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EPISTEMOLOGICAL CHALLENGES OF GLOBALIZATION TO THE WESTPHALIAN THINKING WITHIN INTERNATIONAL RELATIONS

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Abstract

From the critical perspective of the concept of "human emancipation" globalization represents an important historical challenge to realism, liberalism and Marxism. Nevertheless, they are not to be ignored in any theoretical debate about globalization in IR. Without neglecting the nuances in each of the three schools of thought we can say that they tend to view the globalizing world through the lenses of the Westphalian order. To the contrary, we are witnessing the (re)emergence of a spatial, power and functional heterogeneity beyond, between and within nation-states today.

We can particularly attribute the epistemological gaps of the three IR subdivisions in terms of globalization to their handling of five main issues: *territory, actors, interrelation between public and private sphere, predictability, interdisciplinarity*. In this sense, a critical globalization debate cannot and should not be restricted to issues conceptualized explicitly under the banner of "national democracy", "national security" or "national welfare" but must be urgently engaged with the different spatial manifestations as well as state and non-state, public and private instruments for the proliferation of transnational interconnectedness and "unpredictability". It is on this basis that eventual fruitful synergies between the three conventional theories, and between them and the reflectivist and constructivist streams of the 1980s and 1990s are to be sought.

Keywords

Emancipation, globalization, heterogeneity, IR, Westphalian, realism, liberalism, Marxism

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EPISTEMOLOGICAL CHALLENGES OF GLOBALIZATION TO THE WESTPHALIAN THINKING WITHIN INTERNATIONAL RELATIONS

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Introduction

For the last 35 years globalization has been occupying a solid place within International Relations (IR) (e.g. Bigo, 2006; Buzan & Hansen, 2010; Cohen & Rai, 2000; Czempiel, 2002; Etzioni, 2002; Hardt & Negri, 2000; Held, 2004; Held et al., 1999; Held & McGrew, 2008; Scholte, 2001; Shaw, 2000; Varwick, 2000). In this framework, it represents a serious historical challenge to realism, liberalism and Marxism. Simultaneously, these three conventional schools of thought bare the potential to stimulate self-reflection on our understanding of global orders through their longtime theoretical systematizations of international affairs.

Without neglecting the nuances in each of them it is to say that for the most part they tend to view the world through the lenses of the Westphalian paradigm while avoiding "a big picture of the changing contours of the international and/or global realm" (Roach cit. in Roach, 2008: xvii). Be it through the "hard and 'scientific' look at power politics" (Friedman, Oskanian and Pardo, 2013: 1) of realism, the examination of the peaceful settlement of disputes among capitals in the realm of liberalism (Dunne, 2001: 164) or the perception of a "totality within which the states forming the centre dominate the periphery" (Bidet, 2007: 16) of Marxism the international system appears predominantly as a multiplicity of compact nation-states being in charge of a single territory. Thus, an ahistorical dichotomy between the domestic and the international has been reasserted within IR for many years.

To the contrary, in the last four decades we are witnessing the (re)emergence of a spatial, power and functional heterogeneity beyond, between and within nation-states (Acuto & Curtis, 2014; Castells, 2004; Eisenstadt, 2012; Rosenau, 2003; Sassen, 2006). Both their external and internal milieus have been transforming in the course of intensifying migration flows, climate change, transnationally grounded political convergence or divergence, emergence of global public opinion, a burgeoning perception of insecurity among broader populations, etc. A global society (Shaw, 2000) has been in formation between and within states' spaces due to a complex interweaving of various social forces. Impediments and chances for equal and fulfilling, individual and community realization nowadays remain therefore underresearched or undervalued by the three IR theories.

Against this background, the current exposé proposes a critical evaluation of the discourse of the nation-state in IR. It is the view of the author that we cannot delineate globalization in all its complexity and asymmetry without addressing this particular discourse. The concept of "human emancipation" serves as a leading normative baseline for this undertaking. Following Ken Booth, it signifies "the freeing of people (as individuals and groups) from those physical and human constraints which stop them carrying out what they would freely choose to do" (Booth cit. in Buzan and Hansen, 2010: 206). In light of globalization it is meant to imply three things. First, individual self-realization is deeply related to the peaceful and sustainable global cohabitation



(Albrow, 2007; Friedman, 2006). Second, human emancipation presupposes historically evolving (political) communities that have innovated, reinvented or even replaced the states (Booth and McSweeney cit. in Buzan and Hansen, 2010: 206-207). Third, the coexistence of human communities is to be rooted in equal and fulfilling, structural and institutional conditions in the world (Booth, 1995; Linklater, 1999). So, how do global orders fit into the Westphalian tradition of the three theoretical branches of IR in respect of human emancipation?

