

Bioterrorizing US Policies

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Armed with a single vial of biological agent, small groups of fanatics, or failing states, could gain the power to threaten great nations, threaten the world peace. America, and the entire civilized world, will face this threat for decades to come. We must confront the danger with open eyes, and unbending purpose.

US President George W. Bush, 11 February, 2004

Over the past few years, and especially pronounced since the American-led mobilisation for war in Iraq, US foreign policy channels (official, journalistic and academic) have fixated on ‘weapons of mass destruction’ or WMD. The potential for WMD is putatively everywhere and anywhere, and while nuclear technology tends to take center stage in this epic struggle, chemical and biological weapons run a close second. Indeed, the prospect of ‘bioterror’ is regularly depicted as one of the more chilling threat possibilities considered by the US foreign policy establishment in some time. So much so, that in a prominent foreign policy journal, biological threats have been demarcated as ‘special’, requiring concerned officials to shed the strategic fetters of Cold War thought.¹ Echoing this thinking, Mark Ostfield has lamented the fact that,

[d]iscussions about combating bioterrorism have primarily taken place in two separate realms: public health and law enforcement/national defense. While each realm has important components to contribute to an overall strategy, the unique features of bioterrorism and its almost immediate international impact require a coherent, thoughtful foreign policy component to any comprehensive response.²

Not surprisingly, Ostfield goes on to highlight a range of attributes that make the bioterror threat both unique and especially dangerous.³ Equipped with similar threatening

¹ Christopher F. Chyba, “Toward Biological Security,” *Foreign Affairs* 81, no.3 (2002): 122-36. See also Gregory Kobelntz, “Pathogens as Weapons: The International Security Implications of Biological Warfare,” *International Security* 28, no.3 (2003): 84-112; Susan B. Martin, “The Role of Biological Weapons in International Politics: The Real Military Revolution,” *The Journal of Strategic Studies* 25, no.1 (2002): 63-98.

² Marc L. Ostfield, “Bioterrorism as a Foreign Policy Issue,” *SAIS Review* 24, no.1 (2004): 131.

³ These include: the potential for silent attack; the difficulty in identifying perpetrators; the difficulty in ascertaining intention; the non-specificity of symptoms; the toxicity of biological agents; the low cost of production; the need for health workers as first response; the potential for easy replication; and the problem

potentialities, analysts and policymakers alike urge the American population – and the Western world – to act with determination and good sense, before it is too late.

Assuming for the moment that biological warfare or large-scale bioterror represents a likely – even possible – future scenario, there is nothing remarkable in surmising that its unique technical characteristics might warrant specialised forms of response. However, this does not necessarily imply that the increasing interest in bioterror signifies any ‘new thinking’ within intellectual and policy practice – practices that evince more continuity than discontinuity with Cold War thought patterns. As during the Cold War, current US foreign policy surrounding the question of biological weapons and bioterror is rife with contradiction, and it can in no way be disconnected from the socio-economic configuration of American society. This paper argues that the current US policy disposition toward bioterror is premised on a powerful threat discourse which is, at once, highly problematic and conducive to a narrow band of US social interests. Not only does the current quest for ‘protection’ from bioterror form part of a general discursive strategy that demarcates a civilised American way of life from the foreign and deadly intersection of ‘envy’ and ‘pathology’, but it also supplies a material foil with which the state furthers its now well developed social role in bolstering innovation-led US economic clout.⁴

of a concerted social response to potentially contagious agents. See Ostfield, “Bioterrorism as Foreign Policy Issue,” 133-4.

⁴ To avoid confusion, it is worth stating that this article does not deal with ‘biopolitics’, as conceived by Michel Foucault. While biopolitics certainly relates to the problem of bioterror, the article’s focus is on the discursive operationalisation of power and the importance of capitalist social relations – not on the regulative effects of managing life in relation to populations and bioterror. Such a paper would likely be conceived predominantly around the notion of public health and the significant regulatory entry of bioterror. For a useful discussion of ‘biopolitics’, see Michel Foucault, *The History of Sexuality, Volume I*, trans. Robert Hurley (New York: Vintage, 1990), 133-60; *Society Must Be Defended*, trans. David Macey (New York: Picador, 2003), 239-64.

To this end, the paper is divided into three parts. The first section highlights the vigour with which bioterror has been deployed as a threat discourse. Utilising the arguments of David Campbell, it suggests that despite the weak basis upon which this discourse has been constructed, the theme of bioterror renders an ambiguous but trenchant danger, against which US policy disposition is regularly vindicated. Beyond this internal self-validation of US practice, the paper further explores some of the social forces underlying the particular trajectories of US policy. It does this by, first, considering US actions in relation to multilateral efforts surrounding biological weapons. Bringing both military and corporate interests to the forefront, it explores the reasons underlying concurrent US Administrations' escalating desire to *scuttle* multilateral efforts oriented around strengthening a biological weapons regime. Turning in the final section to questions of 'bioterror preparedness', the paper explores the significant connection between US foreign policy and public policy. By considering recent Administration policies – particularly 'Project Bioshield' -- the foreign-domestic policy continuum is rendered as deeply entwined with socio-economic interests.

The Rational/Irrational Threat:

In the vernacular of foreign policy, the logic of protection now aimed at terrorism possesses both emotive and practical currency. This logic was certainly operational prior to 2001, but quite clearly the post-September 11 milieu has supplied an enormous emotive fuel to arguments concerning terrorist threat. As a result, the spectre of terror hardly requires extensive argumentation or detailed evidence to bring into the public domain. Through a range of venues, US citizens and policymakers are quite regularly warned that while terrorists' identity cannot be easily isolated,

...we can deduce that they are very clever, have superior organizational ability, are manifestly ruthless, and are willing to take a long-term approach to planning and carrying out attacks. Their operatives are fanatics, willing to die to accomplish their missions.⁵

Such summations demand their audience to reconcile and internalise competing claims about terrorists (and this logic also applies to the depiction of leadership in so-called 'rogue states'), whose behaviour is characterised as simultaneously rational and irrational. In this way, the symbol of the terrorist serves a productive discursive purpose, exhorting citizens to understand and fear the potential for fanaticism or psychosis immanent in America's enemies while never underestimating their strategic (rational and instrumental) capability to induce large-scale harm. Of course, the attribution of psychotic qualities to terrorists can never be meant seriously in the context of US foreign policy for at least two reasons. First, any serious attempt to label a violent political act as the product of the 'irrational' or 'pathological' would imply that its perpetrators are, at least in a legal sense, without responsibility. Second, that the US foreign policy establishment has devoted countless resources towards understanding the networks, mechanisms, goals and likely future acts of targeted organisations suggests that there is no serious assumption of an operative irrationality.⁶ Ultimately, however, a foreign policy discourse that oscillates in its depiction of the enemy between the 'devious schemer' and the 'lunatic' performs a powerful task in relation to threat construction, appealing both to citizens' reasonable logic of possibility and their fear of the unknown.

More specifically in relation to bioterror, there has been an amplification of threat perception, which has revised the technological and civilisational discourse that once offered reassurance. Prior to 9/11, government agencies exercised some reserve in

⁵ Raymond A. Zilinskas, "Rethinking Bioterrorism," *Current History* 100 (2001): 438.

