

# Revitalising biopower in the context of COVID-19: Biopolitics against a state of exception

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A dissertation submitted to the Faculty of Humanities, University of Pretoria in  
fulfilment of the requirements for the degree Master of Social Sciences (Sociology)

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November 2022

## Declaration

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## Acknowledgements

Khalil Gibran once said that “Work is love made visible”. My experience in working on this dissertation seemed to find resonance with the basic ideas expressed in this quote. While social theory, philosophy, and sociology can be particularly isolating at times, especially when it involves dense reading on very obscure topics, it is ultimately a passion-driven project that draws inspiration from various sources. The love that others have for me was such a source, and it was never made clearer than when they showed an active interest in my work. For example, at times, my mother would listen with intent as I tried to explain the significance that biopower/biopolitics has for understanding citizen-state relationships. Even if she did not fully understand the theory or remember the theorists, she always found useful questions to ask in return. Similarly, all my friends and colleagues invariably displayed an aura of warmth and receptivity whenever I broke out into my usual ramblings and Foucauldian propaganda. There are thus many sources of inspiration without which this dissertation could not be produced, and thus which deserve to be acknowledged. They include:

1. The Andrew W. Mellon Foundation which provided important financial aid for my studies, as well as the effort put in by Heather Thuynsma in managing my student account.
2. My supervisor, Prof Vasu Reddy, for his unwavering support and guidance. Not only I am grateful for his expertise in terms of social theory, but I have also learned many other invaluable skills that are apt to make me a much stronger academic in future. He has provided many opportunities for development and has also helped me in navigating the world of academia.
3. My mother for her patience and support. Her words of encouragement were never in short supply, and I could only hope to develop a strength of character that comes close to matching hers in future.
4. All the lecturers in the sociology department. They always showed a keen interest in my research and have all individually contributed to my development over the years.

5. I would like to thank my friends and family for their support as well. While I may not be able to list everyone here, your contributions will not be forgotten. In terms of family, I would like to name Christine (my sister), Matthew (my brother), ‘mom’ (my mother), and ‘Oom Johan’ (my stepdad) for all their love and support. In terms of loved ones and friends, I would like to acknowledge Lauren, Basheq, Sebastian, Manoli, Viveck, Michelle, Steph, Jess, and Justin.
6. Finally, my faith kept me strong in trying times. Thank God for never abandoning me.

## Abstract

When the World Health Organisation (WHO) first declared the Covid-19 crisis a global pandemic, an unprecedented experiment in both the management of population groups and crisis situations followed. Within their attempts at mass biosocial coordination geared towards mitigating the pandemic's consequences, nation states around the world developed policy responses that, in many instances, reflected a shift in their particular citizen-state relationships. As nation states were forced to choose between preserving public health on the one hand and protecting their economies and democratic principles on the other hand, the question remains how to interpret these interventions and shifts in citizen-state relationships. This dissertation responds to a current in social intellectual thought that emerged at the beginning of the pandemic, and which drew on an Agambean biopolitics to frame the pandemic as a politically manufactured crisis to legitimate the institutionalisation of a 'state of exception' allowing for an unjust extension of state powers.

Rather, this dissertation is formulated against the grain of a 'state of exception'. It argues that any biopolitics which unequivocally assumes the function and form of state interventions prior to an analysis of its local instantiations cannot be fruitful. Contextual factors such as a country's position in the world economy, available resources and infrastructure, internal politics, and international relations differentially shaped the biopolitical outcomes experienced by respective nation states. A conceptualisation of biopolitics sensitive to difference is needed to better theorise 'biopolitical inclusion' – how citizens are included in the 'make live' policies of the state – as well as any subsequent changes to the citizen-state relationship. Furthermore, this dissertation is written in full acknowledgement of the fact that the prevailing conceptualisations of biopolitics put forward by prominent scholars such as Michel Foucault have been largely excised from their conditions of emergence in their exclusion of the roles of colonialism and imperialism in the formation of the modern biopolitical nation state. As such, the dissertation deploys a poststructuralist method and conducts a genealogy applied to a South African biopolitics in order to ascertain conceptualisations of biopolitics better suited to local contexts and which can better understand shifts in the citizen-state relationships in particular.

**Keywords:** Biopolitics; state of exception; South Africa; genealogy

## List of acronyms

ANC – African National Congress  
AIDS – Acquired Immunodeficiency Syndrome  
COGTA – Cooperative Governance and Traditional Affairs  
CSG – Child Support Grant  
ESA Bill – Employment Services Amendment Bill  
GBV – Gender-Based Violence  
HIV – Human Immunodeficiency Virus  
NCCC – National Coronavirus Command Council  
NICD – National Institute of Communicable Diseases  
NLMP – National Labour Migration Policy  
PCF – French Communist Party  
RSA – Republic of South Africa  
SANDF – South African National Defence Force  
SAPS – South African Police Service  
South African Social Security Agency (SASSA)  
SRD-grant – Social Relief of Distress Grant  
TB – Tuberculosis  
TERS – Temporary Employee/Employer Relief Scheme  
UBPL – Upper Bound Poverty Line  
UIF – Unemployment Insurance Fund  
WHO – World Health Organisation

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## Chapter 1

### Revitalising biopower in the context of Covid-19

#### 1. Introduction

Italy's national lockdown began on 10 March 2020. Within just ten days of the lockdown, Italy became a reference point for the entire world as the new epicentre of the global pandemic. As a country boasting a population 20 times smaller than China's, it was profoundly unsettling that on 19 March 2020, Italy had officially surpassed China's coronavirus death toll rate (Kennedy, 2020). At this point in time, even though there were a proliferation of stories in the media detailing the extent of the burden on the Italian healthcare system – such as doctors facing triage questions amidst a shortage of respirators and hospital beds – there were some who were sceptical of the danger ascribed to the novel virus. In an article published on 27 April 2020, Giorgio Agamben compared the mortality rate due to respiratory diseases (15 189) for March of the previous year with the Covid mortality rate (12 352) of March 2020. In so doing, he ostensibly demonstrated that the virus was no more dangerous than some of the other health-related challenges Italy had faced in the past, making the government's regulations and restrictions placed on freedom seem superfluous and repressive.

In speaking on the parallel drawn between the respiratory disease death toll and the Covid-19 mortality rate, Agamben (2021:34) intimated that “If this is true—and we have no reason to doubt that it is—then we need to ask ourselves, without underplaying the importance of the epidemic, if it can justify measures that limit our freedoms to an extent never before enforced in the history of this country, not even during two world wars”. Agamben's initial assessments were naturally flawed. In his evaluation of the severity of the pandemic, he had examined the Covid-19 death toll rate without factoring in the effect of the lockdown and other life-saving policies that had been applied.

Even with the passage of time demonstrating that Agamben underestimated the infectiousness and deadliness of the virus, he later doubled down and positioned himself as a libertarian opposed to state intervention (Walby, 2021:35). As wrong as he was regarding his prognosis of the pandemic, the import to be found in Agamben's work is that he sparked discussion as to how to interpret the crisis-time interventions of various nation states as well as what sort of societal changes might be occasioned by the pandemic.

This study engages an understanding of the shifting relations between individuals and nation states in the Global South with a focus on South Africa. More specifically, the study foregrounds the context of the Covid-19 global pandemic which some argue has pushed nations around the world into a 'state of exception'<sup>1</sup> that has allowed for a more efficient execution of biopower. The latter concept has to do with policies and processes that either enhance the vitality of population groups or that detract from their quality of life. This study interrogates this assumption regarding the supposed 'state of exception' and proceeds by launching an examination into the representations and treatments of the interrelated concepts of 'biopower' and 'biopolitics'. It seeks to examine the various meanings assigned to these concepts in order to ascertain conceptualisations of biopower/biopolitics better suited to contexts like South Africa.

### **1.1.1 Contextualisation and problem statement**

By early September 2022, the world was approaching 603 million cumulative Covid-19 cases with around 6.5 million recorded deaths (JHC, 2022). While the spread of the coronavirus may be emblematic of the age of globalisation – in its indifference to the porousness of national borders – the devastation wrought by the virus has been far from uniform. What this essentially means is that the global pandemic has mapped itself onto existing patterns of social relationships, with infection rates reflecting inequalities both within and across societies (Sharma, 2020:19).

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<sup>1</sup> This concept was first developed by Carl Schmitt and later expounded on by Giorgio Agamben. It refers to extraordinary circumstances wherein the juridical order is suspended as the state is faced with a crisis or threat that cannot be dealt with via the normal operations of law (Giordanengo, 2016).

Across the board, the organisation of society has been the subject of mass regulation and reconfiguration. Entire nations closed their regional and international borders and imposed restrictions on travel, social gatherings as well as other public sector activities (Matthewman & Huppatz, 2020:675). At the level of the citizen, quarantine measures deployed to curb the spread of Covid-19 involved wearing masks, social distancing, and performing hand hygiene (Lupton, 2020:111; Sharma, 2020:19). Public health interventions and technologies at the state level largely entailed ‘test, trace, isolate and support’ strategies (Hurst et al., 2020:408; Walby, 2021:32).

While the world is witnessing “bio-social coordination unprecedented in scope or scale” (Napier & Fischer, 2020:271), it remains within the purview of sociology to take up the challenge of theorising the *shifts* in the citizen-state relationship. This is significant as the nature of this relationship as well as the exact positionality of the individuals situated therein has bearing on the overall quality of life. Foucauldian concepts such as ‘biopolitics’ and ‘governmentality’ provide a useful point of departure in this regard. This is because – as will be shown in the second chapter of this dissertation – despite the variability in how these concepts manifested across time and space, in the course of their historical development they have always in some capacity been concerned with the relationship between citizen<sup>2</sup> and state. The former concept (biopolitics) examines the knowledge, actions and technologies operationalised by nation states in their attempts to regulate aspects of the population in the promotion of its (the social body and state) vitality. On the other hand, ‘governmentality’ or the ‘conduct of conducts’ refers to a logic or rationality underpinning a specific style of governance – including the self-governance of the individual – and is thus constitutive of biopolitics (Foucault 2007; Gordon, 1991:2).

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<sup>2</sup> For the purposes of this thesis, while Marshall has been critiqued for how he specifically traced evolutionary developments in the form of citizenship in Britain (Turner, 1990), his work still provides valuable reference point for understanding the concept of citizenship today. The aforementioned concept is theorised to have three dimensions, namely the *civil dimension* (this entails the legal status of the individual and it includes rights related to freedom and access to the system of law), the *political dimension* (this refers to electoral rights and the degree of access to the parliamentary system), and the *social dimension* (this includes entitlements to social security provisions and access to the welfare system) (Marshall, 2009; Turner, 1990:191–192).

Unfortunately, other conceptualisations of ‘biopolitics’ such as that espoused by Giorgio Agamben may be misleading in trying to understand the previously mentioned *shifts*. In *L’invenzione di un’epidemia* (The invention of an Epidemic), Agamben (2020) posits the Covid-19 pandemic in Italy as a politically manufactured crisis – one that legitimated a ‘state of exception’ and laid the groundwork for an unjust extension of state powers (Agamben, 2020; see also Walby, 2021:24). Regardless of whether the freedom of the individual has been restricted by law and the state, Agamben’s framing of biopolitics is too legalistic, state-centred and focused on the repressive aspects of power (Lemke, 2005:4,9) to fully account for all the social, political and economic changes occasioned by the pandemic. As such, this dissertation is concerned with revitalising the concept of biopower in three movements: first – re-examining the works of prominent ‘biopolitics scholars’<sup>3</sup> to extrapolate and engage some of the key ideas, debates, and contestations surrounding them; secondly – analysing ‘biopolitics’ theory produced within the Global North and Global South to get a sense of how biopolitics varies differently as a function of context – and lastly, evaluating conceptualisations of ‘biopolitics’ in light of nation states’ actual responses to the pandemic to determine the nature and extent of any shifts experienced in the citizen-state relationship. The study therefore focuses on conceptual and theoretical arguments rather than on empirical data (although the latter is engaged to an extent). To this end, data collection will predominantly involve the analysis of works produced within the academic and public domain (media and news articles) that give insight into the shifting relationship between citizen and state.

### 1.1.2 Research questions

From what can be gathered from the title of this dissertation, there are several important elements that give shape to the overall argument. The phrase ‘revitalising biopower in the context of Covid-19’ suggests that the concept of biopower may have lost its vigour and that in its current form it may be inadequate to understand the specific societal changes occasioned by the pandemic. It therefore seeks to grasp the

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<sup>3</sup> Here, we consider scholars from both the Global North and the Global South who have made significant contributions to the literature on biopower/biopolitics or whose work has sparked rigorous academic debate. The works of scholars such as Rudolf Kjellén, Robert Esposito, Michel Foucault, Giorgio Agamben, Achille Mbembe, and Thomas Lemke are hereby considered.

various iterations in the theorisation of ‘biopolitics’ both prior to and during the pandemic. The title does not mention South Africa specifically as it draws on the biopower/biopolitics theory produced within the Global North and the Global South. However, the paper does make use of empirical examples from South Africa in order to evaluate the theory on biopower/biopolitics.

The expression ‘biopolitics against a state of exception’ implies a comparative element within the structure of the dissertation. This entails comparing different visions of what biopolitical inclusion/exclusion entails, primarily between the ‘Foucauldian camp’ and Agamben theory respectively. This section of the title was inspired by Foucault’s genealogical method which goes “against the grain of totalizing assumptions and generalizations, be those of substance, essence or identity” (Hook, 2005:11). The genealogical method will be elaborated on in significantly greater detail in chapter 2. There are three research questions which are geared towards revitalising the concept of biopower and enhancing its analytical utility and they are as follows:

1. Using theory on biopower/biopolitics produced prior to, as well as during, the Covid-19 pandemic, what sort of conceptualisations of biopower/biopolitics can we ascertain would be more sensitive to local contexts?
2. Within the literature reviewed, what criteria are used in determination of whether or not a state’s Covid-19 policy responses become indicative of the imposition of a ‘state of exception’?
3. To what extent does a conceptual framework furnished by Agamben’s ‘state of exception’ find utility in terms of informing theory on biopower/biopolitics, and consequently, the citizen-state relationship?

### **1.1.3 Aim and objectives of the study**

The broad aim of the study is to examine the literature on biopower/biopolitics and thereafter gain better clarity regarding the applicability and appropriateness of its usage in different contexts. More specifically, how they would apply in countries defined by different historical modes of governance, for instance, noting the difference between neoliberal, colonial, and post-colonial governmentalities.

### Specific objectives

- To examine the various manifestations of biopower in the different responses<sup>4</sup> of nation states to the Covid-19 pandemic – analyse how well it corresponds with the existing literature on biopower/biopolitics – and use this as a basis for theory (re)formulation.
- To analyse the ways in which biopower is differentially applied to different groups of people (citizens, non-citizens/denizens, immigrants and precariat workers) as well as how this might have changed with the onset of the Covid-19 pandemic.

#### 1.1.4 Rationale of the study

This study sees the need for a reconceptualisation of biopower/biopolitics as critical engagement regarding these interrelated concepts dominated by the Global North. Just the same, there is a need to investigate how these concepts play out in the citizen-state relationship represented by a specific mode of governance. This is because the neoliberal governmentality of the Global North that uses rights and freedoms to construct notions of citizenship is inadequate in describing conditions in the Global South.

## 1.2 Literature review and theoretical perspectives

For many, 2020 and 2021 will both certainly be remembered as an *annus horribilis* – a Latin phrase used to refer to an extremely terrible year. However, it is not enough to attribute all the painful realisations simply to the fact that we were experiencing a global pandemic. Much of the disillusionment is also owed to the public's increasing

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<sup>4</sup> Here we can look at resources like that provided by the INCL (2020). Their COVID-19 Civic Freedom Tracker database can help us understand the types of regulations that governments imposed within countries and whether they were severe enough to fit the criteria of a 'state of exception' in the Agambean sense. More specifically, the database provides information following South Africa's declaration of a 'state of disaster' under section 27(2) of the Disaster Management Act 57 of 2002. Using this, we can examine the types of restrictions placed on people's freedom (freedom of movement, assembly and engagement in certain activities). We can also see how the state was able to collect information through test-trace strategies. Moreover, we can see how the state regulated information as well as how it punished the spread of disinformation related to the coronavirus.

awareness of how ill-equipped, incapable, incompetent and unprepared nation states were/are in terms of protecting the health and well-being of their citizens.

The entire world had been reduced to a state of limbo. On the one hand, the matter of the Covid-19 pandemic spreading to such a world-consuming scale further bore witness to the age of globalisation. On the other hand, the closing of international borders, processes of regionalisation and the subsequent interruption of global supply circuits all became indicative of an instance of de-globalisation. And while the coronavirus may have at first seemed neutral in its disregard for national borders, even laypeople became acutely aware that the conditions of one's existence were a strong determinant of whether – and to what extent – one would eventually succumb to the virus. This is evident in the adulation directed at 'essential workers' on the 'frontlines' that performed various forms of life-sustaining labour: from medical workers, to cleaners (Craig, 2020:1027), to gig employees delivering food (Apostolidis & McBride, 2020:76), to the cashiers at the local grocer (Matthewman & Huppatz, 2020:680).

The idea that the pandemic has both further *revealed* and *exacerbated* the social conditions of our existence<sup>5</sup> is one of the most prominent themes to surface in the literature on sociology of Covid-19. For instance, Lauren Lyons (2020) shows how the pandemic has illuminated and amplified vulnerabilities in public systems, more specifically, the United States criminal justice system. When considering that the experience of punishment will likely be magnified by the intersecting effects of a pandemic and saturated incarceration system – both of which are extremely racialised – we should question whether and to what extent continued incarceration is morally justifiable under present conditions.

In writing on how authorship and the potential for productivity by female academics were negatively affected by the pandemic, Matthewman and Huppatz (2020:678) contend that “the pandemic reveals and exaggerates the disadvantage that primary carers experience in building research careers”. Saleem Badat (2020:24) contends that

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<sup>5</sup> In conceptual and theoretical terms, to speak of the 'social conditions of existence' means to comprehend how the processes of social reproduction and forms of labour that affect one's overall quality of life are socially determined.

while “the pandemic has laid bare and exacerbated inequalities” across society, it is particularly striking in the realm of South African higher education. Despite the best efforts of universities and academic staff, the ‘online turn’ and digital transformation presented several challenges in terms of achieving equity and access for black working-class students and students from impoverished rural areas (Badat, 2020:30). In an article examining the pervasive spatial and infrastructural inequalities within South Africa, De Groot and Lemanski (2021:55) show that the possibility of positively adapting and transforming one’s life in relation to Covid is a matter of privilege, and they further intimate that “Covid-19 highlights and exacerbates existing inequalities in access to infrastructure in the global South”.

In speaking about the fissures and structural fault lines that worked to undermine social cohesion within South Africa, Baldwin-Ragaven (2020:33) argued that it “is as if the virus, anthropomorphised, has pulled back the veil, baring the naked truth of our imperfect realities”.

However, I argue that we should avoid falling prey to Baudrillardian-type assumptions which assume that absolute truth is revealed in times of rupture (Baudrillard, 2005:16). This is because just as the social conditions of our existence may be made clearer, there might be aspects that are actively being erased or obscured. To this point, the fact that the British state failed to capture Covid-19 ethnicity data conceals the fact that poor and black, Asian and minority ethnic (BAME) people are overrepresented in Covid-related deaths (Matthewman & Huppatz, 2020:679; Saad-Filho, 2020:480). Furthermore, many of the low-paying life-sustaining forms of labour that were mentioned earlier are conducted by migrants. As such, they do not have the same protection as citizens usually do. This point is drawn out more clearly where Lorenzo Rinelli (2020:33) shows that the racism of the Italian media manifests itself in how the presence and struggles of migrant workers are made invisible.

Other scholars used this opportunity to provide a political commentary; they elaborate on the weaknesses inherent in our current mode of social organisation and systems of governance, specifically with the capitalist system and the neoliberal state form coming to mind. For example, Lorenzo Rinelli (2020:32) sees the pandemic as a



product of human action and as an attribute of the Capitalocene<sup>6</sup>. Alfredo Saad-Filho (2020:478–479) sees the pursuit of profit by individual firms – typically associated with neoliberalism – as something which resulted in the disarticulation of the state and its systems of provision. This has diminished the state’s planning capacity as well as its ability to coordinate industry, labour, and private capital toward the common goal of overcoming the pandemic. Nandita Sharma (2020:23) similarly notes that wherever they were applied, neoliberal policies considerably reduced the capacity of healthcare systems to respond to the challenges posed by the coronavirus. In the same vein, Sylvia Walby (2021:28) cites a report from Johns Hopkins University indicating that the countries that employed strategies informed by neoliberalism, as opposed to social democracy, had significantly higher Covid death rates.

Beyond evaluating the inefficiencies of neoliberal governmentality in ensuring the health of citizens, scholars have evaluated the ‘health’ of neoliberalism itself – with some even predicting its imminent demise (Matthewman & Huppatz, 2020:675). While the Covid-19 pandemic initiated the sharpest and most profound economic contraction in the history of capitalism (Roubini, 2020; Saad-Filho, 2020:477), it made the adoption of progressive policies more politically palatable, and in several areas, we have even seen a re-emergence of ‘the commons’<sup>7</sup> where the state has fallen short (Matthewman & Huppatz, 2020:677).

For some scholars, the Covid-19 global pandemic represents a new conjuncture (Badat, 2020; Connell, 2020; Kenway & Epstein, 2021). It is therefore at this critical point where the literature begins to grapple with the question of how society is being transformed as a function of the crisis instituted by the virus. For instance, can we confidently say that the end of neoliberalism is in sight? Furthermore, as the state

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<sup>6</sup> The ‘Capitalocene’ is a term used to overcome some of the shortcomings posed by the ‘Anthropocene’s’ human/nature dualism. More specifically, it repudiates both the assumption that humans and nature are mutually exclusive elements and that the relationship between them is necessarily given rather than historically constructed. In describing our current geo-political epoch, the Capitalocene suggests that the racialised modalities of capitalism and its concomitant economies of extraction have – in their endless pursuit of capital accumulation – triggered ecological crises and have continuously pushed the boundaries of extinction (Moore, 2017).

<sup>7</sup> See Monbiot (2020) for a more in-depth exposition with examples taken from different countries.

becomes increasingly involved in the lives of its citizens, what implications might this have on issues such as freedom and democratic action?

Žižek sees the intervention of governments (through state-sponsored employment and the nationalisation of various services and industries) as well as the supposed suspension of consumerism as constitutive of an attack on capitalism (Delanty, 2020:11; Sfetcu, 2020:2). In his imagining of post-capitalist futures, the Covid-19 crisis possesses the seeds for radical change; it reflects the potential and need for the formation of global connections and solidarity – the outcome of which will either result in barbaric capitalism or reinvented communism (Walby, 2021).

In contrast, Agamben positions himself as a libertarian and therefore shows much less optimism regarding the intervening role performed by nation states (Walby, 2021:35). In his view, the threat that the state poses to individual freedom is much greater than the threat that the Coronavirus poses to the health of individuals. Here he notes the restrictions placed on rights (such as the right to freedom of movement and assembly), the proliferation of surveillance technologies and the increased militarisation of infected areas (Agamben, 2020; Delanty, 2020). Agamben therefore sees the Covid-19 crisis as a socially constructed and politically manipulated event with a view to vindicating the already increasing tendency to use the ‘state of exception’ as a normal paradigm for government (Walby, 2021).

What these debates essentially try to make sense of is the relationship between individuals and society – represented by a specific form of governance – as well as how this might change as a result of the crisis instituted by the pandemic. In response to both Žižek and Agamben, Sylvia Walby (2021) contends that alternative visions for society should go further than analyses drawn off the axes of barbarism vs communism or libertarianism vs authoritarianism. Instead, a more useful approach would be to consider concepts such as ‘social democracy’ vs ‘neoliberalism’ when trying to make sense of the Covid-19 crisis and its possible outcomes (Walby, 2021:25).

On both accounts I am inclined to agree with the position taken by Walby. This is because, as Walby (2021:26) so aptly indicates, authoritarianism can be seen as a logical extension or intensification of the neoliberal state form. This allows us to move

beyond Agamben's equation of increasing state powers with authoritarianism. We can instead apply a social democratic approach, seeing the increased state intervention through a public health perspective or through the prism of a 'health vs wealth' perspective.

To address the points raised by Žižek – where he cites examples to build the case that “in a crisis we are all Socialists” – I would have to question the extent to which any significant challenges to capitalism were ever really made. While he may reference Donald Trump's consideration of a universal basic income (Žižek, 2020:93) or Boris Johnson's temporary nationalisation of the United Kingdom's railways (Žižek, 2020:99), the interventions were all lacklustre. Following an initial denial of the severity of the pandemic, countries with right-wing neoliberal administrations (the United States, United Kingdom, and Brazil) prioritised the protection of profit over the protection of individual lives and applied the neoliberal strategy of 'herd immunity' (Saad-Filho, 2020:479).

When considering how to theorise shifts in the citizen-state relationship, I would argue that a less prescriptive approach – one that does not simultaneously side-step the questions or insights raised by the previous authors – can be found in Foucauldian theory and the related field of governmentality studies<sup>8</sup>. Central to our discussion here would be interrelated concepts such as 'biopower', 'biopolitics', and 'governmentality'.

Biopower refers to a particular regime of power and art of governing people that emerged in the 18<sup>th</sup> century (Bazzicalupo, 2006:109; Rabinow, 1984:17). The sovereign power that preceded it was largely vested in the body of the monarch and it exemplified the right of seizure, subtraction and the right to “*take life or let live*” (Foucault, 1990:138; Taylor, 2010:43, emphasis in original). In contrast, biopower is predominantly deployed by modern nation states and is concerned with administering

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<sup>8</sup> As a caveat, it must be briefly mentioned that within these theoretical fields there are still notable limits as they were developed within specific contexts more attuned to experiences within the global North. Nevertheless, as will be discussed later, they can be productively rearticulated by making use of alternative theories that draw inspiration from the fields of postcolonial and subaltern studies as well as through the use of Foucault's genealogical method.

life and maximising its potential. It regulates aspects of the population in such a way that the ‘docile bodies’<sup>9</sup> therein produced are continually (re)oriented toward the exigencies of that particular society’s political economy. Biopower is therefore characterised by the ability to “to *foster* life or *disallow* it to the point of death” (Foucault, 1990:138; Taylor, 2010:43, emphasis in original). Furthermore, biopower operates at two levels: (a) at the first level, the micro-technology of disciplinary power (*anatomo-politics*) is deployed by institutions (schools, prisons, and hospitals) and directed at the body of the individual; (b) at the second level, the state makes use of regulatory power (*biopolitics*), a macro-technology that targets the ‘multiple body’ understood as the population as a whole (Taylor, 2010:45).

Governmentality or the ‘conduct of conducts’ is a neologism of ‘governmental rationality’ and as an analytical concept it emerged in Foucault’s attempt to trace the genealogy of the modern nation state (Gordon, 1991:1). For Foucault, this was a necessary task as one could not understand the technologies of power without paying mind to the political rationalities underpinning them (Lemke, 2002:2). Governmentality therefore deals with questions that ask: ‘who governs?’; ‘how people are governed?’; ‘what technologies and techniques are deployed in the course of people being governed?’; and ‘what types of contestations and problems arise as a result of governance?’ (Gordon, 1991:7).

It is important to note at this point that biopolitics has been conceptualised differently by various authors. For instance, while Foucault sees sovereign power as more definitive of a specific historical period and as distinct from biopolitics, Agamben marks a logical connection between the two and he sees biopolitics as central to the operation of sovereign power (Lemke, 2005:6). For Agamben, who follows in the trails of political and legal philosopher, Carl Schmitt, the sovereign is “he who decides upon the exception” (Agamben, 2005:1; Mosselson, 2009:47). He uses the figure of *homo*

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<sup>9</sup> Bodies are made docile when they are individually analysed and turned into both the objects and targets of knowledge, power, and control. These subjected bodies become newly defined political fields as the power relations wherein they are invested inscribe, reconfigure, and train them (Foucault, 1995:25). Disciplinary power – which makes individual bodies amenable to external regulation via the internalisation of norms – seeks to enhance the productive forces of the individual body while minimising the potentiality for that individual’s political resistance (Rabinow, 1984).

*sacer* from Roman law as a point of departure to understand the workings and constitution of sovereign power. The aforementioned concept is Latin for “the accursed man” and it describes someone who has been stripped of their political existence (*bios*) and has been reduced to ‘bare life’ (*zoē*). Such a person exists outside the legal protections of the law and may be killed with impunity, with the only exception being that they may not be sacrificed (Adler, 2014; Giordanengo, 2016).

Sovereign power therefore denotes the capacity to determine what is the exception and what is the norm. The ‘state of exception’ upon which the sovereign decides is said to pivot around the ‘zone of indistinction’ – an area where the lines between external/internal, law and unlaw, political life (*bios*) and private life (*zoē*) are all blurred. This is said to create the requisite conditions for the further extension and legitimation of sovereign power (Giordanengo, 2016; Lemke, 2005).

