

3 THE UNCANNY IDEA OF DEVELOPMENT

MEANINGS AND CONTEXTS

Development means many different things to many people at different times, as the histories of suffering peoples everywhere and the constantly growing literature fully illustrate.<sup>1</sup> The Idea of

<sup>1</sup> See Samir Amin, *Unequal Development* (New York: The Monthly Review Press, 1969); Arjun Appadurai (ed.), *Globalization* (Durham: Duke University Press, 2001); Giovanni Arrighi, 'World Income Inequalities and the Future of Socialism', *New Left Review* 189 (September-October, 1991) and 'The African Crisis', *New Left Review* 15 (May-June, 2002); Etienne Balibar and Immanuel Wallerstein, *Race, Class, and Nation* (London: Verso, 1991); Jim Chen, 'Globalization and Its Losers', *Minnesota Journal of Global Trade* 9, 157 (2000); Jonathan Crush (ed.), *Power of Development* (London: Routledge, 1995); Fred Dallmayr, *Alternative Visions: Paths in the Global Village* (Lanham: Rowman and Littlefield, 1998); Mike Davis, *Late Victorian Holocausts: El Nino Famines and the Making of the Third World* (London: Verso, 2001); Arturo Escobar, *Encountering Development: The Making and the Unmaking of the Third World* (Princeton: Princeton University Press, 1995); Gustavo Esteva, 'Regenerating People's Space' *Alternatives* 12, 1, 125-52 (1987); Luc Ferry, *The New Ecological Order* (Chicago: University of Chicago Press, 1992); Andre Gunter Frank, *Capitalism and Underdevelopment in Latin America* (New York: Monthly Review Press, 1976); Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992); Susan George, *A Fate Worse than Debt* (Hainmondsworth: Penguin Books, 1994); Anthony Giddens, *The Consequences of Modernity* (Cambridge: Polity Press, 1990); Stephen Gill, *Power and Resistance in the New World Order* (New York: Palgrave-McMillan, 2003); J.K. Gibson-Graham, *The End of Capitalism (As we knew it): A Feminist Critique of Political Economy* (Oxford: Blackwell, 1996); Ranajit Guha, *History at the Limit of World History* (New Delhi: Oxford University Press, 2002); Donna Haraway, *Modest\_Witness@Second\_Millennium.FemaleMan®\_Meets\_OncoMouse™* (London: Routledge, 1997); Michael Hardt and Antonio Negri, *Empire* (London: Routledge, 2002); Eric Hobsbawm, *Age of Extremes: The Short Twentieth Century 1914-1991* (London: Abacus, 1995); Collin Leys, *The Rise and Fall of Development Theory* (Oxford: James Currey, 1996); Janet Abu-Lughod,

Development emerges variously. Long-term evolutionary processes characterizing the human species signifying development and social evolution were taken seriously for a while in sociological theory;<sup>2</sup> in this perspective development as societal evolution marked the

*Before the European Hegemony: The World System A.D. 1250-1350* (New York: Oxford University Press, 1989); Mahmood Mamdani, *The Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press, 1996); Achille Mbembe, *On the Postcolony* (Berkeley: University of California Press, 2001); Uday Mehta, *Liberalism and Empire* (Chicago: Chicago University Press, 1998); Wolfgang Sachs (ed.), *Development Dictionary: A Guide to Knowledge and Power* (London: Zed Books, 1992); Chandra Mohanty, Ann Russo, and Lourdes Torres (eds), *Third World Women and Politics of Feminism* (Bloomington, 1999); Ashis Nandy, *The Intimate Enemy* (New Delhi: Oxford University Press, 1983); Martha Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge: Cambridge University Press, 2000); Thomas W. Pogge, *World Poverty: Cosmopolitan Responsibilities and Reform* (Oxford: Blackwell, 2002) and 'Priorities of Global Justice' in Thomas W. Pogge (ed.), *Global Justice*, 6-23 (Oxford: Blackwell, 2001); Majid Rahnema and Victoria Brownlee (eds), *The Post-Development Reader* (London: Zed Books, 1997); Shirin M. Rai, *Gender and the Political Economy of Development* (Cambridge: Polity Press, 2002); Balakrishnan Rajagopal, *International Law From Below: Development, Social Movements, and Third World Resistance* (Cambridge: Cambridge University Press, 2003); Edward Said, *Orientalism* (New York: Vintage Books, 1979); Bouaventura de Souza Santos, *Toward a New Commonsense: Law, Science, and Politics in the Paradigmatic Transition* (London: Routledge, 1995); John S. Saul, *Development after Globalization: Theory and Practice for an Embattled South in a New Imperial Age* (London: Zed Books, 2006); Henry Schwartz and Sangeeta Ray (eds), *A Companion to Postcolonial Studies* (Oxford: Blackwell, 2000); Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999); Beverly J. Silver, *Forces of Labor: Workers' Movements and Globalization Since 1870* (Cambridge: Cambridge University Press, 2003); Leslie Sklair, *The Sociology of Global System*, 2nd rev. edn (Baltimore: Johns Hopkins University Press, 1995); Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present* (Cambridge: Harvard University Press, 1999); Robert J. C. Young, *Postcolonialism: An Historical Introduction* (Oxford: Blackwell, 2001); and Slavoj Žižek, *The Ticklish Subject: Absent Subject of Political Ontology* (London: Verso, 1999).

<sup>2</sup> See especially, Talcott Parsons, 'Evolutionary Universals in Society', *American Sociological Review* 29, 3, 339-57, at 35 (1964); see also, Talcott Parsons, *The Evolution of Societies* (New York: Prentice Hall College Div., 1977).

movement from simple to complex forms of social organization, consciousness, and relationships, such as shifts from mechanical to organic solidarity, status to contract, *Gemeinschaft* and *Gesellschaft*.<sup>3</sup> In the process also emerge some 'evolutionary universals' as signifying 'any organizational development sufficiently important to further evolution that rather than emerge only once, is likely to be "hit upon" by various systems operating under different conditions.'<sup>4</sup> Put another way, an evolutionary universal is 'a complex of structures and associated processes of development' which 'increases the long-run adaptive capacity of living systems in a given class...'<sup>5</sup> Parsons explicitly analogizes biological to social evolution; in that sense evolutionary universals define the minima of being human. Much contemporary development policy and theory focusing on development as a directed or planned social/societal change has little use for evolutionary development outside socio-biology and social psychology.<sup>6</sup> It is another matter that evolutionist approaches

<sup>3</sup> I have in view here respectively the contributions of Emile Durkheim, Henry Maine, and Ferdinand Tönnies. See, for a jurisprudential analysis, Julius Stone, *Social Dimensions of Law and Justice* 86–161, 516–45 (Sydney: Maitland, 1965) and for a social theory reflection, Jeffrey C. Alexander, *Theoretical Logic in Sociology, Vol. I* (London: Routledge and Kegan Paul, 1982). See also, as regards Durkheim, Upendra Baxi, 'Comment-Durkheim and Legal Evolution: Some Problems of Disproof', *Law and Society Review*, 8, 4, 645–52 (1974); and Richard D. Schwartz, 'Legal Evolution and the Durkheim Hypothesis: A Reply to Professor Baxi,' in the same volume, at 653–68.

<sup>4</sup> Parsons, 1964, n. 2 supra, at 339.

<sup>5</sup> *Ibid.*, at 340–1. Parsons instances four such universals: technology, 'kinship organization based on incest taboo', 'communication based on language', and 'religion' which indeed provide the 'very minimum that may be said to mark a society as truly human' (at 357). His further troubled observations about the associated mechanisms that mark the emergence of 'modern society' ('bureaucratic organization for collective goal-attainment', 'money and market systems', 'generalized legal systems', and 'democratic association with elective leadership mediated membership support for policy orientation') address multilinearity of development and eschew any prescriptive general theory about human development everywhere.

<sup>6</sup> Concerning the latter, Burrhus Frederic Skinner's work, and the surrounding contestations, that elaborated the notion that human behaviour,

may mark a serious return because of the emergence of the discourse of the posthuman questioning the conventional distinctions between humans, intelligent machines, and other sentient beings, including animals.<sup>7</sup>

### 'PLANNED' SOCIAL CHANGE: TWELVE QUESTIONS

The sources and the itineraries of development as a form of directed or planned social change emerge also variously. It may be planned in the sense of being imposed from the high above. Or, such planning may remain historic gifts of charismatic leadership.<sup>8</sup> Or, further, as is the case with the European Community development (and similar potential enterprises at sharing sovereignty) planned social change may involve an agendum of shared sovereignty, directed at greater economic integration and resulting in and even at times compelling, world-historic presence. Further, planned development may constitute various cross-national projects for development as with the ever-growing United Nations and allied regional formations which take on, as it were, the tasks of a globally coordinated regime of international development policy frameworks within which alone the pursuit of endogenous within-nation development projects may be rendered sensible. Finally, no narrative of development may afford to ignore the long-term historic effects and 'endowments' of

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and even personality, is patterned by threats, rewards, punishments (contingent reinforcements and operant conditioning) and that law and religion, among other means of social control, serve as social technologies, has been all consigned to oblivion. Among his works are: *The Behaviour of Organisms* (New York: Appleton-Century-Crofts, 1938); *Science and Social Behaviour* (New York: Macmillan, 1953); *Beyond Freedom and Dignity* (1971, reprinted by arrangement with Hackett Publishing Company in 2002). See also, for a sympathetic account, Finley Carpenter, *The Skinner Premier: Behind Freedom and Dignity, What the Skinner Debate is All About* (New York: Free Press, 1974). I explore some of the issues raised by Skinner in relation to the discourse of the posthuman in Chapter 6.

<sup>7</sup> See Chapter 6 of this work.

<sup>8</sup> For example, the Meiji restoration in Japan and Atatürk's reforms in Turkey.

the conceptions of development constituted by the practices of colonialism, neo-colonialism, and now various forms of dominant global politics,<sup>9</sup> as we all learn from the eminent and rather encyclopaedic voice of Noam Chomsky. Many a corrupt and even genocidal Third World 'sovereign' stands installed and fully protected, as well as heavily networked in superpower politics by the erstwhile managers of Cold War imperialisms and now by their successors promoting contemporary economic globalization. Development of underdevelopment remains the handwork of diverse international actors/formations, the formulation of what John Kenneth Galbriath was to name early on as the 'military-industrial complex', installing an invisible global state putting already in place and fomenting *de facto* regimes of 'world government', even as many of us still continue to debate its desirability or dread.

All this constitutes an immense field of historical narrative and of theory and empirical analysis. I may here only scratch the surface by inviting attention to at least the following twelve clusters of concerns.

*First, the constructive arena:* In a minimal sense, development begins when judgements are made that the existing state of affairs needs improvement. What needs to be improved, and how, are matters affected often by profound dissensus and that is why contemporary development theory emphasizes participatory and dialogical development interventions. However, controversies surround development policy even when everyone (almost) is agreed about the immediate goals of development policy. Thus, while only a few ethically-challenged humans will disagree with the proposition that impoverishment and destitution are evils to be ameliorated and eventually obliterated by concerted state as well as social action, there is no end of contention concerning how 'poverty' may be measured, especially with sensitivity to considerations relating to gender, race, and caste, class, religion, and people living with

disability. Likewise, normative approaches (as we noted in some detail in Chapter 2) vary enormously in the standpoints from which the existing state of affairs may be described as 'bad', or even 'evil', and how the 'good' of 'improvement' may be conceived of and promoted by development. Does improvement merely signify the 'bettering of the bad'? Or may it also entail effort at overcoming the structural causes of underdevelopment? And what may indeed count as 'change' in the *short* as well as the *long* run? Further, and often enough, the policy losers disagree with *state-ways* that entirely marginalize the *folk-ways* in the designation of some 'bads' and the ways and the 'best' means for moving ahead. Thus arise some extraordinary dilemmas concerning 'pluralist' visions, pursuits, and paths of development. If neither theory-aversion nor theory-addiction (as discussed in Chapter 1) help, the constructive arena emerges, however, as one in which it may remain useful to find ways of distinguishing between forms of *suffering*, as against *sanitized* thought-ways.