The article represents first and foremost a theoretical undertaking. An inductive approach is being applied to the topic starting with depicting appearances of globalization – unlike used deductive ones which project exiting theoretical frameworks over globalizing realities. Commensurately, general deficits as well as inputs of realism, liberalism and Marxism with regard to the global realm are elucidated together with five concrete epistemological points of critique. The thesis is being presented that the social and space heterogeneity of globalizing life necessarily leads us beyond the Westphalian assumptions in IR without making them redundant. Elements from sociology (Albrow, 2007; Bauman, 1998; Beck, 2013; Castells, 2004; Sassen, 2006; 2011) and human geography (Agnew, 2015; Bialasiewicz, 2011; Strandsbjerg, 2013) are being included with regard to comprehending globalization.

The text consists of three parts. At the outset, a definition and a brief outline of the chief characteristics of globalization will be given based on academic literature and own observations. Then the fundamental Westphalian features of each of the three IR subdivisions will be summarized in light of globalization. Third, five specific epistemological challenges to the three IR schools will be synthesized as a way to substantiate future discussions on the subject and provoke further empirical research.

Globalization and Its Characteristics

Leaning on Ulrich Menzel (2001: 226) and Jan Aart Scholte (2001: 14-15), globalization equals an aggregation of multifaceted processes of deepening, intensification and spatial enlargement of transborder interconnections in different spheres of human existence (politics, economy, culture, ecology, military affairs, etc.) which transform the function and meaning of nation-state's borders and domains (Aleksandrova 2016: 47). In this interpretation, globalization does not mean that all people in the world encounter the same experiences simultaneously (Scholte, 2001: 17). It results in that many events or influences nowadays occur unlinked, although not irrespective of politico-territorial distances. In this fashion, international relations make their way into all other groups of relations much more intensively than before and vice versa (Stefanov, 2004: 228).

This is how the ongoing situation enables us to (re)discover practically and conceptually the inherent globality (Albrow, 2007: 12-13) of local, regional and international life. In the words of Jeremy Waldron:

"... to organize analysis around national phenomena is to give voice to 'the same old myth – that the default position has been independent societies following their own course on their own respective territories... historically the default position has been



more or less exactly the contrary: intense interaction, and the existence of traditions, cultures and institutions of interaction, among all societies whenever interaction is a possibility. Societies that can interact do (cit. in Rosenau, 2003: 84-85)''.

Put into such analytical perspective, states' spaces and structures are currently (re)confirming their place in the global climate, investment, taxation, migration, information, cultural and political flows – to use the phraseology of Manuel Castells (2004). However, the effects produced thereof for the Westphalian thinking within IR from the point of view of human emancipation cannot be stipulated one-sidedly. That is why an overview of the main characteristics of globalization is needed.

They can be subsumed under four key headings – *interconnectedness, deterritorialization, unevenness and ambiguity*. The interconnectedness and deterritorialization indicate two major trends. On the one hand, bonds between various societies have been thickening, so that "all politics is now glocal" (Lamy, 2001: 193). Accordingly, the broader social world, including the individual, has become intrinsically interconnected with the world of states. To quote James N. Rosenau:

"As the density of the global stage has increased..., the structures of world politics have undergone a profound and pronounced bifurcation in which a multi-centric macro world composed of a wide variety of nongovernmental, transnational, and sub-national actors ... has evolved to cooperate, compete, or otherwise interact with a state-centric world that consists of collectivities increasingly active on local stages (2003: 62)''.

In economy this kind of state and non-state convergence plays role in the process of designing or opposing cross-border regimes for trade, investment and financial operations. In ecology it comes into sight as mixed political reactions to the dissemination of environmental risks and the occurrence of global ecological knowledge. In media it materializes through the transcontinental spread of information and social claims. In the field of culture perceptions for hybrid identities and/or cosmopolitanism are emerging, in politics – for elements of global governance. Correspondingly, national societies experience the circulation of global elites of mobility (Bauman, 1998: 19) as well as low-paid migrants and conflict and climate refugees.