Thomas Lemke (2005) raises valuable criticisms regarding Agamben’s theorisation of biopolitics, most notable of which have to do with the fact that it is too state-centred, legalistic and focused on the repressive aspects of power to have much analytical value. This indicates the need for a return to a Foucauldian biopolitics, as this at least allows for the possibility for resistance and non-state actors in terms of shaping biopolitical outcomes. This is best seen in the Foucauldian concept of ‘counter-conducts’ whereby people are actively able to resist and subvert governmentality in their bid to demand of the state to be governed differently (Gordon, 1991:5).

In summation, I think it is important for us to map the connections between the social and the political. As Foucault’s (1997) later work on ethics and the theory on sociality have shown, individuals exist within a dynamic relational matrix that includes other human and non-human actors (Long & Moore, 2012). The changing and shared meanings produced therein not only define, for example, what it means to be a person, but they also provide a basis for political action. With this understanding in mind, we can see something such as the category of ‘citizen’ not as a pre-given entity, but rather something that is made. This allows one to see ‘biopolitics’ as similarly in a process of becoming, with the main challenge being to understand the issue of ‘biopolitical inclusion’ or to what extent citizens are included in the ‘make live’ policies of the state.

As previously alluded to, different responses by nation states resulted in widely divergent outcomes. The ensuing public health crises were therefore a reflection of political choices (Saad-Filho 2020:478). We need to interrogate the social life of a virus in order to understand how our conceptualisation of the virus influences the political decisions that we make, that in turn affect various social groupings differently. This means that we need to move past a purely medical conceptualisation of Covid-19 and also view it as a socio-political phenomenon (Napier & Fischer, 2020; Reddy, 2020). For instance, rather than the virus infecting people, Napier and Fischer (2020:271) remind us that viruses are merely strands of information that are reproduced within people and thereafter shared between them. As the Covid-19 crisis is not a matter of curing bodies, but rather one of separating those infected from those not infected, the current crisis constitutes a crisis of governmentality (Suri, 2020).

### **1.2.1 Outline of chapters**

#### *Chapter 1 Introduction*

This chapter consists of the topic, problem statement, rationale, method, and structure of argument.

#### *Chapter 2 Reading biopower/biopolitics into the social life of a virus*

This chapter consists of three sections. The first section reviews the history of the concept of biopolitics. This serves the purpose of showing that, while the concept has had a concrete existence in terms of how citizen-state relationships have been framed, it has never been universal in its application. Instead, biopolitics assumed different inflections as it merely reflected local conditions and the *zeitgeist* of the times. The second section reviews some of the inbuilt limitations of ‘biopolitics’ as it relates to a particular tradition of historicism. The final section examines Foucault’s genealogical method and discusses how it may be fruitfully applied in ascertaining conceptualisations of biopolitics that are better suited to theorising local contexts.

#### *Chapter 3 The sociality of Covid-19 in the South African context: Empirical and conceptual strands*

This chapter largely relies on the use of empirical evidence in showing the unique challenges that South Africa was facing both prior to the pandemic as well as during

the pandemic. In doing so, it draws attention to some of the current theoretical gaps within the literature on biopower/biopolitics and how the aforementioned concepts in their current form may be unsuited to understanding the South African context.

#### *Chapter 4 Biopolitics against a state of exception*

This chapter is divided into two main sections. In the first section it reviews the theory surrounding Giorgio Agamben's notion of a 'state of exception'. It examines the criteria that have been used within the literature on the sociology of Covid-19 to lend support to the idea that a 'state of exception' was imposed to allow for an unjust extension of state powers. The section then concludes by evaluating Agamben's 'state of exception' in light of the South African state's response and the theory on biopower/biopolitics more broadly.

In the second section of the chapter, keeping in mind the limitations of Agamben's biopolitics, it essentially applies a genealogy to a South African biopower.

#### *Chapter 5: Conclusion*

#### *References*

## **1.3 Research methodology**

### **1.3.1 Research design**

The study adopts an interpretive methodology that works primarily with qualitative data in the published domain (mainly academic articles, and to a lesser extent articles in the popular media that offer coverage of Covid-19; see also 1.3.6). The study develops a strategy of reading with some foundations in interpretive sociology made known by Weber especially through his notion of *verstehen* (to understand). However, I depart from Weber and also George Simmel's conceptualisation of interpretive sociology (which is reliant on in-depth interviews, focus groups or ethnographic interviews). Central for me in interpretive sociology is the idea that to understand social phenomena is to interpret meanings in relation to beliefs, values, ideas, actions that are shaped by the interrelationships of people and institutions. To do this, I utilise a poststructuralist approach in sociological theory (which centres on the idea that

structures are dynamic, fluid and changing) and therefore require decentring, problematisation and questioning of context in relation to the structures of society. See, for example, a broad field of ideas in sociological theory shaping insights on the uses of theory to make sense of social phenomena that challenge grand narratives of truth and the centre (for example, Elliot, 2014 & 2021; Howarth, 2013; Mouzelis, 2008; Reed, 2011; Scott, 1991). The value of a poststructuralist approach is that it enables deeper engagement that directs our attention to the dialectical relationships between structure/agency, power and domination, all of which have bearing on this study and which surface as tensions within the citizen-state relationship.

To undertake this study, the strategy, as indicated earlier, is to address the research problem by investigating and connecting particular concepts (notably biopower and biopolitics) and their treatment/uses from a Foucauldian and Agambean perspective within sociological theory with the aim of elucidating a notion of biopower/biopolitics in relation to the Covid-19 pandemic.

### **1.3.2 Study setting**

As a desk study, the ‘setting’ is grounded firmly within the academic literature on biopower/biopolitics. Furthermore, recourse is made to media texts, news articles and other such published works within the public domain to get a sense of how the topics biopower/biopolitics feature within the South African case.

### **1.3.3 Study participants/target population**

Not applicable as there are no human subjects interviewed.

### **1.3.4 Sampling**

The data sample primarily consists of academic texts that take the concepts of biopower/biopolitics as their central focus. While academic search engines such as Google Scholar provided a valuable tool, journal databases more so oriented towards social theory such as ‘Taylor and Francis Journals’, JSTOR, and SAGE journals were used to gather the necessary literature for the meta review.

In my initial review of the abstracts and bibliographies of various articles, I made use of a form of literary snowball sampling and an iterative process of ‘citation tracking’.



This allowed me to identify other articles relevant to my topic of discussion and it further enabled me to redefine my search parameters throughout the course of my research. Additionally, this method also offered invaluable insight into who were and/or are some of the most prominent authors writing on the topic of biopower/biopolitics as well as what sub-concepts are seen as being pertinent when it comes to understanding biopower/biopolitics. Articles were therefore excluded to the extent that they did not help answer the research questions.

Given the comparative nature of research within this thesis regarding Foucauldian and Agambean theory respectively, the initial search parameters paired the concepts of ‘biopower/biopolitics’ with each individual author in order to tease out differences in their conceptualisation. I then included keywords such as ‘citizen’ and ‘state’, and the syntagm of ‘citizen-state relationship’.

Further refinements in my search parameters involved identifying temporal and spatial changes. Regarding the former, in order to identify possible shifts in the citizen-state relationship and biopolitical practices over time, both articles written on the topic of biopower/biopolitics prior to and during the Covid-19 pandemic were assessed and gathered. Regarding spatial changes, refinements in search parameters included ‘biopower/biopolitics’ and ‘citizen-state relationship’ with variations of the following keywords: ‘countries in Global South’; ‘postcolonial theory’; ‘subaltern theory’, and ‘South Africa’. Thereafter, news and media articles within the public domain that foreground the responses of the South African nation state to the crisis engendered by the Covid-19 pandemic were further used to complement theoretical discussions.

### **1.3.5 Data collection**

The primary data collection method deployed in this study is an integrative literature review (Krainovich-Miller, 2017; Schick-Makaroff et al., 2016; Torraco, 2005). This method was chosen as it has been shown to allow researchers to ‘assess, critique, and synthesize the literature on a research topic in a way that enables new theoretical frameworks and perspectives to emerge’ (Snyder, 2009:334). The study involves a broad review of the biopower/biopolitics literature in order to isolate and extrapolate the key ideas, debates, and tensions thereby surrounding.

### 1.3.6 Data analysis

The most pertinent research method to be used regarding the analysis of data in this study is ‘textual analysis’. The latter concept may be broadly defined as a qualitative methodological approach that is concerned with how people use linguistic representations to communicate information and make sense of their life experiences (Fairclough, 2003; Fürsich, 2009; Ifversen, 2003). The value in this approach is that it grapples with the tension between the intended communication of the author as well as the possible interpretations thereof (Fürsich, 2009:240). It therefore subscribes to a constructivist position (Berger & Luckmann 1966; Burr, 1995; Hacking, 1999; Hall, 1997) which assumes that an external reality does not exist independently of the language that we use to make said reality comprehensible.

More specifically, in this study, I use scholarly sources to work discursively in teasing out the various socially constructed meanings that are contingent on context and that address human and social interaction. Discursivity not only derives from the concept of discourse, which references how ideas, knowledge and behaviour are defined in relation to statements, concepts, events, and themes that suggest the limitations of a singular narrative or truth, but rather from the construction of meanings in relation to social realities. Discursivity as an idea emanates in large measure from Foucault’s *The Archaeology of Knowledge* (1972) where he expressed the idea that discourses (that is, the statements and assumptions that are generated) are fundamentally linked to social power.

In instances where empirical descriptions featured more vigorously (such as in the third chapter which foregrounds the South African nation state’s response to the Covid crisis) a method of interpretation-focused coding was used. This methodological strategy prefigures a thematic analysis and is informed by the hermeneutic tradition which concerns itself with the interpretation and understanding of texts and events (Adu, 2019). In my review of the articles and arguments of various authors, I was therefore able to identify themes that characterised the main challenges experienced by the South African government in their response to the Covid-19 pandemic. The themes that emerged are as follows: ‘inequalities made bare in a vulnerable economy’; ‘state and domestic violence’; ‘a fragile healthcare system and embodied precarity’,

and ‘food insecurity’. Within the overarching method of textual analysis, these themes were used to evaluate how well the prevailing theories on ‘biopower/biopolitics’ could be used to understand conditions within the South African context.

### **1.3.7 A brief note on method of writing**

The use of double quotation marks “. . .” represents instances where source materials have been quoted directly. Single quotation marks ‘. . .’ are used to indicate the deployment of specific concepts and phrases drawn from sociology and social theory more generally. Additionally, single quotation marks are also used to indicate specific topical events, for example, ‘The Life Esidimeni Tragedy’.

In instances where italics feature, they are either used to place emphasis on a specific concept or word or they are used to indicate that the concept has its origins in another language or socio-historical context. In the case of the latter, a translation or explanation will follow. In areas where concepts themselves are in italics, this is because they were italicised in the original source material.

### **1.3.8 Ethical considerations**

While this is a desk study using published literature, ethical clearance was sought. The ethics protocol approval number is **HUM018/0721**.

## Chapter 2

### Reading biopower/biopolitics into the social life of a virus

#### 2.1 Introduction

While not conducting an exact comparison with the responses of other nations, chapter 3 of this dissertation nevertheless relies on selected empirical descriptions<sup>10</sup> to highlight how complex South Africa's challenges were at the outset of the Covid-19 pandemic. Much as in other countries, these challenges had a hand in shaping South Africa's response and determined its biopolitical outcomes. However, before the functions and forms of biopolitics can be assessed, it must be properly situated within the work surrounding it.

In this chapter, I turn to the theory surrounding biopower/biopolitics and assess whether the prevailing conceptualisations thereof are suitable enough to account for its contemporary and contingent emergence across various geographic domains. This chapter is shaped by three sections: in the first section, a review is provided of a history of biopolitics and its contested definitions. The argument engages how different contextual factors affected the particular inflection that was assumed by biopolitics.

In the second section of the chapter, the discussion focuses on how these competing conceptualisations hold against alternative theories on biopolitics and theory produced on the post-colony where there may be other political rationalities that do not so neatly correspond with Northern governmentalities. The final section of the chapter motivates that a Foucauldian biopolitics needs to be understood canonically<sup>11</sup> and that its utility

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<sup>10</sup> In reviewing the literature on the South African government's response to the pandemic – and by way of using interpretation-focused coding – the selected empirical descriptions could all be grouped under four relevant themes. These themes highlighted the difficulties faced by the South African government or obstacles to suitable intervention and they emerged as follows: 'inequalities made bare in a vulnerable economy'; 'state and domestic violence'; 'a fragile healthcare system and embodied precarity', and 'food insecurity'.

<sup>11</sup> A canon refers to a body of writings that are held in such high regard within a given civilisation that they are assigned the status of being considered 'classic' works (Alatas, 2021:4). The canon debate is one that is highly contested in sociology, especially considering how Eurocentric and Androcentric biases shaped the historical development of the discipline (Alatas & Sinha, 2017). Certain classical scholars – like Marx, Weber, and Durkheim – were accepted as 'founding fathers' within the discipline whilst other influential scholars – for

is revealed within a genealogical approach to historiography.<sup>12</sup> Furthermore, Foucault's genealogy can be used to overcome the limitations of his own and other scholars' conceptualisation of biopower/biopolitics.

## 2.2 A brief history on biopolitics

Genealogically speaking, the term 'biopolitics' did not originate with Michel Foucault. One of its earliest uses can be traced back to the early 20th century's Rudolf Kjellén (Lemke, 2011:9) – a Swedish political scientist who is also credited as the progenitor of *geopolitik*<sup>13</sup> (Esposito, 2008:16). Thomas Lemke and Robert Esposito both assert that the biopolitical theory of the state in Kjellén's (1916) book – *The State as a Form of Life* – proffered an organicist<sup>14</sup> and vitalist conception of the state (Gunnflo, 2015:25).

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example, Harriet Martineau and Pandita Ramabai Saraswati – were side-lined or actively written out of history (Alatas & Sinha, 2017; Alatas, 2021:4). In this instance, to view biopolitics canonically means to unravel how exactly it came to be that particular representations of biopolitics came to dominate various socio-historical contexts.

<sup>12</sup> As a field of inquiry, historiography essentially refers to the study of the historical process of writing and studying history. It sees 'history' itself as a legitimate subject of study and believes that both the content of history as well as the methodologies developed to understand history are themselves the products of historical developments (Cheng, 2008). A thorough historiographical review of the subject of 'history' and methodologies therein applied can reveal certain limitations and biases within the reporting of history. An example of such a bias is 'presentism' which refers to the tendency of historians to write from the perspective of the victors in history. It further assumes that the flow of history as well as the discipline itself are characterised by a linear and continuous progression of events and can thus be easily understood with recourse to contemporary theoretical frameworks and methodologies. A second example of a bias in historiography is 'historicism'. This refers to the practice of evaluating historical developments and the process of writing history while situating them within a specific temporal location and social context (Woodward, 1980). For the purposes of our discussion, we will review a specific type of historicism, namely that linked to Eurocentrism.

<sup>13</sup> Here it is important to mention that for Kjellén, the term *politik* should be read as "the theory of the state" (Holdar, 1992:311). While not implying a geographical determinism, a Kjellénian geopolitics sees the state as a spatial phenomenon in the sense that 'geographical embeddedness' influences a state's power. Furthermore, geography has a bearing both on the behaviour of states and on the populations they govern (Gunnflo, 2015:30). A Kjellénian geopolitics involves the study of the state in view of the physical features of a specific area (physiopolitics), its location (topopolitics), and the country's specific state form (morphopolitics) (Kristof, 1960:25).

<sup>14</sup> While their origins precede the Enlightenment period, 'organicism', 'mechanism', and 'vitalism' represent three prominent orientations within early 20th century philosophy and

Kjellén's organic theory of the state foregrounded the latter as a dynamically evolving life form with natural drives and instincts, a "living creature", and superindividual which took life as the basis of politics (Esposito, 2008:16; Lemke, 2011:10). This means that far from the socio-political bonds, legal frameworks, and voluntary actions of individuals giving rise to a specific state form – through the citizenry's engagement with the social contract – the organic state precedes all collectives and individualities and rather provides the institutional bases and rationales for their functioning (Lemke, 2011:10). Therefore, in this view, a legitimate politics – as well as a legitimate study of political processes – is one that aligns itself with natural conditions. Thus, fundamental biological laws are held to regulate both the functioning of the state as well as its population and a good politics is one that meets the biologically defined needs of the state (Lemke, 2011:21; Mauro, 2012:81).

It is worthwhile to note that Kjellén's goal was not to replace a legal determinism with a geographical determinism (Kristof, 1960:26), and neither was it to deny the agency of individuals (Holdar, 1992:312). While Kjellén is infamous for his exaggerated organic theory of the state – that the state has a body and a soul<sup>15</sup>, that it is born, grows old, becomes senile, and dies – his account needs to be read analogically or metaphorically within his attempt to counter the prevailing liberal conceptions of the state which focused mainly on its formal or juridical aspects (Kristof, 1960: Gunneflo, 2015:30).

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biology which framed debates regarding the nature of life and organisms – in this case the nature of the state – as well as the appropriate methods for investigating and understanding them. Mechanism or mechanistic materialism held that higher processes and phenomena of life were reducible to physico-chemical studies. Like machines, organisms were governed by the same laws as non-living systems and could thus be understood by reducing them analytically to their individual components. Vitalism was formed to counter the mechanistic position. It suggested that organisms could not be understood within physico-chemical terms as their operations were often directed, immaterial, immeasurable, and often unknowable forces. In synthesising the positions of mechanism and vitalism, organicism was formulated as a 'third way'. It postulated that the nature organisms could be grasped through an understanding of how the operations of a series of interrelated elements give rise to a unique whole (Jax, 1998).

<sup>15</sup> In this case, the soul would be the nation, whose formation precedes that of the state. It is the coming awareness of individuals and collectives that they belong to an organic whole that makes the pursuit of statehood a possibility (Holdar, 1992:312).

Cognisant of the fact that the aspects of geopolitics (topopolitics, physiopolitics, and morphopolitics) mainly addressed the natural attributes of the state, Kjellén extended his system of politics by adding four other supplementary science fields, namely *demopolitik* – the study of the state and the ethno-demographic composition of the population; *ekopolitik* – the study of how a state’s economy influences its power; *sociopolitik* – a study of the social forces relative to the state, which simultaneously includes an account on capital and class relations, and lastly, *kratopolitik* – the study of a state’s constitutional structure and the character of its administrative law (Holdar, 1992:311–313; Gunneflo, 2015:32; Marklund, 2021:213). Taken together, these five science fields (*geopolitik*, *demopolitik*, *ekopolitik*, *sociopolitik*, and *kratopolitik*) constitute Rudolf Kjellén’s politological research programme geared towards a ‘biopolitical’ study of the state (Gunneflo, 2015:32; 2021: Marklund, 2021:213).

At this point, it is also important to examine the socio-political and intellectual climate during which time Rudolf Kjellén was writing to better understand the manner and forms in which this specific ‘biopolitics’ materialised. Influenced by German *Lebensphilosophie*<sup>16</sup> – philosophy of life – Kjellén’s biopolitical theory of state was conceived:

In view of this tension typical of life itself . . . the inclination arose in me to baptize this discipline after the special science of biology as biopolitics; . . . in the civil war between social groups one recognizes all too clearly the ruthlessness of the life struggle for existence and growth, while at the same time one can detect within the groups a powerful cooperation for the purposes of existence (Kjellén, cited in Lemke, 2011:10).

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<sup>16</sup> *Lebensphilosophie* refers to a philosophical tendency that has roots in German Romanticism and the mid-18<sup>th</sup> century reactionary movements against the Enlightenment’s scientific rationalism (Gaiger, 1998; Lemke, 2011:9). Believing that a disengaged philosophy *about* life would paradoxically treat its object of study as lifeless, *lebensphilosophie* provides a life-centred approach that takes life as a starting point and studies it from within. As such, the totality of life is better revealed through things like experience, intuition, will, and emotion (Gaiger, 1998; Lemke, 2011:9). While not an exact school of thought, Frederick Nietzsche, Arthur Schopenhauer, Wilhelm Dilthey, and Henri Bergson are noted as significant contributors to its development (Lemke, 2011:9).

What becomes clear from the above extract is the confluence of a specific geographical imagination with a particular biological and political imagination respectively (Abrahamsson, 2013:38). This process is best explained with recourse to the diffusion of various aspects of Darwinian thought into mid-19<sup>th</sup> century German geography as well as Friedrich Ratzel's<sup>17</sup> reconceptualisation of the term *Lebensraum* – living space (Abrahamsson, 2013:38).

The reception of Darwinian thought into German geography can be partially traced back to the Second Reich's<sup>18</sup> fears over being left behind in the colonial race, as well as the proliferation of late 19<sup>th</sup> century German geographers who had been exposed to the field of zoology (Olusoga & Erichsen, 2011; Abrahamsson, 2013:38). When Ratzel's predecessor at the University of Leipzig – Oscar Peschel – first developed the notion of *Lebensraum*, he did it with the explicit purpose of making Darwinian theory intelligible in the language of geography (Abrahamsson, 2013:38).

For Peschel, “natural selection was already always a telluric selection” (Peschel, cited in Abrahamsson, 2013:38). The term ‘telluric’ has a double significance here. On the one hand, it frames natural selection as a process enacted on a planetary scale, which had severe implications regarding the ideological justification for colonial and imperialist expansion (Peschel, cited in Abrahamsson, 2013:38). On the other hand, the imagery of ‘soil’ – embedded within the notion of telluric – fed back into a system of representations which established a vitalist link between the soil as the material basis for the realisation of a social group's identity<sup>19</sup> and that social group's struggle for existence.

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<sup>17</sup> Ratzel – who served as a great source of inspiration for the works of Rudolf Kjellén – was the creator of anthropogeography and is considered by some scholars to be the father of geopolitics (Lemke, 2011:13).

<sup>18</sup> The Second Reich is also known as the *Kaiserreich* or Imperial Germany. It roughly began with the events following the Franco-Prussian war (1870–1871) where the Prussian Aristocrat, Otto von Bismarck, largely succeeded in his attempts at unifying several German states under the banner of a single nation state (Olusoga & Erichsen, 2011). The Prussian King, Wilhelm I, was crowned as *Kaiser* or Emperor in 1871 and Germany was ruled by a monarchy until the aftermath of World War I and the ‘November Revolution’ (1918), which saw Germany transition into being a Republic.

<sup>19</sup> In demonstrating the significance of this particular system of representation, Johann Gottfried Herder – who contributed greatly to the development of German Romanticism,



By the time that the concept of Lebensraum had reached Friederich Ratzel, the aforementioned connotations had been firmly embedded therein. In noticing the contradiction between the incessant movement of life and the stasis of the earth (Abrahamsson, 2013:40), Ratzel saw it fit to incorporate elements of Moritz Wagner's 'migration theory' into his own 'diffusion theory' (Danielsson, 2009:63). In consequence, 'migration' was framed as a natural fact of life and 'natural selection' was conceived as a process whereby various social groups of people compete to death over a single territory (Danielsson, 2009:63).

These ideas were impactful in terms of how nation states were perceived for two main reasons. Firstly, and in contrast to Malthusian theory,<sup>20</sup> a significant increase in the population was taken as a sign of the nation's vitality. Rather than deploying artificial checks to control population growth, the function of the state was to engage in the search for *raum* – land and life-sustaining resources – through processes of colonisation, migration, and conquest in order to support their *volk*<sup>21</sup> (Madley, 2005:432; Danielsson, 2009:63). Secondly, Ratzel's articulation of Lebensraum as a race-land bond did not just foreground the importance of establishing a strong agricultural base for a *volk*'s survival. It also carried with it the implicit belief that

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created the notion of *Volksggeist*, and was the founder of cultural nationalism – believed “that to be fully human and creative, you must belong somewhere” (Dauksta, 2011:7). Herder helped lay the groundwork for what the Völkisch theorists of the 1890s would later conceptualise as the essential Germanic way of life – a romantic agrarianism wherein it was assumed “that only through interaction with the soil could a German encounter his or her true spirit, and fully become part of the Volk” (Olusoga & Erichsen, 2011:77). Both the figure of the Aryan as well the *Blut und Boden* – Blood and Soil – slogan used extensively by the Nazis can be traced to the same line of German romantic philosophy (Mazumdar, 1995:195).

<sup>20</sup>In theorising population growth and its associated consequences, Malthus (1971) assumed an overly pessimistic view. In what he believed was a fixed relationship, a population had the capacity to grow at an exponential rate whereas life-sustaining resources could only be produced arithmetically. The former would invariably outstrip the latter and precipitate the emergence of 'positive checks' to population growth. 'Positive checks' essentially reinstate an ideal balance between population growth and resources and refer to all those measures that “whether of a moral or physical nature, which tend pre-maturely to weaken and destroy the human frame” (Malthus 1971:12). Examples include events like wars, famines, and epidemics.

<sup>21</sup> While the term '*volk*' had been used to designate more general differences between social groups such as that relating to lifestyle and culture, its use had become progressively racialised over time (Danielsson, 2009:67). Furthermore, Ratzel's notion of *volk* is necessarily connected to the idea of the struggle for existence, as well as the notion of *völkermord*, which has been credited as the first equivalent of the term 'genocide' (Danielsson, 2009:63). This connection will materialise most clearly in the colonial *vernichtung* – annihilation – policies in German Southwest Africa as well as in the Nazi concentration camps later on (Madley, 2005).

those cultural groups deemed technologically and racially inferior were simply doomed to vanish following their contact with superior race groups (Madley, 2005). As a function of the influence of social Darwinism and taken within the telos of *Lebensraum* and a *volk*'s struggle for existence, death – more specifically, the death of ‘the other’ – was recast as an agent of progress (Olusoga & Erichsen, 2011:65).

In returning to the earlier quoted extract of Rudolf Kjellén's – where he situates his particular conceptualisation of biopolitics within “the ruthlessness of the life struggle for existence and growth” (Kjellén, cited in Lemke, 2011:10) – Ratzel's influence on Kjellén becomes palpable. Moreover, it is also hereby significant to mention that with its emergence, biopolitics was not just some random transcendental concept that only existed as the object of thought experiments. Instead, biopolitics had a concrete existence in how it provided a framework for political practice. Around the same time that Rudolf Kjellén developed his geopolitical and biopolitical programmes for the study of the state, he was serving as a Member of Parliament in Sweden, and it was here that he attempted to operationalise some of his and Ratzel's ideas (Marklund 2021:214). For instance, and in recapitulation of his attempt to transcend the strictly liberal conceptualisation of the state, Kjellén sought to change the politics of the state by educating a new class of public servants that would supersede the lawyers in public administration (Gunnflo, 2015:32).

Additionally, as his biopolitical and geopolitical programme was concerned with both domestic and foreign policy, Kjellén lamented the untapped potential of the small state of Sweden – owed to its ‘underpopulation’ relative to its territory and resources – and actively advocated for the remigration of American Scandinavians (Marklund 2021:212–214). Beyond Sweden, Kjellén served as an intermediary in the sense that his operationalisation of Ratzel's ideas made its way to Karl Haushofer. This contributed to the assimilation of the discourse of *lebensraum* into the National socialist government, effecting its internal planning and expansionist strategies (Abrahamsson, 2013:40).

Biopolitics undoubtedly had a concrete existence. However, even Kjellén himself knew that various state forms – as well as the same state form over time – would all be accompanied by different manifestations of biopolitics. Therefore, Kjellén's

organicist metaphor of the state – a perspective that is at heart “anthropological, not anatomical” (Kjellén, cited in Björk, 2021:104) – allowed for a biopolitical study of the state “as an active, ever-changing political body, dependent on power relations and resources” (Lagergren, cited in Lundén, 2021:283).

As mentioned earlier, Esposito (2008) and Lemke (2011) treat Kjellén’s organicist and naturalist conceptualisation of the state as representative of the first explicit biopolitical account of a modern political order wherein life was taken as the basis of politics. However, this vague and static representation of Kjellén does not fully characterise how exactly the population (understood as the aggregate of biological life) was subject to political control and administration. Gunneflo (2015:38) argues against this simplification of Kjellén’s ideas and suggests that, were we to analyse more closely Kjellén’s treatment of the state’s expanding investment in society as well as the specific rationality underlying the state’s interventions in a wide array of policy areas (the economy, law, social welfare), we would be left with an account not unlike that put forward by Foucault.

This is not to say, however, that Esposito (2008:17) and Lemke (2011:) are wrong in noticing an intensification in the “naturalization of politics”. There was indeed a general philosophical tendency applied to a discourse on biopolitics wherein things such as the state, culture, economy, and law were seen as an incorporation and reproduction of nature’s essential characteristics, albeit at another level. They turn to contemporaries of Kjellén who intensified and propagated a series of conservative, vitalist discourses on biopolitics which fell within the domain of comparative biology<sup>22</sup> (Wilmer & Žukauskaitė, 2015:2).

An example of such a biologically inflected political theory of state surfaces in the work of Jakob von Uexküll’s (1920) *Staatsbiologie* (Gailus, 2020:22). With this particular biological and holistic metaphor applied to the German state, von Uexküll uses terms such as organs, anatomy, physiology, and pathology to explain the state’s

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<sup>22</sup> Comparative biology has certain linkages with phylogenetic studies. It is assumed that by use of the comparative method the nature, function, and evolutionary development of a species, organ, or organism can be better understood when compared with the phylogenetic reconstruction of a different species, organ, or organism.

organisation and function whilst making a case for its biological reconfiguration (Esposito, 2008:18). For example, in a discussion on pathology – which takes centre stage in the book – the German state is likened to a body suffused by degenerative diseases<sup>23</sup> and one that is further infested with ‘parasites’<sup>24</sup> that are feeding on its vitality. This implies that this condition can only be combatted (as a corrective intervention) with the state’s adoption of a medical competency and the installation of a new class of state doctors (Esposito, 2008:17; Wilmer & Žukauskaitė, 2015:2; Gailus, 2020).