*Second, the agency/representation arena:* Who may and with what authority quotient or legitimation deficit, as the case may be, make both symbolic and instrumental change decisions? Who may develop whom? Who may constitute themselves as *developers* and how may the classes of the *developees* be constructed? Is this a question primarily of *representation*, the distribution of political and legal authority to enunciate legislation of contexts of improvement? How may this class of *developers* relate to the *developees*, the rest of the peoples? Or, is it an ethical, even a spiritual, question going beyond the constitution of the sources of external authority and relating to power of the development of moral/communitarian 'sources of self resisting domination? Or is it simply (and for that reason no less a crucial issue) a question engaging the pragmatics of the presentation of politics as the art of the (im)possible, a form which translates *constraints* into *opportunities*?

*Third, the relative autonomy/dependence arena:* In what ways may development intervention choices made by the *developers* remain endogenous? And in what ways does the agenda of change emerge from other external sources not in any way meaningfully accountable

<sup>9</sup> See Upendra Baxi, 'What May the Third World Expect from International Law?' *Third World Quarterly* 27, 5, at 713–25 (2006) and the literature therein cited.

to the hurt and harmed class of *developpees*? How far may dependence on external contexts justifiably influence/dictate the situation of *choice* within which the change agents may then proceed to make *decisions*?<sup>10</sup> Note that contrary to some common understanding, the problem of autonomy/dependence haunts not just the governmental change actors but also social change actors, including specifically human rights, social movement, and especially the development NGOs.

*Fourth, the distributional arena:* How may 'primary moral goods' be conceived in terms of fair distribution? How best may equal concern and respect for all be assured within the aggravating as well as finally un-redressed asymmetrical *distribution of material resources*? Further, how are the opportunities for, and burdens of, change to be equitably apportioned between the *developers* and the *developpees*?<sup>11</sup>

*Fifth, the time dimension:* How may the sacrificial time of development be 'legitimately' constructed by the classes of *developers*? Sacrificial because the classes of *developers* always ask the *developpees* that they should bear their present generational sufferings in good grace (that is without recourse to practices of collective militant

political violence) as custodians of better life-prospects for their children and grandchildren. Even as a tiny percentage of multi-millionaires grow (and now it is considered an indicator of development in the globalizing South to have its own share in the annual list of millionaires), masses of impoverished peoples are constantly exhorted to accept the various versions of trickle-down economic growth and development. Not all 'civil society' 'stakeholders' challenge this notion of sacrificial time within and across human societies. The trickle-down time at one level presents visions of the so-called 'enduring time' of 'development'; in turn it remains exposed to characterization in terms of 'deceptive time', 'erratic time', 'cyclical time', 'retarded time', 'time in advance', 'alternating time', and 'explosive time' of development.<sup>12</sup> For millions of impoverished across the world, for example, the Millennial Development Goals and Targets, and related texts of international development policy, mark forms of deceptive, erratic, retarded, and even cyclical time.<sup>13</sup> Moving a bit further, the question is: how may we address the intransigently difficult distinction between 'time-as-a measure' and time as a 'collective substance'?<sup>14</sup>

<sup>10</sup> Note the folk saying which translates the sovereignty of consumer choice as follows: 'free' market agents *decide* what the consumers then proceed to *choose*!

<sup>11</sup> The Indian Constitution sought to develop a tolerably clear response to this distributional question entailing conflict between liberty and equality through the device of Directive Principles of State Policy which prescribe such organization of community resources that best subserves 'common good' and avoids 'common detriment'. Of course, the crystallization of these notions was left in trust for the further constitutionally informed practices of governance. These have more often betrayed this vision of development as one which *disproportionately benefits the Indian impoverished*. In 1950, the Directive Principles of State Policy mandated governance solicitude for the 'weaker sections of society', diversely there enunciated. However, after 50-plus years of the Indian developmental experiment, these 'weaker sections' have been progressively and variously *further weakened*. At the level of history of ideas, the Indian Constitution-makers uncannily and presciently anticipated the genius of John Rawls who later invents the famous *difference principle* (roughly put, inequalities are justified if and only they advance the expectations of the well-being of the worst-off).

<sup>12</sup> Alfred Gell, *The Anthropology of Time*, 62–8 (Oxford: Berg, 2001).

<sup>13</sup> See Upendra Baxi, 'A Report for all Seasons? Small Notes Towards Reading the Larger Freedom', in C. Raj Kumar and Dharendra Srivastava (eds), *Human Rights and Development: Law, Policy, and Governance*, 495–514 (Hong Kong: Butterworths Lexis/Nexis, 2006). The Millennial Development Goals, for example, now provide for halving by 2015 the absolute numbers of starving, homeless, destitute, and unhealthy global impoverished! See also Chapter 5 of this work.

<sup>14</sup> See Antonio Negri, *Time for Revolution* (London: Continuum Books, 2003). Relating Negri to the discourse of development raises at least a germinal question: 'When the entire time of life has become the time of production, *who measures whom?*' (Emphasis added, at 29). The time of development, to here adapt Negri, is the 'constitution of time as the collective essence, as the machine constitutive of the subject' (at 58), this subject being conceived as a 'collective substance... a multiplicity of antagonisms' reduced however and presented 'within an equilibrium for capitalism that reduces the dialectical possibilities to a zero' (at 40). The contrast between the notion of 'timeless time' of development as globalization and Antonio Negri cannot be any more profoundly presented.

The *sixth* constellation of concerns relate to the ways in which ideas and practices of development construct the *space of development* as constituting *new geographies of injustice*. By this, I signify the political production of space and place designed to maintain structural injustices and even modes of justification. Structural injustices have been named differently as the ‘development of underdevelopment’ or ‘dependant development’,<sup>15</sup> as the ‘seemingly iron law’ under which ‘the nations of the world’ remain ‘differentially situated in a rigid hierarchy of wealth in which the occasional ascent of a nation or two leaves the more firmly entrenched than they were ever before’<sup>16</sup> as ‘the design of a global economic order’ which is determined by a tiny minority of participants’, to the perennial detriment of the worst-off peoples in the global South;<sup>17</sup> as structural exploitation<sup>18</sup> and as the ‘*sociological structure of humanity*’.<sup>19</sup>

<sup>15</sup> See Frank, n. 1 supra.

<sup>16</sup> Giovanni Arrighi, *New Left Review*, n. 1 supra.

<sup>17</sup> Thomas Pogge, *World Poverty* (at 142), n. 1 supra, describes the situation of structural injustice in terms of ‘the institutions and social processes in which most of the world’s people are embedded as a system that is *imposed* by some on others’. These ‘some’ constitute ‘a small global elite—affluent citizens and holders of political and economic power in resource-rich developed countries—who “enforce a global poverty regime” under which we may claim the world’s natural resources for ourselves and can distribute these among ourselves on mutually agreeable terms’.

<sup>18</sup> In some senses the five types of labour exploitation offered by John Roemer illuminate the logics of what is now named as ‘flexible labour market’ and may include other varieties of exploitation as well (such as gender exploitation and what Stephen Gill names as ‘disciplinary globalization’). The five types are as follows:

- ‘*Structural exploitation*’ (workers may not withdraw their per capita share in production even when capitalists may as a result be worse off)
- ‘*Capital theory exploitation*’ (workers are denied any significant decision power in production decisions)
- ‘*Dominance exploitation*’ (workers are forced/coerced to sell their labour power at disadvantage)
- ‘*Corporeal exploitation*’ (workers are robbed of their time since labour power cannot be disassociated from the labourer and remain exposed to disease, disability, and death at the site of production)

The ‘spaces of development’ remain spaces designed to achieve varied results, a principal result being the practices of policy and power that Jean Baudrillard described as the kernel of sovereign power to organize and administer the continual imposition of biological, social, or living death<sup>20</sup> and differently, Giorgio Agamben described as the necessitous biopolitical production of ‘bare/naked life’.<sup>21</sup> In this perspective, the necrophilic dimension of development is *not* an incidental but an *integral* aspect especially of global ‘development’ otherwise masquerading as biophilic. On the other hand, one also speaks of ‘spaces of hope’.<sup>22</sup> This imagery invites afresh some forms of serious regard for the situated critique and contention in a ‘post-Marxian world’ in which the politics of hope remains no longer attributable to any singular historic agency (especially the ‘working classes’ as beings bearing the emancipatory forms of good news) but rather stands dispersed on so many subaltern sites of resistance.

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- ‘*Authority exploitation*’ (regimes of control at the workplace remain despotic; limits to authority of the employer remain undefined or ill defined in the contract of sale and purchase of labour power).

See John Roemer, ‘Should Marxists be Interested in Exploitation’, in J. Remer (ed.), *Analytic Marxism*, 260 (Cambridge: Cambridge University Press, 1986).

<sup>19</sup> This notion of Leon Trotsky has been explained recently as ‘the actual interrelation of all... different societies by virtue of which they make up a larger dynamic whole, the *contradictory but irreversible unity of human social development created by the spread of world market-and all the tensions and conflicts arising from this geo-politically combined but sociologically uneven development of the international system*. Within this totality, the states system is crucial but by no means a *free-standing element*.’ See, Justin Rosenberg, ‘Issac Deutscher and the Lost History of International Relations’, *New Left Review* 215, 9 (1996, emphasis added). See further, Upendra Baxi, ‘Random Reflections on the (Im)possibility of Human Rights Education’, presented at a conference on a New Pedagogy for Human Rights Education, Costa Rica, 22-6 July, 1996; available at <http://www.pdhre.org>.

<sup>20</sup> Jean Baudrillard, *Symbolic Exchange and Death* (London: Sage, 1993).

<sup>21</sup> Giorgio Agamben, *Homo Sacer and Bare Life* (Stanford: Stanford University Press, 1998; Daniel Heller-Roazen, trs).

<sup>22</sup> David Harvey, *Spaces of Hope* (Berkeley: University of California Press, 2000).

The *seventh* question concerns *the costs of developmental judgements/decisions* accustomed to follow the rational models of cost-benefit analyses. These raises all the stock-in-trade questions: What may count as 'benefits' and as 'costs' (both in temporal and spatial dimensions)? How may public officials (elected as well as unelected) proceed to trade-off costs against benefits? Does high economic theory (that is formalized Pareto-optimality and game theoretical models) provide the right answers? If there is no denying that development (*vikas*) entails a just measure of destruction (*vinash*)—the axiom being simply this: no *vikas* without *vinash*—how may this 'just measure' of destruction in the name of *vikas* be determined? Are techniques of measuring and quantifying costs, constantly under considerable innovative stress, adequate in naming, identifying, and rationally adjusting human rights costs, for example, identity, diversity, and dignity costs, not to speak as well of the further variety of economic and social human rights costs? How far can measures at restoring a modicum of integrity (avoiding public corruption in massive or mega-development projects, devising policy frameworks that promote dialogical development, for example) in development intervention and planning mitigate the *distance* and *distrust* between classes of *developers* and the *developpees*? If there are to be set 'moral limits' to costs-benefits approaches, how best may this be done? Indeed, how may such moral limits be constructed by development theory and policy in relation to the ceremonial/ritual debate as well as technocratic policy discourse concerning 'global warming'?<sup>23</sup> Should developmental planning elevate the survival prospects of humans as a species-being, making some indeterminate calls on 'planetary loyalty', while at the same moment promoting under the banner of 'sustainable development' a whole range of assaults on other forms of life and indeed 'nature'? Further, how may the argument from moral limits help us assess 'benefits' urged

<sup>23</sup> The G8 summit in Heiligendamm, Germany suggests heavily that the Global South must remain an equal cost-bearing entity with the Global North entirely disregarding the asymmetrical causal patterns constituting that very problem.

in the name of collective human security burdens against huge costs entailed in the conjuncture of the two 'terror wars', regardless of the global histories of their causation?<sup>24</sup> The imposing Mount Everest-like configuration of erudite thought while overall helpful in understanding the dilemmas of development remains unfortunately a rather poor guide for real life collective social action, whether espousing or opposing developmental interventions.