⁶ These are both Terry Eagleton's points. Terry Eagleton, "The Art of Terror," Lecture Series, University of Toronto, Toronto, 28 January 2004.

characterizing the viability and severity of threat based on biological weapons. For instance, a prominent and influential report by the General Accounting Office (GAO) was taken seriously by lawmakers, when it stated that,

...in most cases terrorists would have to overcome significant technical and operational challenges to successfully make and release chemical or biological agents of sufficient quality and quantity to kill or injure large numbers of people without substantial assistance from a state sponsor.... [S]pecialized knowledge is required in the manufacturing process and in improvising an effective delivery device for most chemical and nearly all biological agents that could be used in terrorist attacks. Moreover, some of the required components of chemical agents and highly infective strains of biological agents are difficult to obtain.⁷

This is not to suggest a pre-9/11 absence of concern about the circulation, even possible use, of a biological weapon.⁸ However, a much greater urgency has recently been attached to biological weapons, fueled in large part by the terrorist imagery referred to above. Hardly limited to the conventional foreign policy establishment, even Tommy Thompson, then US Secretary of Health and Human Services, stated confidently that, “enemies seek, and in some cases have already obtained, the ability to acquire and manipulate biological, chemical and nuclear weapons that could penetrate our military defenses and civilian surveillance systems and cause significant harm.”⁹ The Bush Administration’s policies, in tandem with Congressional oversight, resound with invocations of open-ended biological threat possibilities, which not only point to the resourcefulness and cunning of America’s ‘enemies’, but also rely on the latter’s ‘irrational’ qualities. W.J. ‘Billy’ Tauzin, then Chair of the House Energy and Commerce

⁷ US Congress, *Combating Terrorism: Observations on the Threat of Chemical and Biological Terrorism*, Subcommittee on National Security, Veterans Affairs, and International Relations of the Committee on Government Reform, House of Representatives, 20 October 1999, Statement of Henry L. Hilton, Jr.

⁸ See, for instance, Ronald M. Atlas, “Combating the threat of biowarfare and bioterrorism,” *Bioscience* 49, no.6 (1999): 465-568; US Congress, *Terrorist and Intelligence Operations: Potential Impact on the US Economy*, Joint Economic Committee, 20 May 1998, Statement of Dr. Ken Alibek.

⁹ US Congress, *Furthering Public Health Security: Project Bioshield*, Joint Meeting of the Subcommittee on Health of Committee on Energy and Commerce, and Subcommittee on Emergency Preparedness and Response of the Committee on Homeland Security, House of Representatives, 27 March 2003, transcribed by author [<http://energycommerce.house.gov/108/Hearings/03272003hearing844/hearing.htm>].

Committee, for instance, encapsulates this starkly dichotomous thinking around bioterrorism, stating that “[w]e don’t think like evil people in America. Evil people think different [sic] than we do – we have to force ourselves to think preemptively.”¹⁰

It is critical to note that the certitude with which the US foreign policy establishment speaks to the issue of bioterror emerges largely out of a subjunctive reality. In both intellectual and policymaking circles, there is almost a ritualistic citing of weak case evidence, followed by a thinly constructed assertion that mass casualty bioterror attacks are undeniably on the horizon. Substantiating this new reality usually includes reference to the attempts by the Rajneeshees in 1984 to infect local salad bars with *Salmonella*; Aum Shinrikyo’s unsuccessful work with biological pathogens; and the subsequent discovery of Anthrax in powder form in the Fall of 2001.¹¹ These strangely transparent attempts to construct a coherent historical trajectory of bioterror fail to provide any particularly compelling evidence concerning the likelihood of future mass casualty scenarios. Even proponents of large-scale bioterrorism preparedness, such as Amy Smithson, insist that, “rubbing some type of an anthrax substance on a keyboard is not a mass casualty dispersal attempt,” and that, “Aum’s germ weapons program...was a flop from start to finish because the technical obstacles were so significant.”¹² Indeed, a far more damning evaluation is provided by Milton Leitenberg, who not only takes apart

¹⁰ US Congress, *Furthering Public Health Security: Project Bioshield*, transcribed by author.

¹¹ See Bill Frist, “Public health and national security: The critical role of increased federal support,” *Health Affairs* 21, no.6 (2002): 117-30; Chyba, “Toward Biological Security,” 94-6; Zilinskas, “Rethinking Bioterrorism,” 438; Atlas, “Combating the threat of biowarfare and bioterrorism,” 465-7. For a notion of how quickly this logic took hold in political circles, as well as a demonstration of the discursive power of repetitive invocation, see US Congress, “Bioterrorism and Proposals to Combat Bioterrorism,” Hearing of the Committee on Energy and Commerce, House of Representatives, 15 November, 2001.

¹²US Congress, *A Review of Federal Bioterrorism Preparedness: Programs From a Public Health Perspective*, Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, House of Representatives, 10 October 2001, 22. See also: William Rosenau, “Aum Shinrikyo’s Biological Weapons Program: Why Did it Fail?” *Studies in Conflict & Terrorism* 24 (2001): 289-301.

the precedent-setting rendition of these events, but also states pointedly that a detailed examination by the RAND Corporation of 15 terrorist-labeled groups, “demonstrated virtually zero evidence of efforts to produce biological agents.”¹³

Such sobering counter-evidence, however, has little influence on the discursive muscle of consecutive ‘what if?’ statements, a practice recently exercised in a highly publicised Presidential Directive on biodefence, which builds its case around putative vulnerability:

Biological weapons attacks *could* cause catastrophic harm. They *could* inflict widespread injury and result in massive casualties and economic disruption. Bioterror attacks *could* mimic naturally-occurring disease, potentially delaying recognition of an attack and creating uncertainty about whether one has ever occurred. An attacker *may* thus believe that he *could* escape identification and capture or retaliation. Biological weapons attacks *could* be mounted either inside or outside the United States and, because some biological weapons agents are contagious, the effects of an initial attack *could* spread widely.¹⁴

The cumulative effect of such constant invocations of impending danger is to equate the identification of any potential ‘vulnerability’ with the palpable existence of threat, and this has certainly constituted a staple of US foreign policy for some time. David Campbell has supplied some of the most compelling historically-oriented analysis of such discursive practices. In one of his central works, *Writing Security*, Campbell tracks the powerful discursive trends which guide US policy before, during and after the Cold War.¹⁵ Beyond this, he makes a persuasive case for the critical role of foreign policy in the constitution of the domestic political scene, as well as the wider domain of American identity. Campbell points out that a common thread of the foreign policy establishment,

¹³ Milton Leitenberg, “Biological weapons and bioterrorism in the first years of the twenty-first century,” *Politics and the Life Sciences* 21, no.2 (2002): 18.

¹⁴ Office of the Press Secretary, “Biodefense for the 20th Century,” Homeland Security Presidential Directive HSPD-10, 28 April, 2004, emphasis added.

¹⁵ David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Minnesota: University of Minnesota Press, 1992).

broadly understood, is its reproduction and renewal of ‘danger discourse’ – a recurring invocation of externally emanating threats to the well being of American society. Here,

[t]he global inscription of danger was something that long preceded the cold war, but it was in the cold war, when numerous overseas obligations were constructed, that the identity of the United States became even more deeply implicated in the external reach of the state.... [C]oncomitant with this external expansion was an internal magnification of the modes of existence which were to be interpreted as risks. Danger was being totalized in the external realm in conjunction with its increased individualization in the internal field, with the result being the reconstitution of the borders of the state’s identity.¹⁶

Campbell in no way tries to explain away Soviet practices as a mere discursive chimera. He states repeatedly that Soviet policies exhibited a range of troubling patterns, but it remains important to note their representation in foreign policy discourse in no way required adherence to historical reality. Instead, the ‘parade of horrors’ fundamentally associated to the Soviet Union’s existence provided the basis for both a highly militarised American society, as well as a powerful narrowing of the legitimate boundaries of political challenge within a liberal-democratic, market society.

It is important to note that throughout the 1990s, Campbell’s is hardly the only attempt to reconceptualise the manner in which security politics can be understood. On the one hand, rather conventional understandings of security were expanded to incorporate new (objectively understood) ‘threats’, including those ostensibly emanating from the environment, migration, or religious fundamentalism.¹⁷ Much of this work carried with it a deeply conservative undertow, equating new issues-areas with immanent conflict or acute crisis, and advocating a defensive posture towards externally-derived ‘threats’. Campbell’s work, on the other hand, fits into a counteroffensive of

¹⁶ Campbell, *Writing Security*, 172-3.