Uexküll’s anatomical account allowed for the naturalisation of hierarchy<sup>25</sup> and it provided a sound theoretical justification for immunitary responses on the state’s behalf to expel, with force and violence, those who threatened the state’s well-being. It is therefore no wonder that Uexküll’s theories found a home amongst the German National Socialist government. Around 1934, a review in the Nazi journal *Der Biologe* had surfaced and had hailed *Staatsbiologie* as the ideal-typical framework for state policies that were already being carried out by Hitler (Harrington, 1991:438).

What is mapped out up to this point was the emergence and formation of a singular type of biopolitics, specifically that linked to the Nazi biocracy. Notable here is the confluence of strands of German romantic philosophy and geography with organicist theories of state. The ideas of hierarchy within the various biologicistic discourses were extended to the category of race as well as other social groups. The belief that social issues and political forms had biological causes coincided with the belief that politics

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<sup>23</sup>This metaphor seems to imply that ideologies, social problems, and political forms can have a biological origin (Lemke, 2011:11). Following Uexküll, examples of lesser forms of politics or unwanted forms of social organisation include things like trade unionism, parliamentary or electoral democracy, socialism, and Zionism (Mordini, 2005:246; Esposito, 2008:18).

<sup>24</sup> Here, parasites are subdivided into two categories: “true parasites” whose existence is external to the living body of the state and which feed on its vitality, and “symbionts” which encapsulate the members of various race groups which are occasionally useful to the state (Esposito, 2008:18).

<sup>25</sup> Within Uexküll’s conservative yet holistic view of the state, it is the comparison between the lower order cells and the higher order functioning of the body’s organs which formed the basis of his anti-democratic account. As Socialists and Democrats alike were making a case for state workers to be granted an equal say and rights in matters related to the state, Uexküll opined with a tone of condescension that if “in our body... the majority of the body’s cells were to decide in place of the cortical cells which impulse the nerves should transit. Such a situation is called ‘stupidity’” (Uexküll cited in Harrington, 1991:438).

could be perfected through the perfection of biology itself. At its zenith, this biopolitical programme espoused the concept of ‘racial hygiene’ and it engaged in a sanitary politics geared towards the realisation of its utopic vision.

While it may seem self-evident, those who are seen as embodying the idealised politics in a given society may be more likely to become the object of a ‘productive biopolitics’. Here it is instructive to think of the impact of concepts such as *Lebensraum* which were assimilated into Nazi ideology and practice. Within the German body politic, the struggle for existence of some social groups was facilitated and seen as legitimate whereas the death of other social groups was seen as a marker of progress. In the view of Nazi institutions – which were themselves considered as forms of life – life-affirming policies were directed towards the figure of the Aryan, which presumably “carried the totality of living experience in him or herself” (Lebovic, 2015:185). In contrast, life-negating policies were directed towards those whose embodied politics or existence in some way threatened an idealised Germanic way of life. The figure of the Jew in Nazi Germany provides such an example.<sup>26</sup>

This extreme ‘negative biopolitics’ where a totalitarian regime exhibits a paroxysmal immunitary violence against internal and external threats while protecting an idealised imagined community’s sense of unity is an example of what scholars refer to as thanatopolitics (Esposito, 2008; Prozorov, 2017:94). Necropolitics,<sup>27</sup> or the condition

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<sup>26</sup> Antisemitism is not specific to Nazi Germany. Certain historical conditions like the entanglement between antisemitism and *Lebensphilosophie* have merely shaped its particular re-emergence. Racial purity and the idea that certain race groups carry diseases can be traced as far back as the Middle Ages. Here, as the purported harbingers of plagues, it was not uncommon for Jews to be massacred en masse at the outset of epidemics. Furthermore, the phrase *limpieza de sangre* – cleanliness of blood – reflects a time in 15<sup>th</sup> century Spain where Christian institutions were established to investigate people’s genealogy and heredity (Savage, 2007). They distinguished between the ‘Old Christians’ and the ‘new converts’ (predominantly from Islam and Judaism). They had to ensure that the latter group did not occupy politically important positions and that their existence did not constitute a threat to the stability of the established political order. Thus, the Nazi state’s serological search for ‘Jewish markers’ amongst the various blood groups was not a novel practice (Mazumdar, 1995).

<sup>27</sup> This term was developed by Achille Mbembe (2019), and it refers to the politics or administration of death. Similar to Agamben, Mbembe (2019) focuses more on the destructive dimensions of biopolitics and thus provides a thanapolitical account. Mbembe (2019) examines the neo(colonial) processes which reconfigure the caesuras between life and death. Certain bodies are framed as ‘productive’ and ‘lawful’ subjects fit for reproduction whereas other bodies are framed as being ‘superfluous’ and ‘unlawful’ non-citizens who could be systematically marked for death (Mbembe, 2019; Quinan & Thiele, 2020).

wherein life is increasingly subjugated to the power of death, represents a potentiality that is immanent to biopolitics. Foucault thus grapples with this paradoxical tension; the modern nation state – charged with the broadscale management of life – is simultaneously able to ‘make live’ and ‘let die’. He shows that biopower can reclaim death through the use of racism whereby population groups are differentiated and fragmented (Snoek, 2010:49). Nevertheless, it is still the case that both the productive and negative aspects of biopolitics materialise differently and to varying degrees as a function of their geographic location and historical context (Prozorov, 2017).

In the early to mid-19<sup>th</sup> century, the hyper-nationalists of Nazi Germany were certainly not the only ones to have grounded their political ideologies on a biological basis (Mordini, 2005). Evan Mauro (2012:82) has shown that organicism not only traversed disparate countries but also occupied privileged positions across the political spectrum.<sup>28</sup>

Before Kjellén (1916) elaborated on his notion of biopolitics in *The State as a Form of Life*, parallel discussions were being had among the radical left in England (Mauro, 2012). In 1911, a periodical simply titled ‘Bio-Politics’ emerged in *The New Age* – a Fabian socialist journal in London (Mauro, 2012:82). Therein the author, George Harris (1911), proclaimed that the nations of Europe were restless and generally apprehensive towards the existing modes of government. Harris (1911) argued that in its contemporary form, democracy – inefficient at best and semi-ochlocratic<sup>29</sup> at worst – constituted the highest form of political mediocrity given its usual subjection to red-tape bureaucracy. The proposed solution was to be found in the establishment of a new logical basis for the nation’s political order. This came in the form of ‘bio-politics’, and it responded to two main issues: first – population increases and the intensification

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<sup>28</sup> Evan Mauro (2012:85) analysed the content produced by Italian nationalist writers between 1900 and the 1910s. He showed that socio-biologisms applied to the nation – where the nation prefigured a “unitary and abstracted evolutionary subject”, intimately connected to its territory – were also native to Italy. They appeared seemingly independent of the influences of Rudolf Kjellén and von Uexküll (ibid.).

<sup>29</sup> Ochlocracy essentially refers to a perverted form of democracy where a government’s interventions are directed by the rule of the masses and are subject to their passions (Okoli & Abdulrasheed, 2014).

of competition; second – the determination of the individual attributes of men so that they can be more profitably placed within state positions.

With regards to the first issue, Harris (1911) identified reproduction as a key site for government intervention (Mauro, 2012:82). In believing that women outnumbered men and that they were only useful to the extent that they could reproduce, Harris (1911) sought to devise policy responses that could address the problem of women’s superfluity. For example, Harris (1911) recommended creating push factors that would compel superfluous women to migrate to other countries. Additionally, in applying artificial checks to population growth, he recommended that abortion be legal in the case of legitimate children and mandatory in the case of illegitimate children. In addressing the competition for resources, Harris (1911:197) lamented “the upkeep of lunatics and criminal lunatics” and suggested that if they did not serve a practical purpose – to the extent that their conditions could be studied – they should simply be euthanised.

With regards to the second issue of the suitable placement of men, this required “the search for good men” (Harris, 1911:197). In his ostensibly anti-political stance, the definition of what constituted a ‘good man’ was someone who regardless of their political affiliation had some knowledge of how to govern. Nevertheless, we could still argue that the figure of ‘the good man’ is one who embodied a type of politics idealised by Harris.

As discourses concerning biopolitics increasingly permeated the conditions of everyday life from the 1900s and upwards, it would only be a matter of time before non-state actors were also drawn into its logic. Thomas Lemke (2011:14) shows that in the case of the United States in the 1930s, the financial backing of the Rockefeller Foundation was a major driving force behind the emergence of molecular biology. This knowledge field was constituted with the express purpose of perfecting instruments of social control and optimising human behaviour (Lemke, 2011:14). While racist biopolitics may no longer provide a strict basis for the conduction of politics or explicitly inform scientific practice, it still has a vibrant existence today. With the Nazi biocracy’s defeat, elements of this racist biopolitics were uncritically

adopted by various right-wing pundits and social movements, and these discourses continue to inform some of their ideologies and beliefs (Lemke, 2011).

As an example, Jacques de Mahieu was a member of the Nazi army that fled to Argentina after World War II. There he taught political science at various universities and put forward a particular vision of biopolitics that would provide a scientific basis for political action (Buchrucker, 1999:51). The role that Mahieu's biopolitics would play in political science would be to view society as an organism and reorganise social classes and political structures in such a way that reflects different racial qualities (Buchrucker, 1999:51). In echoing the ideologies of the German National Socialist regime, social crises are seen as being attributable to the problem of racial mixing and as recently as 2003, Mahieu published a book wherein the task of biopolitics and political science as a whole was to identify the causes of 'ethnic collisions' and 'racial struggles' (Lemke, 2011:15; Mahieu, 2003:12).

With biopolitics being so closely yoked to the practices of the German nationalist state,<sup>30</sup> there were some attempts to subject the term to processes of semantic reformulation. At the cost of the term's specificity, distance was built from the Third Reich and problematic currents within organicist theory more generally (Mordini, 2005:246). Esposito (2008:19) ties this renewed interest in the term to the emergence of neo-humanist and anthropological perspectives applied to 'biopolitics' in the Francophone world in the 1960s. Notable in this regard is the reference to Edgar Morin's (1969) *Introduction à une politique de l'homme* – Introduction to a politics of humanity.

In this text, Morin's (1969) biopolitics is subsumed by the figure of the universal abstract human being. As politics necessarily relies on an understanding of both 'humans' and 'nature', Morin saw it fit to confound the stability of meaning implied in the binary opposition of the two categories. He criticises how global capitalism has reduced our understandings of human development to an economic and productivist frame. Alternately, Morin's ontopolitical account or "multidimensional politics of

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<sup>30</sup> In the 1930s, Fritz Lenz, Germany's most preeminent geneticist and biologist, had defined National Socialism as "applied biology" (Lenz cited in Mordini, 2005:246). No sooner had leaders within the Nazi state adopted this definition, than it was used in their campaigning.



man” (Morin, cited in Esposito, 2008:20) argues for a politics that broadly recentres the needs of people.

In a parallel development, renewed interest in ‘biopolitics’ in the United States in the 1960s included political research programmes that were positivist and naturalistic in character (Lemke, 2011). In the earlier discussion we saw instances where organicist assumptions formed the basis of politics *tout court*. They allowed for political forms to be understood as original ‘living forms’ that were capable of self-regulation (Wilmer & Žukauskaitė, 2015). In contrast, this biopolitics or biopolitology differs in that it uses evolutionary theory and the language of biology to understand culture, human nature and how the two interact (Mordini, 2005). This is said to have allowed for the further analysis of the causes and forms of political behaviour thereby engendered (Lemke, 2011).

In the 1960s and 1970s, ‘biopolitics’ in the United States experienced two further inflections. They both reflected changes in the surrounding social, technological, and politico-economic context. They also grappled with life-processes as broadly defined and questioned how exactly a politics could secure the “global natural foundations of life” (Lemke, 2011:26). Firstly, ‘ecological biopolitics’ emerged during the ecological crisis and amidst growing concern among social movements and political activists that the global environment was being destroyed. They mobilised for the development of a politics that would preserve the natural environment which sustains humanity. Secondly, ‘technocentric biopolitics’ and the related subconcept of ‘bioethics’ arose as new technologies were developed that allowed us to transgress the boundaries of life that were once considered impassable (Lemke, 2011). As an example of the transgression of such a life boundary, *in vitro* fertilisation and genetic engineering are two significant feats that became possible in the early 1970s.

The version of biopolitics that we are most familiar with today was introduced by Michel Foucault in the mid-1970s. Here, just as significant with the other inflections of biopolitics is the political and intellectual climate in which the new biopolitics was conceived. The period between the mid-1960s and the early 1970s was tumultuous and characterised by a general scepticism toward the prevailing governance systems, institutions, discourses, and practices (Hook, 2005). Across the world, it included

social movements such as the civil rights movement, second wave feminism, the anti-psychiatry movement, the student movement, the anti-imperialist movement and the antiwar movement, to name a few.

How exactly the ruptures engendered by the various social movements influenced Foucault's thinking is a topic that will be addressed in greater detail in the section on genealogy as it partly grapples with Foucault's complicated relationship with Marxism.<sup>31</sup> What is important to note is that even before the student uprisings in Paris of 1968 there had already been a decline in Marxism in France.<sup>32</sup> This may have been related to a decrease in working-class activism and an increase in widespread economic growth, mobility, affluence, and individualism (Tarifa, 2008:27).

However, just as significant is the fact that the manner in which the French Communist Party<sup>33</sup> (PCF) responded to certain events over time brought their "radical political credentials" into disrepute, isolating them from French and communist intellectuals (Christofferson, 2004:39). For example, the year 1956 saw both the release of Khrushchev's 'secret' report detailing the crimes of Stalin as well as the Soviet Union's brutal invasion of Hungary. In the case of the former, the PCF simply denied the report's existence and resisted any attempt at de-Stalinisation. In the latter case, they supported the repression of the Hungarian Revolution and justified it as a legitimate response against the rise of fascism (Christofferson, 2004).

An associated consequence of the PCF's atrophy is that the French working-class proletariat who had long time been mobilised by the PCF had lost their position as a

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<sup>31</sup> Even though strands of Marxist theory routinely surface in Foucault's work to varying degrees, his attitude shifts between one of indifference to an outward renouncement of Marxism (Plamper, 2002).

<sup>32</sup> Marxism and Stalinist politics enjoyed considerable attention in France during World War II and in the post-World War II period. This was in part due to the invalidation of Nazism that came with the Soviet's victory as well as the formation of a populist politics that grew out of a fear of the spread of fascism (Plamper, 2002:259). However, by the 1950s, events like the Korean war had essentially laid bare the Soviet Union's imperialist nature and it hinted at the development of yet another repressive regime (Tarifa, 2008:228). Around this time, the crisis of Marxism in French intellectual thought could already be seen as figures like Merleau-Ponty came to denounce Marxism as a response.

<sup>33</sup> The *Partie Communiste Française* (PCF) rose to prominence due to the role it played in the Resistance following Germany's invasion of the Soviet Union (Christofferson, 2004:29).

revolutionary subject.<sup>34</sup> Not only were the PCF reluctant to support Algerian independence – given their predominantly working-class support base’s conservative position against the decolonial movement – but they expelled some party members who endorsed Algeria’s National Liberation Front (NLF) (Christofferson, 2004:40).

The publication of Aleksandr Solzhenitsyn’s (1973) exposé on the Soviet camps – *The Gulag Archipelago* – and its French translation in 1974 animated the longstanding critiques of revolutionary Marxism that were propagated by members of the non-communist Left<sup>35</sup> (Plamper, 2002). The bombardment experienced by Marxism defined the political and intellectual context in which Foucault’s biopolitics was conceived. However, the negative attention received does not discount the fact that there were still many useful approaches to be found within Marxism and that it provided a consistent, positive reference point for Foucault’s work<sup>36</sup> (Smart, 1983:73).

The rupture engendered by the critique of revolutionary Marxism corresponded with a general shift in Foucault’s preferred methodological approach from a concern with ‘archaeology’ to a privileging of ‘genealogy’. The former approach denotes an interpretative strategy that is applied to historiography or, more appropriately, the ‘history of systems of thought’. It is neo-Kantian in the sense that it is concerned with the determination of the *a priori* epistemological conditions of possibility in a defined geo-historical context. It takes discourse as a unit of analysis, and it involves separating history into neat, discontinuous periods or ‘archaeological strata’ so as to isolate the

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<sup>34</sup> By the year 1967, French Marxist figures like Henri Lefebvre had surmised that the working class was no longer directed by a revolutionary politics, opening the door for other figures like students and artists to be considered revolutionary (Christofferson, 2004:47). In demonstrating this point, the PCF not only demonstrated animosity toward the student movements of 1968 but showed complicity with the state in their active attempts to demobilise their radical workers (Christofferson, 2004:53).

<sup>35</sup> Here we note the emergence of *nouveaux philosophes* – ‘the new philosophers’ – a group of intellectuals that had captured the French imagination around the mid-1970s. This group included people like Michel Foucault, Jean Baudrillard, André Glucksmann, and Bernard-Henri Lévy. A common thread to be found among ‘the new philosophers’ was an acceptance that Marxism is at least in part culpable for the forms of domination and the instantiations of totalitarianism that occurred as a result of the discourses and revolutionary projects prescribed within Marxism (Smart, 1983:67–70; Christofferson, 2004:53).

<sup>36</sup> In an interview, Foucault stated that “it is impossible at the present time to write history without using a whole range of concepts directly or indirectly linked with Marx’s thought and situating oneself within a horizon of thought which has been defined and described by Marx” (Foucault cited in Smart, 1983:73).

relevant epistemes<sup>37</sup> (Garland 2014:369). In a structuralist examination of the limits of knowledge production, archaeology grapples with why certain forms of knowledge were capable of being produced and were accessible to the imagination whereas other knowledge forms were excluded (McNay 2007:37 & Garland 2014:367).

So, in *The Order of Things* (1966) – which largely coincides with Foucault’s use of the archaeological method – Foucault conceded that Marx effected a break in that he introduced “an entirely new discursive practice on the basis of political economy” (Foucault, cited in Smart, 1983:78). However, this break was not to be equated with the emergence of a new science. Rather, Marxism emerged in concert with the human sciences; its overall conditions of existence are bound to the origination of the modern epistemological arrangement or episteme that defined 19<sup>th</sup> century thought (Smart, 1983:78). Thus, as Foucault (1966:262) states, “Marxism exists in nineteenth-century thought like a fish in water: that is, it is unable to breathe anywhere else”.

Amidst the rupture of the late 1960s and the student movement, Foucault was essentially guided by the questions of whether new forms of struggle were being born and whether new political subjectivities were being formed (Mezzadra, 2019:60). He noted that the ‘university Marxism’, which was sometimes “taught like the catechism” (Foucault, 2019:281), was failing to absorb the new political subjectivities (Karlsen & Villadsen, 2014). In a classic display of Foucault’s pragmatism where he treats theory as toolbox (Garland, 2014:366), he made use of a Nietzschean genealogy in order to rework some of Marx’s essential insights.<sup>38</sup> Instead of strictly obeying the canons of Marxist theory in an approach that focuses on ‘quoting’ Marx, Foucault found use in

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<sup>37</sup> This refers to the deep-level, discursive formations (the order of discourse, statements, and concepts that produce and sustain meaning) (Plamper, 2002; McNay 2007:37; Garland 2014:367).

<sup>38</sup> In an interview, Foucault (2001:248) discusses how Nietzschean philosophy had been excluded from the university realm because of how it had been used by the Nazis. Marxism, Hegelian philosophy, phenomenology, and existentialism were more in vogue at the time. However, they were not suitable enough to account for what was currently going on due to the primacy given to the rational subject and their reading of history as an intelligible, unbroken flow of events. In accounting for the rupture, he found more value in a “Nietzschean theme of discontinuity” and Bataille’s theme of “limit-experience”, where the subject is wrenched from itself (ibid.). He explained that the “interest in Nietzsche and Bataille was not a way of distancing ourselves from Marxism or communism—it was the only path toward what we expected from communism” (Foucault, 2019:249).

a method that was more concerned with putting Marx “to work”<sup>39</sup> (Mezzadra, 2019:60).

Therefore, in his genealogy of the modern state, Foucault was able to employ more of a Gramscian<sup>40</sup> approach and go beyond Marxist theories of ‘the state’ and ‘power’ which were in effect reducible to an economic analysis. Instead, he could focus on the multivalent forms of power/knowledge that directed the exercise of technologies of power<sup>41</sup> both within and beyond the state form.

Foucault’s reintroduction of biopolitics into political and philosophical debates in the 1970s – through his lecture series and the publication of *The History of Sexuality, Vol. 1* – soon caught headwind and he inspired the development of subfields and strands of theory that are still fervent today. For instance, in *Empire* Michael Hardt and Antonio Negri (2000) put forward a revised, postmodernist vision of biopolitics in the context of globalisation and what they believe to be a new stage in the capitalist system.

Initially, they followed the same line of reasoning posed by Saskia Sassen (2010) regarding the declining importance assumed by the nation state. Transnational corporations and global market forces have resulted in the partial unbundling of ‘the national’, making the nation state no longer the sole container and overseer of national processes (Sassen, 2010:4). However, where they begin to deviate from Sassen is through their negation of the importance of the analytical category of ‘space’. For Sassen (2010), global flows materialise more so in the functionally integrated nodal

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<sup>39</sup> This is seen where Foucault discusses his citational politics and states that “I often quote concepts, texts and phrases from Marx . . . but without feeling obliged to add the authenticating label of a footnote with a laudatory phrase to accompany the quotation” (Foucault cited in Mezzadra, 2019:59).

<sup>40</sup> While I lack the space for a full analysis here, I would argue that Gramsci had an unacknowledged import in the work of Foucault. This can be seen in the fact that certain parallels between their work can be drawn and some of their concepts can to an extent be reconciled. For instance, Gramsci’s (1971:263) notion of the State as “civil society + political society, . . . hegemony protected by the armour of coercion” allows for an analysis of the unseen mechanisms of power. This can be complemented with Foucault’s analysis of the modern disciplinary society. Additionally, further parallels can be drawn between Gramsci’s notion of ‘grammars’ and ‘the subaltern’ and Foucault’s work on ‘discourse’ and ‘subjugated knowledges’ respectively (Kreps, 2015:3).

<sup>41</sup> In this instance, this refers to biopower and disciplinary power.

points of a globalised economy, represented by ‘global cities’. How exactly ‘the global’ becomes inscribed within ‘the local’ as well as the particular challenges that this presents for a city’s inhabitants become important for understanding the resultant constitution of political subjectivities (Sassen, 2010).

In contrast, for critical globalists such as Hardt and Negri (2000), the analytical category of space represents an outdated feature of modernity (Watson, 2001:353). The boundaries of sovereignty have been de-territorialised and have undergone reconstruction to the extent that virtually everything is subsumed by what is called ‘Empire’. “This new global form of sovereignty” (Hardt & Negri 2000:xii) is distinct from previous forms of imperialism and is defined by ‘biopolitical production’. The latter concept refers to a mode of capital accumulation and the simultaneous production of social life wherein the political, economic, cultural, productive, and reproductive spheres are increasingly imbricated and continuously reinvest in one another (Hardt & Negri 2000:xiii; Lemke, 2011:68).

Rather than an emphasis on a Foucauldian “disciplinary society”<sup>42</sup>, Hardt and Negri (2000:24) espouse the Deleuzian notion of a “society of control”.<sup>43</sup> They employ a productivist view of biopower which is said to address “the real subsumption of society under capital” (Hardt & Negri 2000:365). As such, they can account for how the processes of social reproduction effectively “produce producers” with all the desires, affects, and political subjectivities that this entails (Hardt & Negri 2000:32). Additionally, they can explain how the different labour forms of the new figurations of workers can be coordinated seemingly outside of the capitalist system, all the while contributing immeasurable value to the surplus that is thereby extracted.

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<sup>42</sup> Here the organisation of life relies on the function of surveillance within predetermined parameters or institutions that are dedicated to certain activities (Brusseau, 2020). This allows for the development of standards and norms that can subsequently inform any necessary corrective interventions.

<sup>43</sup> Within disciplinary societies, “enclosures are *molds*” [*sic*] that structure social organisation and direct behaviour (Deleuze, 1992:4, emphasis in original). An example of this would be physically ordering bodies in a factory to enhance productivity (Brusseau, 2020). Contrastingly, “controls are a *modulation*”, where data is gathered by technology in order to create tailored incentives that will steer people in a certain direction. An example of this would be corporations that structure production according to modulating principles such as on a “salary according to merit” basis (Deleuze, 1992:5).

Aside from this account by Hardt and Negri (2000), ‘biopolitics’ as a concept has been extensively applied to fields as diverse as disability studies (Hall, 2016), bioethics (Rabinow & Rose, 2006) post-humanist philosophy (Haraway, 1999) governmentality studies (Gordon, 1991), and agriculture (Stock & Gardezi, 2021). While the concept has been used differently within each of these respective fields, there may to an extent be a ‘family resemblance’ as Foucault continues to provide a valuable reference point for the discussions therein. Keeping this in mind, the next section will review some of the inbuilt limitations and tensions surrounding Michel Foucault’s theorisation of biopower/biopolitics, specifically as it relates to his periodisation of modernity and a specific tradition of historicism.

### **2.3 Alternative theories and a history from below**

The previous section on the history of biopolitics shows how various factors contributed to the formation of a particular interpretation of ‘biopolitics’ that subsequently came to dominate a certain socio-historical context. While the personal dispositions of the respective authors naturally shape their conceptualisations of biopolitics, it can be deduced that the term itself generally reflects the *zeitgeist* of the times. The problem usually comes in with the assumption that historical constructs such as ‘biopolitics’ constitute hermetically sealed entities; their origins are localisable within a specific geo-historical context to the exclusion of other historical influences traversed time and space and affected their development.

Therefore, if by following Foucault (1990:143) we see biopolitics as representing the “threshold of modernity” or the point at which the “life of the species is wagered on its own political strategies”, then this section will at least in part be dedicated to questioning the myth that ‘the modern’ was an experience limited to the Global North. Any attempt to account for the emergence of biopolitics or a modern rationality of government will naturally be incomplete if the broader historical context wherein it developed has been neglected.

As Jean Baudrillard (1987) has argued, no universal laws exist which dictate either the precise moment at which modernity will emerge or the exact functioning of its operations. “Modernity is not an analytic concept”, it is rather an ideological construct

that has sometimes been used erroneously in an empirical fashion to isolate features that resemble something that is more or less modern (Baudrillard, 1987:63). For this reason, ‘modernity’ opens itself up to wider scrutiny and interpretation.

It can at once refer to the consolidation of the nation state form in all its administrative capacities, a general period of mass urbanisation as well as the advent of industrial capitalism and the “era of productivity” (Baudrillard, 1987:66). Modernity can also denote the general spread of a logic, for instance, in the rise of individualism, the rationalisation of social and political life, the spread of instrumental reason and how the latter becomes reified in institutional forms, as in the case of bureaucracy. Certain connotations are tied to ‘modernity’ such as ideas of change, development, and progression. This creates certain tensions and contestations as within its specific linear temporal orientation modernity is invariably geared towards the future, but this is a reality that can only be realised in the present. In other words, ‘modernity’ “always wants to be ‘contemporary,’ i.e., it seeks global simultaneity” (Baudrillard, 1987:68).

What becomes an issue here is that modernity’s illusion of contemporaneity and the paradoxical stability of form therein implied have been sustained through the construction and maintenance of certain master narratives. Here we could refer to the development of a particular philosophical approach to the writing of history that came to dominate the Enlightenment period. It construed modernity as a condition that “imposes itself throughout the world as a homogeneous unity, irradiating from the Occident” (Baudrillard, 1987:63).

In other words, the ‘events’ that were used to confirm processes related to the existence of capitalism, the Enlightenment, and modernity were events that were all specifically localisable within Europe’s geographical confines (Chakrabarty, 2008:7). This stagist, historical representation of modernity – as an abstract, universal process immanent to Europe whilst simultaneously being a condition that only gradually spreads to other parts of the globe – is associated with a particular kind of historicism. This historical narrative is yoked to the idea of Europe. As its Eurocentric assumptions are based on a “denial of coevalness” (Fabian, cited in Chakrabarty, 2008:8) or the quality of being considered equal as it essentially relegates the non-West to the “imaginary waiting room of history” (Chakrabarty, 2008:8).



In ways, Foucault fell victim to this sort of historicism in his own genealogy of the modern state. As Edward Said notes, “his Eurocentrism was almost total, as if history itself took place only among a group of French and German thinkers” (Said, cited in Prozorov, 2017:95). In harking back to the work of Rudolf Kjellén, it is important to remember that in one of its first explicit articulations, ‘biopolitics’ was conceived at both the intra-state and inter-state levels. The legacies of imperialism, colonialism, and social Darwinism were taken up in German geography and the resultant ‘biopolitics’ was operationalised and translated into policies that had material implications. Even if Foucault sees his version of biopolitics as somehow distinct from Kjellén’s, he cannot reasonably argue against the idea that colonialism had a significant hand in shaping how modern nation states exercise power.