*Eighth*, how may we relate development to *justice*? I must instantly apologize for raising this question in terms of this politically incorrect language, which involves some messy and militant histories of people's struggles! Yet, carefully read, most texts of development theory and practice seem to be saying that *development is justice*. In *Development as Freedom*, Amartya Sen says this rather precisely when he identifies development as a process of removal of 'substantial unfreedoms'. I desist from citing other contemporary exponents of this equation, proceeding on related but different normative future paths such as 'human rights-based' or 'sustainable', 'participatory', 'alternate', and post-development. Yet, it is overwhelmingly clear that the very Idea of Development remains tethered to the notion that the Global North owes *nil* obligations of global reparative justice to the colonial and imperialist victimage to the Global South peoples; the past victimage costs of Euroamerican 'success' stories of development remain entirely inconsequential for the Global North institutionalized conceptions of development aid and assistance as forms of North-favoured regime acts of largesse, now increasingly dominated as well by the languages of 'failed states', or to use Gayatri Spivak's imagery of 'failed de-colonization'. To be sure, the notion of failed states remains doubly Euroamerican-centric because by definition the contemporary Global North may never be subjected to any rigorous imagery of failed states and because this perspective allows little room for acknowledgement of planned South state failure, that is, states actually *made* to fail by some egregious economic, strategic, and foreign policy performances of the

<sup>24</sup> See Chapter 5 of this work for a fuller elaboration.

Euroamerican states.<sup>25</sup> Global development policy thus inscribes notions of development by wiping the historical slate clean!

*Ninth*, it is on this *tabula rasa* that some newly-fangled discourses concerning development such as 'good governance', 'global rule of law', 'human rights based' development, and 'development ethics' fully emerge.<sup>26</sup> These related but different languages provide sites for both 'hegemonic' and 'counter-hegemonic' discourse<sup>27</sup> re-positioning in many different languages, the issue of redistribution of agency, rights and capabilities, and recognition, often compendiously described in terms of 'sustainable development', 'another'/'alternative' development and now under the auspices of 'post-development' talk. All this talk, however, about the 'dark side' of modernity does not resonate with the 'projects' of development extended systematically to the global South *developees*, who still continue to be exposed to this 'dark side'. How may we, to wholly suddenly switch contexts, as avid readers of the magisterial work *Global Business Regulation* by John Braithwaite and Peter Drahos<sup>28</sup>

<sup>25</sup> Issa Shivji thus relying on some studies recalls that 'between January 1956 and the end of 1985 there were 60 successful coups in Africa, that is, an average of two every year...' Further, 'in 1966 alone there were eight military coup d'états and by 1986, out of some 50 African states, only 18 were under civilian rule... Behind virtually every coup was the hand of one or the other imperial power, and, more often than not, the US. Overthrowing nationalist regimes and installing tyrannical dictatorships was, then, a "fair game" for today's champions of democracy and 'good governance!' See Shivji, 'The Struggle for Democracy' (accessed with the website 'Marxism and Anti-Imperialism in Africa', 2003).

<sup>26</sup> David A. Crocker overviews all this as an important contribution concerning development ethics at [www.wam.umd.edu/~dcrocker/Courses/Docs/2-DevEthics-Sources;AgreementsControversies.pdf](http://www.wam.umd.edu/~dcrocker/Courses/Docs/2-DevEthics-Sources;AgreementsControversies.pdf). See also, Jan Nederveen Pieterse, 'My Paradigm or Yours? Development, Post-Development, Reflexive Development,' *Development and Change* 29, 343–73 (1998). See also Denis Goulet, who directs our attention to the 'cost of human suffering and loss of meaning' that transforms 'development' into 'anti-development' in his *The Cruel Choice: A New Concept in the Theory of Development* (New York: Athenaeum Press, 1969) and 'Development: Creator and Destructor of Values', *World Development* 20, 467–75 (1992).

<sup>27</sup> As Balakrishnan Rajagopal reminds us so insistently.

<sup>28</sup> Cambridge University Press, 2000.

move beyond a fuller view of the Penelope's Web—'webs of coercion' and of 'persuasion'—entailing many a conflict between developmental actors, environments, and principles? How may we after all resist new principles of classification and epistemic consolidation that divides the human species in two broad globalized classes: the *developers* and the *developees*? Or put more precisely, as so many constructions of subject/object positions that define the contexts of development? Both, we ought to note, remain internally, and often radically, heterogeneous. How far may reductive critiques of developmentalism serve their stated purposes remains an open question, especially in terms of the unfoldment of destruction of auto-immunity, a genre that Jacques Derrida, in his later writing, has so presciently narrated for us?<sup>29</sup>

*Tenth*, these global development policy prose regimes promote a whole range of new governance styles and civic virtues, nationally and globally. Pre-eminent among these are the virtues of good governance, as so may modes of market-friendly governance, transparency and accountability, respect for human rights as freedom to choose one's life projects and plans, and public participation in

<sup>29</sup> See Jacques Derrida and Giovanna Borradori, 'Autoimmunity: Real and Symbolic Suicides', in Borradori (ed.), *Philosophy in a Time of Terror*, 95–6 (Chicago: Chicago University Press, 2003). In some ways of response, the practitioners of development expertise begin to speak to us concerning economic 'growth' with 'equity', providing some stunning examples of welfare economic type knowledge-production. This genre seriously urges governmental policy-makers to remain equally concerned with the winners and losers of developmental policies. Dominated by some profoundly vexatious issues concerning *ex ante/ex post* welfare functions and of distributional equity for the losers, this esoteric-looking discourse moves at least seriously towards a 'humane economics'. The issues thus raised remain crucial for any serious pursuit of this combinatorial, and inherently mildly redistributive, 'developmentalist' conceptions. All this, however furnishes the archives of mortal combat between the actually existing classes of the developers and the developees. Surely, in the contemporary conjuncture, we all know how the internally differentiated, and radically heterogeneous classes, of developees contest, often violently, the three 'Ds' of contemporary economic globalization: de-nationalization, disinvestment, and de-regulation. Concerning this, see Baxi, *Future*, Chapters 8 and 9.

the mores and measures of developmental interventions. I explore the difficult notion of participation in the ensuing chapter on the development of the right to development. Here, I need only to briefly point to the fact that participation by and on the behest of the disenfranchised peoples finds everywhere its political limit that trigger militarized forms of governance response towards whatever may be styled as 'anti-development' (and readily then represented by the dominant discourse as 'anti-people') protest/deviance. Development managers in this form of contest always claim, and often succeed in so doing, some superior access to a higher-order 'rationality' than that claimed by participatory aggregations of public protests against some 'catastrophic' practices of developmentalism. Participation thus remains an embattled virtue across developmental times and spaces, constituted not just by development managers but also the differentially constructed human rights and social movement markets.<sup>30</sup> It thus along remains a heavily blood-stained 'virtue', when governmental developmental decision-makers regard militarized state response to collective political violence as rectifying the itineraries 'development', thus adversely affected, whereas insurgent social actors regard such recourse as putting humane governance/development, as it were, back on its course. On the other hand, the unguarded celebration of the virtue of participation trumps the classes of *developers* against the protestant *developees*. Dialogical pluralism, going against the grain of mutual paranoia, is often suggested as the 'best' answer informing the tasks of evolving social co-operation towards consensual social transformation. If so, the jury remains out, as it were, concerning this claim, especially in the present conjuncture of hyperglobalizing world economy.

*Eleventh*, perhaps, at stake may remain some *governance learning curve type issues*; what governmental and social learning may arise out of the fairy tales and horror stories concerning experiments in, and experience of, development? Surely, we must ask of development experience everywhere how such cumulative learning may ever

<sup>30</sup> See Baxi, *Future*, Chapter 7.

occur and indeed be put to some 'wise use' by developers and developees alike.

*Twelfth*, the close relationship between science and technology as they impact on social organization, consciousness, and relationships on the one hand and development theory and practice on the other has not often been noted.<sup>31</sup> Indeed, some core components of the European Enlightenment idea of progress have also been constitutively shaped by the developments in scientific theory.<sup>32</sup> In this sense, 'technopolitics' has always existed; however, it no longer signifies the influence of science and technology in doing politics (conducting public affairs) but rather its determination *by* the forces of science and technology. Digitalization, biotechnologies,

<sup>31</sup> Lynn White in a classic cameo study speaks to us thus of profound impact on medieval social relations and consciousness of the invention of the stirrup. See her *Medieval Technology and Social Change* (Oxford: Oxford University Press, 1962). The industrial revolution is made possible by a whole series of technical inventions that fashioned various stories of global capitalism. The phases of the Cold War remain insensible of grasp outside mimetic and deadly rivalry between the then two super-powers and subsequent nuclear club of some developed nations. The nuclear 'balance of terror' also defined ways within which the newly founded languages and logics of contemporary human rights were severely held.

<sup>32</sup> I have here in view the following: (a) the notion that human agency and responsibility, rather than Divine Will or Reason, presides over definitions of 'progress'; (b) politics no longer remains presented as *destiny* willed by Gods but as a human *enterprise*, often directed to emancipation; (c) the 'law' consequentially emerges as a human artefact, rather than as divine commandment, concerned with 'appropriate' (read 'sustainable') distribution of human freedoms and rights within the incremental modification of the doctrine of the Reason of the State; (d) progress stands variously constructed in terms of the march of 'Pure' as well as 'Instrumental' 'Universal Reason', which in turn envisages 'civilization' in terms of 'mastery' over Nature, both natural nature and human nature and in which faith in science is said to replace faith in God; (e) progress emerges as a material rather than spiritual idea; an idea that in part, ever since Max Weber, measures, and fully re-works the relationship between religious traditions and economic growth and development; (f) governance becomes at once a matter of deliberative politics and of technology; the relationship between trust in expert systems and trust in representative power complicates the Idea of Development.



nanotechnologies, new forms of artificial intelligence, neurobiology, and cognitive sciences further intensify 'technopolitics' so much so that one now hears about politics primarily in terms of 'debate... between libertarian technoproggressives and various technoconservatives, liberal and left-wing technoproggressives or "technodemocrats"...'<sup>33</sup> Human rights and new social movements discourse (especially that of the environment protection) is increasingly cast in terms of technopolitics divides. If governance stands transformed, so does social action and resistance.<sup>34</sup> The power of 'big' science and high technology transforms ways of doing hegemonic and counter-hegemonic politics as already noted in the *Future of Human Rights*.<sup>35</sup> Now the emergence of the posthuman which we fully highlight in Chapter 6 shifts the terrain of contestation of governance and resistance to new orderings of hybrid subjectivities. In sum, 'development' as 'improvement' is a notion that suffers many a seismic aftershock.