On the other hand, a plurality of problems has been dispersed on a transborder scale. Dietrich Thränhardt (2000: 131-132) and Ulrich Beck (2013: 56; 77; 310) ascribe this tendency to a large extent to the character of modern industrial development, established international political and economic relations and patterns of global consumption. Examples thereof are the corollaries ensuing from the stockpiling of nuclear weapons, chemical and biotechnical accidents, the climate change, the violation of biodiversity, the disproportionate access of world populations to some industrial achievements, the global value chains, the unsustainable energy consumption and handling of waste and resources (water, farmland, manufacture resources) and the



transport pollution. A significant part of these complications cannot be reduced to a particular area, and neither can they be rehabilitated on a particularistic basis.

The unevenness, on its part, means that the impact of globalization cannot be determined one-dimensionally for all regions as well as social strata and groups, even single individuals, on our planet (Bauman, 1998: 103-127; Sassen, 2011: 340-439; Steans, 2008). Respectively, the unevenness also has multiple expressions. Thus, competing taxation policies (tax heavens) and corporativization of international trade are producing discrepancies in the global economic development. The labor relations worldwide, in turn, are characterized by a rising demand for highly qualified, specialized and well paid professionals in the context of transnational restructuring of production, trade and banking (business managers, IT specialists, financial and legal consultants, experts in insurance and marketing, scientists in the same areas of research, etc.) and a precariat in the informal sector and personal services (Taran & Geronimi, 2013). Other spheres of global living are undergoing similar disparities via corporativization of media landscapes, transnationalization of border and security industries, activation of power ambitions by trans-spatial terrorist structures, maintaining elite education and information networks, etc.

Against the backdrop of the three features of globalization elaborated hitherto, its ambiguity stands out even more. In this sense, globalization speaks for selective intergovernmental coordination on global issues but augmented cross-border non-governmental cooperation, for certain economic and technological ties but surfacing social destabilizations and divergence, for specific cultural exchange or universalization but reinforcement of essentialist national and sub-national identities, for ecological connectivity but unilateral treatment of natural resources by state and non-state actors, for free movement of capital and services but militarization of borders and ethno-cultural and financial thresholds for granting citizenship. In times when Myspace registers more than 110 million active users per month and Facebook 60 million already in 2008 (Siwal, 2008) we are confronted with a lack of a fruitful official political communication in respect of overcoming global fragmentation and marginalization.

Returning to the topic of the present article, where do the three conventional theories of IR stand in all this from the critical perspective of human emancipation? In other words, how is their Westphalian orientation to be assessed in reference to the manifold, state and non-state, material and virtual bounds of inclusion and exclusion drawn in the course of globalization?

Westphalian contours of realism, liberalism and Marxism in light of globalization

Before going into their general incompleteness as well as relevance in terms of globalization, the basic Westphalian prerequisites of realism, liberalism and Marxism will be sketched out. The theory of realism (Dunne & Schmidt, 2001; Grieco, 1997; Kissinger, 1994; Morgenthau, 1993) considers the state as the leading actor and pretender for legitimate power on the global scene. States are described as homogenous social entities exercising control over an impermeable physical territory by forceful means which, in turn, is articulated as a basis for the geopolitical divisions in the world. The international relations are greatly reduced to a regular struggle for



survival, power and access to resources in the name of and between the unitary states (Caverley, 2013: 147-149).

Liberalism supports the idea of a coordinated interplay of states on the global geopolitical map (Cerny, 2013; Dunne, 2001; Mingst, 1999: 90-92). Special importance is ascribed to fostering of international legal and institutional mechanisms for a peaceful interstate cooperation, economic exchange and deterrence of the use of force (Axelrod & Keohane, 1993; Burley, 1993; Ikenberry, 2013). Although single subdivisions of liberalism, e.g. the (neo)liberal institutionalism (Moravcsik, 1991; Lamy, 2001) pay attention to additional factors on the world scene like the transnational corporations, NGOs, political elites, political parties, trade unions, lobby groups, ideologies, etc., they still consider as key determinants for the international communication "those relations that are maintained with the help of or in respect of the public authority" (Stefanov, 2006: 14).