In *The Origins of Totalitarianism* published in 1951, Hannah Arendt became one of the first key theorists to examine, for example, how imperialism, ‘the scramble for Africa’, and settler colonialism had laid the groundwork for the formation of totalitarian regimes in Europe and the genocides that followed (Madley, 2005). A closer examination of the history of concepts such as Lebensraum can similarly show colonialism was implicated in the modern German state’s exercise of power.

As previously discussed, the notion of ‘vital space’ was first articulated by Oscar Peschel with natural selection being framed as a telluric process (Peschel, cited in Abrahamsson, 2013:38). This had implications regarding the ideological justification for Germany’s colonialist expansion during the Second Reich. Furthermore, Friederich Ratzel had a particular context in mind when he reconceptualised Lebensraum as a race-land bond that defined a social group’s struggle for existence. He was of course inspired by the realities of the colony in German Southwest Africa – what is today known as Namibia. He believed that the ‘inferior Africans’ would be justifiably destroyed by the ‘superior Germans’ in the latter’s acquisition of Lebensraum (Madley, 2005)

So, while Lebensraum served as a doctrine and *Weltanschauung* – world view – in the colonial context, it later provided a set of guiding principles for the Nazi regime in the form of *Lebensraumpolitik*. As Madley (2005:438) notes, the linguistic and conceptual categories that were developed for the purposes of the colony’s legal system became

a steady source of inspiration for Nazi lawmakers. For instance, in German Southwest Africa, the term *Rassenschande* – racial shame – was introduced in 1905 along with the *Rassenmischung* – race mixing – laws which forbid miscegenation (Madley, 2005). During the Nazi regime, Hitler frequently made use of the term *Rassenschande* as part of his propaganda (Madley, 2005). This culminated in the adoption of laws in 1935 such as the Law for the Protection of German Blood and German Honor which essentially criminalised marriage and sexual relations between ‘Aryans’ and non-Aryans.

In German Southwest Africa, the first official *Konzentrationslager* – concentration camps – were built around 1904 in response to the ‘native question’ and they mainly housed Herero and Nama prisoners. They unofficially served either one of two purposes with the main difference being whether the function of ‘death’ or ‘labour’ took primacy: firstly, camps like *Haifischinsel* – Shark Island – were death camps designed to exterminate people in a systematic and calculated manner with labour extraction being a secondary function; secondly, camps like Swakopmund were primarily designed to extract as much economic value as possible while the prisoners were being worked to death (Madley, 2005; Olusoga & Erichsen, 2011).

Madley (2005:441) notes that three further similarities can be drawn between the colonial genocide of the Nama and Herero peoples and the Nazi genocide in Europe. First, in either case the ‘conflicts’ were described by German military leaders as being a *Rassenkampf* – race war. Second, both events entailed the strategic deployment of a *Vernichtungskrieg* – war of annihilation – where the stated aim is the destruction of a people. Third, in either case of genocide German military leaders made recourse to public health rhetoric to rationalise their actions (Madley, 2005:441).

So, to return to claims such as Robert Esposito’s (2008:16) that within Kjellén’s theory of state as “a whole that is integrated by men and which behaves as a single individual . . . we can trace the originary nucleus of biopolitical semantics”. Here we can see that Esposito is obviously neglecting the influence of a much wider historical discursive field which precipitated the emergence of a particular inflection of biopolitics during the Third Reich. For all his faults, this sort of interaction was something that even

Foucault (2003:103) was aware of as can be seen in the following extract taken from *Society Must be Defended*:

At the end of the sixteenth century we have . . . at least an early example of the sort of boomerang effect colonial practice can have on the juridico-political structures of the West . . . while colonization, with its techniques and its political and juridical weapons, obviously transported European models to other continents, it also had a considerable boomerang effect on the mechanisms of power in the West, and on the apparatuses, institutions, and techniques of power. A whole series of colonial models was brought back to the West, and the result was that the West could practice something resembling colonization, or an internal colonialism, on itself.

However, aside from briefly paying lip service to the ‘boomerang effect’ of colonialism and governance, Foucault’s analysis never seems to transcend its intra-modern limits.<sup>44</sup> Instead of being “cut off from the whole world”, Foucault (2007:298) sees Europe as existing with the world in a relationship defined by colonisation and economic domination. When it comes to conducting a “genealogy of the modern state” or tracing “a history of governmental reason”, Foucault (2007:354) turns to different political rationalities (the pastorate, *raison d’État*, liberalism, and neo-liberalism). In so doing, he shows that the modern administrative state “was fabricated in a piecemeal fashion from alien forms” (Foucault, 1984a:78). These rationalities of government or governmentalities are significant as they provide an overarching framework for the operationalisation of biopolitics, yet they are limited in their scope as they are treated as entirely endogenous to Europe.

‘Governmentality’ has since been productively rearticulated by subaltern studies<sup>45</sup> and postcolonial studies,<sup>46</sup> especially in terms of how colonial and post-colonial governance have been theorised. Therein, they may counter Eurocentric assumptions by way of conducting a ‘history from below’. This approach recentres the periphery

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<sup>44</sup> This refers to the idea “that modernity can be fully explained by reference to factors internal to Europe” (Escobar, cited in Barrett, 2020:4).

<sup>45</sup> For reference, see Chaturvedi (2013), Guha (1997), and Spivak (1988).

<sup>46</sup> See also Ashcroft et al. (2013), Bhabha (1994) and Loomba et al. (2005).

through its emphasis on the issue of co-production and it also foregrounds the role played by those agents of history whose forms of resistance and mobilisation have often been neglected in historical studies. Far from being universal and teleological given the construction of the idea of Europe, the modern nation state form, and the strategies for exercising power all owe their contingent existence to the asymmetric relations established with non-Western countries (Wolfe, 1997:413).

For instance, as Michael Pesek (2011:50–51) has shown, events such as the 1884 Berlin Congo Conference – where the requisite legal protocols for laying claim to territories were outlined – had great import in the further establishment of certain European powers as sovereign. When the infamous Carl Peters<sup>47</sup> travelled to East Africa in 1883 to negotiate *Schutzvertraege* – protection treaties – with African chiefs, he was not acting on the behalf of the German Empire. Instead, he was trying to establish his own “private empire” which could then be sold off to “the highest bidding protecting power” (Pesek, 2011:50). A necessary precondition for these protection treaties was that the land had to be mapped through colonial cartography and that African chiefs – real or imagined – had to be ‘invented’ as the sovereign rulers of these territories (Pesek, 2007). What followed was construction of legalistic rituals that could concurrently legitimise and delegitimise African chiefs. This sort of practice was grounded in international law, and it provided a basis for the diplomatic negotiations that European powers conducted as they carved out their territories (Pesek, 2007).

The colonial state never assumed a definite form as it was a historically imposed condition that was invariably subject to negotiation. This is to say that there is no overarching theory regarding ‘the colonial state’ as colonialism was different everywhere it occurred. This is the case for two main reasons. First, not all the role-players who were implicated in the process of colonisation were driven by the same goals. For instance, while religion was often regarded as the handmaiden of colonialism, the colonial administrators often saw the missionaries within the German colonies as competitors when it came to the prerogative of establishing sovereignty within the colonial project (Pesek, 2011:47). In the same vein, there were also differing

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<sup>47</sup> Carl Peters was an ambitious German adventurer and colonial enthusiast of the late 19<sup>th</sup> century. He played a significant role in consolidating Germany as an imperial power through his successes in establishing German colonial territories in East Africa (Pesek, 2007).

perspectives as to what extent they should establish a strong administrative presence or ‘modernise’<sup>48</sup> a given territory as the investment financial resources would often go against the colony’s principles of extraction.

Secondly, colonialism has been variable in its existence not only because ‘European governmentalities’ were being mapped onto vastly different, pre-existing political landscapes but also because this process was met with continuous resistance by the indigenous people on different accounts. To this point, Frederick Cooper (1994) shows how in the aftermath of World War I the imperial powers had become increasingly frustrated in their inability to remake African societies. The subsequent adoption of ‘indirect rule’ as an official objective within the colonial project could therefore be reframed as a partial capitulation considering the failure to establish the pre-eminence of European political rationalities over the indigenous political rationalities (Pesek, 2007:47–48). This is simply to say that “the history of colonial rule cannot be written as a successive enforcement of European political rationalities” (Pesek, 2007:47).

In the next section of this chapter, I show how a genealogical method may be used to overcome some of the limitations of aforementioned biopower/biopolitics specifically because of its approach to history and because it avoids presupposing the conditions of the subject that it undertakes.

## 2.4 A genealogy of biopolitics

As Thomas Lemke (2011:34) rightly observed, Foucault’s use of biopolitics is inconsistent and the meanings that it assumes constantly shift throughout the course of his career. Naturally, this can be explained by Foucault’s well-known aversion to

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<sup>48</sup> In his work on the Nigerian city of Lagos, Matthew Gandy (2006) discusses the sort of lingering effects that the installation of ‘incomplete modernities’ has on a postcolony. As Gandy (2006:375) notes, “The so-called Manchester doctrine of minimal financial support for overseas colonies ensured that Lagos would be perceived as “little more than an entrepôt of trade”, meaning that the colonial city’s infrastructure was only maintained and invested in to the degree that it could support a minority elite class. The city’s infrastructure experienced severe strain following independence as it became available to a much wider populace, and this background provides an important reference point for understanding governance in the context of the postcolony.

dogma and his pragmatic treatment of theory as a tool-kit<sup>49</sup> (Pesek, 2011; Garland, 2014).

To this point, Sam Holder (2019:78) remarks on the tripartite structure of ‘biopower’ with the first two facets being reflected in the fact that Foucault intended ‘biopower’ to serve as both an object of inquiry as well as a method of inquiry. Foucault (2003:245 emphasis added) views biopolitics as dealing “with the population as *political* problem, as a problem that is at once scientific and political, as a biological problem and as power’s problem”. This is to say that to understand the issue of governance one must not only look at the technologies and methods that render populations intelligible (read *governable*). One must go further in examining the power relations which establish the boundaries of biopolitical inclusion as well as the discursive constructions which determine what it means to be included within a given political regime.<sup>50</sup>

The analysis of ‘biopower’ as a “biologico-politico” power was Foucault’s attempt to de-universalise his methodological approach through the creation of a concept (biopower) that could self-reflexively engage in the analysis of itself (Holder, 2019:77). As for the third facet in the tripartite structure of ‘biopower’, the concept was intended to aid in the analysis of ‘problems’<sup>51</sup> posed by the surrounding socio-

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<sup>49</sup> In the course of his career, Foucault’s treatment of theory as a ‘toolbox’ reflects his shift to a more anti-structuralist philosophical orientation. Concepts are treated as instruments that are chosen and actively modified based on their ability to address a specific theoretically defined problem. For this reason, there is no single Foucauldian theory but rather multiple Foucauldian theorisations (Garland, 2014:366). Thus, Lemke (2011:34) can identify at least three different speculative uses of biopolitics in Foucault’s work. First, biopolitics can refer to the historical rearticulation of sovereign power as well as a rupture in political practice and thinking. Second, biopolitics can be used to account for the central role played by biopolitical mechanisms in the operations of modern racism. Lastly, biopolitics can denote the historical emergence of a distinctive art of government that linked to individual self-governance and liberal forms of social regulation (Lemke, 2011:34).

<sup>50</sup> With this approach, the originations of biopolitics in the 18<sup>th</sup> century are not limited to the abstraction of a population which could be understood in statistical terms. Aside from concerns with the morbidity, mortality, and fertility of a population and the related policies thereby developed, in the *History of Sexuality* Foucault (1990) shows how the constructions of sex and sexuality can also serve as apparatuses of biopower (Repo, 2017:158).

<sup>51</sup> The time at which Foucault first used the terms biopower/biopolitics corresponds with his adoption of genealogy as a critical method of inquiry. In an interview in 1983, Foucault (1984b) was quoted as saying “I would like to do the genealogy of problems, of problématiques. My point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism”.

political context – specifically, the regulatory structures and disciplining institutions – to the extent that ‘biopower’ could be used as a ‘political weapon’ geared towards their reconstitution (Holder, 2019:77).

In other words, biopower/biopolitics were never assumed to be universal in their application but were always meant to be adapted to a particular context. It is better to think of the terms as forming part of an invariably incomplete project that only becomes intelligible and operational once subjected to the genealogical method. In a 1983 interview, Foucault (1984b) speaks of what I would term ‘the boundless imperative of genealogy’ which entreats us to recognise that we constantly make ethico-political decisions as to what the main dangers are that our society currently faces and to realise that these dangers are always subject to change. When the interviewer asked Foucault, “Isn’t it logical, given these concerns, that you should be writing a genealogy of bio-power?” Foucault responded by saying, “I have no time for that now, but it could be done. In fact, I have to do it.” (Foucault, 1984b:344). Unfortunately, Foucault passed on a year after this interview took place and he never got the opportunity to advance his project in conducting a genealogy of biopolitics. This brings us to the next section of our discussion where I engage Foucault’s (1984a) seminal essay ‘Nietzsche, Genealogy, History’ and how the genealogical method may be used to ascertain more appropriate conceptualisations of biopower/biopolitics.

Foucault was inspired by Nietzsche’s (1887) *On the Genealogy of Morals*. In what largely becomes a polemical tract against modern values, Nietzsche (1887) takes aim at how the ‘English genealogists of morals’ treated certain subjects, for example, the issue of punishment (Sax, 1989:773). Regarding the interrelated development of ‘morality’ and ‘punishment’, they assumed a stable relationship between the two as if they were hermetically sealed off and protected from the influences of chance and the *will to power*.<sup>52</sup> Nietzsche (1887:80) then provides an extensive list describing various

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<sup>52</sup> While this term can be used to represent a particular perspective, process, or pathos, it often eludes definition as the *will to power* is exactly that which defines. I therefore follow Sax (1989:776) in seeing it as “a hypothetical construct of the genealogical method”. As it examines the “form-giving forces that give new interpretations” to the world (Nietzsche, 1987:79), it shows how an established ‘truth’ is invariably a product of power relations. Language is more often deceitful in its complexity and distortion of reality (Sax, 1989:770).

forms of punishment and the sometimes contradictory ends to which they may have been applied in showing “how uncertain, how supplemental, how accidental “the meaning” of punishment is”. He contends that the genealogists of morals erroneously “seek out some “purpose” in punishment, for example, revenge or deterrence, then guilelessly place this purpose at the beginning as *causa fiendi* of punishment” (Nietzsche, 1887:80). Instead, and in full acknowledgement of the fact that “only that which has no history is definable” Nietzsche bases his approach to history and philology against the idea of a simple search for origins (Nietzsche, 1887:80).

Foucault (1984a:77) extrapolated several insights gleaned from Nietzsche’s oeuvre in the refinement of his own genealogical method with the first similarity being its stern opposition to the pursuit of ‘origins’. Foucault then appropriates Nietzsche’s notion of *Herkunft* – descent – which refers to a way of reading history that does not construct an unbroken or continuous sequence of events. Against a teleological vision of history, genealogy’s “search for descent is not the erecting of foundations: on the contrary, it disturbs what was previously considered immobile; it fragments what was thought unified; it shows the heterogeneity of what was imagined consistent with itself” (Foucault, 1984a:82). It identifies “the accidents, the minute deviations . . . the faulty calculations”, and the “numberless beginnings” which contributed to the contingent development of the discourses, practices, value systems, and institutions that still have significance for us today (Foucault, 1984a:81). Additionally, *Herkunft* or ‘descent attaches itself to the body’ (Foucault, 1984a:82). It treats the body simultaneously as a subject of history and an object of analysis where the objective of genealogy is to “expose a body totally imprinted by history and the process of history’s destruction of the body” (Foucault, 1984a:83). An example of how genealogy may be applied as such features strongly in Foucault’s (1995) *Discipline and Punish*. Biopower operates at the level of the body through the micro-technology of disciplinary power (*anatomo-politics*), which makes descent a routine feature in the analysis of the first axis of biopower. As “the body – and everything that touches it: diet, climate, and soil – is the

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There are always new masters in a process of becoming and subduing. They gain ascendancy and are able to assert new interpretations of the meanings of things like ‘punishment’ and ‘morality’ irrespective of the functions and forms that they assumed in the past (Nietzsche, 1987:79).



domain of the *Herkunft*”, this significantly broadens the scope regarding the ways in which we can understand biopower (Foucault, 1984a:83).

The second element that Foucault (1984a:83) appropriates from Nietzsche is the notion of *Entstehung* – emergence – or “the moment of arising”. Traditional readings of history often see things as a culmination of events with the sense of finality it implies. In contrast, emergence calls on us to realise that we are merely experiencing a current episode “in a series of subjugations” (Foucault, 1984a:83). As our contemporary institutions, discourses, and practices can today be appropriated by different interest groups and applied towards various ends, we should avoid seeing them as a synthesis of historical battles in a way that suggests a semblance of rationality or progress.<sup>53</sup>

For Foucault (1984a:84), “emergence is thus the entry of forces”, which is his way of giving primacy to the singularity of the event. It “designates a place of confrontation, but not as a closed field offering the spectacle of a struggle among equals” (Foucault, 1984a:84). In other words, within genealogy, ‘emergence’ chronicles the battles between adversaries in a way that does not presuppose their identities nor the values they represent. The creation of the dichotomy of ‘winners’ and ‘losers’ in traditional readings of history provides a false unity as it assumes that the actors in the opposing camps were motivated by the same goals and interests (Hook, 2005). Emergence thus entails an intense examination of power relations; it locates the multiplicity of forces and actors that tipped the balance of battles and affected the contingent development of our contemporary practices, discourses, and institutions. Emergence thus plays a significant role in the examination of the second axis of biopower, which refers to the regulatory power or macro-technology directed towards the ‘multiple body’.

When taken together, descent and emergence result in what is known as *wirkliche Historie* – effective history. Herein, Foucault’s (1984a:87-88) anti-essentialist stance regarding human nature is made most clear as he believes that “nothing in man – not even his body – is sufficiently stable to serve as the basis for self-recognition or for

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<sup>53</sup> This can be seen in Foucault’s (1984a:85) intimation that “Humanity does not gradually progress from combat to combat until it arrives at universal reciprocity, where the rule of law finally replaces warfare; humanity installs each of its violences in a system of rules and thus proceeds from domination to domination”.

understanding other men”. Traditional readings of history<sup>54</sup> are often foundational and employ suprahistorical perspectives which reassure us of our identity and place in the world. In contrast, ‘effective history’ “introduces discontinuity into our very being” and it historicises exactly those objects, events, or phenomena which are assumed to be without history (Foucault, 1984a:88). While traditional historians “take unusual pains to erase the elements in their work which reveal their grounding in a particular time and place” (Foucault, 1984a:90), the genealogist treats history as “the concrete body of a development” in the sense that they affirm that knowledge is merely a perspective and one that comes at the expense of the subjugation of other knowledge forms. In other words, were we to examine a topic such as biopower or governmentality, we would have to recognise the epistemic conditions of possibility which constrain how we broach these subjects genealogically.

While I have shown how biopower becomes intelligible and operational once subjected to the genealogical method, it is worth mentioning here that Nietzsche was not the only significant influence regarding the construction of Foucault’s genealogy. As previously mentioned in the section titled ‘a brief history on biopolitics’, Foucault’s development of ‘biopower’ finds its trappings in the volatility and turmoil of the mid-1960s and mid-1970s. However, during the student uprisings of 1968, Foucault was not in France but had been serving as a visiting professor at the University of Tunis for the previous two years (Karlsen & Villadsen, 2014). It is in the context of Tunisia where students were putting their lives and futures on the line in their mobilisations against the neo-colonial and authoritarian Tunisian state where Foucault’s complicated relationship with Marxism experienced another significant shift (Medien, 2020). This is seen in the following excerpt taken from an interview with Foucault (Foucault, cited in Karlsen & Villadsen, 2014:5):

I remember those cold academic discussions of Marxism in which I participated in France at the beginning of the sixties. In Tunisia, by contrast, everyone appealed to Marxism with a radical vehemence and intensity and with an impressive enthusiasm. For those young people, Marxism didn’t just

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<sup>54</sup> This refers to the three modalities of history identified by Nietzsche, namely the monumental, antiquarian, and critical use of history (1984a:97).

represent a better way of analyzing reality: at the same time, it was a kind of moral energy, a kind of existential act that was quite remarkable.

It is therefore in his engagement with the students and political activists that Foucault became less dismissive of Marxism and began to construct himself according to the figure of the ‘militant intellectual’ (Medien, 2020:5). In June of 1967, Tunisian students and political activists alike started riots in protesting against Zionism, the colonial state of Israel, and the forms of Western imperialism which were enabled by the Tunisian state. The rioters raided and attacked buildings such as synagogues, stores in a Jewish-Tunisian neighbourhood and the American and British embassies (Medien, 2020:4). The Tunisian government responded with severe forms of repression; the defendants were beat and tortured, subjected to extremely harsh prison sentences, and the government imposed a tax on the residents of the city to cover the cost of the damages (Medien, 2020:4). During this time, Foucault’s turn to activism took many forms. He harboured one of the student leaders – Ahmed Othmani – when the state called for his arrest. Foucault gave an oral testimony prior to Othmani’s trial and he continued calling for Othmani’s liberation following his return to France (Hendrickson, 2012). Back in Tunisia, Foucault allowed the activists who had not been arrested to use his place of residence as it was removed from the apparatus of state-surveillance and he even began to donate portions of his salary towards his students’ legal defence (Medien, 2020:4).

The point is that there is a firm linkage between Foucault’s activism in Tunisia where he engaged with students in their struggle against the intolerability of (neo)colonial power and Foucault’s activism with prisoners in Paris which was spurred on by the intolerability of the French carceral system (Medien, 2020). If genealogy is about introducing “discontinuity into our very being” (Foucault, 1984a:88) and if it is not about seeking to understand one’s self, but rather to become “the many selves that one is” (Westfall, 2018:35), then Foucault’s time in Tunisia certainly constitutes a decisive moment in his shift toward the genealogical method. This is at least implicitly confirmed by Foucault in an interview where he says that ‘It wasn’t May of ’68 in France that changed me; it was March of ’68, in a third-world country’ (Foucault, cited in Medien, 2020:2). As genealogy holds that ‘knowledge is not made for

understanding; it is made for cutting’ (Foucault, 1984a:88), we can see how Foucault was inspired by the way in which the Tunisian students ‘put Marx to work’.

In this chapter I showed how, in the history of biopolitics, the terms biopower/biopolitics assumed different inflections as they merely reflected different politico-economic contexts and the *zeitgeist* of each era. I then used alternative theories inspired by the traditions of postcolonial and subaltern studies to discuss some of the problems associated with biopolitics, specifically in relation to its intra-modern limits and ingrained Eurocentric assumptions. In the final section, I showed how biopower/biopolitics only becomes intelligible and operational when deployed alongside the genealogical method.

## Chapter 3

### The sociality of Covid-19 in the South African context: Empirical and conceptual strands

#### 3.1 Introduction

On 15 March 2020, 10 days after South Africa's first confirmed Covid case and just four days after the World Health Organisation (WHO) declared the Covid-19 outbreak a global pandemic, President Cyril Ramaphosa addressed the people of South Africa. Invoking his presidential powers, he announced that the pandemic constituted a national disaster. This enabled the formal declaration of a State of Disaster<sup>55</sup> by the Minister of Cooperative Governance and Traditional Affairs (COGTA), Dr Nkosazana Dlamini-Zuma. Following the establishment of the National Coronavirus Command Council (NCCC), President Ramaphosa subsequently outlined the various regulatory measures to be implemented in curtailing the spread of Covid-19.

Using information from the WHO which identified and distinguished between high-risk and medium-risk countries,<sup>56</sup> individuals from high-risk countries had their visas

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<sup>55</sup> The power to impose a state of emergency in South Africa is derived from section 37 of the South African Constitution and it must be declared in line with the terms stipulated in the State of Emergency Act 64 of 1997 (Staunton, Swanepoel & Labuschaigne, 2020:4). According to section 37(1) of the Constitution, a state of emergency is declared through an Act of Parliament in conditions whereby “the life of the nation is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency and [where] the declaration is necessary to restore peace and order” (RSA, 1996). Following the initial approval from Parliament, a state of emergency – with its associated limitation of rights – will last for a maximum of 21 days. However, it can later be extended to a period of three months at a time provided that at least 60% of the vote is obtained in Parliament (Staunton, Swanepoel & Labuschaigne, 2020:4). In contrast, there are no constitutional provisions which allow for the executive to declare a state of disaster. It is instead enabled through the Disaster Management Act 57 of 2002 (Staunton, Swanepoel & Labuschaigne, 2020:4). With a state of disaster, executive power is transferred to the office of the executive leader (the President) as well as to a select few Ministerial offices. This empowers the relevant office holders to issue regulations and to place limitations on the rights of citizens in a significant lack of parliamentary oversight (du Plessis, 2021:41; Staunton, Swanepoel & Labuschaigne, 2020:4).

<sup>56</sup> The WHO's risk assessment tool provided recommendations regarding the treatment of things such as mass gatherings and international travel. They primarily examined the virus' transmission dynamics as well as the risk mitigation and risk communication measures deployed by various host countries. The former relies on epidemiological modelling, and it involves tracking the rate and scale of infection. The latter two involve assessing the preparedness of nation states in terms of clearly defined response measures, the availability of

revoked and were barred from entering South Africa whereas foreign nationals from medium-risk countries were expected to undergo high-intensity screening processes. At the time of Mr Ramaphosa's first Covid-related address, South African citizens were only asked to minimise social contact and to practice proper hygiene.

In President Ramaphosa's following address on 23 March, further restrictions on the rights of South Africans were announced, such as the right to freedom of movement as well as the right to assembly. These restrictions came into effect at midnight on 26 March 2020 in the form of a 21-day nationwide 'hard lockdown'. Citizens were only permitted to leave their place of residence for food, medical reasons or if they worked in essential services.<sup>57</sup>

The government's decisive action in swiftly implementing one of the world's most stringent lockdowns was initially taken as a sign of good governance, garnering the respect of South Africans and international regulatory bodies such as the United Nations (UN) and the WHO (De Villiers, Cerbone & Van Zijl, 2020:799; Dodds et al., 2020:291). However, the political legitimacy accrued by the South African government was relatively short-lived, as the lockdown – even with its phased and risk-adjusted approach – became an increasingly untenable condition to maintain.

The fact that the South African state's management of the Covid-19 crisis had numerous direct social consequences only serves to heighten our imperative of

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surveillance technology for recording cases, and relationships with external, multi-sectoral stakeholders and surveillance authorities – such as the WHO and Centre for Disease Control (CDC) – to facilitate the transparent reporting of cases (WHO, 2022). High-risk countries included China, France, Germany, Iran, Italy, South Korea, Spain, the United States, and the United Kingdom. Medium-risk countries were identified as Hong Kong, Portugal, and Singapore (RSA, 2020a).

<sup>57</sup> There were five 'Alert Status' levels to South Africa's risk-adjusted strategy developed by the NCCC. At the most stringent 'Alert Status' level 5, measures aimed at containing the spread of Covid-19 and preventing mortalities amounted to a near complete socio-economic shutdown. With a ban on international and interprovincial travel, the closing of borders and educational institutions, and with public gatherings similarly banned, individuals were only permitted to leave their homes if they were accessing or working in essential services. These refer to industries and operations permitted to function across all 'Alert Status' levels and they included the provision and accessing of health services, the collection of social grants, the transport of selected goods, policing and security services, banking and financial services, agriculture and food retail shops (Bulled & Singer, 2020:1232; Bhorat et al., 2020:2; Moonasar et al., 2021:3).

grappling with the sociality of Covid-19, which this chapter takes as its subject matter. While ‘sociality’ is usually a foundational or abstract concept, for the purposes of our discussion it may be defined as “*the relationships and dependencies between individuals and social groups that create and reproduce [at] many times [a] historically conditioned model of social relations*” (Baklanova et al., 2014:5 emphasis added).

With an emphasis on the processual, ‘sociality’ provides a less static conception of social arrangements compared to more bounded objects of enquiry like that of ‘society’ (Long & Moore, 2012). By extension, the use of ‘sociality’ as an analytical lens provides an entry point into seeing biopolitics as similarly in a process of becoming. Viewing the sociality of Covid-19 resembles vulnerability mapping as it means being attuned to how the pandemic affected the nature of the citizen-state relationship, especially in terms of the responsibilities and obligations of the latter to the former.

In this section, rather than foregrounding theory, we review empirical descriptions selectively taken from the South African literature on Covid-19, which details how the antecedent socio-spatial, political, and economic factors constrained the efficacy of the government’s response and ultimately shaped the trajectory of its biopolitical outcomes. More specifically, I will look at how the South African state’s response, informed by – and sometimes oblivious to – its local historical context, unearthed issues related to mass inequality and a vulnerable economy; state violence, domestic violence, and bioviolence; a fragile health care system and embodied precarity; and lastly, food insecurity.

### **3.2 A context for Covid – inequalities made bare in a vulnerable economy**

In the literature review section in chapter 1, a prominent theme in the sociology of Covid-19 was found to be that the crisis instituted by the global pandemic both further *revealed* and *exacerbated* the social conditions of our existence. This idea remains especially true in the case of South Africa, an ostensibly high middle-income country which for the past 16 years has held the title of being the world’s longest-running, most unequal society (Baldwin-Ragaven, 2020:35; Jamieson & van Blerk, 2020:2).