<sup>33</sup> J. Hughes describes 'technodemocrats defend the idea that the human condition can be improved with technology, but insist that regulation ensure the safety of the technologies, and that they be made universally accessible'. Further, technoproggressives 'such as "transhumanists" advocate for the right to use technologies that transcend human limitations', while technoconservatives 'argue for a strict limit on the non-therapeutic uses of biomedicine'. See, for an overview of these positions, J. Hughes, 'Human Enhancement and the Emergent Technopolitics of the 21st Century' (an excerpt, available at the Website of 'Institute for Ethics and Emerging Technologies', 2006).

<sup>34</sup> We learn especially from Manuel Castells, *The Power of Identity* (Oxford: Blackwell, 1996) about the uses of the Internet which greatly facilitates global social action. Although Castells urges us to abstain from value-judgements, it needs to be said that if the Internet facilitates the tasks of solidarity and struggle among the people's movements, it is also clear that the space thus made available may also provide a resource for malevolent purposes (fostering racist and communal hate speech and intolerance, reviving misogyny, child pornography, for example). See, for a post-Marxian analysis, Alexander Bard and Jan Soderqvist, *Netocracy: The New Power Elite and Life after Capitalism* (London: Reuters, 2002). For further references and reflections, see Chapter 6 of this work.

<sup>35</sup> See Chapters 8 and 9.

It is time now to revert to some historical repertoire of ideas concerning development.

#### DECODING THE DNA OF THE TRUMAN DECLARATION

There is a common agreement among most votaries and critics alike that developmental theory and practice constitute a specific post-Second World War emergence. It has even a specific date: 29 January 1949 when President Harry Truman enunciated the reasons why the United States 'should make available to the peace-loving peoples the benefits of our store of technical knowledge in order to help them realize their aspirations for a better life'. Development thus stands envisaged as a 'programme' based on the typically American based world 'utopic' forms of thought anchored in its conception of 'democratic fair dealing'. 'Greater production' was privileged as the 'key to prosperity and peace'; in turn another key was also necessary—'a wider and more vigorous application of the modern scientific and technical knowledge'.<sup>36</sup> If the Truman text remains a foundational text of the modern development discourse, it deserves serious labours of interpretation.

Thus, Arturo Escobar begins his classic treatise, *Encountering Development*. Recalling this text suggests, perhaps in an ironic mode, that we read it as a re-statement of 'the American dream of peace and abundance... extended to all the peoples of the planet', a dream universally shared by all 'those in power' everywhere. However, this dream-work is also real; it stands endowed with some constitutive universalizing effects; it actually produces 'the Third World' through the mechanisms of 'the discourses and practices of development since their inception in the early post-World War II period'.<sup>37</sup> Escobar then munificently and magnificently proceeds to deconstruct the reality of the dream-talk. Implicit then in the text already is the assumption that development is a programme and process whose values are universally shared, or ought to be shared, and differences

<sup>36</sup> See, Harry Truman, *Public Papers of the Presidents of the United States* (Washington: The United States Government Printing Office [1949], 1969).

<sup>37</sup> Escobar, n. 1, at 4.

that persist relate *merely* to means and methods of 'delivering' development to the worst-off peoples.

Inherent to the Truman text remain many constitutive inheritances for the dominant development discourse. First, it paradigmatically constructs the non-Euroamerican, in some post-Hobbes ways, as the infinitely miserable other human species: starving, diseased, overpopulated, filthy, and poverty-stricken. This other lives constantly in the state of nature;<sup>38</sup> the task of the programme and process of development is to bring the other within the pale of civilization, defined overall by Jürgen Habermas hopefully naming of the 'unfinished' agenda and business of the European Enlightenment Idea of progress, of which the so-called 'different modernities', at best and worst, provide merely variations on a theme.<sup>39</sup> There cannot be any mention of how this other was constituted in the first place by the savage practices of colonization and imperialism in the past; the state of nature in which the non-Euroamerican other exists is in fact an imposed fate arising from *the custodianship of 'development' exercised until now by the 'civilized societies'!*

Second, the text stands animated by the very same logics as proclaimed by the Queen Elizabeth's inaugural Poor Law in 1601; as with Truman so with the Queen, this other for 'whom poverty is a handicap' constitutes not just a 'threat to them but to other prosperous areas'. Massive global impoverishment now once again emerges as a collective global security problem as even a rudimentary reading of the United Nations Millennium Development Goals and its close cousin, the Report of the Secretary General, Kofi Annan, entitled *In Larger Freedom*, in the first half-decade of the 21st century CE so abundantly suggests;<sup>40</sup> the rhetoric has certainly changed but not the globally dominant mindsets!

Third, since the Truman text till now, the mainstream development theory proceeds on the construction of duties to assist

<sup>38</sup> See, Makau Mutua, 'Savages, Victims and Saviors: the Metaphor of Human Rights', *Harvard International Law Journal* 42, 201–45 (2001).

<sup>39</sup> See, for example, Dallmayr, Esteva, Haraway, Spivak, Santos Appadurai, Sen, Žižek, Leys, and Saul, at n. 1 supra.

<sup>40</sup> See Upendra Baxi, n. 13 supra.

the 'wretched of the earth' not in any discursive terms of approaches to global justice but rather in terms of the 'foreign policy of liberal peoples' in relation to other societies and peoples that John Rawls was to name in 1999 paradigmatically as 'decent' hierarchical societies, societies/peoples living under 'benevolent dictatorships', and conditions of natural misfortune.<sup>41</sup> Note that the emphasis on 'peace-loving peoples' in the Truman text richly anticipates the distinction that Rawls was to later name as the problematic of the 'outlaw states'; that is states, societies, regimes, and even peoples possessed of two verifiable attributes: systematic denial of human rights and the collective intent and capabilities to jeopardize the hard-won liberties and freedoms of decent and well-ordered liberal peoples.<sup>42</sup>

The Cold War pragmatics in the Truman text and the enormous normative achievement of John Rawls when (perhaps impermissibly) juxtaposed starkly signify an understanding of development as a series of strategic and diplomatic gestures of the American, and overall North, *largesse* impelled by self-, rather than other-, regarding ethical considerations. Outside Euro-kinship considerations that mobilized the Marshall Plan, there is simply unavailable any pertinent statement of reparative justice for the erstwhile heavily colonized and vandalized subject peoples and those subjected to the killing fields of the many subjects of the Cold War and globally nurtured systems of apartheid. The same trends massively continue in the contemporary times of war on 'terror'.<sup>43</sup>

Fourth, the Truman text fecundly proselytizes 'greater production' (read, the sacrosanctity of the right to property and contract) as the human *summon bonum*. Equitable distribution here remains a sheer function of 'greater production'. The great insight of the scientific Marx that distribution, far from being epiphenomenal, is constituted by the ways (modes) of production thus stands inaugurally ousted

<sup>41</sup> John Rawls, *A Law of Peoples* (Cambridge: Harvard University Press, 1999).

<sup>42</sup> See Upendra Baxi, 'The Failure of Deliberative Democracy and Global Justice', in *Democracy Unrealized: Documenta 11 Platform 1* 113, 132 (Okwui Enwezor, et al. (eds), Ostfildren-Ruit: Hatje Cantz Publishers, 2001).

<sup>43</sup> See Chapter 5 for further elaboration.

by the Truman text. Marx insisted that 'the structure of distribution is completely determined by the structure of production' and that 'distribution is itself the product of production, not only in its object... but also in its form'.<sup>44</sup> *Who gets what, how much, and for how long, and at whose perennial costs, are among the questions that find their answers in how conditions of production are organized.*

Fifth, the Truman text fully continues to celebrate more 'vigorous application of modern scientific and technical knowledge'. Fully then at work already is the notion that technoscientific knowledges provide the best possible response to chronic and systemic 'underdevelopment'. Fully disarticulated here remain those forms of knowledges that advance the histories of militarized scientific inventions and their application in the killing fields (the Truman text, as well as the perambulatory formations of the United Nations Charter simply pass by the horrors of Hiroshima and Nagasaki). Also remain unacknowledged in the Truman text is the stark fact that this 'vigorous application of technoscientific knowledges' entails effective protection of corporate intellectual property rights; the Truman text sows the seeds of the eventual crystallization of the WTO/TRIPS type rationality against which the Third Worlds now seem fulsomely pitted.

Sixth, the Truman text as an incipient enunciation of the future histories of the Cold War provides, even if unwittingly, a fecund site for critical contestation of the relationship between the positivized notions of development and social and legal plurality. Plurality remains an intransigent global social fact and since it may not be wished away the task always is to construct what may count, after all, as normatively good 'reasonable pluralism'.<sup>45</sup> Put most generally, the Truman text defines reasonable pluralism in terms of three key notions: liberal economy, 'vigorous application of modern scientific

knowledge', and moral personality of 'peace-loving peoples'. The Truman text/doctrine denies openness to other approaches to reasonable plurality. State socialization of the ownership of the means of production, or less than fully socialist planned economies, are thus 'unreasonable' because these do not contribute to prosperity nor advance peace. Nor do societies that shun the 'the benefits of our store of technical knowledge' and instead, for example, remain fully worthy of serious regard, when they insist on the preservation and of forms of holistic health, invoke patterns of tradition-based legality carrying the cost of problematizing legal-rational authority structures, and do not attempt or fail to achieve forms of secularizing governance, in the process also contesting the vaunted 'universality' of contemporary human rights. In a sense, therefore, with and since Truman, 'development' means and signifies the hegemonic project of 'modernization' thus proclaiming many forms of *warfare* against any other than the liberal notions of reasonable pluralism.

### THIRD WORLDISMS

While it helps to identify a peculiar conception of development, the bestowal of almost a canonical status on the Truman text misleads. Other inaugural texts had already been composed even before President Truman spoke. These multitudes of peoples who struggled to de-legitimize, and overthrow, the colonial imposition with its own distinctive histories of predatory legalities<sup>46</sup> made self-determination the foundational principle for relatively autonomous directed human and social development. Far from emerging as any mimetic reproduction of the Enlightenment 'values' and its associated progress narratives, movements for national self-determination mark a world-historic rupture, in turn resulting in alternate visions and paths of development.

<sup>44</sup> See, Karl Marx, *Grundrisse*, 95 (London: Penguin, 1973; M. Nicolous trans.) and see also, Upendra Baxi, *Marx, Law, and Justice: Indian Perspectives*, Chapter 4, 'The Death and Rebirth of Distributive Justice', 51–84 (Bombay, N.M. Tripathi, 1993.)

<sup>45</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993); and *The Law of Peoples*, n. 41, *supra*.

<sup>46</sup> Most Enlightenment thinkers consistently enunciated, and with remarkable felicity, 'justifications' for conquest and ruthless belligerent occupation of the non-European territories, resources, and peoples. See, for some detailed elaboration, Upendra Baxi, 'The Colonial Inheritance', in Pierre Legrand and Roderick Munday (eds), *Comparative Legal Studies: Traditions and Transitions*, 46–75 (Cambridge: Cambridge University Press, 2003).