Marxism interprets the structure of the global politics as a stratification between highly industrialized capitalist states and brought in dependence, low industrialized countries – as a reflection of the socioeconomic formations in both of them (Bidet, 2007; Mingst, 1999: 102-104; Hobden & Jones, 2001). Thus, the ruling international geopolitical order is subordinated to the fragmentation of the planetary geography in territorially demarcated sovereign states competing on the world market (Teschke, 1999: 29; Jessop, 1982).

"The form of the state may have changed, and it may have been subject to a 'tendential hollowing-out' as many of its previous functions and responsibilities have been displaced upwards, downwards and outwards, but its distinctively national character remains (Hay, 1999: 172)."

From the critical standpoint of human emancipation globalization raises serious common questions for the Westphalian orientation of the three theoretical directions. Parallel to this, their conceptual foundations are not to be utterly ignored in any theoretical debate about globalizing realities.

In detail, we can say that the realist interpretation of world developments belittles the multidimensional, qualitative and quantitative, changes in and across societies of the last 30 to 40 years. Consequently, their asymmetrical effects are ignored – in reference to men and women, citizens and non-citizens, shareholders and work force, political and financial elites and populations, highly educated and non-educated, trained and non-trained in high technologies, bureaucrats and non-bureaucrats, consultants and non-consultants, brokers at the stock exchange and non-brokers, etc. In sight of the growing glocality in the world identification with realism also strengthens states' practical inability to reconsider their reductionist nation-centric ideological foundations. Moreover, seen through the Westphalian perspective the interconnectedness and deterritorialization are often being articulated as a manifestation of "unpredictability". The rigid realist notions of "state", "foreign" and "domestic policy" seem more and more incommensurate with broad-based concepts, such as "global society", "global



justice" and "global governance" or differentiated ones like "global elite", "human security" and "alter-globalization".

At the same time, realism helps us comprehend that globalization cannot be decoded if looked mainly through the paradigmatic lenses of a boundless universalism. On that account, relationships between global, national and local matter. The role of states must hence be studied carefully – their own economic, financial, trade, social, security and military policies, selective categorizing of world populations, prioritizing of one type of (inter)national legal regimes while refraining from others. In that regard, human emancipation is innately linked up with present states. What realism seems to be unaware of is the modification of states' administrative, political, legal and social structures which has decisively influenced their behavior on the global stage. Globalization has been profoundly enhanced due to cross-cutting coordination of single regulatory agencies within states' bureaucracies with corresponding governmental and nongovernmental counterparts – international financial institutions, consulting groups, stock exchanges, UN, etc. (Jayasuriya, 1999: 426); likewise, the structural significance of changing national populations and mutually reinforcing, state and non-state levels of destructive force.

The liberal theorists, on their part, successfully bring to the fore the global meaning of the spread of liberalization processes of various sorts all over the world in the last decades. Respectively, a strong potential has been demonstrated to conceptualize the international relations as intersocietal (Czempiel, 2003: 7) and not merely interstate. Nevertheless, in order to overcome its penchant for the top-down Westphalian thinking it would be necessary for liberalism to unravel the two-way connections between transnational tendencies and discourses and domestic realities in a much more penetrating way. In the same vein, the formation of attitudes, norms, institutions and policies in and between societies today needs to be elucidated through existing global structural disharmonies as well. Otherwise a liberal understanding of globalization would continue to inspire distrust among individuals and communities on both sides of state borders.

Another valuable contribution of liberalism to the globalization debate within IR is its focus on the issue of cooperation. A fully-fledged global society enabling bottom-up human emancipation is hardly to be accomplished without an adequate trans- and international coordination bearing in mind the depleting environmental resources, growing world population, transborder financial fluidity and aggravating social injustices. This particularly applies to the construct of "global governance", the reform or abolishment of certain international institutions, hierarchies and rules. Here liberalism still has not proposed a widely accepted stance.