¹⁷ Consider in this period the emergence of new ‘security intellectuals’. See: Jessica Tuchman Mathews, “Redefining Security,” *Foreign Affairs* 68, no.2 (1989): 162-77; Theodore Sorensen, “Rethinking National Security,” *Foreign Affairs* 69, no.3 (1990): 1-18; Thomas Homer-Dixon, “On The Threshold: Environmental Changes as Causes of Acute Conflict,” *International Security* 16, no.2 (1991): 76-116; Joseph Romm, *Defining National Security* (New York: Council on Foreign Relations Press, 1993).

discursively-grounded security approaches which openly challenged the basis upon which security had been conceptualised. Calling into account the reliability and constructed nature of ‘threats’, this literature placed in question the reification of the state and its capacity to effect security for those under its auspices.¹⁸ While largely ignored by conventional security theorists, such discursive approaches have had an undeniable effect on the so-called constructivist school.¹⁹ Best captured in the writings of Barry Buzan and Ole Wæver, constructivist security theorists take seriously the unstable nature of security and threats, but insist that,

...even the socially constituted often gets sedimented as structure and becomes so relatively stable as practice that one has to do analysis also on the basis that it continues, using one’s understanding of the social construction of security not only to criticize this, but also to understand the dynamics of security and thereby maneuver them.²⁰

We will return to this below in a more evaluative spirit. Here, it is only important to underline Campbell’s analysis within a wider trajectory of post-Cold War security studies that questioned the status of threat discourse. Campbell’s work merits special attention inasmuch as it interprets threats as constitutive of American identity, and it does so in a historically-conceived fashion that provides a deeper understanding of threat discourse as it emerged in the post-Cold War period. In the aftermath of post-1989 political

¹⁸ Here, examples might include RBJ Walker, “Culture, Discourse, Insecurity,” *Current Research on Peace and Violence* 10, no.1 (1987): 50-64; Ken Booth, “Security and Emancipation,” *Review of International Studies* 17 (1991): 313-26; Simon Dalby, “Security, Modernity, Ecology: The Dilemmas of Post-Cold War Security Discourse” *Alternatives: Social Transformation and Humane Governance*, 17, no.1 (1992): 95-134, James Der Derian, “The Value of Security: Hobbes, Marx, Nietzsche, and Baudrillard,” in Ronnie Lipschutz (ed.) *On Security* (New York: Columbia University Press, 1995), 24-45.

¹⁹ This is true inside and outside security studies. For a taste of the debate that has engulfed IR in relation to constructivism, see Emanuel Adler, “Seizing the Middle Ground,” *Constructivism in World Politics*, *European Journal of International Relations* 3, no.3 (1997): 319-63; Friedrich Kratochwil, “Constructing a New Orthodoxy? Wendt’s ‘Social Theory of International Politics’ and the Constructivist Challenge,” *Millennium: Journal of International Studies* 29, no.1 (2000): 73-101; Maja Zehfuss, “Constructivism and Identity: A Dangerous Liaison,” *European Journal of International Relations* 7, no.3 (2001): 315-48.

²⁰ Barry Buzan, “Rethinking Security after the Cold War,” *Cooperation and Conflict* 32, no.1 (1997): 19; see also: Barry Buzan and Ole Wæver, “Slippery? Contradictory? Sociologically untenable? The Copenhagen school replies,” *Review of International Studies* 23, no.2 (1997): 241-50; Olaf Knudsen, “Post-Copenhagen Security Studies: Desecuritizing Securitization,” *Security Dialogue* 32, no.3 (2002): 355-68.

realignments in Europe, Campbell's argument offered a compelling suggestion that, "...the erasure of the markers of certainty, and the rarefaction of political discourse, reproducing the identity of 'the United States' and containing challenges to it is likely to require new discourses of danger."²¹

In this sense, the newly refurbished threat of bioterror most certainly fits the bill, in that it offers an interconnected international and domestic terrain of open-ended threat possibilities. As so many intellectual and political practitioners want to suggest, the risks now associated to biological weapons are limited only by the psychosis of potential perpetrators – a truly dangerous world.²² There is, of course, much to contest here. Even if one were to leave aside the extensive role of state terror orchestrated around the world, not the least of which has been endorsed or organised by successive US administrations, it is difficult to reconcile the ostensible desire to protect citizens' health from bioterror and the ongoing dilemma of public and personal health in the American context. As Leitenberg rightly points out, roughly 30,000 people die from influenza A and B each year; more than 750,000 cases of sepsis occur annually, of which 215,000 die; weight-related death kills 300,000 per year; and 440,000 yearly deaths are tobacco-related.²³ Importantly, even those who are otherwise in support of so-called bioterror preparedness exhibit concern about its *equation* with public health. In fact, there is considerable apprehension that the substantial redirection of resources toward bioterror preparedness is coming *at the expense* of general public health and not enhancing any realistic response

²¹ Campbell, *Writing Security*, 196.

²² How far down this goes in American society is difficult to discern, but the recently published bioterrorist attack simulation module for K-12 education is eerily reminiscent of the 1950s 'duck and cover' approach to public preparedness. See Carla Johnson, "Bioterrorism and Real World Science," *Science Scope* 27, no.3 (2003): 19-23.

²³ Leitenberg, "Biological weapons and bioterrorism," 22.

capacities.²⁴ There is no necessity here for a full discussion of public and personal health challenges facing American society, but the gravity of such challenges certainly stands in direct confrontation with the marked certitude with which bioterrorist threats are now regularly invoked.

This problematisation gives rise to an obvious question, one suggested by Buzan and Wæver's work: what is the 'referent object' that needs to be protected in the emergent foreign and domestic policy continuum surrounding biological weapons and bioterror? The logic of Campbell's argument would suggest it to be nothing less than the reproduction of the domestic identity that separates the United States from the 'uncivilised' world. As such, bioterror has been called up in conjunction with a range of other 'new' threats, in a manner that reasserts the necessity of both the United States' international role and its constitutive identity as a bulwark of rational, democratic and peaceful Western values. While this reproductive logic of threat discourse affords considerable insight into the operationalisation of power in the American political context, it is, nonetheless, worth considering whether the particular (and emphatic) invocation of biological terror can be grounded in the specific interests of prevailing social relations. Here, grappling with the material (social) purpose of political ordering *via* foreign policy is, in my view, complementary to Campbell's discursive approach. Michel Foucault, whose theoretical presence is heavy in Campbell's work, insisted on a double conditioning, in which 'disciplines' and 'biopower' operate in tandem with, "the strategic envelope that makes them work."²⁵ And the 'strategic envelope' to which he consistently referred was both the state and capital. Indeed, for Foucault, the, "*growth of*

²⁴ George Avery, "Bioterrorism, Fear, and Public Health Reform: Matching a Policy Solution to the Wrong Window," *Public Administration Review* 64, no.3 (2004): 275-88.

²⁵ Michel Foucault, *The History of Sexuality*, pp.99-100.

a capitalist economy gave rise to the specific modality of disciplinary power, whose general formulas, techniques of submitting forces and bodies, in short, ‘political anatomy,’ could be operated in the most diverse political regimes, apparatuses or institutions.”²⁶ None of this is to claim that Campbell’s (or Foucault’s) real interest lies in capitalist exploitation; rather it is to contend that his valuable understanding of how power is operationalised through discursive regimes does not eschew our responsibility to elucidate its ‘strategic envelope’ of state coercive and class dynamics. For observers of the current ‘biomania’ in foreign policy, this demands the explicit articulation and interpretation of state and capital relations that prop up this vague yet powerful threat discourse.

Effecting Security?

It is important to consider the claim that, in relation to biological weapons or bioterror, US foreign policy is directed primarily at effecting a safer international environment. This proposition needs to be tested against the backdrop of US policy disposition towards biological weaponry over a longer timeframe. Putting aside, for the moment, the currently charged discussion over the prospects of biological attack, a good deal of US activity in recent years has revolved around the Biological and Toxin Weapons Convention (BTWC). The convention, open for signature in 1972, was an attempt by the international community to supplement the Geneva Protocol, and was the first multilateral agreement to ban an entire category of weapons. While initially garnering 22 signatory states, its now 150 signatory members are prohibited from the production, development, stockpiling or other methods of acquiring biological agents or

²⁶ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1995), 138.

toxins that have no prophylactic, protective, or other peaceful purpose. This agreement has entailed very little in the way of verification or compliance mechanisms, leaving its tenability as a preventive regime very much in doubt. Certainly, the Soviet Union's continuing research and production of biological weapons – admitted publicly by Boris Yeltsin in 1992 – remains testimony to this fragile character.²⁷ This is not to suggest, however, that no recognisable attempts to strengthen the viability of this treaty have been undertaken. On the contrary, as 'transformation' took hold in Eastern Europe in the early 1990s, and global power dynamics shifted, support emerged at the Third Review Conference of 1991 for the development of a verification protocol. This was met with 'reservations' from the US, Russia and Iran, but this strange triad did not prevent the initiation of negotiations on a verification protocol by an Ad Hoc Group (AHG) in 1995.²⁸ By July 2001, the Bush Administration, despite its repeated concerns about the worldwide status of biological weapons, announced through its delegation to Geneva that it would no longer support the verification protocol text.