If we must put individual names contributing to these mutinous acts of authorship, the name Mohandas Gandhi clearly compels a whole range of acknowledgements.<sup>47</sup> There is no reason whatsoever to orphan development discourse by the erasure of this name; Gandhi's *Hind Swaraj*, preceding by several decades the Truman enunciation, provides the still live forms of legacy for its critique. Development, for him, did not primarily signify economic growth and wealth-maximization, mindless emulation of structures, institutions, process of liberal governance, and the notion of human rights at least as celebrative of the classical rights of contract and property, or adoption of Marxian critique of the bourgeois stateways. Development, for the Mahatma, meant *Swaraj* (a protean word in Gandhi's discourse not open to any singular summative narrative). *Swaraj* meant first of all a cosmopolitan republic of ideas, based deeply on understanding one's own traditions, combined with a sincere respect for the traditions of the other. It further meant placing all forms of power at the service of the impoverished. Political power and economic wealth comprised moral assets or public goods only in so far as 'owners' of power and wealth regarded themselves as trustees of the 'poorest of the poor'. *Swaraj* also signified non-violent forms of emancipatory praxes directed at righting ancient wrongs

<sup>47</sup> The literature celebrating and critiquing Gandhi here remains vast indeed. See, for example, Robert Young, n. 1 supra, *Postcolonialism*, at 317–59; Thomas Pantham, 'Habermas' Practical Discourse and Gandhi's *Satyagraha*', in Bhikhu Parekh and Thomas Pantham (eds), *Political Discourse: Explorations in Indian and Western Political Thought*, 292 (New Delhi: Sage publications, 1987); R. Sundara Rajan, *Towards a Critique of Cultural Reason* (New Delhi: Oxford University Press, 1987); Lloyd I. Rudolph and Susanne H. Rudolph, *The Modernity of Tradition: Political Development in India* (Chicago: University of Chicago Press, 1967); and their *Postmodern Gandhi and Other Essays* (New Delhi: Oxford University Press, 2006); Bhikhu Parekh, *Gandhi: A Very Short Introduction* (Oxford: Oxford University Press, 2001); Upendra Baxi, 'Justice as Emancipation: The Legacy of Babasaheb Ambedkar' in Upendra Baxi and Bhikhu Parekh (eds), *Crisis and Change in Contemporary India* 122–49 (New Delhi: Sage Publications, 1995).

I must here add that my reading stems from a Gujarati text of Mohandas Gandhi, *Mara Swapnanu Bharat* ('Bharat of my Dreams') (Ahmedabad: Navjeevan Trust, 1963; compiled by R.K. Prabhu).

(mainly untouchability but also open to a contemporary reading inclusive of gender-based discrimination and violence, xenophobia, and related forms of social and cultural intolerance). Gandhi insisted that the Idea of Development (*vikas*) ought to set ethical boundaries to forms and scales of destructive developmental interventions and change (*vinash*). He also fashioned an extraordinary constellation of ideas and practices of, and for, *Swaraj* in terms of freedom as a code of social responsibility; not for him was ethically valid the notion that rights (including human rights) which assured various degrees of social freedom remain bereft of the distinction he variously made between just *freedom* and *just freedom*. The exercise of *just freedom* consists in its non-violent exercise relative to others. Gandhi presaged richly practices and technologies of thought which non-violently seek to combat what now passes by as forms of the politics of global *misrecognition* and *maldistribution*.<sup>48</sup> Above all, Gandhi also exemplified the uses of his body as a fecund site of non-violent struggles against imperialism as well as for *Swaraj*-based practices of social regeneration, and even renaissance. Even this barebones, a non-hagiographic narrative of Gandhian 'notion of development should at least suggest that his relevance to the theory and practice of contemporary development remains inexhaustible.<sup>49</sup> I desist here from saying more save to add that the dominant development discourse understandably pursues the marginalization of his life and thought.

<sup>48</sup> To appropriate here in a different context Nancy Fraser's celebrated formulations, see, Nancy Fraser, 'Social Justice in the Age of Identity Politics' in Nancy Fraser and Axel Honneth (eds), *Redistribution or Recognition? A Political-Philosophical Exchange*, 7–109 (London: Verso, 2003). And see, Bouaventura de Sousa Santos, 'Neustra America: Reinventing a Subaltern Paradigm of Recognition and Redistribution', *Theory, Culture and Society* 18 (2–3), 185–217 (2001).

<sup>49</sup> This remains true even when, as we ought to, re-situate Gandhi with other, more or less contemporary, postcolonial figurations, fully with Robert Young, *Postcolonialism*, Part IV, at 159–334, entitled 'Theoretical Practices of the Freedom Struggles'. See also Young's discussion of 'Marxism in India', at 311–16

However, other texts of development, besides Gandhi's, also possess a degree of resilience. Many Anglophone and Francophone African thinkers and revolutionary leaders in Africa and Latin America conceptualized development in terms of continual *struggle*. The struggle remains directed in the first place to 'reclaim the psychology of people, erasing colonial mentality from it.'<sup>50</sup> Overcoming racialism remains a crucial component of this erasure, as serious readers especially of the corpus of Frantz Fanon, among others, would surely recall. Vigilant reflexive awareness also characterizes this struggle to redefine development; thus for example, Amilcar Cabral emphasized that 'national liberation and social revolutions are not exportable commodities' but rather the 'outcome of local and national elaboration...essentially determined and formed by the historic reality of each people.'<sup>51</sup> Liberation, for Cabral, defined the tasks of theory and movement that fully addressed, and beyond acts of politics, understanding and overcoming 'the effects of imperialist domination on the social structure and historical process of our peoples'<sup>52</sup>; in sum liberation 'demands the destruction of capitalist structure implanted in the national territory, and correctly postulates a socialist solution.'<sup>53</sup>

Second, this erasure and recovery entail tasks of re-appropriation of one's specific histories, if only because in the context of development, this means the total rejection, with Cabral, of the claim by colonialists that 'it was they who brought us into history', they 'made us leave history, right at the back, to follow the progress of their history.'<sup>54</sup> Recovering 'history' with Cabral signifies self-determination at the very least as a core human right of 'of every people to have its own history'. This scarcely means the 'everything goes' type pernicious notions of 'cultural relativism' but rather 'the right of a people to its own productive forces...that takes place when

the productive forces of the nation are completely [made] free of all forms of foreign interference or domination'<sup>55</sup> in ways that 'through which people would achieve both identity and dignity.'<sup>56</sup>

Third, the struggle for redefining self-determination as a key to development also leads to the importance of solidarity. Ché Guevara expressed this memorably in the service of tricontinental solidarity which required understanding that 'the breadth of our emotion in the face of the aggressor's outrages and the peoples' sufferings cannot be limited to the frameworks of Latin America'; indeed 'true proletarian internationalism' entails that we 'feel as an affront to ourselves every aggression, every insult, every act against human dignity and man's happiness anywhere in the world.'<sup>57</sup> Development here signifies above all, an international ethic of sentiment and empathy for suffering, a continuously growing culture of capabilities to take other people's suffering seriously. Some contemporary genera of development ethics, though too deeply insecure to acknowledge the audacity of revolutionary enunciation, still recycle its ethical force through languages of multiculturalisms, and especially with Amartya Sen's reliance on Adam Smith notions of moral sentiment, and Richard Rorty type insistence on the foundational texts of John Dewey and William James.

Fourth, this notion of solidarity richly informs the normative reconstruction of the idea of human rights as people's rights, not human rights of a system of 'depleted liberalism',<sup>58</sup> which even today finds problematic the idea of group or collective rights. Understandably, the notions of rights follow from histories of collective concrete struggles of the disenfranchised and disarticulated peoples and far from being a fake gift of the European Enlightenment, human rights constitute a live legacy of their authorship by suffering

<sup>50</sup> Kwame Nkrumah quoted in Young, at 246.

<sup>51</sup> Amilcar Cabral quoted in Young, at 285.

<sup>52</sup> See Young, at 286.

<sup>53</sup> *Ibid.*, at 287.

<sup>54</sup> Cabral, as quoted in Young, at 298. See also Ranajit Guha, n. 1 *supra*.

<sup>55</sup> Young, quoting Cabral, at 289.

<sup>56</sup> *Ibid.*

<sup>57</sup> Young, at 211.

<sup>58</sup> See Daniel Fischlin and Martha Nandorfy, *The Concise Guide to Global Human Rights* (Montreal: Black Rose Books, 2007). See also Chapter 2 of this work.

peoples and communities in struggle.<sup>59</sup> Issa Shivji<sup>60</sup> remains a foremost exemplary exponent of this African endowment in which people's participation remains a keyword defining a prerequisite for development.

Fifth, the question of the pursuit of revolutionary change by practices of organized/disorganized collective political violence, even terror, in the pursuit of redefining the ends and means of 'development' emerges more sharply in struggles for self-determination beyond Gandhi. It still persists beyond the frame of de-colonization in the contexts of autonomy and secessionist movements, often involving organized collective political violence, even terror, directed to overthrow not just oppressive regimes but also cultural and institutional networks and patterns. Revolutionary social and societal transformations do not attract the dominant development discourse; however, the fact remains that such endeavours tend to redefine the Idea of Development as progress in itself. After all, the declaration of the rights of man during the French, and the duties of citizen during the socialist, revolutions transformed in many world-historic ways the imageries of social and human development. So did the revolutionary struggles of self-determination waged by the colonized peoples that finally abolished the notion that a bunch of Western sovereigns/outlaws had a divine right to fabricate and forge the era of the old Empire. Accelerated social change also occurs as a result of 'revolts' rather than 'revolutions'.<sup>61</sup> People's revolts, these sub/mini-revolutions, have the power to alter, even reshape, structures of domination; even more crucial, these possess the power to redefine the subjectivities of the oppressed. Much of what passes in the name of development theory privileges systemic ignorance of these critical events and this squanders the

<sup>59</sup> Baxi, *Future*, Chapter 2.

<sup>60</sup> Issa Shivji, *The Concept of Human Rights in Africa* (Harare: CODESRIA, 1989).

<sup>61</sup> The transition from corporate forms of colonial rule towards imperial rule was made possible in India by what the British Indian historians still call the 1857 mutiny but what Karl Marx, also an exemplary journalist, was to name as the 'first war of Indian independence'.

possibilities of understanding the ways in which the performatives, and effects, of collective insurgent violence produce both the global orders of production of the 'truths' of development and the production of subaltern counter-truths.

Finally (without being exhaustive) we need to fully acknowledge with Robert Young that anti-colonialism, as a mode of redefining development, 'was ever just an idea, a theoretical position, a philosophical view of the world'. Rather, it constituted a class of 'organic intellectuals, who lived and fought for the political issues around which they organized their lives and with which they were involved at a practical level on a daily basis'.<sup>62</sup> This reminiscence remains crucial in the hyperglobalizing times that convert human rights and social action movements so systematically into 'markets'<sup>63</sup> which altogether generate hybrid forms of global activism conducive, at the end of the day, to many a form of collaboration and complicity with the dominant global discourse concerning development.

In recalling these fragments of this history of ideas, I do not suggest any form of ancestor-worship but do at the same time suggest that the mindless massacre of the ancestors remains rather an altogether easy virtue. Even when fully context-bound, giving dignity of discourse to some recent past postcolonial thought-formations about development enables us to better understand, and further to enrich, the ongoing discourse concerning alternatives to, and alternate forms of development, and much of what now passes under the resolute naming of the 'postdevelopment' thought.

### THE THIRD WORLD

Moving perforce ahead, the very idea of the Third World (despite some premature obituaries) continues to provide a rich repertoire concerning notions of development.<sup>64</sup> The very act of naming also

<sup>62</sup> Young, at 427.

<sup>63</sup> Baxi, *Future*, Chapter 7.

<sup>64</sup> Incidentally, as concerns some obituary notices, all that one may say is that its continued existence is both a *necessary* and *sufficient* condition for

invites us to decode the multiplicity of *circumstances of development* from the practices of reading/writing *conceptions of development*. Many clarifications are here in order.

