example, a rising aggregate of private medical data is being gathered. The gathering of private medical data is important in order to acquire long-term health registers and to observe and appraise the use, cost, result, and impact of medical assistance. However, if personal health data fails to be maintained in a classified and protected manner, people with diseases, such as HIV for example, might be averse to using precautionary or curative medical assistance because they anticipate stigmatisation and discrimination (Beck, Gill and De Lay 2016).

As technologies often record personally distinguishable and domestic level data concerning individuals – such as personal individualities, and their location and actions – and link this information closely in order to create newly originated data, and apply such data to generate profiles of individuals and locations to render decisions concerning them – the requisite for ethics and law is accentuated once

more (Kitchen 2016). Beyond this, if one observes how the form and content of law changes along with shifts in the functions of the State, it is not hard to see the emergence of contemporary rights discourse within what they describe as a subjective, conjunctive and 'topical' law that serves the ends of hierarchical power.

Given the distributions of power that are implied by these arrangements – by contemporary State overcoding – there are clear implications for individual and collective agency and freedom, broadly understood (Eloff 2016). More specifically, it seems that the association between the State and society might be the reverse of what is commonly assumed: that instead of arrangements of power transparently serving the ends of rights as an unproblematic manifestation of some or other 'social contract', rights are primarily employed to serve the ends of power (Deleuze and Guattari 1987, Easterly 2014). In other words, as a set of codified nomological normative principles regulated by specific hierarchical arrangements of power via a State apparatus, does it not seem entirely likely that rights are, albeit not exclusively, employed in the service of – and even partly produced by – moral and political imperialism as a means for the perpetuation of hierarchical power? Within this domain, according to Douzinas (2007: 292), what we experience is a 'thin equality' and an 'emaciated democracy', and if one sees an ameliorative potential in this regard in liberal transnational cosmopolitanism, in 'Universal Human Rights', this is simply because one does not recognise this faux-cosmopolitanism for what it is: the inverse of neoliberal globalisation that contains, embedded within it, a moral imperialism that is in awe of sovereignty and the nation state (Eloff 2016).

In opposition to the idea of State overcoding and capitalism, Marx (1968) was a prominent supporter of individual freedom; for example, in *The German ideology, part I*, he wrote that in communism, each individual will 'hunt in the morning, fish in the afternoon, do critical criticism in the evening, just as he has in mind'. He envisioned a postcapitalist society to be one with negligible if any legal restraints, at least on working people. This qualification is required as Marx (1968) saw a transitional socialist state as one which prohibited capitalist acts among consenting adults, and more importantly, enabled the new socialist government to forcibly repress forcible capitalist resistance. I emphasise forcible, because if one can take his statements in *The civil war in France: The Paris commune* concerning stripping the police of any police purposes, that is ideological control, as a prescription of what a postcapitalist society should do, then Marx would have opposed censorship laws and opposed prohibition of speech advocating capitalist restoration, though he would not have opposed laws forbidding actions directed to capitalist restoration, including violent counterrevolution or attempts to establish capitalist enterprise (Marx and Lenin, 1891). In view of all that, the statement, 'the

free development of each is the condition of the free development of all,' implies individual freedom for each person, with the limitations just described, and is a necessary condition for a free society in which not only each individual, but all individuals, can do what they like without coercion, either direct, indirect, or economic (Marx and Engels 2008: 516).

4. Oppression, poverty and development in sub-Saharan Africa

The historical account of human rights' struggles and victories, of groups and individuals pitted against relations of hierarchy and domination, is also a history of the seizure of these struggles by the State apparatus; it is a history written by a hegemonic organisation of power that, through the logic of recuperation and assimilation, succeeds in making all triumphs its own, while concurrently deceptively staging itself as indistinguishable from the original victors (Deleuze 1992, Agamben 1998). The particular conquest of the State apparatus here is the 'tacit but increasing inscription of individual lives within the state order, thus offering a new and more dreadful foundation for the very sovereign power from which they wanted to liberate themselves' (Agamben 1998: 128). In other words, as rights are propagated as the codified consequence of social struggles, so too do bio-political and technocratic regulation intensify (Eloff 2016). If, conversely, there are any rights authentically and reliably defended by the State within modern-day social arrangements, these are the negative rights of laissez faire market neoliberalism: the right to land, the right to consumer choice and, more commonly, the right to the absence of external restrictions. Rights/freedoms of this nature act as a moral sheen on brutal exploitation through unregulated markets, providing legitimacy to unfair labour conditions that in numerous cases, particularly in the so-called developing world, resemble nothing so much as indentured labour and voluntary servitude. Conversely, positive rights/freedoms, such as the right to social security, sanitation, medical care, etcetera, though equally codified and rhetorically defended, are concretely guarded only to the degree that this defence is necessitated as part of a claim to retain legitimacy; the State will thus vociferously declare the isolated cases in which it defends or nurtures positive rights, even as it wholly fails to back these rights in any kind of significant or consistent way (Nancy 1993, Agamben 1998).