As one of the wealthiest countries on the continent, inequality within South Africa<sup>58</sup> is largely attributed to a combination of high unemployment, immense wealth concentration, widespread savings inequality, and heavily skewed income distribution patterns. In showing that inequality is not merely an economic issue, Swedish sociologist Göran Therborn (2012) has identified three fundamentally different kinds of inequality which in every case is detrimental to human life in societies. The first kind of inequality – *vital inequality* – refers to socially produced differences in health and can be measured in relation to life expectancy and survival patterns (Knutsson, 2020:651; Therborn, 2012:20–21). The second type of inequality – *existential inequality* – entails differences in the capacity to act freely as well as the levels of recognition and respect afforded to certain categories of people (Knutsson, 2020:651; Therborn, 2012:21). The last dimension of inequality – *material inequality* – encapsulates differences in available resources that people can draw on to actualise their individual goals. According to Therborn (2012:21), this dimension affects differences in terms of ‘inequality in access’ as well as ‘inequality in outcome’. Even though all three of the abovementioned dimensions of inequality are equally important for consideration, slightly more attention will be given to *material inequality* as it has a significant bearing on the other two dimensions of inequality.

Wealth<sup>59</sup> inequality becomes an important factor for analysis because unlike income, in protracted economic crises such as those engendered by the lockdown, wealth plays a much greater role in sustaining households (Francis et al., 2020:347). One percent of the population owns more than 50% of South Africa’s wealth while 10% of the population owns between 90–95% (von Fintel & Orthofer, 2020:577). In contrast, the

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<sup>58</sup> While South Africa had a Gini coefficient of 0,68 in the year 2015 (Stats SA, 2017:17), when it came to the issue of wealth specifically, Orthofer’s (2016) estimates put South Africa’s Gini coefficient at 0,91, making South Africa as unequal as what the world is on the whole.

<sup>59</sup> I use the notion of ‘wealth’ in terms similar to Piketty (2014) who saw it as being synonymous with ‘capital’ or an asset that offered a return on an investment. Piketty (2014:48) further defines ‘national capital’ or ‘national wealth’ as “the total market value of everything owned by the residents and government of a given country at a given point in time, provided that it can be traded on some market”. Some of Piketty’s (2014:244) chief observations were that wealth was growing faster than the economy and that the distribution of income from labour over time is exceedingly less concentrated than the distribution of capital ownership. These general observations appear to hold true for the South African case as can be seen with reference to the preceding footnote.



poorest 50% of South Africans have a negative average net wealth of about R16 000, meaning their liabilities are larger than their assets and they are in debt (Chatterjee et al., cited in Francis et al., 2020:347). Estimates suggest that in 2015 around 55,5% of the population (30,4 million) were living in poverty<sup>60</sup> and as much as 13,8 million people were living in conditions characterised by extreme poverty<sup>61</sup> (Broadbent, Combrink & Smart, 2020:1; Stats SA, 2017:14).

Inequality levels vary as a function of the specific socio-demographic factors analysed, whether it be race, age, gender or geographic location – and it is here that we most clearly see the historical impact of colonialism and apartheid on South Africa. Still reflective of a history of the migrant labour system, the systemic disarticulation of African families, and the AIDS epidemic – in the year 2015 – 90 000 children lived in 50 000 child-headed households and approximately 66,8% of South African children lived in poverty (Stats SA, 2017:60; Underhill, 2015). During the same period, and through what becomes indicative of the severe racialisation of poverty, black people represented more than 9 out of 10 individuals living below the UBPL. Analogous to this, the feminisation of poverty<sup>62</sup> is revealed in the fact that the incidence of poverty for female-headed households was 17 percentage points higher than for their male counterparts (Stats SA, 2017:79).

Inequality within South Africa is thus as varied as it is extensive and its dimensions materialise in the country's economy, spatial architecture, health infrastructure, and education system. The intersections of these various inequalities established the fault lines that paved the way for the virus' destruction, affecting some social groups more than others and quickly dispelling the myth that 'we are all in this together' (Desai, 2020).

The situation appears significantly grimmer when we consider the fact that South Africa's economy was still recovering from the 2009/2010 global financial crisis and

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<sup>60</sup> At the time, this referred to people living below the upper bound poverty line (UBPL) of R992 per person per month (Stats SA, 2017).

<sup>61</sup> This refers to people who were living below the 2015 National Food Poverty Line monthly standard of R441 per person (Stats SA, 2017).

<sup>62</sup> The proportion of women living under the UBPL was also larger than for men, at 57,2% and 53,7% respectively (Stats SA, 2017:56).

the onset of the electricity crisis (Naudé & Cameron, 2020:1; Stats SA, 2017:43). In the first quarter of 2009, the South African economy went into a recession with a 6,1% decline in GDP and a debt-to-GDP ratio of 21,8%. By 2015/2016, the debt-to-GDP ratio had reached 42,5% and the government boasted a debt of R1 781,3 billion (Stats SA, 2017:43).

This trend continued and in Finance Minister Tito Mboweni's budget speech in February 2020 he announced that the budget deficit for 2020/2021 was expected to increase by R370,5 billion, or 6,8% of the GDP. This means that before Covid-19 had even hit South Africa's shores, the economy was experiencing a technical recession, the government had very limited fiscal space, and its expenditure was projected to exceed its revenue (De Villiers, Cerbone & Van Zijl, 2020:799; Omarjee & Magubane, 2020). To make matters worse, in Mboweni's bid to please Moody's rating agency he announced a medium-term cut to the health budget of R3,9 billion (USD250 million) over the next three years (Bond, 2020; October 2020).

While an additional R2,9 billion had been allocated to the health sector in response to the Covid-crisis – as per the June 2020 Supplementary Budget – in reality, this did very little to counteract the full weight of the austerity policies that Mboweni was rolling out. In October, The Medium-Term Budget Policy Statement (MTBPS) revealed that the health budget was still reduced by a significant R377 million (Mboweni, 2020; SECTION27, 2020). Therefore, the budget cuts affected the ability not only to respond to the Covid-19 crisis, but also to other pre-existing and unique health challenges that South Africa is facing, such as its colliding and competing epidemics of TB and HIV (Bulled & Singer, 2020; Desai, 2020).

So, keeping in mind the already fragile state of South Africa's economy, when President Ramaphosa announced the initiation of the 'hard lockdown' on 23 March there were obvious economic concerns. However, the truth of the matter is that this is a global recession<sup>63</sup> and even first world countries<sup>64</sup> that are far more laissez-faire

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<sup>63</sup> In 2020, the world economy contracted by 3,4% (World Bank, 2020).

<sup>64</sup> Whereas South Africa had a projected economic contraction of close to 7% for 2020, this was still lower than the GDP declines of other countries from the Global North: France (-8,12%); Greece (-8,23%); Italy (-8,87%); The United Kingdom (-9,79%) (Naudé & Cameron, 2020:8; World Bank, 2020).

regarding their particular lockdown restrictions have been projected to have had even sharper declines in GDP-growth compared to South Africa for the year 2020 (Naudé & Cameron, 2020:8; World Bank, 2020).

Therefore, in taking global economics into account, a recession in South Africa was likely unavoidable. While the strictness of a country's lockdown may not be a perfect correlate for projecting economic downturn across countries (Naudé & Cameron, 2020:8), we can still question and evaluate the efficacy of the South African government's lockdown response vis-à-vis local contextual factors.

The absence of readily available and easily accessible vaccines or treatments would mean that the most effective public health policy tools at the time would all probably involve some or another form of non-pharmaceutical interventions (NPIs)<sup>65</sup> (Muller 2021:2). Therefore, the South African government was technically in keeping with the guidelines mentioned in the WHO's (2020) epidemic control programme when it developed its four-pronged approach of: preparation; implementing a lockdown and institutionalising isolation centres; primary-detection and contact tracing; enhanced surveillance and mass symptom screening (De Villiers, Cerbone & Van Zijl, 2020:800; Reddy et al., 2021).

However, the efficacy of such interventions is affected by the local contextual factors, more specifically, the willingness and potential of citizens to adhere to said interventions (Reddy et al., 2021). For this reason, even though South Africa was praised internationally and seen as exemplary in its quick response – in a context defined by glaring economic and socio-spatial inequalities – a different picture seemed to emerge. As the majority of South Africans find themselves constantly in a state of flux and enmeshed in a dense series social networks simply for the sake of their own survival, the NPIs are made to seem largely impractical. In other words, the blanket imposition of the 'hard lockdown' no sooner became the enemy of progress.

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<sup>65</sup> This speaks to the need for regulatory bodies like the state to impose directives that change social and behavioural patterns. As such, it entails mandating social distancing, the use of face masks and certain hygiene practices in order to limit the transmission of the virus within both social and economic activities.

When the lockdown began on 27 March with the status of ‘Alert level 5’, people were only allowed to leave their homes for food, medical reasons, or if they were employed in services deemed essential (Banerjee et al., 2020). The latter category refers to journalists and retail workers as well as those working in broadly defined sectors such as security, health care, agriculture, finance, and the transport of selected goods (Bulled & Singer, 2020:1232; Bhorat et al., 2020:2).

While this list may seem extensive, it is instructive to note that not all essential services were allowed to operate at full capacity (Kerr & Thornton, 2020:2). Estimates for the early lockdown in 2020 suggest that only approximately 17% of the working population (close to 2,8 million people) worked in essential services (Bhorat et al., 2020:52). Additionally, it was found that around 63% of the working population (roughly 10,5 million people) neither worked in essential services nor were they in any capacity capable of working from home (Bhorat et al., 2020:42).

As a direct consequence of the initial lockdown measures, the employment plummeted, with some projections intimating that close to 3 million South Africans were effectively trimmed from the workforce between February and April 2020 (Jamieson & van Blerk, 2020:4; Visagie & Turok, 2021:52). During the same period, an additional 1,4 million workers were furloughed with only 54% seeing ‘re-employment’ by June and around 40% slipping into the category of non-employment (Spaull, 2020b:1). Unemployment rates for the third quarter of 2020 (July–September) were 30,8% and they had increased by 4.1 percentage points by the time of the third quarter of 2021 (Stats SA, 2021).

Researchers seem to uniformly agree that it was the already disadvantaged social groups in society that were disproportionately affected by these labour market shifts (Jamieson & van Blerk, 2020:4; Khambule, 2020:7; Ranchhod & Daniels, 2020:16). For instance, although women<sup>66</sup> constituted only 47% of the workforce in February 2020, they accounted for roughly two thirds of the net job losses that were seen by

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<sup>66</sup> Not only were women less likely than men to have gained a job and more likely than men to have lost a job, but they also experienced greater reductions in their working hours. Men experienced a 26% decline in working hours whereas women experienced a 35% decline (Casale & Posel, 2020:1).

April (Casale & Posel, 2020:1). The gendered impacts of the lockdown are also seen in relation to the closure of schools and the preclusion of domestic workers<sup>67</sup> from working in private households. While encouraging studies<sup>68</sup> have shown that during the lockdown men did more in terms of childcare and housework, the added burden of having children at home without the usual support of domestic workers meant that the unpaid labour that women conducted at home still increased.<sup>69</sup>

While formal employment decreased by 7%, the informal sector – which accounts for just over a third of the workforce and sustains mainly poor households – saw a rate of job loss twice as high as that in the formal sector (Spaull, 2020b:2; Broadbent, Combrink & Smart, 2020:1). This is particularly disconcerting as it is the very informality of these workers that makes it difficult for the government to reach them in terms of targeted economic relief (Bassier et al., 2020:1).

It was only after a month into the lockdown that large-scale social assistance and emergency economic relief would be made available for those in need. A stimulus package of over R500 billion was announced by President Cyril Ramaphosa on 21 April. At 10% of South Africa's GDP, it constitutes one of the largest relief packages amongst emerging markets, as well as the most substantial one-time fiscal outlay in the history of South Africa (De Villiers, Cerbone & Van Zijl, 2020:802; Omarjee & Magubane, 2020).

In terms of providing a breakdown of the stimulus package: R20 billion went to municipalities to further finance service delivery; R20 billion was earmarked for the health care system and frontline services; R40 billion was allocated to the Unemployment Insurance Fund (UIF); R50 billion would be given to vulnerable households and the unemployed via grants and cash transfer systems; R70 billion would be reserved for tax deferments and other levy payment holidays; R100 billion

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<sup>67</sup> There are close to 1,3 million domestic workers in South Africa; they predominantly comprise black African women that are wanting in terms of formal contracts (Bulled & Singer, 2020:1233).

Those who were not live-in domestic workers would only be able to presume work from the lockdown status of 'Alert level 2' (Banerjee et al., 2020:875).

<sup>68</sup> See Andrew et al., 2020.

<sup>69</sup> In April, the percentage of men and women who reported doing over four hours of extra work in terms of childcare were 64% and 80% respectively (Casale & Posel, 2020:14).

would be spent on job creation, the support of small and medium enterprises (SMEs), and informal businesses. Lastly, R200 billion would consist of government-backed credit guarantees to be issued to commercial banks (Bhorat et al., 2020:15; De Villiers, Cerbone & Van Zijl, 2020:802; Khambule, 2020:8). In further analysing the specifics of how money was apportioned within the package, it becomes important to ask both ‘what might the potential future implications of the package be?’, as well as ‘how many people could this package effectively reach?’ These two interrelated questions are pertinent for our discussion as in a situation where the state is charged with the responsibility of fostering life or disallowing it to the point of death (Foucault, 1990:138), any significant changes made to its particular distributional regime<sup>70</sup> need to be understood in order to fully grasp its biopolitics.

Before responding to the first question more directly, it is worthwhile to note that beyond merely evaluating the efficacy or technocentric functions of infrastructure and cash transfer systems, scholars writing on South Africa have long been concerned with how social systems may affect governance within the country as well as its distributional regime more generally. For instance, in *Democracy’s Infrastructure* von Schnitzler (2016) shows how the installation of prepaid water meters tracking household water consumption exemplified the broader neoliberal processes of economic rationalisation and cost recovery. Far from being a neutral or technical process, it was political in the sense that citizens belonging to a collective who could initially mobilise for the right to water were reframed as individual consumers responsible for their own regulation and self-management (Dubbeld & de Almeida, 2020).

Other scholars have focused on how cash transfer systems fundamentally alter the relations between wage labour and wage policy in particular. As an example, James Ferguson’s (2015:3) *Give a Man a Fish* considers what sort of transformative potential lies within southern Africa’s expanding social assistance programmes and whether they point towards the formation of “a new kind of welfare state” or politics of distribution. In a context defined by increasing unemployment and where wage labour

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<sup>70</sup> This concept refers to the manner in which in labour market regulation, industrial relations and policy, and social policy and industrial policy affect the distribution of the benefits and costs associated with economic growth (Du Toit & Neves, 2014:839).

no longer provides exclusive grounds for recognition and social membership, Ferguson (2015) sees it as important to shift away from a strictly productionist vision that excludes the social dimensions of labour. Instead, one should foreground ‘distributive labour’ or the multiple relationships of dependence that give insight into the increasingly prevalent acts of wealth distribution from those who have resources to those who do not. Doing so allows one to one to reframe things like cash transfers not simply as acts of charity or aid but rather as citizens’ rightful shares in the national wealth of a country (Ferguson, 2015:174). Although Ferguson’s (2015) work has been the subject of critique<sup>71</sup>, the discussions that it spurred may have seen renewed importance with the announcement of the Covid-19 Social Relief of Distress grant (SRD) widely targeting unemployed South Africans. This is because despite the previous administrations’ hesitation within the democratic dispensation to implement a basic income grant, this marks the closest that the country has come to achieving such (Pienaar et al., 2021).

At a more pragmatic level, when returning to the question of what the potential future implications of the package might be many people raised the issue that the stimulus package will necessarily affect the budget deficit. Revised projections that take South Africa’s already fragile fiscus and the Covid-response into account are expecting the budget deficit increase to double from 6,8% of GDP to 14,6% (Bhorat & Kohler, 2020:5; Cerbone & Van Zijl, 2020:802; Francis et al., 2020:345). Amongst other reasons,<sup>72</sup> the budget deficit increase may partially be attributed to the significant lockdown-induced reduction in tax revenues. For example, since the prohibition of alcohol and tobacco at the start of the lockdown, no excise taxes have been collected. The same could be said of import duties, fuel levies due to provincial restrictions on travel, and income tax due to retrenchments and reductions in workers’ hours (Cerbone & Van Zijl, 2020:801).

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<sup>71</sup> See Fouksman (2015) and Nilsen (2021).

<sup>72</sup> There are several reasons for this marked increase in the budget deficit. First, due to the dual impact of the lockdown and sluggish economic growth, the projected revenue for the 2020/2021 fiscal year was about R300 billion lower than what was originally outlined in the government’s budget. Secondly, the projected expenditure increased by R44 billion (Francis et al., 2020:345).

Other scholars have taken aim at how the money was made available. For starters, the government backtracked against their original stance regarding taking foreign loans. Within the stimulus package, US\$ 4,3 billion (R70 billion) came from a loan approved by the IMF which left some people questioning the sorts of conditionalities<sup>73</sup> associated with the loan (Khambule, 2020:10) as well as the state of South Africa's national sovereignty (Cooney, cited in Se Villiers, Cerbone & Van Zijl, 2020:802). Another issue is that R145 billion of the government's Covid-19 response was sourced from within existing allocations. This means that many governmental projects and departments which are normally associated with progressive development and the betterment of society saw budgetary funds diverted away from them as their functioning was halted due to the lockdown. The reallocations have been critiqued for replacing long-term developmental benefits with immediate short-term relief, with some even speculating that the move was a deliberate political manoeuvre with the ruling party keeping the 2024 national elections in close sight (De Villiers, Cerbone & Van Zijl, 2020:802).

It is when we grapple with the second question, 'How many people will the stimulus package effectively reach?', that answers are not readily available. Before the announcement of the R500 billion stimulus package, the government's initial social relief measures were modest and mainly relied on donations being made to a Solidarity Fund, a fund ultimately concerned with the procurement of personal protection equipment (PPE)<sup>74</sup> (Muller, 2020:6).

Social contributions were primarily made through the Unemployment Insurance Fund (UIF). On 26 March 2020, The Temporary Employee/Employer Relief Scheme (TERS) was announced which constituted a government programme that aimed to

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<sup>73</sup> Prior to the onset of the pandemic, debt servicing costs constituted the fourth largest government expense (Cerbone & Van Zijl, 2020:799). The US\$ 4,3 billion loan from the IMF to deal with immediate Covid-related challenges came at an interest rate of 1% and must be paid back relatively soon in foreign currency. This means that, in future, South Africa might be put in the position of entering debt refinancing on much less favourable grounds (Tseng, 2021:46).

<sup>74</sup> By early October 2020, R3,1 billion had been raised in donations. While only R130 million was spent on feeding schemes and shelter programmes, a colossal R2 billion was sent to the health department to be used for PPE, to increase contact test-trace capabilities and to procure ventilators (Broughton & Geffen, 2020).



reduce the rate of retrenchments by covering a portion of the wage expenses of several firms (Bhorat et al., 2020:20–21). An issue in this case is that the people who were most disproportionately affected by job loss and the reduction in working hours were part of the informal sector. As such, these formal means of providing social relief completely bypassed informal workers (Bassier et al., 2020:1). It was only on 21 April that the Covid-19 (SRD)<sup>75</sup> grant was announced. Starting in May, the grant would be made available to those who were unemployed and who were not receiving an income from either the UIF or other grants (Jain et al., 2020:5).

Noteworthy is that the some of the old systems of cash transfers were generally more efficient in poverty alleviation than the newly developed cash transfer systems (Devereux, 2021:18). The grant systems within the latter category were prone to delays and often collapsed due to administrative burdens, mismanagement, and also because they routinely became a vehicle for government corruption. For example, in a controversial event linked to corruption, over 6 000 government employees wrongfully received TERS-packages (Khambule, 2020:14). In contrast, the most effective cash transfer method was the Child Support Grant (CSG). The comparably unrivalled efficacy of the CSG in poverty alleviation in South Africa was not only owed to the fact that it was an already established system with monumental historical and contemporary significance but it was also related to the factor of household composition in South Africa. A total of 44% of informal workers live in a household that also contains a member who is currently receiving the CSG. Therefore, out of all the grants the CSG has the farthest reach and people stand to benefit from increases most therein (Bassier et al., 2020:1).

While I have shown that that the deleterious economic and social consequences of the lockdown are heterogenous across factors related to race and class, the same could be said for any other factor analysed. Even though I have only reviewed issues related to inequality, South Africa's fragile economy, and unemployment, these themes are complex, multifaceted and necessarily interlinked with other social problems. Therefore, themes such as inequality are bound to resurface, albeit in a different form.

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<sup>75</sup> This grant involved a payment of R350 per person, per month – an amount which was less than the 2020/2021 national food poverty line (R624).

This ultimately brings us to the next section in our discussion which looks at whether inequality can exacerbate if not completely engender various forms of violence. It begins with a general discussion on violence and returns to an examination of violence within the South African context.

### **3.3 A context for Covid – state violence, domestic violence, and bioviolence**

In *A Tale of Two Cities*, Charles Dickens describes the material conditions and events that led up to the French Revolution as well as the Reign of Terror that followed. In this historical novel, a comparison is drawn between London and Paris and, in so doing, Dickens shows how the cruelty and violence that the peasantry was routinely subjected to by the French aristocracy was later reappropriated and reciprocated. By the end of the novel, many revolutionaries became the very thing they sought to destroy. The book deals with various themes such as injustice, love, resurrection, retribution, revolution, self-sacrifice, duality, and duty before desire. However, I think many will also agree on the ubiquitous importance of recognising the dangers that follow when the carrying out of justice is too long delayed.

In chapter 7 of the book, a great deal of attention is devoted to showing both the opulence of the ruling class and their unsympathetic attitudes to the everyday struggles of the poor. It begins by describing how the Marquis, Monseigneur St. Evrémonde, could only have his morning chocolate with the aid of four men. Later that day, after leaving his grand hotel, the Marquis's carriage rode speedily and recklessly down the narrow Parisian streets and struck a boy in the process. Upon finding out about the minor inconvenience, the Marquis exclaimed that "It is extraordinary to me, . . . that you people cannot take care of yourselves and your children. One or the other of you is for ever in the way. How do I know what injury you have done my horses" (Dickens, 2008:97). The Marquis thereafter reached into his purse and tossed a coin to the ground for his valet to pick up and convey to the father now cradling his dead child. Not only does the Marquis show more concern for his horses, but also shifts the responsibility and blame for the incident back on to the poor. During the bulk of the chapter, the extent to which the peasantry has been dehumanised is further revealed in how often

they are animalised, as in likeness and expression they are often made to resemble lower creatures such as rats and dogs.

*A Tale of Two Cities* has been the subject of rich scholarly analysis,<sup>76</sup> not least because of its political commentary or because Dickens actually puts forward a theory of history<sup>77</sup>. Its significance for our discussion is that it begins to open up a line of questioning as to when exactly something becomes an instantiation of violence, when exactly a murder becomes a murder, and when exactly the loss of health or life is taken as collateral damage or is simply deemed inevitable. This discussion is important because when we later review shifts in the citizen-state relationship through a biopolitical lens, we will avoid seeing the various instantiations of violence as a natural, taken-for-granted, irrational, and value-free fact of life.

Before we go further, it is therefore worth mentioning that at least since the time of classical sociologists and social theorists such as Durkheim, Marx, Engels, and Weber there has been an acknowledgement of the fact that larger structures can – for better or for worse – affect the livelihoods of individuals. Friedrich Engels took this truism further in his work on ‘social murder’, a concept which refers to how the capitalist exploitation by the bourgeoisie determined the poor living and working conditions of the proletariat and subsequently led to the premature shortening of latter group’s lives (Grover, 2019).

In more recent times, the concept of social murder has not only been used in academia to critique the negative health effects engendered by capitalist relations of production. Rather, the concept of social murder has also been used to assess the impact of certain public policies, a move that would allow us to see things like social security ‘austerity’ as a form of structural violence (Grover, 2019:7).

The sort of analytical vigour within the concept of social murder can be very useful when it comes to the related topics of violence and biopower/biopolitics. In fact, there already has been somewhat of confluence as seen in William Watkin’s (2021) work on bioviolence. Watkin (2021:5) essentially restates Foucault’s postulate of the

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<sup>76</sup> For works written on the topics of inequality and poverty that were inspired by Dickens, see Jordan and Perera (2016), Shaviro (2020), and Tambling (2016).

<sup>77</sup> See Rignall (1984).

biostate as that which is charged with the power “to *foster* life or *disallow* it to the point of death” (Foucault, 1990, emphasis in original). In concluding that “the biopolitical state kills you mostly only when it actively neglects to look after you”, Watkin (2021:7) is better able to characterise the biopolitical state’s dominant mode of regulation, with a view to neoliberal governmentality. Putting desire before duty, ‘a murder of neglect’ occurs when the state knowingly privileges financial gain over preserving the lives of the citizens under its charge. Subcontracting and the independent enquiry are singled out as two prominent features characterising modern regulation, as they both serve the purpose of regulatory distancing and they make the governance of the state seem innocuous (Watkin, 2021). While these ideas are indeed useful for our task of evaluating the government’s response, we must return to contextualising the South African scene so that we do not fall prey to the assumption that South Africa’s specific form of biopolitics and governance so neatly aligns with those representations and portrayals from the Global North.

Within the South African literature on the sociology of Covid-19, many scholars seem to agree that the government’s swift initiation of the lockdown certainly constituted a strict response<sup>78</sup>, if not one of the most stringent responses in the world.<sup>79</sup> Naudé and Cameron (2020:3) seem to differ in their opinions and they use Oxford University’s Stringency Index<sup>80</sup> to argue that, while the lockdown was in many instances problematic, it “has not been longer and harder in South Africa than in most countries”. They further add that the response of the South African government is not even the strictest on the continent. At various times, countries such as Kenya, Angola, Congo,

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<sup>78</sup> For references which simply agree that the lockdown was strict, see Broadbent, Combrink and Smart, 2020:1; De Villiers, Cerbone and Van Zijl, 2020:801; Muller, 2020.

<sup>79</sup> For references which argue that the South African hard lockdown was amongst the most stringent in the world, see Labuschagne, 2020:23 and Magome cited in Gittings et al., 2020:948.

<sup>80</sup> The Oxford Covid-19 Government Response Tracker (OxCGRT) makes use of 17 policy indicators and subsequently provides a continuously revised data set that allows one to assess and compare the different Covid-related policy measures and interventions of governments around the world. In order to assess the ‘strictness’ of a government’s response, the Oxford Stringency Index looks at eight specific policy indicators that are centred containment and closure responses. Examples of these indicators are travel bans, school closures, work closures, and restrictions placed on public gatherings (Coccia, 2022; Hale et al., 2021).

Rwanda, Madagascar, and Uganda all have scored higher than South Africa on the Stringency Index (Naudé & Cameron, 2020:3).

The issue is that since the Stringency Index tracks changes in policy and legislation, it might not be the best indicator when it comes to trying to understand the daily realities of citizens. Therefore, I am inclined to disagree with the views taken by Naudé and Cameron (2020) regarding the strictness of the lockdown. By 1 June 2020, over 230 000 people had been arrested for breaking lockdown regulations and 11 people (all of whom were people of colour) were tragically killed. The militaristic response of the South African National Defence Force (SANDF) and the South African Police Service (SAPS) led the United Nations Human Rights Office to report that South Africa had created a ‘toxic lockdown culture’ (Desai, 2020).

Moving away from a discussion of state and structural violence, we can begin to analyse cultural and patterned forms of violence. One of the initial positive impacts of the hard lockdown is that South Africa saw a significant decrease in violent crime (Staff reporter PNW, 2020). On the other hand, the number of domestic violence cases skyrocketed with over 2 000 cases of gender-based violence (GBV) being recorded in the first week of the lockdown. One of the major issues was that the lockdown kept women confined at home with the people who were usually the perpetrators, which placed them at greater risk for abuse and which made it more difficult for them to seek help (Uzobo & Ayinmoro, 2021). The government therefore found it necessary to apply a gendered response to the pandemic as they allowed women to break curfew and lockdown restrictions in extreme circumstances and the government also tried to keep court cases that involved domestic violence open for the duration of the lockdown.

### **3.4 A context for Covid – a fragile health care system and embodied precarity**

The South African health care system had already been facing several challenges prior to the onset of the Covid-19 pandemic. More than 80% of South Africans do not have access to medical insurance, leaving the remainder of the population to rely on a

strained public health system that is poorly administered and under resourced (Staunton, Swanepoel & Labuschaigne, 2020:2).

Health inequality is further revealed when we analyse the discrepancy between public and private health in terms of quality of service and the supply of medical infrastructure. Out of a total of 119 416 hospital beds, South Africa has in the ballpark of 7 000 critical care beds (where an estimated 4 957 are in private hospitals), 3 318 intensive care beds (with 2 140 belonging to the private sector), and 2 722 high care beds (with only 1 082 in the public sector) (Broadbent, Combrink & Smart, 2020:1; Labuschaigne, 2020:22–23; van der Heever, 2020a; van der Heever, 2020b). Furthermore, according to the 2016/2017 Annual Inspections Report – produced by the Office of Health Standards Compliance (OHSC) – only five health establishments of the 696 hospitals and clinics it inspected were compliant with the standards and norms for health care quality (Khan, 2018; Staunton, Swanepoel & Labuschaigne, 2020:2).