### A. The Circumstances of Development

What I name as circumstances of development include both the orders of the given and the constructed. The 'givens' constitute constellations of facts beyond human control, facts which constitute, as it were, people's destiny. Some human communities live coastally; some others remain landlocked. Some remain vulnerable to volcanic eruptions, earthquakes, tornadoes, cyclones and Tsunami; others live relatively free from this disruption. Some live in arid zones and in 'natural' deserts and others live in rainfed areas. Some have huge petroleum, mineral, coal, diamond, and other resources; others have little or none.

Other circumstances of development usually present a diverse menu for rich varieties of constructivist practices. I list these summarily as follows: (1) patterns of past colonial and the not so past Cold War exploitation; (2) the cultural diversity presented by the 'ethnic' and religious differentials; (3) patterns of population growth; (4) access to natural resources; (5) structures of governance and the viability of institutionalized political domination; (6) vulnerable boundaries and geopolitics of defence; (7) differential debt burdens owed to the developed countries and consortium of international and regional financial institutions; (8) unequal and adverse international trade arrangements; (9) rates of social conflict, civic unrest and strife, and violent insurrection and corresponding ways of militarization of governance; (10) degrees of vulnerability to superpower strategic pursuits; (11) the available spaces for civic dissent; and (12) varied spread of human rights leaning and cultures. Given these parameters, no one 'Third World' country/society/nation

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the reproduction of contemporary development discourse. Were it ever to cease to world-historically exist, all the various forms of development talk will also abate, and with it also all the infra-/and super-, structures of development discourse.

remains fully analogous with another. A more nuanced understanding of the circumstances of development will of course further require how the logics and structures of colonialism and imperialism combined to develop 'underdevelopment' and continue to so do in this age of hyperglobalization.

How well and how far one may disengage these two sets of given and constructed facts and histories is not a question that this chapter, indeed this entire work, may adequately approach. Yet, it remains important to offer a few remarks.

### B. Development as a Response to the Given Circumstances

Absolutely nothing normatively follows from the 'given' facts, outside some performative acts problematizing the tasks of development within these givens. These tasks necessarily entail international co-operation, a discomfiting frame within which wrestle diverse rights-based versus largesse/charity-oriented approaches. Further, even thus not all the givens stand addressed within this frame; it is not clear at all, for example, what such acts of co-operation may do to, or with, certain accidents of geography that unevenly spread certain natural resources.

I can do no better, within the confines of this chapter and work, than to briefly mention the charity/largesse-based approaches to 'natural disasters' as compared, say, with the remarkable success of the state-rights based regime of the United Nations Convention on the High Seas. To say the least, this regime reflects at least states-rights-based approaches to equitable resource sharing in oceanbed and sea-floor resources; further, the regime also enacts a code of responsibilities of access for the landlocked to the costal states.

In contrast, forms of civic humanitarianism characterize response to natural disasters. At the outset, it remains important to note that strategic economic and military geopolitical-power considerations remain constitutive of justice as charity.<sup>65</sup> The considerable normative

<sup>65</sup> To take a most recent example, the October 2005 earthquake which especially devastated 'occupied'/'Azad' Kashmir, marked several types of

and institutional work of the United Nations remains important: for example, the UNDRP (the United Nations Disaster Relief Organization), research enterprises, fully aided and abetted by the 'global civil society' formations, such as the CONAHA (roughly decoded here as commissions on natural disaster studies) and indeed the wide-ranging auspices beyond the 1990 UN Decade for Natural Disasters and the inevitable plus-five/ten reviews. Leading governments of the North both within and outside the United Nations pursue relief and rehabilitation tasks with their own developmental conditionalities of effective utilization of disaster assistance, also ably assisted by some national activist networks as well as global ones. These conditionalities include: transparency in disbursement of allocated funds for relief and rehabilitation, enhancing and updating governance capabilities to deal with disaster management both *ex facto* and *ex ante*, disciplinary practices that impose eclectic international institutional surveillance, cleansing governance of its corrupt practices, and a serious regard for the human rights of the thus internally displaced persons. In all this, patterns of technoscientific politics and governance stand further reinforced. Civic humanitarianism thus accelerates the virtues of 'good governance' in catastrophic times of natural calamities. One may even call this phenomenon by the name: *distressed biopolitical developmentalism*. I refrain here from any act of evaluation which remains writ large in critiques of the far better analysed military humanisms of humanitarian intervention.<sup>66</sup>

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strategic responses. The much needed helicopters for carrying immediate food and health supplies were not made available by the United Kingdom and the United States for a while on the ground that they were placed in service of the Iraq war. On the other hand there was much informed comment in the media and the Internet to suggest that the delay may also have something to do with the fact that the worst-hit places were thickly populated by jihadi militia, including some Al-Qaeda elements. Further, the Indian offer to send military helicopters got mired by the insistence that the hardware was only acceptable without the Indian pilots!

<sup>66</sup> See David Chandler, 'The Road to Military Humanitarianism: How the Human Rights NGOs Shaped a New Humanitarian Agenda', *Human Rights Quarterly* 23, 678–700 (2001); Samantha Power, "A Problem from Hell"

### C. Global Developmental Feats of Constructivism

The related circumstances of development itemized in Section (a) above remain endlessly open to social construction. On this register the drawing of the bright lines between the endogenous/exogenous causative factors remain difficult to draw, indeed outside the frames of dominant global politics,<sup>67</sup> as we all learn from the eminent and rather encyclopaedic, at times poignantly solitary, voice of Noam Chomsky. It is on this register that the distinctions between the practices of *writing/inscription* of 'development' matter as much as those of *reading development*.<sup>68</sup> Both these orders of

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*America and the Age of Genocide* (New York: Basic Books, 2002); Joanna McRae and Anthony Zwi (eds), *War and Hunger: Rethinking International Response to Complex Emergencies* (London: Zed Books, in association with the Save the Children Fund, U.K., 1994).

<sup>67</sup> See Upendra Baxi, 'What May the Third World Expect from International Law?', *Third World Quarterly* 27, 5, at 713–25 (2006) and the literature therein cited.

<sup>68</sup> One way to conceive this distinction is via the contrast between theorists of development and policy-makers and practitioners of development. Both classes write 'development'. However, theorists of development typically produce bodies of thought about human and social development in terms of metanarratives of progress. The project imagines of development in terms of a world civilization project in which 'history' constitutes the long march of universal unfolding of secular human reason. In this figuration, as we note a little later in some detail, the Idea becomes both a universal regulative principle and a project of universalizing effects of the (as Jürgen Habermas would have it) 'unfinished task of modernity'. These metanarratives have been, as we all know by now, richly deconstructed in exemplary fashion by postmodern habitus of critical thought. Yet, at specific moments it is not easy to tell the difference between the scripts of normative ideologues of development and those authored by a class of the state managers and policy actors at various related but distinct and intersecting sites—national, supranational, regional and international—who author the visible scripts of human and social development in various places and spaces. Extending Michel Foucault to development theory and practice, Arturo Escobar has fully demonstrated forms of artificial kinship between development theorists and practitioners in terms of 'regimes of representation' that produce the national and global truths of and about development. Perhaps, this is best summated under the rubric of 'developmental complexities'.



performative feats entail construction of circumstances of development, as presenting sets of negotiable and non-negotiable serial opportunities and constraints. The practices of writing development remain, as already noted implicitly, a largely exculpatory genre for acts of colonial/imperial exploitation of peoples that now constitute the Third World. These constituted nothing short of, and descriptively put here, a series of crimes against autonomous human and social development. Writing development, *ever since the Truman text*, in sum, consists in the full erasure of these enormous histories of messy and ultimately miserable domination reproducing human and social suffering that persist in the postcolonial/postsocialist times.

In contrast, practices of *reading development* in part converge with the practices of writing development and in part stand in contradictory relation to these. By 'reading development' I here signify practices of critique of both legible and hidden scripts of development; ineluctably, these remain multifarious as well as nefarious. Multifarious because those who construct texts of development and those who deconstruct and reconstruct these do not constitute any homogenous class of theorists and practitioners of the Idea; nefarious because those who would dare read development scripts do not always succeed in new modes of re-reading and re-writing development.<sup>69</sup>

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Motley of elected and unelected state officials, at all these levels, who write developmental policy script address multiple communication constituencies at home and abroad. At home, writing development provides a saga of constraints imposed by the actually existing world economic and military orderings suggesting the imponderables of translating constraints into opportunities. 'Abroad' constitutes differential timeplaces, as already noted, Third World leaders at various international fora expose the structural injustices of the world orderings and even seek to renovate these in some meaningful aspirational ways. Fully acclaiming these achievements, they at the same moment engage in a 'reluctant fascination' with the need to translate the demands they otherwise make against the North in the title of global justice in writing development for their own peoples.

<sup>69</sup> See Jan Nederveen Pieterse, 'My Paradigm or Yours? Alternate Development, Post-Development, Reflexive Development', *Development and Social Change* 29, 347-73 (1998).

The practices of reading development, even when fully informed by the ways in which the foreign policies of decent, well-ordered, liberal societies remain fully implicated with these practices of Third World managers, agents, and forces, still address, relatively autonomously, the perfidies of the political classes of the Third World state managers, these corrupt sovereigns, who on all available evidence, systematically foment ethnic strife for their own ends of governance and thrive on various patterns of militarized governance.

*The narrative histories of reading/writing development signify* some ambidextrous, *doubled* shifts in which the representation of the Third World, while to some measurably crucial and creatively demonizing the wicked 'West', also ambivalently juxtaposes both the forms of dominant and subaltern discourse as an order of 'unity' in 'diversity' as well as 'unity' in 'perversity'. Reading some narratives of Third Worldisms, within the strategic timeplace that constitute the Third World remains a daunting enterprise, indeed. Both these, though diversely, combine to forge and fabricate fragile series of coalitional identity and 'entity' of the Third World formations (diverse groups of historically exploited state-formations) which position this on the stage of world politics so as to achieve maximal normative, development policy, multilateral bargaining outcomes favourable to various forms of its relatively autonomous existence in the spheres of global governance and regulation.

This extraordinary ensemble of 'state'/'peoples' communities insistently engage the rest of the world (that is communities of developed/North states) in discourses re-defining 'development'. Various, and this of course matters, the Third World states/peoples combinatory forms invoke the histories of suffering peoples as a powerful platform to mobilize fully the stock of moral common sentiment against the existing structural production of injustice and human rightlessness. On this platform it does indeed produce some wondrous normative achievements.<sup>70</sup>

<sup>70</sup> It is useful, at the very least, at the outset to understand some broad features of the political histories of Third Worldisms that redefine the idea of development. These install, beyond some teasing illusions the

The pay-offs of this world-positioning, these astonishing forms of the fabrication of the Third World solidarity in international fora, are indeed impressive. One has just to recall here the narratives of not-so-united but still effective uses of the India-Brazil-South Africa led coalition rescuing from the hard and harsh WTO/TRIPS intellectual property rights regimes concerning life-saving generic drugs, or the variegated impositions of structural adjustment, good governance, regime of conditionalities and a host of associated practices of 'disciplinary globalization'<sup>71</sup> and authoritarian 'post-Fordism'.<sup>72</sup> In these narratives, civil society actors stand shoulder to shoulder, as it were, with incumbent Third World leaders and regimes that they otherwise so fully critique and contest at home.