Contending national and regional interests always render negotiations over any treaties or protocols fantastically complex. But in the case of the BTWC, much of the complexity and tension resides *within* the US negotiating position, with other parties reacting to an increasingly obstructive American standpoint. It is important to note that attributing increased US resistance entirely to the change from Clinton to Bush Administrations would be problematic. There is little doubt that the latter has taken a firmer stance *vis-à-vis* multilateral fora, but the former was well on its way to rejecting a

²⁷ Atlas, "Combatting the threat of biowarfare and bioterrorism," 467.

²⁸ Susan Wright, "Varieties of Secrets and Secret Varieties: The Case of Biotechnology," *Politics and the Life Sciences* 19, no.1 (2000): 45-57. My interpretation of the trajectory of the BTWC is greatly indebted to the works of Wright and Leitenberg, and I rely on their invaluable prior research.

verification protocol long before the Republicans took over the White House. On a formal level, the guiding reason put forward by US negotiators had to do with the inherent character of verification concerning biological materials and weaponry production. According to closely placed State Department officials, the dual-use character and small-scale of these technologies place in question both the degree to which they can be subject to detection and, even if they are, the manner in which intention surrounding their usage can be determined.²⁹ This has been contested on the grounds that the protocol's aim has never been verification in this absolute sense; rather, it utilises verification mechanisms to increasingly foster compliance among signatory members.³⁰ The formulation within the protocol for a stipulated number of yearly site visits are intended to heighten the risk of public exposure in illicit biological weaponry production, increasing the perceived costs of such programmes. In this sense, advocates of the protocol are insistent on its *regime effects* – it is about, “shaping and re-directing intentions in the first instance and generating new information flows which aid understanding and serve as an adjunct to other efforts.”³¹ The differentiation between verification tools and absolute verification is significant here. It is certainly not the case that the Bush Administration rejects the viability of the former, otherwise it would never engage in unilateral verification processes such as those directed at Iraq.³²

²⁹ See, for instance, the statement of Dr. Edward J. Lacey in US Congress, *Biological Weapons Convention Protocols: Status and Implications*, Subcommittee on National Security, Veterans Affairs and International Relations of the Committee on Government Reform, House of Representatives, 10 July 2001, 56.

³⁰ See the statement of James Leonard, and submitted testimonies of Ambassador Tibor Toth, Graham Pearson, David Atwood, Malcom Dando, Alastair Hay, Alexander Kelle, and Ian Kenyon in US Congress, *Biological Weapons Convention Protocols*, 6-48, 65-75.

³¹ US Congress, *Biological Weapons Convention Protocols*, 11.

³² Leitenberg has pointed out quite correctly that the sketchy evidence with which the Administration has asserted the existence biological weapons facilities in Afghanistan (and this could be extended to Iraq) is particularly striking in wake of the US' rejection of the BTWC protocol on the basis of such facilities being unverifiable. See Leitenberg, “Biological weapons and bioterrorism,” 12-5.

There is, to say the least, a veneer of insincerity in the US insistence on avoiding the pitfall of verifiability. However, although this argument has formed the mainstay for US derailment of the BTWC process, it hardly constitutes the only – or even the main – reason for US rejection. There are, on the one hand, reasons which, because of their largely classified status, remain mercurial and, at times, suspicious.

At least since the middle of 1999, the American negotiating position on a verification protocol had been driven by restrictions desired by the Department of Defense, the Department of Energy, and the Central Intelligence Agency, all apparently trying to prevent the exposure of biodefense activities taking place in the United States.... [The] United States kept pushing for continued dilution of the inspection provisions, and the other Western nations successively compromised their own positions in order to convince the United States to come along.³³

It is unremarkable to observe that the United States is involved in biodefense activities, but it is more important that the BTWC has always lacked clarity, in so far as does not effectively delineate between ‘offensive’ and ‘defensive’ research programs. And the United States’ desire to derail a verification protocol is, in part, based on a need to ensure that such ambiguity is managed in a way that is conducive to US research activity. Just prior to rejection of the protocol, Ambassador Donald Mahley, Special Negotiator for Chemical and Biological Arms Control for the Department of State, made clear to Congress that, “the United States has an extensive biodefense program designed to protect both our armed forces and our population from rogue states and terrorists. Providing extensive information...in an unclassified format under the guise of ‘transparency’ runs the risk of providing a proliferator or terrorist with a roadmap to exploit our vulnerabilities.”³⁴ In conformity to the rational/irrational discursive invocations emphasised by Campbell, the haziness built into the current form of the BTWC serves a productive material purpose for American administrations. The

³³ Leitenberg, “Biological weapons and bioterrorism,” 3.

³⁴ US Congress, *Biological Weapons Convention Protocols*, 53.

ambiguous demarcation of ‘defensive’ research trumps ‘verification’, because it ensures US maneuverability in relation to military research, procurement and deployment. It is certain, however, that if the US found similar programmes, “taking place in Russia, Iraq, or Iran or any of several other countries, it would consider them to be part of an *offensive* BW program.”³⁵

Still, the motivation for the US disposition towards multilateral arms control of biological materials extends beyond the logic of biodefence, *per se*. Ultimately, this disposition speaks volumes to the prevailing social relations dominant within US society. Understanding the US rejection of the protocol solely through Campbell’s analytical lens might prove limited, rendering an interpretation of the BTWC as solely a political identity exercise, in which the discursive assembly and re-assembly of foreign ‘others’ serves to reproduce the sanctity of American values and political rectitude. This would certainly be relevant: the ‘verification’ question forms the lynchpin around which foreign ‘deviousness’ and ‘pathology’ is contrasted to the benign protective actions ostensibly sought through American research, development and procurement methods. To complement this interpretation, however, a historical materialist framework can strengthen our understanding of the purposes which are invested in foreign and security policies. Here, it is critical to remind ourselves that the separation of the ‘political’ from the ‘economic’, specific to capitalist modernity, is a *nominal* or *formal* separation³⁶

To speak of the differentiation of the economic sphere in these senses is not, of course, to suggest that the political dimension is somehow extraneous to capitalist relations of

³⁵ Leitenberg, “Biological weapons and bioterrorism,” 7; see also Jonathan Yang, “US biodefense plans worry nonproliferation advocates,” *Arms Control Today* 33, no.7 (2003): 43; Judith Miller, “US Germ Warfare Research Pushes Treaty Limits,” *New York Times*, 4 September 2001, A1.

³⁶ Importantly, this is not to argue that capitalism and modernity have the same origins, although their co-evolution is deeply intertwined. On this crucial historical distinction, see Ellen Wood, *The Origins of Capitalism: a longer view* (New York: Verso, 2002), 182-192; Hannes Lacher, “Putting the state in its place: the critique of state-centrism and its limits,” *Review of International Studies* 29 (2003), 521-41.

production. The political sphere in capitalism has a special character because the coercive power supporting capitalist exploitation is not wielded directly by the appropriator and is not based on the producer's political or juridical subordination to an appropriating master. But a coercive power and structure of domination remains essential, even if the ostensible freedom and equality of the exchange between capital and labour mean that the 'moment' of coercion is separate from the 'moment' of appropriation.³⁷

While Campbell's framework does indeed foster a critical account of US policy, it nevertheless takes at face value this nominally separated sphere of the political, with little exploration of privatised areas of political power (regularly termed the 'economic') that foster certain expressions of foreign policy over others. The danger, here, is that market civil society takes on a *de facto* naturalised status, while the political arena – foreign policy included – is separated as an autonomous sphere of human agency and social struggle. The same danger faces constructivists' approaches in their attention to 'securitisation' – the process by which issues are ostensibly elevated above the political sphere. This may be a legitimate comment on the technicalisation of security policy (dealing with 'threats' above politics), but it ignores the more fundamental separation of the political from the economic.³⁸ In reality, 'security' forms only an extreme example of the manner in which state policy obscures its grounding in social relations as a 'purely political' sphere. Security, in other words, cannot be merely hived off from capitalism.