The dialectical approach of Marxism, on the other hand, lays open a space for the analytical investigation of global capitalist fragmentation. For example, pursuant to some Marxist authors we are currently witnessing a "separation of the state from the production process" and the "operation of capitalist enterprises internationally with much greater autonomy from state control" (Justin Rosenberg cit. in Hobden & Jones, 2001: 218-219). Insufficiently recognized by the followers of this intellectual tradition remain asymmetries of non-economic nature and their ramifications for disparate social groups and individuals in nation-states. The plurality of alternatives to dominant political, social, cultural, economic and ecological patterns in and beyond states that have occurred in different parts of the world on a local and transnational level are



accordingly left underrated. Furthermore, the fundamental question about the economic organization of human existence posed by globalization has still not found its ultimate answer within this theoretical subdivision – provided that human economy has been rooted in complex chains of exchange for thousands of years “We need to question not if but how to deal with large-scale management of global resources in an egalitarian, peaceful and sustainable manner – beyond relying entirely on local solutions; human history is one of great cities that brought different cultures together through trade; human civilization is a history of large concentration of people (Asimakopoulou, 2014: 41).”

Epistemological points for discussion

We can particularly attribute the gaps of realism, liberalism and Marxism with regard to human emancipation in a globalizing world to their handling of five key epistemological points: *territory, actors, interrelation between public and private sphere, predictability, interdisciplinarity*. Showing inclination to render these issues a Westphalian interpretation the three theories of IR are squeezing altering social realities and chances for human development into the monolithic categories of the nation-state.

Globalization creates conditions for weakening of the top-down understanding of “territory” as a homogeneous attribute for legitimizing state power. In fact, new challenges and possibilities come up across and within states for the unfolding of human power. Among them are: the rising transborder information exchange, the mounting volatility of capital flows, the corporativization of a significant part of the world trade (Varwick, 2000: 142), the advent of alternative projects for sustainable development, trade or barter on a transnational and local scale, the global warming, the formation of transnational political, administrative and media networks, the evolution of the international law, transnationally organized campaigns against impeding of the movement of certain categories of people, etc.

Leaning on John Agnew (2015), Luiza Bialasiewicz (2011) and Jeppe Strandsbjerg (2013) a possible way out of the Westphalian “territorial trap” (Agnew, 2015: 43-46) and an eventual way in to the “geography of globality” can be the replacement of the notion of “territory” by the term “space”. Spaces are depicted by these authors as multidimensional environments where human life is intertwined with a number of global, transnational and local influences and/or forms of exercising state sovereignty. Their social, economic, political and socio-cultural parameters endure constant transformations due to historical events, imposing or turning down of hierarchies and clash of manifold interests and discourses. Seen in this light, emancipative fulfillment of global human existence will depend more and more on the complex operationalization of concepts, such as “citizenship”, “state sovereignty”, “security”, “borders”, “geopolitics”, “foreign policy mechanism”, “global governance/self-governance”, “legitimacy”, “global trade”, etc.

In addition to evoking circumstantial conceptions of space, globalization reasserts the necessity for expanding the definition of the actors and factors of international relations. Nowadays institutions like the UN, WB or IMF are being consolidated, together with a “multiplication of nonformalized or only partly formalized political dynamics, actors and hierarchies” (Sassen, 2006: 147). In the meantime, “NGOs, first-nation peoples, immigrants and refugees, including climate refugees, who become



subjects of adjudication in human rights decisions are increasingly emerging as subjects of international law and actors in international (and national) relations" (Ibid., 340). Multinational corporations are in position to guide (inter)governmental and supranational programs through lobby groups, platforms, such as the World Economic Forum, or presence on the sidelines of international negotiations. The tone in the global social and media space is being conspicuously set by reactions of financial capital and credit rating agencies like Standard&Poor's, Moody's and Fitch to election outcomes or other domestic affairs. Transnational social movements like Fair trade, Via Campesina or the International Planning Committee for Food Sovereignty have turned into an irrevocable form of organized political participation outside the state-system. Since the beginning of XXI century the global flows of information, technology, social interaction and finances have been instrumentalized by terrorist groups as well. Overall, the accumulation of normative agendas and institutionalizations on the world scene thrives on multiple overlappings of local, national and global dynamics. This fact makes the question of "democratic accountability, legitimacy and subsidiarity" (Held & McGrew, 2008: 10) all the more important.