However, all these constitute forms of dialectal solidarity between the Third World developmental managers and the forms of human rights and social movement politics. Thus, the incumbent Third World regimes protesting structural injustice 'abroad' fully present rich opportunities for civil society actors to oppose predatory governance at 'home'. This Janus-faced Third World state representation of its suffering peoples constitutes at the same moment a series of opportunities for redefining 'development' for global actors who know full well, and seize every opportunity, for further self-interested and strategic ways of taking advantage of this Third World state/civil society ambivalences.

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Lockean-type right to resistance, at the heart of the post Second World War international law the enormous principle and language of self-determination as a collective human right of the colonially vanquished non-Euroamerican other. Further, Third Worldism contributes remarkably to the United Nations Charter's normative outlawry in international law of the possession by conquest (of peoples, resources, and territories); to read the Charter prohibition as a gift of the 'West' to the 'Rest' simply represents a massive caricature of the Third World contribution to the development of international law.

<sup>71</sup> See Stephen Gill, at n. 1 supra.

<sup>72</sup> See, George Steinmetz, 'The State of Emergency and the Revival of American Empire: Toward an Authoritarian Post-Fordism', *Public Culture* 15, 323-45 (2003).

The question then is how we may sensibly *read* the legitimate, and authentic, forms of Third World global positionings with the unendurable and inhumane histories of social and human suffering imposed at home by this very feat? How may one construct anew the spaces of distance marking the divide between the Third World as a self-positioning entity in world affairs and forms of Third Worldisms as representing the estate of the suffering people's oriented forms of thought and action of the colonially/neo-colonially constituted subject peoples? If subaltern resistance in the first place, so to speak, brings the Third World into being, how far it may now resist the universalizing forms of global capitalism?

These texts of Third Worldisms fully disrupt all the vogueish tales about the post-Westphalian conceptions of sovereignty and international law. What matters is the emergence of 'Third Worldism' as the project of ideological resistance to 'the imperialism of the same' (to borrow a luminous phrase from Levinas).<sup>73</sup> Third Worldism offers histories of mentalities of self-determination and self-governance, based on the insistence of the recognition of radical cultural and civilizational plurality and diversity. As an ideological formation of world historic pertinence, Third Worldism actively survives the obituaries at the demise of the Third World as a distinct geopolitical entity, without at the same moment, marking any end of spawning genres of postcolonial, post-socialist and even postfeminist thought practice; more critically, it renews people's struggles within the spaces of the postcolonial and postmodern. Forms of their worldism offer 'bits and pieces' of the performative feats of peoples struggles directed to emancipation from the colonial yoke and the early forms of postcolonial struggles against neo-colonialism that Kwame Nkrumah so acutely described in terms of 'power without responsibility and exploitation without redress'. If the fostering of the organized amnesia remains a prime task of the dominant discourse about development, critical remains practices

<sup>73</sup> Emmanuel Levinas in Michael B. Smith (ed.), *Outside the Subject* (Stanford University Press, 1987).

of re-inscription of the 'future memory' of Third Worldism (as Walter Benjamin thus defines the task of thought).

Third Worldism, both as a global 'entity', and as marker of insurgent activist presence and practice, is not only held within the paradigmatically signified three distinct worlds of development: the First (capitalist), the Second (socialist) and the new Third (ex-colonial nations-state formations and Latin American nations). Contesting this hierarchy as a matter of abundant historical detail, also registers protests at the representation of the Third World as a vehicle, vessel, and visage of global domination, a phenomenon which Arturo Escobar names as the making and the unmaking of the Third World. This altogether remains a superpower-pliable world, a text perennially open to globally imposed forms of predatory politics which offers many an instance of standardless use of economic coercion, and outright acts of military force, to ambush some residuary forms of Third Worldisms. Even so, global subaltern discourses, whether or not appropriately read as constituting registers of 'different modernities', at least disrupt the undialectical presentation of the Idea of Development as presenting any smooth surface for hegemonic theory and practice of development.<sup>74</sup> Just as the Second World confronted and disrupted the First, the Third World at least contested, and at moments even disrupted, some hegemonic conceptions of development propounded and violently enforced by the First and the Second Worlds during the three phases—the early, middle, and terminal—of the Cold War.

At the very least, Third Worldism contributed massively to the normative pluralization of the world. Neither the point of departure nor the point of arrival of the Idea of Development may any longer securely be located in the mythical stories of the 'Western' origins either of human rights<sup>75</sup> or the practice of development. The histories and futures of the UDHR, and its normative progeny, I suggest may

<sup>74</sup> This also offers a description of the Fourth World (the world of indigenous peoples) and a Fifth World (the worlds of victimage caused by mass disasters caused by multinational corporations, of which the Bhopal, Ogoniland, and Agent Orange provide a contemporary archetype).

<sup>75</sup> Baxi, *Future*, at 33–42.

not simply be grasped in terms of the myths of origin. The formations and practices of Third Worldisms begin to furnish howsoever contested sites for questioning (to deploy Edward Said's memorable phrase) 'the authority of authority'. The insurrectionary languages of human rights constantly mark their presence during the many phases of the Cold War and new international human rights and humanitarian networks emerge. The Third World, or more accurately Third Worldism ideology, begins to deploy spaces thus opened up to problematize the ways of administering 'trust territories' under the values of the United Nations Charter resulting in restoration of 'nationhood' for most of these territories.<sup>76</sup> Further, Third Worldism launches a successful movement, with fullest collaboration from the Second World, towards an insistent redefinition of human rights in the languages of social, cultural, and economic rights, culminating in the majestic United Nations Declaration on the Rights of States and Peoples to Development, which we revisit in Chapter 4 and the heavily aborted languages of the New International Economic Order, New World Information Order, the United Nations Declaration on Social Progress, and the Declaration on Permanent Sovereignty over Natural Resources. The success stories here are also remarkable; for example the declarations concerning apartheid as a crime against humanity, the UN declarations concerning the peaceful uses of science and technology, peaceful and friendly relations among states, and the doctrine of common heritage of humankind, conceptualized by the discourse of peaceful uses of the outer space, the Moon Treaty, and the international regime of seabed and ocean floor resources.

I mention all this here at least for two reasons: first to underscore the creativity of Third Worldism in refashioning the imagination of the 'post-Westphalian' international law and order and second to mock at the idea that the Third World notions of development merely clone the forms of superpower theologies of development. The image

<sup>76</sup> See Anthony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2006). See also, Gerry Simpson, *Great Powers and Outlaw States*, (Cambridge: Cambridge University Press, 2004).

of the third-worldness as passive readers so the hegemonic Euroamerican practices of writing 'development' on this register indeed remains grotesque.

#### D. Two Types of Development Theory Construction

At stake in all this also remains the issue of two kinds of theory-construction: non-normative (descriptive, as actually existing) and the normative (as a state of affairs that ought to exist, even if sub-ideally) approaches to development. This distinction may however may not be pressed too far if only because the normative always remain co-present in the descriptive; the multitudinous community of state, regional, supranational, international actors who write the scripts of development, these conjoint formations of the elected and unelected official actors who claim at times a sort of 'divine authorship' of the Idea. These new forms of developmental divinity, as it were, recycling notions of 'improvement' of the existing state of affairs possess and proselytize some inner orders of normativity. Likewise, the normative theory of development maintains a constant conversation with the descriptive, as we see in some fullness in what follows.<sup>77</sup>

An enormous range of disagreement surrounds the tasks of normative theory. First, the complicated distinction between 'development' and 'progress'; 'development' conceived primarily as economic growth, as has been often remarked in critical discourse, celebrates the fatal ideology of a cancer cell! Second, the move ahead marks the contested terrain of the contradictory relationship between (economic) 'development' and (social) justice. Third, this invites attention to marked differences in the ways of understanding of time and space dimensions of 'development' which I have insisted as naming as the geographies of *injustice*. Fourth, there persist always the problem of what to do with the so-called 'Enlightenment' inheritance and its tainted world hegemonic conceptions of

<sup>77</sup> See, for example, David A. Crocker, 'Functioning and Capability: The Foundations of Sen's and Nussbaum's Development Ethic', *Political Theory* 20, 4, 584–612 (1992); and Gasper, at n. 1 supra.

'development' which spreads its costs and burdens unevenly on the global worst-off peoples. Fifth, how may the pace and directionality of 'development', if at all, be re-imagined in some new unfoldments of the spheres of 'development' ethic? Sixth, how may the development discourse accord dignity to the myriad subaltern approaches to 'development'? A rigorous pursuit of all these is beyond the bounds of this chapter; all I may attempt here is to tease out some critical implications of the staggeringly vast discourse concerning human and social development.

#### DEVELOPMENTAL COMPLICITIES

The *vikas/vinash* dichotomies stand terminally presented in the representation of 'development' as 'an unqualified human good' (as with E. P. Thompson's superlative description of the rule of law).<sup>78</sup> The initial enthusiasm of this Idea remains fully understandable. Which reflexive human being may justifiably contest, for example, the Idea as now entailing some of the following: the reduction of maternal and infant mortality, the eradication of smallpox, programmes for polio vaccination, the HIV/AIDS therapies, the programmes of global co-operation directed to the avoidance where possible and treatment where necessary of dreaded social epidemiologies, whether signified by the 'mad cow' disease or SARS epidemics and related symptoms already fully available to view via nuclear power station meltdowns, global warming, and climate change? Surely, all these require trans-boundary, even trans-ideological, technical juridico-political world level fashioning of collaborative frameworks? All this, however, entails a considerable deference to the autonomy of the manifold regimes of corporate technosciences. It is as yet not clear how human rights activists, and the New Social Movements praxes that seek to engage politics of redefinition of 'development' by re-imagining the Idea of Progress in terms of the World Social Forum motto: 'Other Worlds Are Possible' may adequately respond, beyond the celebration of

<sup>78</sup> See Edward P. Thompson, *Whigs and Hunters: The Origins of the Black Act*, 266 (London: Penguin Books, 1975).

passional logics, and rhetorics, to the dilemmatic dimension of 'development' as unfolding the *vikas/vinash* logics and rhetoric. In saying this, I do not at all doubt the historic importance of pitting against the Reason of Globalization the Unreason of Human Rights and the aspiration for global redistributive justice. Yet, perhaps, at stake in all this remains the distinction between development and developmentalism, which requires some attention.

#### DEVELOPMENT AS DEVELOPMENTALISM

The enormous labours of theoretic welfare/social choice economists aspire to eschew 'ideological' politics of Unreason. They, in the main, outline 'development' in terms of 'welfarism'—a theoretical stance which celebrates the insistence on the principle, with all the further equity-imbued re-working of the Pigou-Dalton principle that 'social policy should be based solely on individual well-being with no reference to "fairness" or "rights"'.<sup>79</sup> All this hugely complicates the distinction, if any, between the human right to development contrasted with national exercises in political largesse and global development assistance as acts of charity rather than of justice.

Regardless, for the present moment, it remains worth noting that this genre remains concerned with drawing some necessary, and manageable, distinctions between 'development' as a multi-dimensional and ubiquitous process of social transformation and 'developmentalism' as a dominant ideology, or as several histories of mentality, of directed social change.

