The Licit Life of Capitalism

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The Licit Life of Capitalism: US Oil in Equatorial Guinea.


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This book has engaged a specific capitalist project—US oil companies working off the shores of Equatorial Guinea—to make an argument about global capitalism more broadly. Refusing both totalizing theories that attribute to capitalism an intrinsic systematicity or logic, and arguments for an endlessly varied, specific, and fractured form, this book traces the work required to make Equatorial Guinea into an oil-exporting place. In so doing, it attempts to show the relationship between capitalism’s coherence and power and the radically heterogeneous sites through which those qualities are made—and made again. Methodologically, this approach asks us to take the “as ifs” on which capitalism has so long relied—abstraction, decontextualization, and standardization—they themselves as ethnographic objects, always-haunted aspirational processes and political projects that we can follow in the field. Rather than an attempt to recover the complexity and friction that those concepts famously elide, this is an ethnography of how things come to seem smooth, and of how the US oil and gas industry works to seem distanced from, and even outside of, Equatoguinean life. It is an ethnography of the effects of economic theory, or transparency rankings, or the contract form. It is an ethnography that traces the “real world effects of the phantoms” (Povinelli 2006, 13).
Each chapter—“The Offshore,” “The Enclave,” “The Contract,” “The Subcontract,” “The Economy,” “The Political”—chronicles a site where capitalism’s apparent smoothness is made, where systematicity is built, and where local complexity and heterogeneity are more or less successfully mustered into legibly, and licitly, capitalist practices. Indeed, it is the licit life of capitalism—contracts and subcontracts, infrastructures, economic theory, corporate enclaves, “transparency”—and the forms of racialized and gendered liberalism on which it relies that allow oil and gas to move from subsea deposit to futures price with both mundane reliability and spectacular accumulation. A supple form of vernacular liberalism—most often in the mouths of migrant managers, although also present in the EITI process and national economy documentation—gives the licit life of capitalism its moral architecture. Law, on the one hand, and densely historical forms of white supremacy and heteronormative conjugal intimacy, on the other, offered the US petro-project in Equatorial Guinea a performative stage on which to enact distance and tutelage, and to peddle standardization and market rationality.

First, a closing thought on law. Each site chronicled in this book—from the offshore to transparency—is meaningfully subtended by legal liberalism. The law of the sea, international tax law, contract law, labor law, regulatory takings, Sarbanes-Oxley, FCPA—each weaves in and out of the industry’s daily practice in Equatorial Guinea, not only in the straightforward sense as a law to be followed, but also much more circuitously as invocation (“tax planning,” “local law”), absence (the archive cemetery and imperial debris), and future (revise the legislative framework; reform the judicial system; secure the respect for human rights). The relationship of capitalism to law, and to legal liberalism more broadly, is central to the licit. Plainly, many of capitalism’s most egregious excesses are lawful, or proceed dans le vrai of the law (Pistor 2019). This is precisely what Cheryl Harris (1993) means when she writes that “whiteness as property retains its core characteristic: the legal legitimation of expectations of power and control that enshrine the status quo as a neutral baseline, while masking the maintenance of white privilege and domination” (1715; emphasis added). It is also de Tocqueville’s point, whom she quotes: “The United States has accomplished this twofold purpose of extermination of Indians and deprivation of rights, legally, philanthropically, and without violating a single great principle of morality in the eyes of the world. It is impossible to destroy men with more respect for the laws of humanity” (in Harris 1993, 1723; emphasis added).

Second, then, is the intertwined role of race—white supremacy, in particular—and gender in this supple vernacular liberalism. In Equatorial Guinea’s
oil industry, select postcolonial meanings attributed to whiteness, including expertise, technology, meritocracy, and philanthropy, worked together with the apparent standardization of rigs, subcontracts, economic theory, and globe-trotting transparency programs to produce a world in which racial discrimination and spatial segregation did not detract from, but added to, licit practice; white : nonwhite was semiotically mapped onto standard : corrupt :: global : local. Here, we see the relationship between production sharing contracts and heterosexual white marriage contracts, where the sanctity of the latter seems to validate the sovereign violations of the former. All three contract forms—PCPs, subcontracts, and marriage contracts—disturb fantasies of liberal equality, showing how “the liberal” is made in and by radical power imbalances always-already available to it. We see that law, gender, race, and capitalism are intimately knotted: “Contracts about property in the person constitute relations of subordination, even when entry into the contracts is voluntary . . . [and] the global racial contract underpins the stark disparities of the contemporary world” (Pateman and Mills 2007, 3).