A similar dilemma arises for realism, liberalism and Marxism in the context of ongoing reconfigurations between public and private components in glocal life – especially in but not limited to economy and finances. In the last 35 to 40 years the international politics has been taking shape under the conditions of shrinking public and expanding private elements between and within states. The networks of corporate production, trade, banking and insurance, of stock exchanges and centers for technical and legal services, of drug, arms and human trafficking, of global media images and others rest upon a conflation of public prerogatives and private interests and regulatory regimes (Sassen, 2006: 184-203). The emergence of the "global city" (Sassen, 2011) as a distinctive spatial node with a range of public and private commanding capacities for global economic (dis)integration is another example. A variety of private actors show eminent presence in the security landscape today – think thanks, mercenaries, logistics companies and private contractors like Blackwater, Kellogg, Brown&Root, Eyrinus and DynCorp hiring their military personnel in different countries. Rita Abrahamsen and Michael C. Williams summarize this development as follows:

"To be sure, there has been an increasing fragmentation of the security field, in that a multiplicity of different actors – public and private, global and local – are involved in the provision of security. But rather than an erosion of state power, the result is the emergence of new networks of security in which the authority of the state and private actors is re-articulated through new technologies of governance, coercion and control. This has numerous political implications, in terms of how security is provided, for whom, and by whom, and also theoretically for how we think about the state and global security" (2005: 5).

An increasing amount of development work has been conducted through corporate involvement since the 1980s as well.



Another epistemological problem of the three mainstream IR subdivisions with regard to detecting chances for human fulfillment in global times is their view of the issue of predictability. Generally speaking, each of them confines predictability to a certain configuration of (inter)dependency among states. Realism anchors interdependency in the anarchic structure of the world affairs. The anarchy which by definition urges states to rely on their self-help is thought to induce a pursuit of non-alignment and strengthening of the own means of survival and control. Liberalism sees interdependency as emanating from the common interests of states, the expanding capitalist production, the crystallization of global norms and legal culture, the liberalization of trade, the ecology. Here states are seen as actors that can work together. Marxism stresses the meaning of dependency between the mighty capitalist states in the center and the dominated ones in the periphery and semi-periphery. Within the constraints of the capitalist system states in the periphery and semi-periphery are expected to strive to get closer to the production and market standards of the center.

However, these approaches to predictability neglect (in)congruencies possibly overshadowing the establishment of an emancipative global society embedded beyond and beneath state politics. This often results in an inability to capture critically the ambiguous conduct of governments with respect to global challenges – the hardening of their national reflex as to some spheres of politics and social groups and the propensity to adapt in others. Nowadays much political activism is generated beyond electoral attendance both on the Left and on the Right (e.g. citizens' action committees, lobby groups, global social movements, neighborhood vigilante patrols etc.) (Eisenstadt, 2012). Analogously, the rising global inequality cannot be measured exclusively by classical economic categories, such as the GNP or GDP. For example, while \$134 billion flow into Africa each year, predominantly in loans, foreign investment and aid, \$192 billion is taken out – in profits made by foreign companies, tax evasion and costs of adapting to climate change (Jubilee, 2014: 1). In Nepal and Liberia, another example, the diaspora's remittances account for more than 30 percent of their current GDP (DAAD-Alumniportal, 2017).

In order to tackle the issues of territory/space, actors, correlation of public and private elements on the global scene and predictability in a critical manner, interdisciplinary investigation methods should be reaffirmed in the field of IR even further. The research results of disciplines, such as anthropology, political economy, sociology, geography, development studies and regional studies can provide a valuable contribution for the multi-layer account of the place of globalization in (inter)national life from the perspective of both individual and collective well-being and equality.

Conclusion

In conclusion, a critical analysis of global economic, social, cultural, political and ecological transformations in IR from the point of human emancipation presupposes breaking, in one way or another, with the ahistorical Westphalian "standards" of realism, liberalism and Marxism. As shown above, such globalization debate, including the important inputs of these three schools of thought, cannot and should not be restricted to issues conceptualized explicitly under the banner of "national democracy", "national security" or "national welfare". Instead, it must be urgently engaged with the



different spatial manifestations as well as state and non-state, public and private instruments for the proliferation of transnational interconnectedness and “unpredictability”. Globalization and its fragmentations are not to be inquired as something outside of the state apparatuses and the wholesale domestic life. The practical formation of egalitarian emancipative communities in a globalizing world will thus depend on modifications within, between and across states’ structures.