Developmentalism may be broadly described as the discourse of power, that is the official mindset of key globally networked policy and political actors dedicated to the pursuit of economic growth. It is a complex 'regime of representation' (in terms of Arturo Escobar)<sup>80</sup> in which relevant knowledges and languages

produce the various regimes of 'truths' of development. Such truths or truth-claims include the following:

- Economic growth is a *sine qua non* for development, even when indicators and benchmarks constituting it remain subject to contestation/molestation among the erudite knowledge producers
- Such growth occurs 'best' in conditions of 'free market' institutions and processes, fully respecting the rights of property and contract
- Economic growth as development requires as free as humanly possible movement of global capital (via international trade and commerce and facilitation of the flows of direct foreign investment)
- Such growth facilitates, allegedly in the eye of comparative history, human and social development such that accompanies the progressive elimination of substantial 'unfreedoms', an insight first developed by Karl Marx via the contradictory emancipatory passage of labour 'from iron cage to silken chains' and further differently elaborated by Amartya Sen notably in his *Development as Freedom*<sup>81</sup>
- The state, and its laws, ought to serve primarily the purpose of 'wealth-maximization' (the programschrift of the law-and-economics Chicago school of thought)
- Legal and even human rights should be accordingly conceived as 'factors of production' always sensitive to the problems of 'transaction costs' (a genre pioneered by Ronald Coase)
- Legal and human rights thus emerge as powers of some to *inflict lawful harm* on others, subject to state/law invigilation directed to preserve 'free' and 'fair' market competition
- The relatively autonomous adjudicative power remains charged with precious responsibility to provide ways and means of 'rational'/'well-ordered' adjustments of conflicted interests of the fractions of capital as so many forms of

<sup>79</sup> See, for a most recent exposition, Mathew D. Alder and Chris Williams Sannchirico, 'Inequality and Uncertainty: Theory and Legal Application', University of Pennsylvania, Politics, Law and Legal Theory Working Papers 8, 2006, available at <http://www.srn.com>.

<sup>80</sup> Arturo Escobar, *Encountering Development*, at n. 1 supra.

<sup>81</sup> Amartya Sen, n. 1 supra.

negotiating the wider landscape of conflict between 'capital' and 'labour'

- The province and function of a relatively autonomous adjudicature—to interpret and implement constitutional and international human rights values, standards, and norms—must be disciplined; that is, judicial policy/law making ought to respect macroeconomic development decisions/choices made by the supreme executive and judicial activism ought to be so structurally adjusted as not to pose any terminal challenge to the free flow of capital across state borders and boundaries<sup>82</sup>
- Likewise, even the corrupt sovereign must always and everywhere remain possessed of wide and vast militarized powers to hold in check the power of protest and mobilization by the 'Old' (primarily trade union) and the 'New' social movements (primarily human rights and identity/autonomy/secessionist movements).

I do not suggest by any means that developmentalism which thrives on erudite knowledge production stands always geared to serve the orders of hegemonic dispensation, or that it necessarily entails any consensus concerning the ends and means of development. Thus, some large, and precious dissenting histories of developmental theory and practice need to be taken more seriously. Critics of developmentalism (including myself) rightly name developmentalism as a source of the manifold practices of 'reasoned' justification of radical evil. The question then concerns the best moves ahead that develop some justificatory forms of development intervention as distinct 'developmentalism' constituting, as it were, the 'essence' of 'anti-development'.<sup>83</sup> How best may we re-position

<sup>82</sup> I name this as marking transition from the Universal Declaration of Human Rights paradigm to the trade-related, market-friendly human rights paradigm. See Baxi, *Future*, Chapter 9.

<sup>83</sup> See also, Denis Goulet, 'Development: Creator and Destructor of Values', *World Development* 20, 467–75 (1992); William Easterly, even as write, offers a devastating analysis of developmentalism. See *Foreign Policy*, July/August 2007 (forthcoming).

the issue of redistribution of agency, rights, and capabilities, and recognition in some newly-fangled discourses enriching in the process the revisability of the 'new' conceptions of development—such as compendiously described in terms of 'sustainable development,' 'another'/'alternative' development and now thrive under the auspices of 'post-development' talk in ways that at the end of the day, or rather the long night, resonate well but still go beyond the critiques of Eurocentric development or the 'dark side' of modernity? Put another way, in what ways may we replace this dissensus, and even the cognitive dissonance, in the developmentalism talk/discourse that remains still anchored in some *magical* belief systems resting on the first premise that development as growth is a good 'thing' because it assures some trickle-down (fly-now-pay-later) change across vast generations and historic stretches of human and social suffering? How may we after all resist new principles of classification and epistemic consolidation that divides the human species in two broad globalized classes: the *developers* and the *developpees*?

#### A CONCLUDING REMARK CONCERNING REFLEXIVE DEVELOPMENT

Surely, among other things, reflexivity raises at the threshold the question: *Who thinks inside our heads when we think 'development'?* Perhaps, one way to think through this threshold question is to say that other 'minds' (and 'hearts') across time and space dwell in ours and preside over our thinking/rethinking development. Cumulative thought remains always, to evoke the discourse of the posthuman, a kind of 'cognisphere'.<sup>84</sup> Reflexivity at least requires a self-critical awareness of one's relation to these bodies of thought both in terms of 'responsibility to the other and care of the self'.<sup>85</sup> It also entails

<sup>84</sup> See N. Katherine Hayles, 'Unfinished Work: From Cyborg to Cognisphere', *Theory, Culture and Society* 23, 159–66 (2006). See also, Chapter 6 of this work for a fuller analysis.

<sup>85</sup> See Ananta Kumar Giri and Philip Qarles Van Ufford, 'A Moral Critique of Development: Ethics, Aesthetics, and Responsibility', at 5 and 20–8,

interlocution of inheritance of ideas about development in ways that make space for dignity of discourse for the opposed views without at the same moment succumbing to the toleration of the intolerable; it in this space that some of the new thinking relating the ideas about development to the ideas of justice takes place.

The other side of reflexivity concerns the toleration of the intolerable. Bearing full in mind the considerations urged in Chapter 1 regarding 'repressive' and 'emancipative' type theory construction, this notion needs a little further elaboration in relation to theories of development. When we follow the sociology of knowledge, or more vogueish 'genealogical' and 'archaeological' narrative pathways, we more fully understand the social determinants of knowledge and theory-production and the necessitous reason for justification of forms of action that most of us today find unjustifiable, even ethically obnoxious. The dark side of modernity, or the European enlightenment, as is well known, produced 'justifications' for many an evil, especially in its Idea of Progress. If so, the question posed by any ethical development theory is always a question of 'our' *responsibility towards justice*.

One way of course is to address, as Arturo Escobar in particular does, at the end of his great book *Encountering Development*,<sup>86</sup> the imagination of 'postdevelopment era'. The question posed in the last paragraph of the book is this: how may we think of 'the possibility of learning to be human in the posthumanist (post-man and postmodern) landscapes'?<sup>87</sup> No doubt, Escobar writing now would have framed the project in terms of a *posthuman* landscape,<sup>88</sup> as entirely perhaps refashioning the tasks of postdevelopment imagination. To be sure, this engagement is precious and as Giri and Ufford overview the thematic 'rethinking development' means

developing an 'alternative genealogy and ontology'.<sup>89</sup> They offer some cogent reasons why neither the languages of human rights nor justice may aid the enterprise but in their place suggest the notion of responsibility for other and care of self.<sup>90</sup>

It is not clear why learning to be human in an emergent posthuman/postdevelopment world, and alternate genealogies and ontologies for development, may fully escape the question of taking responsibility for the past. Here, the questions of justice as related to 'development', howsoever conceived, relate to elucidation of the scope of the difficult notion of global and intergenerational reparative/restorative justice for acts of commission and omission fostering historic evils, explored with great insight for the past decade or so by Janna Thompson.<sup>91</sup>

The issues thus raised are of momentous import and no matter how one may address the difficulties thus entailed in such a concept of justice, I need to say at least on my part at least the following. First, the future-directed postdevelopment agendum risks the indictment of complicity with past injustices when it entirely ignores this discourse. Second, 'learning to be human' surely owes some order of dignity of discursive obligation to those whose humanity was violated, to take large illustrative arenas, by the horrors of chattel slavery, subjugation of women, destruction of civilizations and cultures of the indigenous peoples, the colonialist victimage, and the victimage caused profoundly by the various phases of the Cold War, not here to mention the contemporary instance of reiteration by the combined impacts of the two 'terror' wars, the wars *of*, and *on*, 'terror'. Third, 'learning to be human' surely and primarily must extend to those who justified the infliction of these horrors in the modern past. The anthropological 'we' in some of the

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Institute for History, International and Social Studies, Aalborg University, Working Paper No. 128 (Denmark, 2004).

<sup>86</sup> Arturo Escobar, *Encountering Development*, n. 1 supra.

<sup>87</sup> *Ibid.*, at 226.

<sup>88</sup> See n. 1 supra for this and relevant citations, and Chapter 6 of this work.

<sup>89</sup> See Ananta Kumar Giri and Philip Qarles Van Ufford, n. 85 supra, at 5 and 20–8. This is no doubt a more explicit move ahead from Escobar in whose texts as far as I can see, and I sincerely hope that in saying thus, the term 'justice' does not even make a guest appearance!

<sup>90</sup> *Ibid.*

<sup>91</sup> See Janna Thompson, *Taking Responsibility for the Past: Reparation and Historical Justice* (Cambridge: Polity Press, 2002).

postdevelopment genres needs to be disaggregated if the gains of learning are for the future to be meaningfully optimized for a postdevelopment moment. Fourth, the growing literature concerning responsibility scarcely serves its stated cause well enough by divorcing the visions of contemporary futures from past injustices; put differently, how may the cultures of shared, against distributed responsibility<sup>92</sup> ever arise through implicit orders of organized oblivion or systematic production of social indifference to past and historic injustices?

I believe that we need to redefine, as an act of moving beyond, the notion of 'situated knowledges' in its broadly liberal contemporary discursive frame. This means at least that 'we' revive memories and histories of women and men living under conditions of then (European) forms of actually existing socialism. They dared to articulate a critique of the socialist developmental model, often paying for this by their liberty and even lives. I may here only cite Eva Ancsel, a Hungarian philosopher, writing in 1978, who thus spoke of 'lone communists' as being among the 'most tragic figures of history' resisting 'a groundless and absurd urging of the future' contesting '...the algebra of ideas, using its easy and general formulae and equations' in the name of a 'vanguard' that entirely 'representing existing itself...becomes a sect.'<sup>93</sup> This poignant observation, to my mind coequally extends to some contemporary discourses of the development ideologues and some activist vanguard elites who contest their dominance. Ancsel further suggests that for the lone communist (translate lone human rights and social movement activist) the task always is to 'recover responsibility' through 'revolutionary praxis... [as] a genetic antecedent, for it means that that history "reconnects" the broken circuit between aims and social results removing the spontaneous "natural" character of development.'<sup>94</sup> The quest for bits and pieces of freedom through

situated knowledges remain thus important only through incremental practices de-naturalizing the political theologies of development; equally important, if not more, remains the tasks of identifying 'the broken circuits' of professed aims of development and their 'social result.'<sup>95</sup>

<sup>92</sup> See especially, Iris Marion Young, 'Responsibility and Global Labour Justice', *The Journal of Political Philosophy* 12, 363–88 (2004).

<sup>93</sup> Eva Ancsel, *The Dilemmas of Freedom*, at 71 and 69 respectively (Budapest: Academia Kidao, 1978; Janon Boris, trans.).

<sup>94</sup> *Ibid.*, at 74.

<sup>95</sup> See Richard Falk's plea for normative restoration: Falk, 'Recovering Normative Consciousness', *International Relations* 19, 79–90 (2005); and Falk 'Will the Empire be Fascist?', Transnational Foundation for peace and Research, 24 March 2003, [www.transnational.org/SAJT/forum/meet/2003/Falk\\_FascistEmpire.html](http://www.transnational.org/SAJT/forum/meet/2003/Falk_FascistEmpire.html).