The licit life of capitalism, then, is made at the intersection of technology, race, law, gender, materials, markets, and phantom philosophies of liberalism. The global labor market for oil is made in the colonial relationship of the Philippines to US shipping and military industries, or Chavez’s firing of unionized workers in Venezuela. Supply and demand are made by the mobility of Jim Crow segregation, apparent in the ability to licitly categorize workers as Third Country Nationals and in the fungibility of ten Filipinos for one American. Here, race, gender, empire, and capitalism are co-produced; one is not epiphenomenal to the other. Markets do not merely deepen post-colonial inequality, they are made by that inequality. It is in this argument that this book is most clearly indebted both to feminist approaches to capitalism and to the Black radical tradition, which have long argued (in their own ways) that our bodies, histories, socialities, and conscriptions are not epiphenomenal, peripheral, or merely affected by something called capitalism. Rather, those histories and embodiments of inequality, exploitation, and difference are the grounds for arbitrage; the grounds for profit-seeking; the grounds for ownership, property, and dispossession; and the grounds, of course, for resistance.

Neither the Black radical tradition nor feminist political economy can be narrowly defined as bodies of scholarship. Both traditions emanate from “the modern project of emancipation” (Hudson 2016; see also Kelley 2003). I end, then, with a note on my own commitments to emancipation and the question of this book’s contribution. If anthropological knowing has been a mode
of power, then we must know more about that which we need more power over. Consequently, as I wrote in the introduction, it was *capitalism*—its ideologies and institutions, people and dreams, ecologies and erasures—that I took as my ethnos. Methodologically, the book’s chapters suggest ethnographic thresholds for the anthropological study of capitalism. In some, I tread well-worn ground—on transparency, for instance—but in others, like the contract or the national economy form, there is much work still to do. So there are hopeful programatics here—that more richly ethnographic accounts of the daily life of capitalism will help us reimagine it. I am also aware, however, of my ambivalent belief in anthropological knowing—and scholarship more broadly—as a form of power. In the field, I saw again and again how the resource curse or social science on corrupt African states had powerful effects in the world, and powerful teeth in the mouths of transnational corporations, to invoke Simpson’s (2014) framework that I used in the introduction. But, to be frank, the types of anthropology and critical theory that have long insisted on complexity, contingency, critiques of patriarchy, or racism did not seem to have the same liveliness in the field. They did not wield the same power. Thus, on the one hand, I insist that we trace the work of simplifications and systematization as themselves ethnographic objects. On the other hand, I want to harbor no illusions about the work theory does in the world, that is, the work it does and does not do when confronted with the world. Simply because capitalism is a project, for instance, does not mean that it can be undone simply. As I wrote in the introduction, bringing capitalism’s otherwises into being is a profound challenge that requires much more than simply calling it a project.

I have committed myself increasingly to this particular challenge in the thirteen years since I began this research (see Appel 2012a, 2012b, 2015, 2019). With each passing year I am, on the one hand, more aware of the difficulties of this work—that it can only be realized in immanent and incremental worldly action, that it both demands collectivity and exposes the excruciating fractures of solidarity. And thus, on the other hand, I am more thankful for the creative refuge of paid and insured intellectual life. But living and working in these worlds simultaneously, I often worry that anthropological analysis, which often tacitly (and sometimes explicitly) presents itself as radical, seems to suggest that we know the answers—that we know how radical social change might proceed. My ongoing experiences as an activist have destabilized that conviction for me. Intellectual endeavor is one place where we can bask in the fullness of radical visions and radical critique but we must never forget the limits they meet beyond the page and, in my opin-
ion, always commit ourselves to pushing those limits by putting ourselves beyond the page as well.

Beyond the page, we live in a world where the nexus of capitalism, vernacular liberalism, and white supremacy explored in this book—market rationality, legal regimes, contracts and those they privilege—is hegemonic. This means that “no strategy credibly poses a direct threat to the system in the sense that there are good grounds for believing that adopting it will generate effects in the near future that would really threaten capitalism. This is what it means to live in a hegemonic capitalist system: capitalism is sufficiently secure and flexible in its basic structures that there is no strategy possible that immediately threatens it” (Wright 2010, 332). Thus, when people ask me, wouldn’t a liberal Equatorial Guinea, with free and fair elections, an end to dictatorship and impunity, respect for human rights, be better than today’s illiberal (or antiliberal) Equatorial Guinea? Wouldn’t oil companies that follow environmental laws and desegregate workforces be better? The answer to these questions is, of course. Of course we succumb to the banal seduction of liberal projects. But for me, those commitments should be made warily and partially, not least because of the deep betrayals of justice that sublend the liberal orders within which these reforms make their demands. We might also commit ourselves warily to liberal reforms because liberalism is felicitous in a liberal world. Liberal demands allow legible victories, like changing laws and changing regimes and voting for a better goddamn representative. And yet, at the same time, we can also commit ourselves to the fullness of radical projects: the scope of their vision, the depth of their analysis, their slow simmer and occasional explosion into public consciousness. These projects are antiracist and antipatriarchal and, for me, anticapitalist and antiliberal, in the historical sense that liberalism as exclusion and dispossession presented itself to me, in Equatorial Guinea. The legible victories here are fewer and farther between, and when they are legible, it is often because they have been yoked to liberalism—a law changed, a candidate defeated. But the space they offer, which is to imagine otherwise, to articulate, enact, and embody it slowly and stutteringly, is as expansive as the open ocean, seen from above.
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