Against this backdrop, it would be necessary for the so called reflectivist and constructivist theories that came into IR in the 1980s and 1990s to find a stronger place in the discipline. Due to their willingness to examine the broader social reality in a refined manner social constructivism, feminism, critical theory, historical sociology, normative theory and post-modernism seem to be in a better position to reconstruct globalization with its four characteristics outlined in this article. Here, the permanent search for changing social configurations beyond and within states will bring us closer to a complex reconstruction of global hierarchies and dynamics as well as the ethical and structural conditions for the fulfillment of an emancipative global society. On this basis, eventual fruitful synergies with the three conventional IR theories could be sought. In order to build such bridges, even more empirical researches will be needed which draw on interdisciplinary methodologies.

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IDEOLOGICAL PRODUCTION IN THE ERA OF GLOBAL MEDIA CAPITALISM

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Abstract

Acknowledging the recognition of the media as international actors, this article discusses their role in the process of ideological production in contemporary democracies. The interconnection between the global media industry and market configuration emerges as the structural link of this process, which determines the conditions of reproduction and dissemination of ideas and the construction of the reference frames that allow defining the positioning of voters-consumers. Following Downs' theory, this paper examines the conceptual relationship between *social positioning* and *political positioning*, proposing the introduction of a third variable in Downs' analysis, *media positioning*, in order to define and update its postulates. Finally, the stages, processes and outputs involved in the process of ideological construction in three different market configurations are identified. The conclusion is that there is a qualitative change in the action of global media, which have evolved from being informal actors in the democratic process to formal actors.

Keywords

ideology, fragmentation, press systems, conglomerate, media capitalism

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IDEOLOGICAL PRODUCTION IN THE ERA OF GLOBAL MEDIA CAPITALISM¹

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The deep relationship between global media and ideology (Postman, 1990; Flew, 2007; Croteau & Hoynes, 2012) is a recurring theme in the scientific literature, and today there is consensus that the media have a political function side by side with actors such as the parties and institutions of the State (Paletz & Entman, 1980; McNair, 2000, 2003, 2012; Mancini, 2013; Robertson, 2015).

In this sense, the relationship between these two concepts will depend on the conditions of each one's existence, the economic context in which the media operate, which is of particular importance not only in defining the number and type of agents that structure the public debate, but also in the selection of the terms of the latter, conditions that directly impact on pluralism and democracy.

The central position occupied by the media in the life of democracies is well-studied, the former normally acting as catalysts of the dynamics that take place within the *public sphere* (Calhoun, 1992; Hauser, 1999, Sparks 2001, Edgerly et al., 2015), the metaphor proposed by Habermas to describe the space that allows the circulation of ideas among the members of a society. It is the symbolic area where the semantic negotiations take place and culture is disseminated and in which the global media play a central function as agents defining the terms of this debate and of opinion and deliberation.

This article aims to deepen the understanding of this relationship between global media and ideology, examining it particularly in recent historical contexts. Can one speak of an ideological production process? And if so, what is the role of global media? What sub-processes and what stages are involved in this process? What results do they produce? These are some of the questions this paper tries to answer by adopting a conceptual approach and using the descriptive and explanatory methods based on bibliographic research.

Ideology and media: a theoretical approach

It would be useless to attempt to list the theories that until today have examined the concept of ideology, so many are the approaches and the voices. One can, however, identify among the studies of ideology two broad lines of analysis: a line of Marxist heritage marked by a pejorative view of the phenomenon; and a second line based on a sociological approach.

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This paper follows this second theoretical line, approaching the trend that studies ideology as a discursive phenomenon, following the legacy of authors like Bourdieu (Bourdieu, 1977, 2001) and Foucault (Foucault, 1971), who first identified power systems centred on word and representation, the former seeing the educational system as a basic form of ideological power, the latter analysing ideology from the viewpoint of the text and its context and proposing even the replacement of that signifier by the word *discourse*.

The discursive conception of ideology, however, has long been considered insufficient for the practice of a *sociology of knowledge* to identify the concrete processes that guarantee the existence of the life cycle of ideas, their creation, circulation, reproduction and death. The communication dimension has necessarily assumed a prominent place in the scientific literature, a dimension that allows us to identify the agents and dynamics that guarantee the transition of an enunciation from being a mere proposition generated in any individual context to becoming a theoretical body shared by an extended community, so that it can be recognized, accepted, criticized, and refuted.

This transition from the individual to the collective phase is guaranteed by the passage through a communication network that exerts a double effect by amplifying and transforming the ideas generated.