In contrast, the burden of historical materialists, both inside and outside of IR, has been to insist on the deep interrelation (not determination) of market civil society and the

³⁷ Ellen Wood, *Democracy Against Capitalism: Renewing Historical Materialism* (New York, Cambridge University Press, 1995), 29-30.

³⁸ To be fair, Buzan does seem to recognize that there is a 'de-politicised' sphere, but it has very little resonance in his questioning of security as either an area of study or practical concern. In fact, in his reference to 'economic security', he expresses a repeated acceptance of the natural tendency of economics: instability and market efficiency. This is, of course, a manifestation of precisely the separation which requires explanation. See Buzan, "Rethinking Security after the Cold War," pp.11-17.

advanced industrial state's political practice.³⁹ In sum, it is “a re-politicization...of the economy and of civil society, such that they cease to be pseudo-objective and apparently natural conditions which confront isolated individuals as an ineluctable external ‘reality’.”⁴⁰ This is not a claim that US foreign policy is an effect of the interests of capital in any simple or predetermined way, but rather that the multiple avenues through which the US state materially reproduces itself have, since the historical emergence of American capitalism, been increasingly identified with – even subordinated to – the reproduction of capitalist social relations.⁴¹ Foreign and security policy can be no exception to this reproduction process, as the state orients its policy trajectories in a manner conducive to the ever-expanding domain of capitalist production.

In this way, the form which US security concerns take around biological weapons cannot be disassociated from the overt political strategy of relevant socio-economic actors. It is no mystery that the perceived value of pharmaceutical and biotechnology industries is very high in the US, with the former consistently performing at extraordinary profit levels and the latter driving an innovation dynamic central to the logic of capitalist production.⁴² On a general level, these sectors' links to the foreign policy establishment

³⁹ See, for instance, Justin Rosenberg, *Empire of Civil Society: A Critique of the Realist Theory of International Relations* (London: Verso, 1994); Ellen Wood, *Empire of Capital* (New York: Verso, 2003); Heide Gerstenberger, “Class Conflict, Competition and State Function,” and Joachim Hirsch, “The State Apparatus and Social Reproduction: Elements of a Bourgeois State,” in John Holloway and Sol Picciotto (eds.) *State and Capital: A Marxist Debate* (London: Edward Arnold, 1978), 57-107.

⁴⁰ Mark Rupert, “Globalization and the Reconstruction of Common Sense in the US,” in Stephen Gill and James Mittleman (eds.) *Innovation and Transformation in International Studies* (Cambridge: Cambridge University Press, 1997), 139.

⁴¹ On the specific historical relations between different states and capitalist civil society, see Ellen Wood, *The Pristine Culture of Capitalism: A Historical Essay on Old Regimes and Modern States* (London: Verso, 1991). Within the field of IR, see Benno Teschke, “Theorising the Westphalian System of States: International Relations from Absolutism to Capitalism,” *European Journal of International Relations* 8, no.1 (2002): 5-48. With regard to the specific historical case of the US, see Charles Post, “The American Road to Capitalism,” *New Left Review* 133 (1982): 30-51.

⁴² Richard Florida and Martin Kenney, “The New Age of Capitalism: Innovation-mediated production.” *Futures* 25, no.6 (1993): 637-51; Martin Kenney, *Biotechnology: The University-Industrial Complex*, (New

cannot and should not be underestimated. In concert with other sectoral actors, such as motion picture, information technology and service industry groups, they have held extraordinary influence – if not, at times, outright control – over US trade policy and negotiating strategy. This includes the instantiation and construction of entire trade regimes, such as those contained in the Agreement on Trade-Related Aspects of Intellectual Property (TRIPs)⁴³ and the General Agreement on Trade in Services (GATS).⁴⁴ Moreover, their ongoing capacity to shape such regimes, as well as the many national policies which are their outcome (witness Indian or Brazilian patent policies), needs to be understood in terms of structural, extra-economic affiliation to the United States Trade Representative (USTR).⁴⁵ This is not to say that such sectors receive instant gratification with regard to their interests – policy at state and international levels are

Haven: Yale University Press, 1986); Sheldon Krinsky, *Biotechnics and Society: The Rise of Industrial Genetics* (New York: Praeger, 1991); Luigi Orsenigo, *The Emergence of Biotechnology: Institutions and Markets in Industrial Innovation* (London: Pinter, 1989); Rodney Loeppky, "History, Technology and the Capitalist State: The Comparative Political Economy of Biotechnology and Genomics," *Review of International Political Economy* 12, no.2 (2005), forthcoming. For a small taste of opinions in policymaking circles as this industry blossomed, see: US Congress, *Biotechnology and Technology Transfer*, Hearing before the Subcommittee on Technology and Competitiveness of the Committee on Science, Space and Technology, House of Representatives (Washington, DC: US Government Printing Office, 1991); US Congress, Office of Technology Assessment, *Biotechnology in a Global Economy*, (Washington, DC: US Government Printing Office, 1991).

⁴³ In the mid-1980s, the pharmaceutical industry teamed up with other leading sectors around the creation of a global intellectual property regime. The resulting Intellectual Property Committee (IPC) proposed such a regime to the Reagan Administration and, when rebuffed on account of weak international support, fostered similar organizations (and objectives) in both Europe and Japan. By the time the Uruguay Round was underway, US negotiators had been fully persuaded to reconstruct the international regime around patents. See John Braithwaite and Peter Drahos, *Global Business Regulation* (Cambridge: Cambridge University Press, 2000); *Information Feudalism: Who Owns the Knowledge Economy?* (New York: New Press, 2003); Jacques J. Gorlin, "The Business Community and the Uruguay Round," in Charles E. Walker and Mark A. Bloomfield (eds.) *Intellectual Property Rights and Capital Formation in the Next Decade* (New York: University Press of America, 1988).

⁴⁴ Rodney Loeppky, "International Restructuring, Health and the Advanced Industrial State," *New Political Economy* 9, no.4 (2004): 493-513.

⁴⁵ The US business community submits complaints to the USTR on a yearly basis concerning 'trade-distorting' policies in other states. This forms the basis for the USTR's promulgation of three increasingly severe 'watch lists', the last of which instigates unilateral trade sanctions. The pharmaceutical industry is the most active contributor to this list. On this issue, see Susan Sell, "Intellectual property protection and antitrust in the developing world: crisis, coercion and choice," *International Organization* 49, no.2 (1995): 315-49; *Private Power, Public Law: The Globalization of Intellectual Property Rights* (Cambridge: Cambridge University Press, 2003), 121-62.

always the product of social and political struggle. However, these actors' real and symbolic political-economic strength (as 'lead' industries) means that policies and state strategies associated to their corporate interests are hardly beyond predictability.

In the context of BTWC negotiations, it was around precisely this reality that the Pharmaceutical Research and Manufacturer's of America (PhRMA) and the Biotechnology Industry Organization (BIO) organised their political struggle within the state at both the executive and legislative levels. As Susan Wright has pointed out, the PhRMA took a lead role from the outset of negotiations, reminding the administration not only that a verification protocol could stand in the way of proprietary interests, but that "the pharmaceutical industry is one of the few remaining US industries with a positive trade balance that has been maintained for over ten years. We are relying on the US Government to help us maintain this position as the BWC is negotiated."⁴⁶ And the self-perception of an extensive consultative and guiding role on the part of industry was anything but fanciful. When asked about the involvement of such stakeholders throughout the negotiation process, Donald Mahley provided a frank synopsis of their role.