If the prohibition of alcohol was any additional clue,<sup>81</sup> the main objective of the lockdown was not so much the containment of the virus. Despite the low case numbers at the time of the government’s prompt response, the population density of areas such as informal settlements makes social distancing impossible and the lack of water and sanitation infrastructure in rural areas precludes practicing Covid-19 hand-hygiene (Jamieson & van Blerk, 2020:4). Instead, the lockdown was about ‘flattening the curve’, which essentially amounted to buying time to prepare, and reducing the pressure felt by the health system as it definitely could not sustain an influx of patients (De Villiers, Cerbone & Van Zijl, 2020:799; Jamieson & van Blerk, 2020:3; Labuschaigne, 2020:24).

At the start of the Covid-crisis, even the most optimistic modelling projections by the National Institute of Communicable Diseases (NICD) indicated that at the peak of the virus the hospital bed and intensive care bed ventilator capacity would be exceeded

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<sup>81</sup> Every year, 62 300 South Africans lose their lives in alcohol-related incidents. A study conducted on a KwaZulu-Natal emergency department in April 2020 found that with the prohibition of alcohol came a 47% reduction in severe trauma cases. There were fewer car accidents, pedestrian vehicle accidents, and wounds from gunshot and assault (Morris et al. cited in Banerjee et al., 2020).

(Taylor et al., 2021:3). While at the peak of the pandemic a minimum of 7 000 ventilators would be required, South Africa had only 3 216 ventilator-equipped intensive care beds with approximately 2 000 belonging to the private health care sector (Bulled & Singer, 2020:1234; Labuschaigne, 2020:24–25).

It was previously mentioned that R20 billion from the stimulus package would be allocated to the health sector to aid the fight against Covid, specifically to buy more PPE for medical staff, to ramp up the country's mass screening and testing capabilities, to further train medical staff, and to assist in the procurement of ventilators (Khambule, 2020:12). A depressing finding from June 2020 was that even with all the funding in sight, only 300 ventilators and 207 critical care beds were paid for by the health department and added to the public health sector. Around the same time, South Africa had received 50 ventilators from the United States Agency for International Development in donations and was to receive a donation of another 1 000 ventilators from the United States (Cowan & Evans, 2020).

Issues like this only add credence to Alex van der Heever's (2020a) assertion that while South Africa had garnered a significant amount of funding, it had not effectively developed a spending strategy. There are, no doubt, individuals who have taken advantage of this lack of clarity as South Africa is probably one of the few countries in the world to make use of an active *COVID-19 Tender Tracker* to detect people or organisations profiteering from the crisis (Naudé & Cameron, 2020:8).

Relative to the scientific models that projected the medical infrastructure needed during the pandemic's peak, the shortage of high care beds, intensive care beds and ventilators led to the development of triage protocols. In conditions determined by a scarcity of resources, triage protocols provided health care practitioners with a set of criteria to determine what kind of patient(s) should get access to medical health resources over and above other kinds of patients (McKinney, McKinney & Swartz, 2020). According to a study conducted in KwaZulu-Natal, persons who were HIV-positive were twice as likely to be refused access to the ICU, something which directly contravenes the South African guidelines on triage and rationing (Labuschaigne, 2020:25).

Bearing in mind the example of HIV-affected persons and triage protocols mentioned above, it is important to talk about the issue of embodied precarity in trying to understand different categories of citizens. There are many senses in which we could approach the so-called precariat. According to Guy Standing (2011), the precariat is framed as a political subject and forms part of ‘a new dangerous class’ that is still in the process of becoming. The precariat has neither stable working conditions nor a fixed working identity to accompany it (cited in Lazar & Sanchez, 2019:4–5). For this reason, although the precariat occupies no specific position on the political spectrum, they are prone to populist forces that may steer them towards the political left or right (Standing, 2011). For Judith Butler<sup>82</sup> (2016a) – whose formulation goes further than questions of labour and the economy – precariousness ‘implies living socially’. Butler’s (2016) definition stresses the fact that certain categories of people are caught in dependent relationships and are often subjected to state and structural violence. This account is very useful in terms of understanding embodied precarity as a politically induced condition (Lazar & Sanchez, 2019:5).

If we remember that the AIDS-denialism of the Mbeki-administration resulted in an estimated 343 000 AIDS-related deaths and 171 000 new HIV-infections, we can easily see how political choices and wider structures become inscribed on the body (Nattrass, 2020). In 2020, as much as 13% (7,8 million) of the South African population were living with HIV (Broadbent, Combrink & Smart, 2020:1). Equally worrying is the fact that at 500 000, South Africa has the highest number of active cases of tuberculosis (TB)<sup>83</sup> in the world (Labuschaigne, 2020:24).

Paying mind to embodied precarity means showing an awareness of the fact that in the context of the Covid-crisis, we were dealing with several ‘syndemics’ and we had no reliable understanding as to how these diseases would likely interact. A syndemic refers to the spatiotemporal convergence of two or more diseases whose interaction exacerbates the general burden of disease (Kwan & Ernst, 2011:352). As such, comorbidities and competing epidemics (representing the biological-biological interface) interact synergistically with socioecological factors (the biological-social

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<sup>82</sup> See also, Butler (2004) and Butler (2016b).

<sup>83</sup> TB is the leading cause of death in South Africa, followed by diabetes mellitus (Broadbent, Combrink & Smart, 2020:1).



interface) to produce complex negative effects that are compounded and overrepresented amongst the already socially marginalised within a given context (Singer, Bulled & Ostrach, 2020; Chichetto et al., 2021).

As an example of syndemic interaction we may examine the case of a woman from KwaZulu-Natal whom we will call Cecilia (Maponga et al., 2022). As a caveat, while this case study is taken from a preprint that is still to be peer reviewed, there are peer-reviewed articles that have made similar findings (Cele et al., 2021; Hoffman *et al*, 2021). Cecilia was born with HIV and had been diagnosed with the SARS-CoV-2 beta variant in January 2021. She had not been vaccinated prior to Covid-infection and while her anti-retroviral therapy (ART) regimen had been adjusted in January 2021, “she experienced adherence challenges” (Maponga et al., 2022:4). According to the case study, when Cecilia was admitted to hospital in mid-September 2021, genomic surveillance revealed that she had persistently and chronically been infected with the SARS-CoV-2 virus for nine months. Evidence suggests that as a function of severe immunosuppression – attributable to the lessened control over and regulation of the HIV-infection – the SARS-CoV-2 virus had been able to accumulate more than 20 mutations (Maponga et al., 2022). This case study is not meant to stigmatise persons living with HIV as being veritable virus mutation factories. In fact, Dr Alex Sigal – a virologist at the Africa Health Research Institute (AHRI) – estimates that around “90% of people with advanced HIV who experience lengthy Covid-infections do not produce mutations” (Carstens, 2022). Instead, it draws attention to the need for a coordinated health response modelled on a syndemic approach as opposed to a strictly biomedical response.

We already know that TB is an opportunistic disease in that it adversely affects HIV-patients. This picture is complicated by Bulled and Singer (2020: 1237) showing that Covid-19 can also be classified as a highly syndemic disease; it adversely affects diabetes patients, people with cardiopulmonary conditions as well as those suffering from kidney disease. Furthermore – and as previously alluded to – the viscerality of embodied precarity allows us to see the health consequences of wider social, political, and economic changes as they become inscribed on the body. For instance, due to the prioritisation of Covid-19, the broader public health efforts to detect and treat TB were

undermined. During level 5 lockdown the average weekly TB-testing volumes declined by 48%. This may contribute to the formation of multi-drug-resistant strains of TB (Muller, 2020:10). Similarly, in May 2020, around 11 000 HIV-affected persons had not collected their medication since the start of the lockdown (Burger et al., 2020:2) which could have contributed to a sooner progression of AIDS for some, or the exacerbation of other health conditions.

### **3.5 A context for Covid – food insecurity**

Not only did the initial lockdown put many people out of work and cause severe reductions in income, it also further exposed South Africans to hunger as many were not able to access food via their normal means. The food insecurity precipitated by the Covid-19 crisis was more closely related to the severe shock experienced by household income, as well as the logistics of food distribution, than to the actual supply of food (Arndt et al., 2020:2).

This is because while South Africa may be food secure at a national level, food security is affected by individual and household income. At the household level there are still a sufficiently significant number of households that do not have reliable access to adequate food and nutrition (Broadbent, Combrink & Smart, 2020:1).

Research has indicated that informal vendors and street food traders account for 40% of the informal township economy (PLAAS, cited in Ramparsad, 2020:134), and they also provide a viable food source for 70% of households in townships (Eley, cited in Ramparsad, 2020:134). In further showing the central role that the informal sector plays in bolstering South Africa's food security, the 'informal food sector' accounts for between 40% and 50% of food purchases and is worth R360 billion annually (Wegerif, 2020:797).

The informal food sector consists of hawkers, street vendors, bakkie traders<sup>84</sup>, and spaza shops<sup>85</sup> and carries a great deal of importance for several reasons: first, they are

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<sup>84</sup> According to Marc Wegerif (2020:797), this refers to people who sell fresh food and produce from the back of their pick-up trucks.

<sup>85</sup> This refers to a small-scale, informal enterprise that serves as a grocery store for people in their local communities (Wegerif, 2020:797).

geographically accessible as they operate close to where people work and live; second, their operating hours make them temporally accessible; third, their goods are usually cheaper than in retail supermarkets; fourth, they can sell flexible quantities of specific items to customers on an if-need basis; fifth, because they are engrained in the community they can often provide interest-free credit to trusted regulars (Battersby, 2020:1; Wegerif, 2020:797).

Despite their importance, such key role-players in the informal food sector were not classified as essential services when the lockdown was first imposed. By the time that informal traders were allowed to participate in the informal economy again, many were unable to do so as they needed permits before they could operate (Battersby, 2020). This devastating blow to the informal economy had direct consequences for food security. In the first few months of the lockdown, according to the HSRC (cited in Devereux, 2020:18) 46% of people living in informal settlements had gone to bed feeling hungry. Food insecurity remained a challenge throughout the year even after the lockdown moved to less stringent alert status levels. In the last quarter of 2020, 20% of South African households experienced hunger, possibly due to the fact that depending on the area, the price of food saw increases by as much as 30% (Khambule, 2020:7).

Another unintended consequence of the lockdown is that, with the closure of schools, the government never fully considered the great number of children reliant on school feeding programmes. According to Jamieson and van Blerk (2020:3), when providing for the nutritional needs of children, not even NGOs in combination with churches, community organisations and local and provincial government could keep up with the burden of the demand that was usually undertaken by schools.

While the government announced that it would be providing emergency food relief in the form of food parcels, corruption again became an obstacle. Government officials, specifically local councillors, were found to have diverted these essential items to their friends, family members and political constituents, and in other cases even sold the food parcels for profit (Devereux, 2020:18; Vaughn, 2021:6–7).

### 3.6 A context for Covid – conclusion

It becomes clear in this chapter that the state's Covid-response was definitely affected by a wide array of contextual factors. Whether we speak of the state allowing women to break lockdown regulations to escape gender-based violence in their homes, or the social relief measures or grants designed to alleviate poverty and food insecurity, or even the police's heavy-handed enforcement of lockdown regulations, citizens of different types were managed in very different ways. This raises certain challenges regarding the theorisation of biopolitics in South Africa.

In the previous chapter, biopower was framed as both an object of enquiry and a method of enquiry. Similarly, in Foucauldian terms a 'population' is both a political and an epistemic project. Authorities may have expert knowledge in the sense that they claim to possess information regarding the lifestyles and behaviours of select groups of people which could subsequently become the subject of programmatic interventions (Knutsson, 2020:652).

Before a population can be regulated, it must be made intelligible through biopolitical bordering. This refers not to a physical site but rather the series of micro-practices and methodologies which affect the size and composition of populations in their construction. It results in certain groups of people being included and others being excluded. Therefore, while it may seem paradoxical or counter-intuitive, in certain instances biopolitical operations may still function in a reputed absence or 'mismanagement' of knowledge. A wilful ignorance about a particular group may construct them as *ungovernable* which in the state's purview shifts them from the prioritisation of 'making live' to 'letting die'.

For example, President Mbeki's AIDS-denialism and associated neo-liberal macro-economic policies created a situation wherein the state was financially unable and/or unwilling to provide life-saving ART-medication to HIV-affected persons (Tucker, 2020). These 'let die' policies rendered persons with AIDS (PWAs) *ungovernable* and they thus were framed as victims of 'bioviolence' and a 'murder of neglect' (Watkin, 2021). Other scholars have strayed closer towards Agamben theory in providing thanapolitical accounts where they see Mbeki's policies as representing a strengthening of sovereign power over populations and individuals (Harris, Eyles &

Goudge, 2016:5). However, taken as is, such views may foreclose further analysis of biopolitical operations such as those posed by the Mbeki-regime.

At the International Aids Conference in Durban, Mbeki (2000) stated, “As I listened and heard the whole story told about our country, it seemed to me that we could not blame everything on a single virus . . . The world’s biggest killer and the greatest cause of ill health and suffering across the globe, including South Africa, is extreme poverty”. Mbeki denied the causal link between HIV and AIDS. In so doing, he essentially challenged the authority of the dominant liberal biomedical paradigm – which targets the individual body as a suitable site of intervention – by privileging a socioeconomic approach which linked the prevalence of HIV and AIDS in Africa to racial inequality and a history of colonialism.

Instead, what followed was the roll-out of social programmes resembling a ‘biopolitics of poverty’ which sought to address the HIV/AIDS-crisis through socioeconomic upliftment. These ‘make live’ policies broadly attempted to render poverty *governable*, and involved the rapid expansion of water reticulation and electrification, the upscaling of the social cash transfer system, and investment in education and health (Du Toit & Neves, 2014). However, as previously mentioned – and with specific reference to von Schnitzler’s (2016) work on water meter installation in Soweto – the extension of welfarist policies do not always run counter to processes of neoliberalisation but may also actively enable them.

An example of this could be seen in the work of Vally (2014) in relation to the expansion of the cash transfer system. In 2012, the private company Cash Paymaster Services (CPS) was contracted by the South African Social Security Agency (SASSA) to distribute the government-funded social grants at a national level. Recipients were given a MasterCard debit card linked to a partnered bank of CPS with which they could claim their grants at various stores and outlets. However, much like in the case of von Schnitzel (2016) a seemingly technical process became another vehicle for resource extraction and capital accumulation. It came to light that the ‘rental costs’ for the parent company of CPS – Net1 UEPS Technologies – providing the technical services were indirectly covered by the profits extracted by grant recipients as they visited the stores and outlets. Additionally, the CPS used their recipients’ registration information to sell

a wide range of products and services back to grant recipients in ways that were sometimes predatory, and this allowed them to profit immensely on top of their government-funded contract (Vally, 2014).

It is not to justify the decisions made by the Mbeki regime to say that – much like the more recent Covid-19 pandemic – the state’s response was informed by the view that the intersection of various socioeconomic inequalities reverberating throughout South Africa’s history established the fault lines which paved the way for the virus’s destruction. For Foucault (2008:22), biopolitics could only be grasped when one had a firm understanding of the governmental regime defined by liberalism. What becomes clear is that understanding biopolitics in South Africa is even more challenging, because the state constitutes a hybrid between a developmentalist state and a neoliberal state. It deploys a heterogenous mix of social-democratic and neoliberal policy interventions that are situated within a political project that is more nationalist in nature than liberal (Du Toit, 2018:1096). As an example, this sort of tension could be seen during the pandemic where the austerity measures imposed on the health care system by Finance Minister Tito Mboweni were accompanied by the simultaneous upscaling of the cash transfer systems (specifically the SRD- and CSG-grants).

This chapter concludes by suggesting that grappling with sociality – the historical structures of relationships and dependencies, particularly between citizens and the state – as well as how this may have been altered by the onset of the Covid-19 pandemic provides a point of entry into understanding the processes of biopolitical bordering which affect the operations of biopolitics as a whole.

## Chapter 4

### Biopolitics against a state of exception

#### 4.1 Section 1

##### 4.1.1 Introduction

In political and legal theory, the ‘state of exception’ is a term that is regularly used to describe the temporary constitutional mechanisms deployed by nation states. During crisis situations, the normal operations of the law are perceived as inadequate to facilitate a return to a state of normalcy or pre-crisis conditions. Power over the legal sphere is transferred from the parliamentary government to the executive branch. Following an executive decision, the ‘state of exception’ involves either the full (extra-legal) or partial (legally integrated) suspension of the constitutional order which defines the extent of a government’s powers and decision-making abilities (Lemke, 2018). The executive branch is thus able to issue legal directives and decrees which are not laws – as they have not been formally adopted by the legislative powers – yet which operate with the ‘force of law’<sup>86</sup> (De Leo, 2020).

As the suspension of the constitutional order simultaneously restricts or suspends the fundamental rights of citizens, there are obvious concerns regarding the long-term implications for the functioning of democratic states. Following the ‘state of exception’, some decrees may be ratified and acquire a permanent existence within the

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<sup>86</sup> In what serves as a prelude to a much fuller discussion to follow – specifically regarding how Agamben’s work contains significant ontological and metaphysical baggage – Agamben (2005) argues that the ‘state of exception’ evades juridical definition. As a consequence, his interpretation of the syntagm ‘force of law’ is also altered. Agamben (2005) follows Carl Schmitt in his understanding of how a state of lawlessness can be essentially legalised within the ‘state of exception’. He sees the law as consisting of two distinct elements: the first being “the normative element of law” which includes constitutional norms and the second being the “anomic” element of the law which is written as the “force of law without law” or simply “force of law” (McLoughlin, 2016:514). In the ‘state of exception’ the ‘force of law’ is changed, because the normative aspect of the law loses its force, and the ‘force of law’ loses its normative legal basis (Cooper-Knock, 2018:24). Within the anomic place of law instantiated by the ‘state of exception’, *law* and *force* no longer stand in a relationship of means and ends where the former dictates the extent of application of the latter (De la Durantaye, 2009:339).

post-crisis<sup>87</sup> juridical order. During the Covid-19 pandemic a considerable number of nation states around the world did, in fact, declare a ‘state of exception’ which exemplified some of the characteristics discussed in this section. As I will show later, there is a significant difference between Agamben’s ‘state of exception’ and the ‘state of exception’ as understood in political and legal theory. The former involves denser philosophical and ontological considerations which may reveal its unsuitability for facilitating understanding of biopolitics in the South African context. The first section of this chapter is therefore dedicated to explaining Agamben’s conceptualisation of the ‘state of exception’. The second section of the chapter employs a genealogical approach to ascertain a conceptualisation of biopolitics more appropriate to the South African context.

#### **4.1.2 Thinking with Agamben: an exceptional paradigm of government**

In terms of his methodology and overall thinking, Agamben is heavily indebted to the work of Foucault. In *Homo Sacer: Sovereign Power and Bare Life*, Agamben (1998:12) attempts to correct or complete Foucault’s thesis on biopolitics. On the one hand, Foucault (1998:89) attempted to “cut off the head of the king” by proffering a decentered representation of power beyond its juridical elements or the issue of sovereignty. On the other hand, Agamben advances a unitary theory of power that elaborates how – within a given juridico-political order, and as a fundamental activity of sovereign power – bare life (*zoē*) is produced through the state of exception (Agamben, 1998:102).

The key difference between these two thinkers relates to the epochal framing enabled by the concepts of bare life and biopolitics (Patton, 2007:218). Foucault sees biopolitics as a modern phenomenon, whereas Agamben (1998:102) argues that

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<sup>87</sup> Conceptually, it is the temporary nature of the state of exception which distinguishes chaos from anomie (McLoughlin, 2016:522) and which allows for the existence of “force of law”, the ‘force of law’ in a reputed absence of law. While Agamben argues that ‘the state of exception’ is becoming more ubiquitous, given the increasing frequency with which it is applied, at least at the legislative level it is usually seen as a temporary measure to be extended with recourse to the existing constitutional provisions. The post-crisis juridical order would refer to the period in which the ‘state of exception’ has *formally* ended. In the case of South Africa, the state of emergency ended at midnight on 4 April 2022.



“Western politics is a bio-politics from the very beginning”.<sup>88</sup> What is distinct about modernity for Agamben is that the exception has become the rule. Processes implicated in the production of bare life once at the margins of the political order are becoming generalised and radicalised as life is brought more explicitly into the political calculations and strategies of modern nation states (Agamben 1998:12; Lemke, 2011:53).

Before proceeding to a theoretical discussion on the state of exception, it is important to briefly examine certain methodological issues as this will impact how any of the criticisms, limitations, and merits of the theory surrounding it are assessed. Ten years after the publication of *Homo Sacer* (1998) Agamben said in an interview that he had “sought to apply the same genealogical and paradigmatic method practiced by Foucault” (Agamben, cited in Snoek, 2010:46). Pertinent to our discussion is the fact that Agamben readily conflates the Foucauldian methodologies of ‘archaeology’ and

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<sup>88</sup> Agamben (1998:10) begins with Foucault’s premise that “a society’s “threshold of biological modernity” is situated at the point at which the species and the individual as a simple living body become what is at stake in a society’s political strategies”. Worded differently, the emergence of biopolitics coincides with the simultaneous capture and politicisation of ‘bare life’. Therefore, with the distinction maintained between *bios* (political life) and *zoē* (bare life) within the *polis* (public sphere) of Greek antiquity, there existed a relation of ‘inclusive exclusion’ of *zoē* by the *polis*. Natural life was drawn into the logic of the *polis* by virtue of its exclusion; bare life remained “included in politics the form of exception” (Agamben, 1998:11). This logic of exclusion reappears in relation to the archaic figure in Roman law of *homo sacer* – the protagonist of Agamben’s (1998) book – who through the sovereign ban was stripped of their political existence and reduced to a state of bare life. They were included within the juridical order simply by virtue of their exclusion, opening the possibility for them to be killed by others with impunity. This allows Agamben (1998:10) to suggest that contra Foucault, changes in the biopolitical mechanisms of the 17<sup>th</sup> and 18<sup>th</sup> centuries evinced no “radical transformation of the political-philosophical categories of classical thought” and that “*the production of a biopolitical body is the original activity of sovereign power*” (Agamben, 1998:11 italics in original).

‘genealogy’.<sup>89</sup> Instead, Agamben’s ‘philosophical archaeology’ consists of three main interrelated elements, namely ‘paradigms’,<sup>90</sup> ‘archaeology’<sup>91</sup> and ‘signatures’,<sup>92</sup>

In light of the discussion on the interrelated concepts of ‘biopower’ and the ‘state of exception’, it is important to take Agamben’s methodology into account. This is because it bypasses all those criticisms lodged against Agamben that have been based on a misreading of his work, or that simply ignored his methodology.<sup>93</sup> For instance,

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<sup>89</sup> This is seen in the chapter on ‘philosophical archaeology’ in *The Signature of All Things* where Agamben (2009:89) defines archaeology in terms not unlike Foucault’s (1984a) genealogy outlined in ‘Nietzsche, Genealogy, History’. He defines archaeology as a “practice which in any historical investigation has to do not with origins but with the moment of a phenomenon’s arising and must therefore engage anew the sources and tradition” (Agamben, 2009:89). For a more in-depth discussion on Foucault’s archaeology and genealogy, see page 38.

<sup>90</sup> For Agamben (2009:9), a paradigm refers to the methodological use of a singular and unique historical example – like the *Muselmann*, the concentration camp, the state of exception, and *Homo Sacer* – in ways that “constitute and make intelligible a broader historical-problematic context”. A paradigm “is neither universal nor particular, neither general nor individual, it is a singularity, which showing itself as such, produces a new ontological context” (Agamben, 2002 *lecture recording*).

<sup>91</sup> Similar to Foucault’s genealogy, Agamben’s archaeology goes against a search for origins. It instead seeks to identify the archē – the moment of arising – or the points at which knowledge was constituted and paradigms became *operative*. In tracing the archē, Agamben is able to engage in a form of metaphysical critique. Paradigms render the signatures that sanction common operativity intelligible (Villamizar, 2016:9) and they reveal “the deep-seated structures of Western thought as problematic, profoundly contingent and so surmountable” (Watkin, 2014:29).

<sup>92</sup> Like a painter’s signature on a painting or the stamp on a coin, the Agambean signature conducts a performative operation in that it *authorises* the authenticity and value status of the sign without signifying determinate content itself (Voogt, 2022). As Agamben notes, “Signs do not speak unless signatures make them speak . . . [they] render thinkable the passage between the semiotic and the semantic” (Agamben, 2009:61). In other words, the signature – not to be confused with the concept, which functions as a sign – “is what makes the sign intelligible” (Agamben, 2009:42). They are historical in the sense that signatures sanction knowledge systems and every sign “carries a signature that necessarily predetermines its interpretation and distributes its use and efficacy according to rules” and practices (Agamben, 2009:64). Examples of signatures within the project of *Homo Sacer* include things like ‘Life’, ‘Power’, ‘Secularization’, and ‘Sovereignty’ (Villamizar, 2019). Agamben’s philosophical archaeology is thus geared towards rendering inoperative the signatures which have controlled the intelligibility of Western politics and culture (Villamizar, 2016).

<sup>93</sup> For instance, Schotel (2009:120) addresses Agamben’s assertion that legal culture is in radical decline as legal theorists have not been able to adequately theorise the notion of the state of exception as well as the assumed relation between ‘law’ and ‘life’. Schotel (2009) provides a scathing critique of Agamben and argues that legal theorists have not been as silent as suggested in the opening line of *State of Exception*. However, his analysis implicitly reaffirms Agamben’s position as it remains nearly entirely restricted to law in practice with few considerations given to ontology and metaphysics. As Watkin (2014:45) notes, “any

Agamben has admitted himself that he is not a historian.<sup>94</sup> His approach resembles more of a philosophical philology.

Therefore, when we come across critiques against Agamben's biopolitics such as those posed by Thomas Lemke (see the literature review section in chapter 1), it is important to keep theoretical tradition in mind. Foucault's biopolitics functions more as an *empirical-descriptive* concept. It is concerned with examining actually existing historical phenomena in order to identify the *ontic* instantiations of biopolitics (Patkauskas, 2020:82). Here, differences in conceptualisation relate more to decisions made on the scale and duration of which biopolitics is localisable within specific institutions, societal arrangements, and practices (Mills, 2018:13).

Conversely, biopolitics as a *critical-normative* concept or ontological formulation is geared towards describing "a more general political logic or philosophy that is said to inform social and political organization at a deeper level" (Mills, 2018:14). It focuses less on questions of duration or scale but rather "concerns itself with the judgement and evaluation of the overall phenomenon of biopolitics" (Patkauskas, 2020:82). Authors more commonly associated with this approach include Agamben, Hardt and Negri, and Esposito (Mills, 2018).

The axes of *empirical-descriptive* vs *critical-normative* approaches to biopolitics do not constitute a neat separation, as theorists variously straddle the lines between these two approaches. However, they do provide a useful guide for understanding the general focus of authors with further variations in the conceptualisation of biopolitics being attributable to how other subsidiary concepts – 'life', 'politics', and 'subjectivity' – are defined (Mills, 2018:20). Agamben's biopolitics and state of exception therefore need to be understood not as historical facts. They form part of a

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critical reading of Agamben that does not take into consideration this system [Agamben's philosophical archaeology] and try to undermine it by philosophically tackling the presuppositions and consistencies of the system is, I believe, a misreading".

<sup>94</sup> In an interview in the German Law Journal, Agamben stated: "I am not an historian. I work with paradigms. . . As it was with the panopticon for Foucault, so is the *Homo Sacer* or the *Muselmann* or the state of exception for me . . . I use this paradigm to construct a large group of phenomena and in order to understand an historical structure, again analogous with Foucault, who developed his "panopticism" from the panopticon. But this kind of analysis should not be confused with a sociological investigation" (Raullf, 2004:610).

broader engagement with sovereignty as a critique against the fundamental philosophical categories that serve as the basis of Western politics in order to render them *inoperative*.

In *State of Exception*, Agamben (2005:4) treats the syntagm of ‘state of exception’ as “the technical term for the consistent set of legal phenomena that it seeks to define”. This allows him to engage in a historico-legal comparative analysis of its various designations such as the *Ausnahmezustand* – state of exception – and *Notstand* – state of necessity – in German theory, *emergency decrees* and *state of siege* in Italian and French theory, and *martial law* and *emergency powers* in Anglo-Saxon theory (Agamben, 2005:4). He discusses the state of exception as a response to a crisis or other such perceived threats to the stability of the political order. In these conditions, the distinctions between legislative, parliamentary, and executive powers are provisionally dissolved and the sovereign leader or state suspends the juridical order (Agamben, 2005:7). This may entail the suspension of certain constitutionally guaranteed rights of citizens.

Where this juridical void becomes dangerous is that at its extreme, the exception becomes the rule and people become subject to the full force of the law and sovereign decision. As revealed in the expression “force of law”, there exists a state of law that is simultaneously in force yet devoid of any signification (Agamben, 1998:35). Exceptionalism comes to the fore as it is the subjective decision of the sovereign that fills the lacunae in the law (Damai, 2005:258) and this allows for the possibility of the juridico-political system transforming “itself into a killing machine” (Agamben, 2005:86) which could see the physical elimination of “political adversaries [and] entire categories of citizens who for some reason cannot be integrated into the political system” (Agamben, 2005:2).