In the South African context, the city of Cape Town for example, stating that no one had to make use of a 'bucket system' anymore, made much of its hypocritical and vastly inadequate provision of nominally flushable unenclosed toilets in underprivileged communities, while rendering little to provide for the basic rights to decency enshrined in the Constitution. The Western Cape High

Court ultimately ruled that the construction of unenclosed toilets in the Makhaza informal settlement of Khayelitsha on the Cape Flats meant that the City of Cape Town had lost sight of the constitutional rights and needs of the poor (Smith 2011). Here, and in innumerable other developing settings, what is experienced is a pervasive structural and technocratic abuse of rights by the same State establishments instituted to support them, however, it is a defilement that is at times recanted due to the trauma implicated in disentangling from the imagined pledge between citizen and State; the right to privacy and big data comes once again comes to mind here. The very constancy provided by the ideals codified by rights and allegedly defended by a benevolent State is considered more significant than whether or not these rights enjoy any material basis at all (Easterly 2014; Eloff 2016)..

Colonialism, hystocracy and the State, however, may not be the only factors in development and poverty alleviation. Overall, sub-Saharan countries have not become wealthier since independence, while in contrast, countries in Southeast Asia have. African systems have often had shortages of expertise, weak economic bureaucracies, and dispersed, *ad hoc* rent distribution to private elites. While there were substantial differences in the colonial experiences of the two regions, one cannot conclude that the colonial epoch was the sole foundation of contemporary development. Nevertheless, colonial rulers in both regions were guided by an ethos of extraction, fostering modest investments in services and infrastructure, and imposing widespread constraints on local production and commerce (Berendsen et al. 2013). Additionally, in sub-Saharan Africa, in contrast to developed nations, the regulation of mineral reserves is consigned to central government. Thus, an income stream from capital is reliant on the adeptness of the State to negotiate a favourable transaction with financiers in mineral resources. There is frequently a disproportionate power affiliation between African nations and foreign investors, which leads to substandard outcomes for the African nations. Frequently, African nations often do not have the technical capacity to autonomously verify how much of an identified resource they have, thus depending largely on information supplied by foreign investors (Onyeiwu 2015). Cases of corruption and influence peddling, such as in Guinea and the Biafra region in Nigeria, have been recounted in negotiations between government representatives and foreign investors. Overall, resources extraction in Africa has failed to benefit the vast majority of Africans (Svensson 2012, Onyeiwu 2015).

The case made by Jacques Rancière (2006) is that where positive rights/freedoms and technocratic development are safeguarded, in affluent Northern European countries for example, this is principally due to the material and collective luxuries afforded to populaces in these social democracies that depend on the defence of negative freedoms in the interests of neoliberalism abroad:

the historical and modern extraction of materials and cheap labour from (neo-) colonised nations is what truly, in the final consideration, delivers such security, not a benign State acting on behalf of rights-bearing citizens. In contemplating a way out of this bind, however, perhaps it is, paradoxically, State overcoding itself that points beyond the political, at least by virtue of the fact that this overcoding transpired through extra-political means. Douzinas (2010) notes that behind all legislative and executive acts of the state rests a 'right to law' grounded on the constituent force that instituted the legal system, which acts as a safeguard to social, economic, educational and political empowerment along with fundamental rights delegated by a constitution.

5. Conclusion

The mainstream approach to economic development, namely rendering deprived nations wealthy, is ultimately centred on a technocratic fantasy: the conviction that impoverishment is solely a technical difficulty amenable to such technical resolutions such as sanitation, vaccines, etcetera. By these technocratic illusions, technical experts inadvertently bestow additional control by the State or donor organisations as the body that will carry out the technical solutions (Easterly 2014). The asymmetry of power can breed a kind of silent brutality – disparities of power generally prevent the sharing of various prospects. The influence of science and of globalisation has fallen short of commanding reliable prospects for survival within the reach of the dispossessed masses of the developing world. This is where the pathologies of power lie (Farmer 2005).

Stepping back, it appears that this is an almost absolute overturn of the commonly assumed association between power and morality, hierarchy and rights, national territoriality and internationalist cosmopolitanism, and technocratic and autocratic free development. Whereas these coupled terms are typically understood to be in tension with each other, one can now instead begin to see them as various interlocking parts of the State apparatus – as sets of terms in zero-sum games that elide the real terrain of distributions of power in which these games are played (Douzinas 2013; Eloff 2016). Nevertheless, historical and contemporary experience indicates that free persons with political and economic rights – termed free development – constitute an efficacious problem-solving technique. Such civic and private problem-solvers can play a key role in free development movements that may incorporate technocratic advances, and achieve much more than dictators (broadly understood) would, who at large force solutions delivered by experts.

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