We have consulted regularly with the pharmaceutical industry in the United States since the very onset of negotiations. We have taken a number of inputs from them and reflected on them in the government to adopt negotiating positions for the United States that attempted to make sure that we aimed in the right direction... It is certainly the case that those stakeholders have been firmly, thoroughly and completely consulted.⁴⁷

Specifically, both the BIO and PhRMA registered concern over the mere possibility of regularised verification visits, the conditions which could trigger non-compliance visits, and the manner in which visits to private industrial sites would proceed. Both trade

⁴⁶ Gerald Mossinghoff (President of PhRMA), quoted in Wright, "Varieties of Secrets and Secret Varieties," 53.

⁴⁷ US Congress, "Biological Weapons Convention Protocols: Status and Implications," 78.

organisations pressured the White House, while seeking support in Congress, to dilute any future verification framework, pressing hard to eliminate regular visits, allow non-compliance visits on a ‘green-light’ basis only, and shield non-governmental actors from inspection, should they so choose.⁴⁸

That successive administrations ‘got the message’ was abundantly clear from the increasingly obstructive US position over the course of the protocol negotiations.

Already mid-way through the Clinton Administration’s second term, the government’s position was that only in the case where actual violation could be explicitly documented were challenge inspections warranted. By 2000, the administration was arguing that the entire protocol endeavour was misplaced, and officials began making clear to their European counterparts that the US would be unlikely to contribute to, or even support, a final protocol text. This brought considerable disapproval in the form of a European Union *démarche*, which insisted that the EU had, “already accepted a lot of compromises in order to meet the concerns of the USA, especially on the declaration of biodefense programs and facilities, on the declaration of production facilities other than vaccines ones, as well as on the provisions related to the conduct of on-site activities.”⁴⁹

Nonetheless, the watered-down nature of the ‘rolling’ draft protocol never escaped the severe pressure of US pharmaceutical and biomedical industrial interests – a fact all too evident in the AHG Chair’s plea to Congressional figures immediately prior to the explicit abandonment of the United States.⁵⁰ The White House’s exit strategy,

⁴⁸ Wright, “Varieties of Secrets and Secret Varieties,” 53-54. The ‘green-light’ mechanism would require a three-quarter majority of member-states to the protocol in order to *enable* an investigation. This must be seen in relation to the Chemical Weapons Convention, which requires a ‘red-light’ vote of three-quarter majority in order to *prevent* an investigation.

⁴⁹ Leitenberg, “Biological Weapons and Terrorism,” 5.

⁵⁰ Much of this submitted testimony of Ambassador Tibor Toth is dedicated to rebuffing – albeit in a diplomatic fashion – the various claims that transparency and inspection capability will come at the

however, plays down these motivations, appending them only as an afterthought to the ‘reality’ that “[r]egardless of whatever transparency value a protocol to the Biological Weapons Convention might provide, it would not improve our ability to verify compliance with the BWC.”⁵¹ For the Bush Administration, the alternative of ramping up national intelligence capacities was the ‘fundamental reality’ from which any verification procedure would have to proceed. This special twist, of course, needs to be seen in light of the now well-advertised doctrine of ‘pre-emptive action’. It is unlikely that the rather abrupt strangulation of negotiation efforts around the verification protocol was not also influenced by the White House’s plans for Afghanistan and (eventually) Iraq. However, those plans were in no way dependent on the outcome of protocol negotiations – that would suggest a respect for international regimes which the Bush Administration has yet to exhibit. Of course, in the aftermath of the Iraq war, it is difficult to interpret assertions concerning national intelligence with anything other than incredulity – but building credibility was hardly the Administration’s goal. Instead, thwarting the potential intrusive capacity of an international regime would protect the sanctity of American production sites, while also averting the displeasure of a lead US industrial sector with close political ties to both Administration and Congressional players.⁵² This leads us to the relevant point: regardless of either the change in administrations or global strategic

expense of proprietary and commercial interests. See US Congress, “Biological Weapons Convention Protocols: Status and Implications,” 6-14.

⁵¹ US Congress, “Biological Weapons Convention Protocols: Status and Implications,” 57-58; Consider the statement by a NSC official following US rejection of the protocol, quoted by Leitenberg: “The protocol does not stop the threat posed by the spread of biological weapons, or deter cheaters, or enhance verification[.] . . . But the protocol’s requirement that states declare facilities in which weapons are made and permit them to be inspected does put our bio-defense activities and proprietary commercial interests at risk.” Leitenberg, “Biological Weapons and Terrorism,” 6.

⁵² See, for instance, Robert Pear and Richard A. Oppel, Jr., “Drug Industry Seeks Ways to Capitalize on Election Success,” *New York Times*, 21 November 2002, A34; Michael Barbaro, “Biotechs’ Lobbying Begins to Pay Off: Victories Pile Up as Spending On Political Causes Soars,” *Washington Post*, 22 July 2003, E01.

plans, the structural access of the pharmaceutical and biotechnology sectors at every level of American public policy has resounding cumulative effects. In the face of such structural presence, it is hard to imagine that a 'Gore Administration' would have directed its Geneva delegation any differently.

On the Homefront...

Foreign policy is an interesting area of study precisely because it highlights the interrelation between the external behaviours of a given state and its internal social relations. As is evident in the case of the BTWC, the throes of so-called high or low politics renders these spheres as mutually supportive, giving rise to an external-internal continuum of interconnected 'foreign' policies. Although these mutual connections are not always entirely obvious, they are most visible in periods of *perceived* transition, such as the shift to the Cold War or the post-9/11 political environment. While any fundamental post-9/11 shift in the goals of US foreign policy is open to doubt, the mere perception of change has helped to foster an internal reordering of the national public policy landscape. This is perhaps best represented by the creation of the Department of Homeland Security, an explicit institutional reconfiguration to engage 'threat' on the domestic level with deliberate linkages to foreign policy, defence and intelligence. Similarly, within the narrower category of 'bioterror', the extent of institutional and planning mobilisation is striking. Amidst this mobilisation, the keyword has been 'preparedness' – a constant exhortation for governmental, organisational and individual watchfulness, vigilance and an increased capacity to respond. In this regard, Campbell's analysis rings true in an overt manner, insofar as imminent threat discourse reaches far

past the artificially separated realm of security and deeply into the social and institutional fabric of the United States.

The flurry of Congressional and Administrative activity surrounding biological agents and their potential use by terrorists is testimony to a directed intertwining of foreign/security and domestic policy objectives. In addition to the attention received in Congressional hearings on the issue after 9/11,⁵³ successful legislation, proposed legislation, and direct policy reorientation has experienced a sharp upward swing. The legal backbone emerging from this has been the ‘Public Health Security and Bioterrorism Preparedness and Response Act of 2002’.⁵⁴ This forms the mainstay of an overarching Congressional directive to various parts of the American governmental apparatus to develop planning, prevention and response policies in relation to potential bioterrorist activities directed at US citizens. Within their areas of jurisdiction, the bill directs Health and Human Services (HHS), the Centre for Disease Control (CDC), the Department of Agriculture (USDA), the Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA) to coordinate measures corresponding to the abovementioned goals in relation to human health, biological toxins, food and drug supply, and water supply. A range of mechanisms and subsequent legislative activity has emerged in the

⁵³ See, for instance, US Congress, *A Review of Federal Bioterrorism Preparedness Programs From A Public Health Perspective*, Hearing of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, House of Representatives, 10 October 2001; US Congress, *Bioterrorism and Proposals To Combat Bioterrorism*, Hearing of the Committee on Energy and Commerce, House of Representatives, 15 November 2001; US Congress, *Federal Biodefense Readiness*, Hearing of the Committee on Health, Education, Labour, and Pensions, Senate, 24 July 2003.