Agamben (2005) then traces the history of the state of exception all the way from its origins in Roman law up to its more contemporary instantiations. For instance, Agamben (2005:41) takes the Roman *iustitium* – ‘standstill’ or ‘suspension of the law’ – as an archetype for the modern state of exception. During a *tumultus* or emergency situation that threatened the Republic, the Senate would declare a *senatus consultum ultimum* or ‘ultimate decree of the Senate’. In extreme cases, this would be a call for

citizens to do everything in their capacity to protect the state. In showing how the *iustitium* produces a juridical void or ‘zone of anomie’, Agamben (2005:23) discusses how the distinctions between public and private life and legality and illegality are all blurred. Acts committed during the *iustitium* – for example, the murder of Roman citizens – are removed from any legal determination and remain undecidable until the *iustitium* has expired (Agamben, 2005:50).

Agamben’s history of the state of exception begins with the ‘state of siege’ that emerged during the French revolution. The ‘Constitution of 22 Frimaire Year 8 Article 14 of the *Charte* of 1814’ had introduced the idea of suspending itself so that the sovereign could be granted the power to ‘make the regulations and ordinances necessary for the execution of the laws and the security of the State’ (Agamben, 2005:11). By 1852, Napoleon III had initiated a series of changes within the Constitution which would grant the head of state the exclusive power to proclaim a state of siege (Agamben, 2005:12). Agamben proceeds to suggest that this sort of movement – where in emergency situations constitutional grounds were laid for the alteration of law as well as the constitution’s own suspension, and where leaders were able to lay claim to sovereign powers – became a routine feature in the operation in modern European nation states. For instance, during the American Civil War (1861–1865) President Abraham Lincoln – in contravention of Article 1 of the Constitution – had authorised General Winfield Scott to suspend the writ of *habeas corpus* wherever necessary. When President Lincoln addressed Congress on 4 July 1861, he justified his actions by saying “Whether strictly legal or not,” the measures that he had deployed occurred “under what appeared to be a popular demand and a public necessity” and in full certainty that they would be ratified by Congress (Agamben, 2005:20). Agamben (2005:12) even goes as far as saying that the majority of warring countries experienced a permanent state of exception during World War I.

In leading up to even more recent instantiations of a state of exception, Agamben focuses on President Bush’s declaration of a National Emergency following the terrorist attacks of 2001. The Bush administration had bypassed Congress and all the

routine legislative procedures in their passing of the USA PATRIOT<sup>95</sup> Act (Agamben, 2005; Wong, 2006). This act permitted “the attorney general to “take into custody” any alien suspected of activities that endangered “the national security of the United States”, on condition that within a week they would either be released or have other criminal charges brought against them (Agamben, 2005:3). On 13 November 2001, President Bush once again assumed emergency powers and passed a military order which made provisions “for the “indefinite detention” of noncitizens suspected of terrorist activities” (De la Durantaye, 2009:337).

In demonstrating how a “juridico-political system transforms itself into a killing machine”, Agamben (2005:86) draws useful parallels between the USA PATRIOT Act and Guantánamo Bay and Hitler’s ‘Decree for the Protection of the People and the State’<sup>96</sup> and the Nazi concentration camps.<sup>97</sup> In 2002, a detention centre was established at Guantánamo Bay to house individuals who were suspected of terrorism. As the individuals are formally classified not as ‘persons accused’ or ‘prisoners’ but rather as ‘unlawful enemy combatants’ their politico-legal existence has been erased. They have been displaced from the protections and liberties tied to both American and

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<sup>95</sup> This is an acronym for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism. It supplied the legal and financial provisions for intelligence agencies, law enforcement, and branches of the military to work proactively and in a coordinated effort to prevent such terrorist attacks from happening again (Jenkins, 2006).

<sup>96</sup> The latter decree involved Hitler assuming emergency powers and authorising the suspension of the articles of the Weimar Constitution. This enabled the suspension of certain rights and liberties and it allowed for the establishment of military tribunals.

<sup>97</sup> In a statement at the United Nations General Assembly, President Bush (2002, emphasis added) was quoted as saying: “In the attacks on America a year ago, we saw the destructive intentions of our enemies. This threat hides within many nations, *including my own*. In cells and camps, terrorists are plotting further destruction, and building new bases for their war against civilization”. Hitler made an address at the Reichstag on 13 July 1934, where he justified the assassinations and purge of the Nazi Storm troopers (SA) – *Sturmabteilung* – which consisted of military leaders, paramilitary loyalists, and other potential political adversaries. In his speech, Hitler stated: “in this hour I was responsible for the fate of the German people, and thereby I became the supreme judge of the German people! ... I gave the order to shoot the ringleaders in this treason, and I further gave the order to cauterize down to the raw flesh the ulcers of this poisoning of the wells *in our domestic* life ... Let the nation know that its existence—which depends on its internal order and security—cannot be threatened with impunity by anyone!” (Fest, 2013:469, emphasis added). Here we can see what Agamben (2005:23) refers to where he states that within the state of exception a zone of indifference is created. The lines between inside and outside are blurred and virtually any individual or group of citizens can have their political existence erased and be made *homines sacri*.

International law. The detainees are not entitled to a trial or to be made aware of any evidence that has been brought against them. Even though some detainees are as young as 13 years old, torture, deprivation, and rituals of degradation are a routine feature of Guantánamo Bay. They are reduced to a state of ‘bare life’ (Vaughan-Williams, 2009).

For Agamben (1998:96), “the camp is the space that is opened when the state of exception begins to become the rule” and where “the hidden paradigm of the political space of modernity” is revealed (Agamben, 1998:73). He therefore treats the camp as a *paradigm* representing a potentiality within our political order as anyone can be reduced to the status of bare life.<sup>98</sup> This allows him to extend this condition to other spaces wherein bare life is systematically produced and exposed to a banal violence. Given as examples are the cases of euthanasia and coma patients, victims of highway accidents, or even foreigners and refugees in *zones d’attentes* – spaces of non-liberty or waiting zones at the border – at French international airports (Agamben, 1998:99; Ticktin, 2011:37). In these spaces “in which the normal order is de facto suspended . . . whether or not atrocities are committed depends not on law but on the civility and ethical sense of the police who temporarily act as sovereign” (Agamben, 1998:99).

The main issue with Agamben’s notion of a state of exception is that in its generalised usage it does not allow for any analytical differentiation between the forms of bare life therein produced. For instance, Emily Hobhouse’s exposé on the Boer concentration camps precipitated the visit of suffragist Millicent Fawcett to the Merebank concentration camp in Durban in 1901 (Chari, 2010; SAHO, 2011). Largely unsanitary conditions characterised the camps, as only 14 baths were made available for over 5 000 detainees and the hospitals evinced inadequate disinfection practices (Chari, 2010:76). In the commission spearheaded by Fawcett, they requested monetary support from the British government to enable better hospital care, reduce overcrowding, improve sanitation, and provide better food (SAHO, 2011). However, in the Fawcett Commission’s report any mention of black inmates was entirely absent

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<sup>98</sup> This is seen in Agamben’s (1998:81) assertion that “Bare life is no longer confined to a particular place or a definite category. It now dwells in the biological body of every living being”.

as it was focused more so on the plight of the Boer women and children (Chari, 2010:76).

Lemke (2005:8) therefore correctly suggests that a weakness of Agamben's analytical model is its failure to see how valuation systems are established that distinguish between different forms of life and which prematurely subject them to death. In the same vein, Tagma (2009) investigates what roles identity, history, and culture play in informing practices of exclusion and the resultant creation of *homo sacer*. This consideration is notably absent in an Agambean reading of the Guantánamo Bay detainees.

Following Tagma (2009:422), within every society certain regimes of truth and cultural backgrounds exist which inform the sovereign decision. They mark the subject's body as being different or dangerous, thus providing a legitimate basis for which such life forms should be excluded from the body politic and are subject to sovereign violence. This sensitivity to difference is lost in an Agambean analysis where we are all unequivocally treated as *homo sacer*. An example of this is the case of the white domestic terrorist, Payton Gendron – the New York 'Buffalo Shooter' – who in a racially motivated assault gunned down 10 black people in a supermarket. While Gendron is facing several federal charges and the attorney general is yet to decide on whether or not to pursue the death penalty, Gendron is still entitled to many rights and privileges – such as humane treatment, legal representation, and a fair trial – that the 'suspected' terrorists at Guantánamo Bay are not afforded.

As an Agambean analysis reinvokes the figure of the sovereign and focuses closely on the spaces wherein 'bare life' is produced, it can sometimes work to obscure the wider changing contextual factors which precipitated those conditions. For instance, in the 'Life Esidimeni Tragedy' at least 144 mentally ill patients died from starvation, torture, neglect, abuse, dehydration, and hypothermia following their being transferred from the Life Esidimeni Health Care Centres to 27 different unlicensed NGO-groups (Ornellas & Engelbrecht, 2018:298; Baldwin-Ragaven, 2020:34). One could reinvoke the figure of the sovereign in this instance and only castigate the government officials or NGO-heads who negotiated this process of deinstitutionalisation, but this would leave blameless the broader structural framework within which they operated



(Ornellas & Engelbrecht, 2018:298). South Africa’s post-1994 adoption of a social development paradigm demonstrated a commitment to addressing historical injustices through the promotion of a rights-based approach to social protection. South Africa tried to emulate the processes of deinstitutionalisation which emerged in the context of the United States civil rights movement in the 1950s. This entailed the localisation of healthcare and community-based services which would promote the humane treatment of mentally ill patients and facilitate their rehabilitation into society (Ornellas & Engelbrecht, 2018:299). Revealed as an issue is the vast disjuncture between the scaling down of institutionalised psychiatric facilities at the time and the scaling up of community-based systems of care. The process of deinstitutionalisation had been co-opted by neoliberalism and included in its general logic (Ornellas & Engelbrecht, 2018). This contributed to a condition wherein some human lives and bodies were framed as “unproductive . . . costly cogs that do not serve any function in the economy” (Dapo, 2021:175), rendering them *ungovernable* and making it possible for them to become the subject of a ‘murder of neglect’.

Similarly, one could reinvoké the figure of the sovereign in the police force which gunned down 34 striking miners at the Marikana platinum mine in 2012 (Harris, Eyles & Goudge, 2016:5). However, this would erase the role played by Cyril Ramaphosa (who was not president at the time) in authorising the extremely swift response of the police force.<sup>99</sup> Furthermore, Ramaphosa was also responding to the pressures of global finance capital and the not-so-subtle threats of being downgraded by Moody’s rating agency (Bond, 2014).

As we can see, while an Agambean analysis might be useful for metaphysical considerations that examine the relations between ‘law’ and ‘life’ as broadly defined, there are notable limits. Within his works most relevant to this discussion – particularly *Homo Sacer* and *State of Exception* – Agamben does not analyse how political rationalities such as neoliberalism might be implicated in structuring the relations between ‘law’ and ‘life’. An Agambean biopolitics may therefore be inadequate to account for the biopolitical operations in South Africa as they are characterised by

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<sup>99</sup> The murders seemed almost premeditated as weapons were subsequently planted on the bodies of the striking miners (Bond, 2014).

competing political projects (neo-liberalism and social democracy) that in effect are irreducible to sovereign power.

An additional overextension of Agamben's model is discernible in his discussion on terrorism (Agamben, 2005:2) where he holds that we are witnessing the progressive emergence of "a "global civil war," [where] the state of exception tends increasingly to appear as the dominant paradigm of government in contemporary politics". He echoes this claim in *Means Without End* where he speaks of "the new planetary political space in which exception had become the rule" (Agamben, 2002:138).

It is true that Western countries have far-reaching powers. This is evident in the United States' extra-legal drone strikes on Pakistan where civilians were caught in the crossfire as well as the housing of suspected terrorists in Guantánamo Bay. However, Agamben's analysis can be faulted for the simple fact that he falls prey to the same tradition of historicism that was addressed in the second chapter of this dissertation. As Togma (2009:421) so eloquently puts it, "in locating the foundations of sovereignty in ancient Greece, Agamben reifies a particular narrative of the West that is constitutive of itself, without interaction with or reference to the world "outside" of itself". Therefore, while he is trying to render inoperative the Western political-philosophical and ontological categories which enable the political structure of the state of exception, Agamben remains firmly embedded within the metaphysical tradition which he seeks to critique. This onto-political baggage at least in part makes his theory unsuited to understanding biopolitics in the South African context.

In theorising the citizen-state relationship, one of the analytical merits to be found within Agamben's biopolitics and his subsequent notion of the 'state of exception' – that are simultaneously shared with the Foucauldian conceptualisations of biopolitics – is the strong engagement with the complex relationship assumed between the 'public' and 'the private' sphere. When it comes to theorising modern politics, to some degree both Foucault and Agamben follow in the trails of Hannah Arendt (1958) and her inversion of Aristotelian philosophy. This is made most clear where Foucault (1990:143) asserts that "For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an

animal whose politics places his existence as a living being in question”<sup>100</sup> (see also Agamben, 1998:9–12).

For Arendt (1958) – who now forms part of the *classical* tradition – the separation between ‘the public’ and ‘the private’ spheres could be traced back to Greek Antiquity. The private sphere included *oikos* – the family and the home – where people lived together to meet their most basic and immediate needs. The private sphere thus encapsulated all the processes necessary for production and the reproduction of human life such as work and labour (Thompson, 2011:51; Squires, 2018:131). Contrastingly, the *polis* – the political public realm – is instantiated by the “space of appearance . . . [where] the manner of speech and action” (Arendt, 1958:147) of free men could be observed by a plurality of others (Thompson, 2011:52). In what Arendt (1958:40) termed “the rise of the social”, she observed that the distinction between the public and the private spheres were being reconfigured as processes usually associated with the household (such as work and labour) were increasingly being led by various social classes (Thompson, 2011:52).

The distinction between ‘the public’ and ‘the private’ sphere has since undergone significant re-theorisation. In the liberal tradition of political thought that emerged between the 17<sup>th</sup> and 18<sup>th</sup> centuries there was an increasing concern about the immense power that modern nation states had accrued over time. Liberalism thus argued for certain rights and civil liberties to be recognised as inherent to individuals and this would protect them from any abuse of power by an over-reaching or despotic government (Thompson, 2011:59). With the belief that the freedom, property, and privacy of individuals could only be protected through the creation of a minimalist state, scholars in the liberal tradition redefined the public-private distinction. The state (public) was segregated from the home (private), private industry was set apart from public corporations, and a state-controlled economy was separated from a self-regulating market (Mahajan, 2009:135). This discussion on the origins of the liberal conception of the public-private distinction reaffirms Dominique Memmi’s (2002)

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<sup>100</sup> Arendt (1958:46) foreshadows Foucault’s view where in *The Human Condition* she states that “[modern] society is the form in which the fact of mutual dependence for the sake of life and nothing else assumes public significance and where the activities connected with sheer survival are permitted to appear in public”.

belief that the distinction is not just a concept used to pursue intellectual ends, but it is also a tool used to stage political and social battles.<sup>101</sup>

The relationship between ‘the public’ and ‘the private’ has indeed been altered as a function of the crisis engendered by the Covid-19 pandemic. As this relationship has a direct bearing on biopolitical inclusion – or the extent to which citizens are subject to the ‘make live’ policies of the state – what remains is an evaluation of these changes vis-à-vis the Agambenian ‘state of exception’. For someone like Agamben, changes in the public-private relationship would usually be construed in wholly negative terms. However, in South Africa this might not be the case. Notwithstanding the South African government’s overly militaristic response in enforcing the hard lockdown, there were some positive changes to the public-private relationship following the transfer of power to the executive branch of government. For example, the introduction of the Covid-19 SRD-grant as a social safety net could be seen as the state (public sphere) allowing vulnerable groups of citizens to temporarily be included in the economy (private sphere). Additionally, whilst the freedom of movement and association of individuals were restricted (private sphere), the government made certain exceptions. Women who were potentially vulnerable in the face of gender-based violence were allowed to leave their homes to seek help (public sphere).

Where David Harvey (2008:23) argues that we live in a general age where private property rights trump all other human rights, the fact that the government placed a moratorium on all evictions and demolitions of informal housing during the lockdown (Presidency of South Africa, 2021) indicates a single positive shift regarding the human rights and property regime in South Africa.

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<sup>101</sup> This can be seen, for instance, in the feminist movements of the 1960s and 1970s where the nuclear family form and its values were being challenged. By arguing that “the personal is political” the public-private distinction was essentially being renegotiated.

## 4.2 Section 2

### 4.2.1 Introduction

Across the world, the biopolitical outcomes associated with the responses of nation states were variably determined by the specific country's level of global interconnectedness, position within the world economy, internal political choices, and the availability of resources and infrastructure. In keeping with this, the third chapter of this dissertation sought to highlight some of the challenges that emerge when trying to understand biopolitics in South Africa. Compared to countries in the Global North where liberal conceptualisations of biopolitics reign supreme, biopolitical operations in South Africa are carried out in a context defined by a significant lack of administrative capacities and are situated more so within a nationalist political framework. This has implications for the processes of biopolitical bordering which determine what groups of people are to be included as citizens in the 'make live' policies of the state.

It was further suggested that the South African state's response to the Covid-19 pandemic needed to be understood with recourse to sociality, or the historical relationships and dependencies between citizens and the state. As neither of the two sets of actors are pre-given but are rather historically contingent, this makes it possible to also see biopolitics as in a process of becoming. However, since all relationships naturally exist within a specific social context, in order to fully grapple with sociality one would eventually have to attend to the issue of meaning.

Therefore, while applying elements of the genealogical method to a South African biopolitics, this subsection of the chapter will also pay mind to the discourses, statements and systems of representation that undergird the processes of biopolitical bordering. In line with the genealogical method, in order to understand the topic of biopolitical inclusion within South Africa more attention will be given to the 'subjugated voices' or those who have been traditionally excluded. Conceptually, on the one hand this would refer to individuals such as South Africans who have attained the different dimensions of citizenship (civil, political, and social) according to Marshall's (2009) model, yet remain marginalised economically. At its extreme, it

would refer to individuals such as non-nationals in South Africa whose civil, political, and social rights are under immediate threat.

#### **4.2.2 ‘Descent’ and ‘emergence’: applying a Foucauldian biopolitics to the case of South Africa**

Within the genealogical method, *Herkunft* – descent – traces the history of an idea, institution or set of practices in a way that does not reveal singular origins, but rather the dispersion of events that belie unity. In other words, to understand a topic such as biopolitical inclusion we would have to simultaneously review the disparate events that altered the construction of what it means to be included as a citizen or excluded as a non-citizen.

For instance, the ‘sanitation syndrome’ refers to the emergence of racialised public health discourses<sup>102</sup> in early 20<sup>th</sup> century South Africa that framed interpretations of the prevalence of outbreaks and disease (Chari, 2010:74). In a context defined by rapid urban growth, diseases such as malaria, cholera, and tuberculosis were seen to originate with the African population. In response to events such as the bubonic plague in 1900 – even though statistical evidence confirmed that Africans were less susceptible to infection than their coloured or white counterparts – legislation, for example, the Public Health Amendment Act of 1897 was used to justify race-based urban segregation policies. These metaphors rationalised the exclusion of Africans from Cape Town and they were subsequently deported to the first “native settlement” (Fassin, 2009:54).

The destruction wrought by World War I and the Spanish influenza pandemic of 1918/1919 provided a second impetus for racialised urban segregation. It culminated in the creation of the 1920 Housing Act – a ‘make live’ policy designed to provide subsidised housing that was mainly directed at the white population group. Racial segregation was further consolidated and formalised through the passing of the Native Urban Areas Act of 1923 which implemented ‘influx control’ and essentially “relegated black South Africans to the status of permanent sojourners in urban areas” (Gevers, 2017:68). The Act had been motivated by the idea that “urban problems in

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<sup>102</sup> For other works which take as their focus the nexus between culture, health, and a racialised politics, see Briggs and Martini-Briggs (2003) and Suman (2018).

South Africa could be solved by the removal of the African population” (Finn & Kobayashi, 2020:218). Other segregationist policies continued to be passed with increasing intensity, reaching its zenith with the installation of grand apartheid in 1948.

Framed within a discussion on biopolitical inclusion, ‘descent’ allows one to see public health governance as a single medium through which the state was allowed to distance itself from the responsibility and cost associated with caring for the black population. Black people were effectively being unmade as ‘citizens’<sup>103</sup> and reformulated as ‘subjects’ that were intended to be governed by officials within the Bantustans (Mamdani, 1996). This distance did not mark a complete separation. The state stayed close enough to maintain an active role in regulating the labour power of the African population by creating conditions that ensured that migrant labourers could be paid below their cost of reproduction (Wolpe, 1972).

Therefore, the ‘make live’ policies directed at the black population group during apartheid are better understood not as attempting to specifically enhance the vitality of a population, but rather as being geared towards maintaining the stability of the socio-political order<sup>104</sup> and meeting the needs of a racialised capital. This can be seen in the fact that from the outset, the National Party recognised its social welfare policies as being central to the project of ‘separate development’ (Gevers, 2017:143).

A genealogical analysis of ‘descent’ which “attaches itself to the body” (Foucault, 1984a:82) can show how the effects of these biopolitical bordering processes in South

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<sup>103</sup> Using Marshall’s (2009) notion of citizenship – with its associated dimensions of the social, political, and civil – we can make the claim that non-whites and predominantly black South Africans were being unmade as citizens. The civil dimension refers to the rights necessary for individual freedom, such as the right to own property or the freedom of movement and speech. The political dimension entails those rights which enable people to exercise political power within a society, such as the right to vote. The social dimension helps define the state’s obligation to the citizen and consists primarily of “the right to a modicum of economic welfare and security” (Marshall, 2009:149). While black South Africans were stripped of the civil and political dimensions of their citizenship, it can be said that they retained the social dimension of their citizenship in the form of social welfare policies. However, this would obviously negate the fact that the policies were compensating for the extreme forms of dispossession and extraction that these people were being subjected to.

<sup>104</sup> In demonstrating how biopolitical interventions contributed to the maintenance of socio-political stability, von Schnitzler (2008:909) discusses how townships were designed to make inhabitants amenable to policing. The extension of electrical infrastructure in the form of streetlamps served the primary purpose of enhancing surveillance capabilities.

Africa are still evident today. The history of segregation, exploitation in the resource extraction industries, and widespread dispossession have been linked to the development of many of the vulnerabilities previously discussed in chapter 3 of this dissertation. For example, the social organisation of the mining industry with its unsanitary facilities and overcrowded barracks has been attributed with the rapid expansion of the tuberculosis infection. Within these conditions, migrant labourers became extremely susceptible to infection and were likely to transmit it to their families upon returning to rural areas and according to Harris et al. (2016:3), migrant labour “remains a major determinant of disease today”.

An analysis of ‘descent’ goes against any linear reading of history in that it also requires a search for “the accidents” or “minute deviations” (Foucault, 1984a:81). This is where the notion of *Entstehung* – emergence – comes in. Whereas descent tries to understand ideas, practices, and institutions by treating the body as “the inscribed surface of events” (Foucault, 1984a:83), ‘emergence’ seeks to isolate the influence of more broadscale political processes and power relations. Emergence refers to ‘the moment of arising’ and “is always produced through a particular stage of forces” (Foucault, 1984a:83). In linking power relations to the production of knowledge, it identifies the factors that tipped the scale of the balance of a battle in favour of one group over another. In other words, to grasp what ‘biopolitical inclusion’ entails or what it means to be a ‘citizen’, one would have to trace the history of struggles between various actors that affected the contingent development of concepts in question. Its usage is similar to an Agambean paradigm in the sense that one moves from singularity<sup>105</sup> to singularity with each of the examples of ‘emergence’ representing “the current episodes in a series of subjugations” (Foucault, 1984a:83).

For instance – as a moment of ‘emergence’ – the 1946 miners’ strike saw approximately 6 000 steel and iron workers and 70 000 miners down tools as they mobilised for better wages and working conditions. The strike appeared to be an anomaly or nearly accidental as the organisation of black workers within unions had been declining prior to the strike (Marais, 2009:12). The workers were met with severe

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<sup>105</sup> As alluded to in footnote 85, ‘singularity’ is a term that can be taken as synonymous with the Agambean notion of ‘paradigm’.



state repression and the rise of apartheid was attributed to the defeat of the African working-class militancy. Between 1945 and 1951, 66 trade unions had become obsolete and the African Mineworkers' Union, which had orchestrated the 1946 miners' strike, had less than 700 members. However, the decline in class politics of the 1940s was paralleled by an increase in African nationalism which had implications for future resistance strategies (Marais, 2009:13).

With the National Party coming into power in 1948, there were subsequent increases in segregationist policies such as the Group Areas Act of 1950. The ANC – particularly the Youth League –reversed their original stance of not working with non-Africans and decided to form an alliance with the South African Coloured People's Organisation (SACPO), the South African Indian Congress (SAIC), and the left-wing, anti-apartheid, white, South African Congress of Democrats (SACOD). In the 1950s, the ANC then launched a *Programme of Action* which provided a framework for a series of campaigns that were formulated with the deliberate goal of transgressing and subverting segregatory laws (Johns, 1973). This involved events such as the Defiance Campaign of 1952 where over 8 700 ANC-members volunteered to be arrested. The campaigns resulted in mass outbreaks of violence, and they ended following severe state repression. By June of 1955, in pursuit of national liberation, the ANC had drawn all of its allies into the multiracial Congress Alliance (Johns, 1973; Marais, 2009). This is significant for our discussion as the Congress Alliance's subsequent adoption of the Freedom Charter in Kliptown, Johannesburg, provided an alternate vision for biopolitical inclusion.

This is made clearest in the preamble to the Freedom Charter which states that “South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people” (South African Congress Alliance, 1955). In response to the various grievances associated with the apartheid state – and framed within a human rights discourse – the Freedom Charter promoted a democratic alternative to the apartheid project in its demand for civil, political, and socio-economic rights. To address the historic economic injustices of the apartheid regime, banks, mines, and other monopoly industries would have to be nationalised in order to facilitate a redistribution of wealth (South African Congress Alliance, 1955).

Citizenship and biopolitical inclusion would thus require transforming, not reforming society.

With the democratic transition in 1994 the ANC was faced with the immense challenge of ‘renationalisation’ or fashioning a new hegemonic political project from the rubble of the old regime (Hart, 2014). This nation-building project which could be understood with recourse to Desmond Tutu’s notion of the Rainbow Nation represented a new multicultural politics of belonging premised on the idea that all South Africans would be included, regardless of their religion or race. This new imagined community relied on a form of semantic inclusion where all inhabitants of South Africa were included as citizens at the level of belief or rhetoric even if not in practice.

However, before the democratic transition even occurred, the prospects of nationalisation shook the confidence of both domestic and international capital which pressured the incoming government into making various concessions and accepting neoliberal orthodoxy<sup>106</sup> (Marais, 2009:78). When Mr Mandela was released from prison in 1990, he said that “nationalization of the mines, banks and monopolies is the policy of the ANC and a change or modification of our views in this regard is inconceivable” (Mandela, cited in Peet, 2002:71). Within hours of this statement, stock market traders were “‘unceremoniously falling out of bed’ to launch a selling spree”

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<sup>106</sup> When the ANC came into power in 1994, Mr Mandela addressed domestic and international capital by saying, “In our economic policies . . . there is not a single reference to things like nationalisation, and this is not accidental. There is not a single slogan that will connect us with any Marxist ideology” (Mandela, cited in Marais, 2009:97). The shift to neoliberal orthodoxy can be seen in other policy changes. In terms of macro-economic policy, when the Reconstruction and Development Programme was first drafted in 1994, it was articulated within an interventionist and Keynesian paradigm. It involved addressing social and infrastructural inequalities through the provision of housing, extension of cash transfer systems, and bolstering access to institutions like health care and education (Klug, 2018). The government was to play a leading role in facilitating reconstruction and redistribution as the creation of a democratic society was seen as the ideal route to unleashing a country’s economic potential. When the White Paper on the Reconstruction and Development Programme was released later that year – following the government’s being courted by the International Monetary Fund and World Bank – the government assumed a more laissez-faire approach with redistribution no longer being the primary objective (Adelzadeh, 1996). A more extreme shift toward neoliberal orthodoxy occurred two years later with the adoption of the Growth Employment and Redistribution Strategy (GEAR), which emphasised that economic growth could be attained through things like attracting foreign investment, minimal state intervention, trade liberalisation, low fiscal deficits, and privatisation (Marais, 2009:112).

(Marais, 2009:97). This caused Mr Mandela to revise his stance and assure investors that the mines, banks, and monopolies would only be nationalised if they boosted economic growth (Peet, 2002:71). A mere two years later, while visiting the World Economic Forum in Davos, Switzerland, Mr Mandela rejected nationalisation altogether (Peet, 2002).

Over time, the goal of directly addressing the socio-economic burdens of apartheid was displaced by the imperative of ensuring economic growth. While less direct means of redistribution such as the affirmative action policies represented by Black Economic Empowerment (BEE) have worked to enrich a small black capitalist class, racial inequality has increased during the post-apartheid dispensation (Klug, 2018).