⁵⁴ US Congress, *Public Health Security and Bioterrorism Preparedness and Response Act of 2002*, (Washington: Government Printing Office, 2002). A summary of the Act’s content can be accessed at www.house.gov/commerce_democrats/bioterrorism/summary-conference.htm

wake of this Congressional directive, ranging from national response plans to urban air quality surveillance.⁵⁵

Overwhelmingly, however, the majority of attention given to preparedness has fallen under the sphere of human health. And the most celebrated governmental measures in this regard have been oriented around a perceived systemic strength: advanced biomedical research. The Bush Administration and Congress have charged responsible departments and agencies with ensuring that ongoing biomedical research and development (R&D) machinery is harnessed effectively. On this front, the National Institutes of Health (NIH) have secured an enormous new influx of funding which is, “...being used primarily to build the necessary infrastructure and resources to step up the research programs on dangerous microbes and their toxins and in all relevant categories of biodefense research...”⁵⁶ Given the well-known technological prowess of the biomedical community in the US, this should not come as a surprising response. The American state has played an instrumental, yet unique, role in relation to the development of this prowess. Dr. Anthony Fauci, head of the National Institute of Allergy and Infections Diseases (and an informal advisor to President Bush on scientific matters), consistently remarks on the general trajectory of this involvement:

Traditionally, and we hope it continues and amplifies, ...the NIH research has really been the fuel that fires the engine toward the ultimate translation into products, which the industry does so well... [It] has really been essentially a continuum where NIH grantees provide the basic research, the proof of concept, and even the development up to, but not including, advanced development.⁵⁷

⁵⁵ For a recent summary, see: <http://www.usasecure.org/divisions-bio-legislative.php>

⁵⁶ US Congress, *Federal Biodefense Readiness*, 11. The statement is from Elias Zerhouni, MD, Director of the NIH.

⁵⁷ US Congress, *Project Bioshield: Contracting for the Health and the Security of the American Public*, Hearing of the Committee on Government Reform, House of Representatives, 4 April, 2003, 64.

The extensive preparedness on the part of the US state to pursue basic R&D, in a manner that blends rather seamlessly with industrial needs, forms the backbone of what Fauci (with many others) refers to as a ‘push’ mechanism.

In this regard, it is critical to note that in recent decades, the US has furnished a ‘push’ mechanism in the biomedical sphere with unrivalled ferocity. This needs to be seen in tandem with the broad sectoral influence on the multilateral agenda referred to above. Both the pharmaceutical and biotechnology sectors have had – and continue to have – broad effects on domestic policy agendas, with important ramifications along the foreign policy continuum. Here, the range of influence is, at times, staggering. Consider the extraordinary adaptation of the US state in its approach to biology and research in a manner that has been both extensive and, in many respects, subordinate to goals of capital. The extensive authority of pharmaceutical and biotechnology capitals has been accorded privilege from the outset – a dynamic illustrated by the buildup to and unfolding of the US-led Human Genome Project.⁵⁸ In this sense, to speak of a ‘push’ misleadingly suggests that state practice on this count is autonomously driven. In everything from the policies of the Food and Drug Administration to the agenda of the NIH and the US Patent and Trademark Office, corporate ‘input’ from these sectors is not only given considerable ‘right of way’, but also contributes to remarkably industry-friendly policy outcomes. The external associations of this terrain should not be discounted: policies in such areas have both immediate and long-term effects on the shape of US foreign policies.⁵⁹

⁵⁸ Rodney Loeppky, *Encoding Capital: The Political Economy of the Human Genome Project* (New York: Routledge, 2005).

⁵⁹ Consider, for instance, the influence of PhRMA on decisions in the FDA to publicise its strict ‘non-guarantee’ of product safety in relation to Canadian online pharmacies. While urged on as a safety issue, its transparent trade (and profit) ramifications for the US pharmaceutical industry led the FDA to meet its Canadian counterpart (Health Canada) in what appeared to be a case of technical standards diplomacy. A parallel pressure tactic by pharmaceutical corporations that they would limit production runs in Canada to

It is, then, important to note that the domestic agenda around bioterror forms a continuum with US foreign policy, and that neither can be understood as immune to the state's interwoven existence with capitalist production. Indeed, to complement the above 'push' elements, it is so-called 'pull' factors that form the most celebrated pillar of the bioterror preparedness agenda, embodied primarily in Project Bioshield. This project was first publicly proposed by President Bush in his 2003 State of the Union Address. It includes some of the features outlined by Fauci, but its real ('pull') focus is on the procurement process. Specifically, the project aims to:

1. Accelerate R&D by giving the NIH greater authority and flexibility to award contracts and grants, expedite or side-step peer review, and hire outside expertise on contract.
2. Select and purchase products, through modified procurement procedures, to augment the Strategic National Stockpile (SNS) of biomedical countermeasures necessary for response.
3. In the case of national emergencies, allow the government to make available promising treatment prior to approval of the FDA.⁶⁰

Eventually signed into law as the Project Bioshield Act, the project appropriates \$5.6 billion, most of which will be used for the procurement of medical countermeasures. The prevailing thought surrounding this process is that, because there is no 'natural' market for these products, it is the responsibility of government to 'create a market'. As Mark McClellan, then FDA Commissioner, stated, corporations are, "...used to taking risks and knowing that they may fail, but what they want to know is that if they succeed there is a certainty of a reasonable reward... That is why Project Bioshield is critically important.

prohibit reimportation made it abundantly clear that the FDA's action represented only a thin guise for policy on behalf of US industrial interests. See Gardiner Harris, "Cheap Drugs From Canada: Another Political Hot Potato," *New York Times*, 23 October, 2003, C1; Evelyn Pringle, "Profit – Sole Reason for Blocking Importation of Cheap Drugs," *Sierra Times*, 7 March, 2005, www.sierratimes.com/05/03/07/epringle.htm

⁶⁰ US Congress, H.R.2122, "Project Bioshield Act of 2003 (Engrossed as Agreed to or Passed by House)," [<http://thomas.loc.gov/cgi-bin/query/F?c108:4:..?temp/~c108mgWlhv:e919:>].

It includes new procurement authorities to provide certainty of payment in advance for the delivery of effective new products.”⁶¹ Thus, the design of Bioshield fits into a category regularly invoked by Congress and corporate actors: market failure. In line with this thinking, the vicissitudes of the market fails to foster a result that is either beneficial for or desired by society – in this case, consumer demand fails to compel production, and corporations must be compensated for their effort and risk.

Both the notions ‘risk’ and ‘market failure’, while extensively used in relation to the pharmaceutical and biotechnology industries, could not be more misplaced. The thin calculations upon which the pharmaceutical industry has estimated its production costs at well over \$800 million per successful drug has gained widespread – largely uncritical – acceptance, although it has been severely questioned by some.⁶² It is largely on cost and regulatory burden that industry advocates, along with a range of state actors, characterise biomedical industrial production as ‘high risk’. However, to speak of ‘risk’ in an industry that consistently achieves yearly net revenues high above other sectors – as the ‘Fortune 500’ so glibly rejoices – is more than a little problematic. The dramatically bloated drug cost estimates incorporate vastly overestimated ‘opportunity costs of capital’ (if these are even admissible as a ‘cost’), do not account for the range of tax credits for R&D, as well as the costs undertaken by government research (generally included in the drug cost estimate). In addition, while it is true that the pharmaceutical and biotechnology industries rely on the robust operation of a market economy, their own

⁶¹ US Congress, *Project Bioshield: Contracting for the Health and the Security of the American Public*, 18. See also Health Secretary Thompson’s comments in US Congress, *Furthering Public Health Security: Project Bioshield*.

⁶² See particularly, Arnold S. Relman and Marcia Angell, “America’s other drug problem: how the drug industry distorts medicine and politics,” *The New Republic*, 16 December 2002, 27-42. Net return for the industry as a percentage of revenues was 18.5%, compared to a median net return of 3.3%.

capitals are not operating in anything akin to a properly functioning market. Instead, state support, regulation and incentives are orchestrated to ensure that these industries possess tools to circumvent the most difficult aspects of the marketplace. This circumvention includes now globally protected patent monopoly, patent extension, major tax credits, orphan drug development, infrastructural research expenditures, mandated technology transfer, and a uniquely regulated healthcare system which eschews price control. In this environment, the industry not only enjoys extraordinary value accumulation, but its very existence is premised on creating and manipulating markets – a process in which government practice is deeply entwined.⁶³

This is why Leighton Read, on behalf of the BIO, has made clear in Congressional testimony that the current state of affairs is, “not a market failure, the market is just signaling to us that we haven’t put these places – these things – in place in order for the market to operate.”⁶⁴ Accordingly, the mechanism positioned within Bioshield legislation allows the Secretary of Health to utilise ‘non-competitive’ procedures in cooperation with private industry to procure a range of selected biomedical countermeasures. Despite its substantial protective political guarantees, Sydney Taurel, CEO of Eli Lilly, did not equivocate during his testimony that under Bioshield,

⁶³ It is, for instance, hardly a coincidence that the intellectual and practical problem of ‘medicalisation’ – the degree to which an increasing number of human conditions are being drawn into the biomedical sphere for redefinition, society-wide measurement, and possible treatment – has returned in this era with a certain ferocity. See, for instance, Simon J. Williams and Michael Calnan, “The Limits of Medicalization?: Modern Medicine and the Lay Populace In ‘Late Modernity’,” *Social Science and Medicine* 42, no.12 (1996): 1609-20; see Irving K. Zola, “Medicine as an Institution of Social Control,” *Sociological Review* 20 (1972): 487-504; Vincente Navarro, *Medicine Under Capitalism* (New York: Neal Watson Academic Publications, 1976), 103-31; Peter Conrad, “Medicalization and Social Control,” *Annual Review of Sociology* 18 (1992): 209-32.

⁶⁴ US Congress, *Furthering Public Health Security: Project Bioshield*, transcribed by author.

“Government is not going to get new miracle drugs for cost plus 10 percent.”⁶⁵ Indeed, pharmaceutical and biotechnology capitals have already made it abundantly clear that the provisions of Bioshield will not be enough.⁶⁶ These capitals want a larger disbursement of funds, full liability protection and greater financial incentives (such as tax incentives or patent extension). As a result, as this article is being written, Congressional members have started the legislative process for ‘Bioshield II’, which would further strengthen the incentives around procurement. Beyond liability protection, there has been a suggestion of ‘wild-card’ patent extension, in which successful producers of government-required products could receive a two-year patent extension on a product of their choosing.⁶⁷

In this context, it should hardly be surprising that other parts of the biomedical sector work to make sure they are not forgotten. For instance, AdvaMed, representing some 1100 producers of medical technologies, lobbied throughout to have Congress and HHS consider the value of expanding the mandate of Bioshield to include diagnostic tests, drug delivery systems, blood supply, information systems and decontamination and sterilisation technologies.⁶⁸ When billions in guaranteed funds are at their disposal, it is truly striking how quickly corporate actors with political access almost clairvoyantly discern the needs of the American public. In a long line of biomedical enablement

⁶⁵ Quoted in Merrill Goozner, “Bioterror brain drain,” *The American Prospect* 14, no.9 (2003): 30. Taurel had just used his position in the Homeland Security Advisory Council to push for drug industry liability exemptions.

⁶⁶ See, for instance, “Project BioShield is Important Step Forward in Securing the National Defense,” Biotechnology Industry Organization, Press Release, 19 May 2004; “PhRMA’s Statement on Senate Passage of S.15, ‘Project Bioshield Act of 2004’,” Pharmaceutical Researchers and Manufacturers of America, Press Release, 19 May 2004.

⁶⁷ Dee Ann Davis, “BioWar: ‘Wild Card’ patent on Bioshield?” *The Washington Times*, 2 September 2004 [www.washtimes.com]; Michael Barbaro, “Bioshield Too Little for Drug Industry: Companies Want More Protection From Financial Loss,” *Washington Post*, July 26, 2004, E01; Dee Ann Davis, “BioWar: tax, risk breaks in Bioshield II,” *Washington Times*, March 4, 2005 [http://www.washtimes.com/upi-breaking/20050303-115654-3624r.htm]

⁶⁸ US Congress, *Furthering Public Health Security: Project Bioshield*. See, particularly, comments by Gary Noble, MD, on behalf of AdvaMed.

projects, from the Human Genome Project to Medicare restructuring, ‘national security’ becomes the latest area in which policies are being repositioned – by corporate and state actors alike -- in manner that further subordinates them to the interests of market civil society. US foreign policy, as a form of public policy, may discursively section off the pathological ‘other’ as a dangerous, often external, threat, but it rarely does so without underlying material motivations.

Conclusion

The problematic and sometimes contradictory nature of US foreign policy imperatives hardly goes unnoticed in political circles. On this point Campbell’s analysis is particularly astute, insofar as there is a discursive milieu of threats and patriotism – accessible to all participants – that smoothes the rougher edges of policy objectives. When Congressional displeasure bubbles up over the stringent demands of large industrial players, this discourse is utilised to mollify concerned participants. The Chair of one hearing on Bioshield, for instance, made clear that “we’re at war, and an awful lot of people are sacrificing... And I would hope that whatever we do here...I would expect pharma to be cooperative in terms of what is needed to fight this war on the homefront.” PhRMA’s representative, understanding (on some level) that the mingling of capital’s interests with governmental objectives must maintain the image of state neutrality, immediately repackaged corporate interests into a citizen’s imagery of American security:

Your point is exceptionally well made. I have spoken directly with the CEOs with many of the PhRMA member companies, their Scientific Directors and many of their staff – the passion that they feel – it’s a sort of scientific patriotism... The irony is that we as a nation have been challenged in the one area where, arguably, we have the greatest national strength.... This is one of our national treasures, and the people who are involved in day-to-day working in this area feel so committed to wanting to make contributions in this... So please don’t misunderstand any of the suggestions,

any of issues that are raised, any of the constructive criticisms that are being offered as any reluctance to support, in a general patriotic way, what the nation needs.⁶⁹

Similarly, the deliberative process on appropriations legislation closes with threat assessment, highlighting that the wrangling over details is secondary to the imminent threat of bioterror. The discursive power of foreign policy lies precisely in the fact that it can bind seemingly disparate political and economic interests into a synthesised necessity – potential life or death decisionmaking upon which national well-being depends.

The upkeep of this national security ethos, however, is not an end in itself. It is by no means exaggeration to speak of a ‘perpetual state of war’ in which the political context at home, as well as the multilateral context, is fashioned to shore up the hegemonic interests of the US.⁷⁰ In the wake of slowing investment in the biomedical sphere over the past three years, the Bush Administration has taken every opportunity, from the World Trade Organisation negotiations on trade in services to expansive and transformative Medicare legislation, to ‘tie over’ a leading and powerful US industry.⁷¹ And it is crucial to keep in mind that while some benefits may be derived from such a policy trajectory, such as some refurbishment of public health infrastructure, these do not obviate their careful alignment with capital’s interests. The complexity of such a policy should also be clear in relation to other advanced industrial states, where its consolidation involves procedures of constraint – disregarding EU wishes on the BTWC – and cooptation. On the latter count, the US ‘preemptive war’ on bioterror, *via* public/private procurement, is in keeping with the increased US efforts within the North Atlantic Treaty

⁶⁹ US Congress, *Furthering Public Health Security: Project Bioshield*, transcribed by author.

⁷⁰ Wood, *Empire of Capital*, 166-8.

⁷¹ Loeppky, “International Restructuring, Health and the Advanced Industrial State,” pg. 506.

Organisation (NATO) to bolster allied bioterror preparedness.⁷² According to Secretary Thompson, while the US government will license any technology resulting from Bioshield (and other NIH programmes), patents are likely to be held by major corporations in the broader advanced industrial context. Once again, foreign policy constitutes a terrain in which the contradictions of US capitalist development can be conveniently – albeit temporarily – resolved. In this sense, a US foreign policy that is replete with ‘biomania’ cannot be separated from ‘normal politics’, as US policy reaches ‘all the way down’, servicing dominant politico-economic goals along the way.⁷³

⁷² See, for instance, Anonymous, “Ted Whiteside: Head of NATO’s WMD Centre,” *NATO Review*, Winter 2001/2002, 22-3;

⁷³ Christopher Hill, “What is to be done? Foreign policy as a site for political action,” *International Affairs* 79, no.2 (2003): 233-55.