It is now clear that, to understand biopolitical operations in South Africa, one needs to factor in the conundrums shaped by the government's need to address historical injustices while simultaneously responding to the demands posed by domestic and global capital. This tension has a decisive impact on the function, form, and consequence of various biopolitical strategies. In the conclusion to the third chapter of the dissertation, reference was made to the 'biopolitics of poverty' of the Mbeki-regime. The 'government of poverty' entailed the construction of 'poor populations' and 'poverty' as objects of knowledge. It relied on the expansive production of quantitative knowledge that could render poverty intelligible (read *governable*) so that bureaucratic systems could be established to facilitate the (re)distribution of resources (Du Toit & Neves, 2014). However, as Du Toit (2012) argues, the abstraction of poverty may depoliticise it in that it becomes separated from the social conditions that engender it. As a result, while the 'make live' policies within a 'biopolitics of poverty' may fulfil important social functions, they may also serve as a 'politics of containment' that secures the privilege and vitality of wealthier sections of a population.

The discussion up to this point has to a degree clarified the tenuous relationship between citizens and the state, as well as how this materialises in the form of biopolitics. It now becomes pertinent to ask, 'Did the crisis engendered by the Covid-19 pandemic result in any significant shifts within the citizen-state relationship?'

The introduction of the SRD-grant in May 2020 provides a single point of entry for answering the previous question. The country's strict lockdown regulations made it impossible for the South African Social Security Agency (SASSA) offices to register applicants manually and in person, according to the normal procedures (Gronbach et al., 2022:21). In a move that demonstrates both a slight modification in the 'biopolitics of poverty' and the trappings of a developing 'digital welfare state', the SRD-grant made use of a wide array of information technologies to broaden the scope of its influence. People could apply for the SRD-grant by using their phones and dialling a USSD-line or, alternatively, they could apply via email or WhatsApp.

During the pandemic, a modest shift in the citizen-state relationship was visible in the SRD-grant being designed to extend social protection to unemployed adults, a policy intervention which the government traditionally resisted (Gronbach et al., 2022:20). The new system developed by SASSA involved a comprehensive triangulation of information in order to determine the eligibility criteria for the SRD-grant: applicants should *not* be under the care of or residing in state-funded institutions, employed, younger than 18 or older than 59, receiving a stipend from the National Student Financial Aid Scheme (NSFAS), entitled to UIF-benefits, or receiving any other state assistance in the form of other grants (Gronbach et al., 2022:21). The verification of applicants' eligibility thus relied on cross-referencing information from the National Population Register, the UIF-database, NSFAS, and the government's PERSOL- and PERSAL-databases (containing information on public service employees) (Gronbach et al., 2022:23).

The efficacy of the SRD-grant was affected by, for example, the frequently outdated data sets in databases used for the cross-referencing and verification of applications: some applicants would be registered on the UIF-database even though they had not been employed for several years, or had failed to collect earlier UIF-payments (Gronbach et al., 2022:24). However, as Goldman et al. (2021) show, in improving the implementation of the SRD-grant and strengthening the current administrative capacities, the SRD-grant could potentially be a powerful instrument of poverty reduction in the medium to long term.

I would like to suggest that, during the pandemic, there were several other moments of ‘emergence’ which precipitated a shift in the citizen-state relationship. One such moment occurred in July 2021 when former President Jacob Zuma was held in contempt of court for failing to appear before the commission of inquiry that had been investigating corruption charges against him and his associates. The Constitutional Court gave Zuma a 15-month jail term, and two days after his arrest on 7 July there were protests, mass uprisings, looting, arson, sabotage, and destruction (Ngwane, 2021).

The protests began as a politically motivated event instigated by the Radical Economic Transformation faction<sup>107</sup> but soon took on a life of their own as they reflected a general discontent with stagnation in the restructuring of wealth associated with the ruling party’s political project. It resulted in economic damage and losses in the range of R50 billion and an estimated 350 people lost their lives in the turmoil (Brunette & Fogel, 2022:225). In response to the social unrest as well as an increase in Covid-19 infection rates, President Ramaphosa refrained<sup>108</sup> from calling in the SANDF and instead announced a relaunch of the SRD-grant starting on 25 July (Gronbach et al., 2022:32). In the following year, a slight shift in the citizen-state relationship could be seen, as the government began to discuss the possibility of a basic income grant (BusinessTech, 2022). Nevertheless, while some citizens are included, there may be forces working to the exclusion of others: there was a resurgence of populism and anti-

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<sup>107</sup> The ANC is internally divided as there are competing factions which disagree on the appropriate means to address racial inequality in South Africa. The moderate and reformist faction headed by President Ramaphosa shows a commitment to the 1996 Constitution as appropriate governance framework (Roux, 2022:1). Conversely, the traditionalist faction headed by the Secretary General of the ANC – Ace Magashule – is sceptical of the liberal democratic framework and seeks to amend the Constitution. Associated with the latter camp, during his tenure former President Zuma introduced the nativist and populist discourse of ‘radical economic transformation’. This discourse claimed that state power would be used to overcome the forces of neoliberalism in its direct confrontation with ‘White Monopoly Capital’ and enable the socio-economic upliftment of black people (Bowman, 2019:236). Instead, it has rationalised un-developmental accumulation and enriched a select few members of the black capitalist class through clientelism, patronage, and cadre deployment (Bowman, 2020:428). The ‘radical economic transformation’ discourse has since been adopted by other populist leaders, for example, Julius Malema, who have mobilised for expropriation without compensation.

<sup>108</sup> This may serve as evidence against Agambean theory surrounding the state of exception which emphasises how easy it is to slip into a securitisation paradigm and deploy exceptional measures in crisis situations.

xenophobic sentiments during the pandemic which may have pressurised the state into prioritising South African citizens to the exclusion of non-nationals. The influence of populism in shaping the citizen-state relationship is a subject that is continued in the discussion that follows.

In the section on violence in chapter 3 of this dissertation, it was argued that one of the major imports to be found in *A tale of Two Cities* by Dickens (2008) is his initiating a line of questioning as to when exactly an act becomes an instantiation of violence. Where the peasantry is dehumanised and animalised, it becomes clear that violence is not only a physical act or structural condition; it also operates at a discursive level. Exclusion creates the necessary basis for the exercise of legitimate violence. This is a topic that Mosselson (2010) addresses in his article on xenophobic attacks, citizenship, and the politics of belonging.

The 2008/2009-period is the focus of Mosselson's (2010) discussion, as there were at least 100 deaths and over 100 000 displacements due to xenophobic attacks. He shows that the 'state of exception' provides a paradigm for the South African government's treatment of non-nationals. The limitation clause of section 36 of the South African Constitution makes provision for the State to identify different categories of people and to ascribe different kinds of rights to them, without ever being in breach of the Constitution (wa Kabwe-Segatti, 2008:85; Mosselson, 2010:643). While the Preamble to the Constitution emphasises that "every citizen is equally protected by the law" it is 'alienage' – the state of being an illegal immigrant in South Africa – that triggers the limitation clause. The government is thus allowed to deal with foreigners through exceptional means even if it entails the suspension of fundamental human rights (wa Kabwe-Segatti, 2008:85; Mosselson, 2010:643).

To make matters worse, while the ruling ANC has publicly condemned xenophobia, individual politicians across the political spectrum in South Africa have been known for spouting anti-immigrant and xenophobic rhetoric. In an interview, ANC MP, Desmond Lockey – the former chairman of the portfolio committee on Home Affairs – was quoted as saying "there are very few countries in the world which would extend human rights to non-citizens" (Lockey, cited in Neocosmos, 2010:70). Similarly, a previous Minister of Home Affairs, Nosiviwe Mapisa-Nqakula, essentially said that

any foreigners who were victims of xenophobic violence and who failed to apply for the necessary identity documents that are issued by her department would be deported (Mosselson, 2010:653). This shows that the protection afforded to refugees and migrants depends on the extent to which they can comply with the law. In August 2022, Limpopo Health MEC, Dr Phophi Ramathuba, publicly berated a Zimbabwean patient in a hospital in Bela Bela by saying to her “You [foreign nationals] are killing my health system” (Karrim, 2022).

At political rallies foreigners are often ‘othered’ through acts of discursive violence against them. They are constructed as criminals, individuals taking the jobs and homes of South Africans, and as a general drain on public resources. Increases in xenophobic attacks sometimes correspond with these very rallies (Mosselson, 2010:649). As Mosselson points out, even though they are linked to a general sense of deprivation, xenophobic attacks cannot simply be understood as an extreme form of ‘service delivery protests’ (Mosselson, 2010:649).

The centrality of violence to the xenophobic attacks reveals a particular mode of asserting citizenship within a politics of belonging. As inclusion and citizenship yield very few material benefits within South Africa’s political community, the distinction between citizen and outsider is reduced to its barest form in that it parallels the distinction between life and death (Mosselson, 2010:651). During service delivery protests in informal settlements – in reducing foreigners to ‘bare life’ through xenophobic attacks – South African citizens can assert their citizenship over and above ‘others’. They affect biopolitical bordering processes as they shift themselves closer towards being prioritised within the ‘make live’ policies of the state.

A different mode of asserting citizenship within the politics of belonging was discernible in other South Africans’ use of the xenophobic attacks to affirm themselves as ‘active’ or ‘good’ citizens by publically condemning the attacks and showing support for the victims. For instance, referring to the Jewish community’s response to the attacks, the National Director of the South African Jewish Board of Deputies (SAJBD) stated that “the Jewish community became recognised as a responsible and reliable NGO/body that could be called on when need arose [and] it became known

that the community would deliver and deliver fast” (Khan, cited in Mosselson, 2010:652).

A question that could be asked is, “Did the crisis engendered by the Covid-19 pandemic precipitate any shifts in the citizen-state relationship vis-à-vis (un)documented non-nationals?”. Changes in public sentiment and in policy constitute two of the most important referents in answering the question. With regard to the former, although the time frame of the pandemic does not come close to the 2008/2009 peak levels of xenophobia-related deaths and displacements, there have since been certain changes in public sentiment. Aside from the usual populist leaders<sup>109</sup> that garner political support by using foreigners as a scapegoat for South Africa’s socio-economic problems, the early stages of the pandemic witnessed an increase in coordinated social media campaigns driving xenophobic sentiments.

This was visible in the fictional Twitter account of Lerato Pillay (@uLerato\_pillay) which promoted hashtags such as #PutSouthAfricansFirst, #OpenRefugeeCamps #InfluxOfImmigrantsMustStop and #ForeignersVacateOurJobs. According to an analysis by the Centre for Analytics and Behavioural Change, the account associated with Lerato Pillay appears to be part of a “dangerously orchestrated narrative” designed to sway public opinion (Bezuidenhout, 2020). It made use of paid Twitter services to extend its reach and, at the time the study was conducted, had “affected at least 50 000 accounts” (Bezuidenhout, 2020). This is significant as changes in public sentiment may be linked to the emergence of other social movements such as Nhlanhla Lux Dlamini’s Operation Dudula<sup>110</sup> which involved similar styles of self-promotion. What becomes evident in this discussion is that, just as Memmi (2002) argued that the public–private distinction is a tool deployed to wage social and political battles, public sentiment directed by populist politics are redefining what it means to form part of ‘the

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<sup>109</sup> These include leaders such as Herman Mashaba (ActionSA), Mario Khumalo (South African First party), Vuyolwethu Zungula (African Transformation Movement), and Andile Mngxitama (Black First Land First) (Mutekwe, 2022).

<sup>110</sup> Operation Dudula – meaning “to push” in IsiZulu – emerged in mid-January 2022 (Mutekwe, 2022). It functions according to the same narrative, namely that foreign nationals are criminals or are taking South Africans’ jobs and it involves a series of raids designed to drive foreign nationals out of communities (Mutekwe, 2022).



public’ and which citizens should be included within the ‘make live’ policies of the state.

In terms of policies, whenever President Ramaphosa referred to his national televised addresses regarding the state of Covid-19 in South Africa, he called them ‘family meetings’. This had the effect of collapsing the unacknowledged sense of hierarchy in the political relationship between the *governor* and the *governed* (Hunt, 2021). The conflation of ‘family’ with ‘nation’ created a sense of unity. It promoted the idea that all the inhabitants of South Africa were being equally addressed as citizens and that everyone had a specific role to play in this family in the fight against Covid (Hunt, 2021).

Unfortunately, semantic inclusion does not immediately translate into political and economic inclusion as many foreign-born migrants found themselves excluded from the various ‘make live’ policies of the state. For instance, during the first few months of the pandemic, foreign-born migrants – both asylum seekers and foreign nationals with special permits – who were incorporated within the formal labour market and who had paid income tax, were excluded from UIF-payments. The simple justification for this was that “the electronic system used by the UIF does not recognize foreign passport numbers” (Mukumbang, Ambe & Adebisi, 2020:4). Additionally, access to other social relief programmes designed to absorb the shock of the pandemic (such as the SRD-grant and the distribution of food parcels) required a special permit or a South African national identity document – something which many foreign-born migrants were unlikely to have (Mukumbang, Ambe & Adebisi, 2020:4). The government’s R500 million Business Relief Fund was also aimed at affected businesses that were 100% South African owned.

These changes indicate that migrants were being rendered *ungovernable* and the state was shifting its prioritisation of ‘make live’ policies to the South African citizens who were qualified as such. Following extensive lobbying from civil society organisations, migrants were wholly included in one area of the ‘make live’ policies of the state, namely the national vaccine rollout, albeit possibly because a *public* health response which only vaccinates South Africans in a country with an estimated 2 million undocumented migrants would be counter-intuitive.

In February 2022, the Minister of Employment and Labour, Thulas Nxesi, published the Draft National Labour Migration Policy (NLMP) and the Employment Services Amendment (ESA) Bill. The policy and Bill will introduce a quota system that is intended to tackle South Africa's high unemployment rates by reducing the number of documented foreign nationals that are allowed to gain employment in the key sectors of agriculture, tourism, construction, and hospitality. The Draft NLMP acknowledges that it is not based on any supported data on the effect of non-nationals and labour migration on employment rates (Helen Suzman Foundation, 2022). Rather, it is responding to the “commonly held public perceptions that the labour market participation of foreigners, including asylum seekers, has a negative impact on the South African labour market and on the ability of South Africans to participate in the labour market” (DNLMP, 2022:17).

## Chapter 5

### Conclusion

In their own distinctive ways, each chapter within this dissertation responds to the first research question which is stated as follows: ‘Using theory on biopower/biopolitics produced prior to – as well as during – the Covid-19 pandemic, what sort of conceptualisations of biopower/biopolitics can we ascertain that would be more sensitive to local contexts?’

This dissertation began with a review of the literature within the subfield of the sociology of Covid-19. This body of literature is broadly concerned with questions on the interpretation of the nature of social change that has accompanied attempts by nation states to manage crisis situations engendered by the global pandemic. The dissertation responds to a current in social intellectual thought associated with Agamben theory which frames the global pandemic as a socially constructed and politically manufactured crisis that aims to legitimate the already increasing tendency to use the ‘state of exception’ as a normal paradigm of government. While it is true that certain civil liberties were curtailed, this position erroneously reduces all public health interventions to an increase in authoritarianism. Instead, following Walby (2021), it was shown that an adequate theory of social change must take into account the effect of conflicting political rationalities, particularly that between neoliberalism and social democracy. The first chapter essentially concluded by asserting the usefulness of biopolitics for understanding the nature of social change as it directly takes the citizen-state relationship as its focus and the associated concept of ‘governmentality’ is readily concerned with the issue of political rationality.

In the second chapter, a review of the history of biopolitics showed that while the concept has always in some way been concerned with a particular framing of the relationship between the citizen and the state, it has never been universal in its application. Instead, biopolitics took on different meanings as it reflected the *zeitgeist* of different eras. Changes in socio-economic contexts as well as the personal dispositions of various authors affected the manner in which biopolitics materialised. Examining the history of the development of biopolitics also revealed some of the

concept's limitations. It has been tied to a Eurocentric tradition of historicism which has largely ignored the legacies of colonialism and imperialism. This has raised questions over whether biopolitics is at all useful for understanding countries defined by different historical trajectories and modes of governance. The chapter concluded in arguing that elements of the genealogical method could be used to compensate for the aforementioned limitations and rework them into different contexts.

Deploying biopolitics genealogically requires a researcher to approach biopolitics both as object of inquiry as well as a method of inquiry. In treating biopolitics as an object of inquiry, the researcher must examine the processes of biopolitical bordering that render populations intelligible and which in turn make them amenable to various forms of governance. However, this stage in the research process also requires one to interrogate the discursive constructions which establish the boundaries of biopolitical inclusion in their determination of what it means to be included as a citizen within a given political regime.

As the genealogical method is broadly concerned with the analysis of problems (Foucault, 1984b), the operationalising of biopower/biopolitics relies on what I have termed the 'boundless imperative of genealogy'. This may be likened to a methodological disposition which implores us to recognise both the continuous ethico-political decisions we make about the main dangers posed to our society as well as the fact that these dangers are invariably subject to change.

In a possible reading of these 'dangers', the third chapter of the dissertation thus focused on selected empirical descriptions to shed light on all the pre-existing and emerging challenges which affected the South African government's response to the crisis engendered by the Covid-19 pandemic. It indirectly highlighted some of the theoretical gaps and lacunae within the prevailing literature on biopolitics, for example, the implicit assumptions that a given nation state is not susceptible to corruption or that it necessarily has the structural and administrative capacity to regulate the population and enhance its vitality. The act of foregrounding sociality – or the historical structures of relationships and dependencies, particularly between citizens and the state – allows one to see biopolitical practices as socially embedded and continuously in a process of becoming.

Where the prevailing theories on biopolitics usually assume uniformity in the rationale which undergirds forms of governance (for instance, operating within a liberal paradigm or according to neoliberal governmentality), it was revealed that interpreting biopolitics in South Africa is a more arduous task. This is because policy interventions in South Africa are defined by competing rationalities (notably social-democracy and neoliberalism) that are ultimately situated within a political framework that is more nationalist than liberal (Du Toit, 2018:1096).

Just as Walby (2021) argues that competing rationalities can exist within different institutions within the same society, the same could be said for the state apparatus itself. In a commentary on how factional politics have left the ruling ANC party internally divided<sup>111</sup> about its stance on economic policy, Bowman (2020) elaborates on how this has defined the specific and often contrasting objectives of various state departments. To this point, he notes that the Department of Public Enterprises (DPE) and the Department of Economic Development (EDD) were inclined to adopt more interventionist and transformational industrial policies whereas the Treasury subscribed to neoliberal orthodoxy (Bowman, 2020:409). However, do note that when it comes to the second axis of biopower – which involves an analysis of governmentality or the regulatory powers – the confluence of competing political rationalities can give rise to unintended consequences. This was seen, for instance, in the discussion on the ‘Life Esidimeni Tragedy’. The social developmentalist process of deinstitutionalising psychiatric care facilities had been co-opted by the logic of neoliberalism, culminating in the unnecessary deaths of at least 144 mentally ill patients (Ornellas & Engelbrecht, 2018:298; Baldwin-Ragaven, 2020:34).

The fourth chapter engaged theory surrounding the ‘state of exception’. It began by addressing the second research question of this dissertation, namely “within the literature on the Sociology of Covid-19, what criteria are used in the determination of whether or not a state’s Covid-19 policy responses become indicative of the imposition of a ‘state of exception’?”. It was found that nation states around the world *did* exemplify characteristics associated with the ‘state of exception’, as defined in political and legal theory. This entailed the suspension of both the juridical order and

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<sup>111</sup> See also note 105.

certain constitutionally guaranteed rights and the granting of extreme powers to the executive branch which allowed them to operate outside the normal course of the law. Nevertheless, it was shown that there is a notable difference when it comes to Agamben's particular conceptualisation of the 'state of exception', as it relies on denser metaphysical and ontological considerations.

Following an introduction, the first section of chapter 4 responded to the third research question of this dissertation. It asks, "To what extent does a conceptual framework furnished by Agamben's 'state of exception' find utility in terms of informing theory on biopower/biopolitics, and consequently, the citizen-state relationship?" The discussion proceeded by grappling with the limitations of Agamben's biopolitics as it finds itself yoked to his corresponding notion of the state of exception. Because Agamben (1998:81) argues that the potentiality of 'bare life' has shifted into the biological body of every being, the 'state of exception' has been overextended and generalised in its assumption that in the modern era we are all unequivocally *homines sacri*.

Agamben's analytical model of the 'state of exception' does not take as its focus the establishment of valuation systems that distinguish between different forms of life and which prematurely subject them to death. As a case in point, in some ways the national State of Disaster in South Africa may be considered a 'state of exception' as executive power was transferred to select offices such as that of President Ramaphosa as well as the COGTA Minister, Dr Dlamini-Zuma. Throughout the various 'Alert Status' levels of the lockdown, the regulations issued under the Disaster Management Act 57 of 2002 indeed operated with the full force of the law. While the State of Disaster only allows for a limitation – not derogation from or complete suspension – of rights listed within the Bill of Rights<sup>112</sup> compared to the 'State of Emergency' (Staunton, Swanepoel & Labuschagne, 2020:4), we could argue that the lack of judicial and parliamentary

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<sup>112</sup> Chapter 2 on the Bill of Rights dictates that the State of Emergency does make provisions for the derogation of constitutional rights. However, there are limitations as section 37(5) of the Constitution outlines the existence of certain non-derogable rights such as the right to life and the right to dignity (RSA, 1996).

oversight in the State of Disaster created the requisite conditions for the suspension or elimination of citizens' rights in practice.

For instance, the initial amended regulations promulgated under the Disaster Management Act 57 of 2002 published on 18 March 2020 contained immunity provisions for 'enforcement officers' such as peace officers and members the SANDF and the SAPS. It stated that "No person is entitled to compensation for any loss or damage arising out of any *bona fide* action or omission by an enforcement officer under this regulation (RSA, 2020b:7, emphasis in original). Coupled with a lack of parliamentary oversight – and the fact that there were no formal policing guidelines for the appropriate use of force in enforcing lockdown measures – this regulation contributed to enforcement officers being able to abuse their newfound powers, act with impunity, and evade accountability (du Plessis, 2021:42).

An example of such police misconduct is the murder of Collins Khosa on 10 April 2020. During the national ban on the sale of alcohol members of the SANDF trespassed on Collins' property in the township of Alexandra with sjamboks<sup>113</sup> at the ready after they had accused him of drinking alcohol. After raiding his house and confiscating two beers the SANDF ordered Collins outside, beat him, choked him, slammed him against a concrete wall, and poured beer over his head in order to "prove a point" (SANDF soldiers, cited in Kempen, 2020:14). Collins ultimately died as a result of blunt force trauma sustained when an SANDF soldier struck him in the head with the butt of an assault rifle.

Through an Agambenian reading, we could reinvoké the figure of the sovereign in the individual SANDF members as they derogated from the constitutionally guaranteed rights of citizens to life and dignity. We could see this as characteristic of a state of exception where "the normal order is de facto suspended . . . [and] whether or not atrocities are committed depends not on law but on the civility and ethical sense of the police who temporarily act as sovereign' (Agamben, 1998:99). However, even if we were very liberal in our approach and managed to look past Agamben's assertion that

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<sup>113</sup> While a sjambok was originally designed as a cattle prod made from leather or synthetic materials, for a significant part of its history in South Africa, it has been used as a whip or disciplinary device directed against people.

virtually any group of citizens can be made *homines sacri*, this analysis is still incomplete as it lacks engagement with the discursive and cultural constructions which informed the rules of engagement by the enforcement officers. A now suspended executive member of the Matjhabeng Local Municipality had condoned police brutality and had argued that SANDF members should “not hesitate to skop and donder” citizens when enforcing compliance with the lockdown regulations (cited in du Plessis, 2021:43).

Nevertheless, it goes without saying that these scenarios involving excessive force were and still are more likely to happen in a township setting than in a wealthy suburb. Therefore, a more complete biopolitical analysis would examine the valuation systems that cut across a range of social characteristics (for example, race, gender, religion, nationality, sexuality, health status, and financial status). This is an important consideration because these systems determine who are likely to be seen as more or less worthy of rights (such as the right to life and the right to dignity) and who should be subject to the ‘make live’ policies of the state. For example, in the discussion on ‘embodied precarity’ in chapter 3 it was revealed that HIV-affected persons were twice as likely to be refused access to the ICU during the height of the pandemic even though this was in direct contravention of South Africa’s guidelines for rationing and triage protocols (Labuschaigne, 2020:25). Here, invoking the figure of the sovereign in health care practitioners who make triage decisions without factoring in the cultural and discursive constructions that inform valuation systems, such as the impact of the stigma surrounding with HIV and AIDS, would be near meaningless.

Additionally, while Agamben is focused on how sovereignty structures the relations between ‘life’ and ‘law’, his overly metaphysical account avoids a thorough analysis of how different political rationalities such as neoliberalism might be implicated in structuring these very relations. In this sense, because the second axis of biopower is only grasped with recourse to sovereignty as broadly defined – to the exclusion of an analysis of political rationalities or governmentality – an Agambean biopolitics in its current form is unsuited to understanding biopolitics in South Africa. In the conclusion to the first section of chapter 4, it was argued that a useful analytical dimension that is



shared between the Agambean and Foucauldian conceptualisations of biopolitics is the relationship between the ‘public’ and the ‘private’.

The second section of chapter 4 adopted elements of the genealogical approach as a basis for conceptualising biopolitics in South Africa. The principle of descent – which traces the history of an idea, practice, or institution through an examination of the body – was used to understand previous historical framings of the citizen-state relationship. For instance, during apartheid, ‘make live’ policies were applied to the black population not to enhance the vitality of that population group but rather to maintain socio-political stability and meet the needs of racialised capital.

The principle of ‘emergence’ or the staging of forces was used to show the battles or events that changed ideas regarding what citizenship entails and who are to be included within a biopolitical project. For example, the Freedom Charter promoted the idea that all South Africans would be entitled to social, civil, and political rights. However, by the turn of the democratic transition, the government acquiesced in the face of pressures from domestic and global capital and went against the ideals of the Freedom Charter that were based on a transformation, not reformation of society. This resulted in the creation of a new imagined community – the rainbow nation – where citizenship became abstract, and all citizens were equally included at the level of ideas and rhetoric. South Africans were granted civil and political rights while the black majority were still economically excluded. This resulted in forms of biopolitics such as du Toit’s (2012) ‘biopolitics of poverty’ that fulfill important social functions in terms of providing access to basic infrastructure and services, yet which may serve as a ‘politics of containment’ as it is still insufficient to rectify the injustices of the past.

The final section of the chapter takes the duration of the pandemic as a new moment of emergence. Although the social unrest of July 2021 began as a politically instigated event, the protests took on a life of their own and signified a general discontent with the government’s distributive regime. One concept within Foucauldian theory that is useful for making sense of the July unrest is the notion of ‘counter-conducts’ from which an analytic of protest and resistance may be developed (Barret, 2020:2; Death, 2010:237). This essentially means that one is able to understand the strategies and

practices through which people resist and subvert governmentality in their bid to be governed differently by the ruling state (Gordon, 1991:5).

In foregrounding the Foucauldian idea that power is relational, governmentality (the conduct of conducts) and protest (counter-conducts) are seen as mutually constitutive (Gordon, 1991:5). As a starting point for an ‘analytics of protest’, Porta and Diani (cited in Death, 2010:244) identify several ‘logics of protest’, two of which are relevant for our discussion. The first logic – numbers – suggests that the scale of the protest (how many people are effectively mobilising) has a bearing on the social movement’s legitimacy and overall impact. The second logic – damage – refers to acts of violence that are either carried out as an end in itself (directly fulfilling the objectives of the social movement) or as a ‘publicity tactic’, garnering more attention than non-violent modes of protest (Death, 2010:244). Acts of violence may be directed at property, opposition groups or against symbols. With regard to the above logics of protest – given the scale of the July mobilisations and the extent of the damage – it is clear to see why the July unrest elicited a response from the state, even though there were no clearly defined goals associated with the movement. A shift in the citizen-state relationship is discernable in talks of developing a basic income grant.

However, the Foucauldian theory appears to fall short in that even though the notion of counter-conducts claims to give insight into the formation of subjectivities and political rationalities through acts of protest, it pays scant attention to the influence of populist politics in directing this process. We have already seen the proliferation of influential fake social media accounts, for example, Lerato Pillay’s (@uLerato\_pillay), designed to sway public opinion against foreigners. A protest that starts out as being related to a general discontent with the government’s distributive regime can to an extent be co-opted by other forces. A different shift in the citizen-state relationship can be seen in the South African government’s response to the pressures of populist politics and xenophobic sentiments expressed in public opinion. On the table currently is the new Draft National Labour Migration Policy (NLMP) and the Employment Services Amendment (ESA) Bill which will exclude foreigners from employment opportunities, a trajectory which might well see foreigners in future excluded from the ‘make live’ policies of the state in other areas.

Foucauldian theory therefore still has much to learn from populist studies in terms of how conceptions of ‘the public’ are formed over time and how this relates to the issue of biopolitical inclusion. Nevertheless, and in full acknowledgement of its various limitations, I maintain the stance that when properly deployed the concept of biopower/biopolitics can serve as an invaluable tool in understanding the citizen-state relationship of a given regime as well as any significant shifts therein.

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