Notwithstanding the multiplicity of understandings about the consequences of the communication network on the life cycle of ideas, there seems to be some consensus as to the existence of these effects, and therefore, as to the power that agents and communication processes have not only in the selection of enunciations that will acquire social dimension as well as in the very identity of these propositions.

The recognition of the role that the media occupy in the life cycle of ideas inevitably refers to the sociological approach to ideology, in the line of authors such as Manheim, Ricoeur, Seliger, Thompson, Gellner, Gouldner, Roig and Van Dijk, thus refusing the Hegelian roots, based on the binary reasoning around the opposition between physical objectivity/universalism. As Roig writes,

*"(...) ce qui est aujourd'hui remis en cause est la visée universaliste et, donc, impérialiste des modèles antérieurs tant hégélien que scientiste. A la prétention métaphysique d'une unité de la connaissance succède une diversité des modèles cognitifs admis ou, si l'on préfère, des paradigmes explicatifs."*²

Among the sociological approach to ideology, several sub-trends are identified, and the ideology that is the product of the articulation between language and communication system, which has Gouldner, Roig and Van Dijk among its main authors, is particularly suitable for this question.

Gouldner analysed the ideology as a *language variation*, a text that presents a certain autonomy in terms of the content and a certain stability in terms of support. It is a metalanguage that distinguishes itself from the common language by being autonomous in relation to the social context in which it operates, in this sense presenting some

² idem, p. 44



similarity with the *elaborated codes* Bernstein talks about, characterized by self-reflexivity and independence.

Notwithstanding the importance Gouldner recognises in the linguistic dimension of the phenomenon, the author identifies it primarily as a consequence of the *mass communication system* and thus of phenomena such as industrialization and mediatisation, avoiding all explanations centred on man as the main driver of thought.

In this perspective, the ideological phenomenon, born with the end of traditional society based on the values of predictability, certainty and immobility, emerges precisely as an alternative proposal based on a new interpretation of society and on new projects of social change.

According to the author,

«Ideology thus entailed the emergence of a new mode of political discourse; discourse that sought action but did not merely seek it by invoking authority or tradition, or by emotive rhetoric alone. It was discourse predicated on the idea of grounding political action in secular and rational theory (...). Ideology separated itself from the mythical and religious consciousness; it justified the course of action it proposed by the logic and evidence it summoned on behalf of its views of the social world, rather than by invoking faith, tradition, revelation or the authority of the speaker» (Gouldner, 1976: 9).

As a linguistic and communication phenomenon, for Gouldner ideology is also the product of an evolution in which societies become complex as a result of modernization, creating new explanatory schemes that guarantee its own self-understanding. According to the author, it is the specificity of these schemes that justifies the emergence of discourses based on a particular language and that are disseminated through the available media system.

Along the same lines, Roig associates the ideological phenomenon with a Manichean symbolism established through a communication network which, despite its strategic nature, fulfils two particular functions: it provides a moral framework that allows agents to place themselves among multiple core political choices, namely on a "left-right scale" (Roig, 1980: 58) and favours the coalition of leading groups and factions or tendencies among institutional elites. The very organization of social systems is only possible, according to the author, through the use of a language articulated with a communication network.

«(...) ce qu'on appelle idéologie ne doit pas être recherché dans un contenu sémantique quelconque mais dans un impact sur un réseau de communication déterminé (...), en bref : un effet de réseau.(...) Les rapports entre idéologie et réseau de communication peuvent être ramenés à des rapports entre moyens et fins. Les fins concernent les réseaux qu'il faut soit créer (...), soit actualiser lorsque le réseau est potentiel, soit renforcer comme c'est le cas



pour la plupart des messages de légitimation, soit maintenir ou changer en provoquant des divisions, des unions (...) soit enfin supprimer (...). Les moyens mis en œuvre pour obtenir ces divers résultats recouvrent toute une source d'ambiguïté dans la conceptualisation. (...) L'idéologie caractérisée par la vision manichéiste qu'elle offre du monde est un de ces nouveaux moyens, et parmi les plus économiques» (Roig, 1980: 57)

As a communication phenomenon, Roig sees ideology also as an economic device in the sense that it facilitates individual choices and reduces the degree of uncertainty by limiting the two alternatives to behaviour, but also as a decisive means for perpetuation and suppression of the communication network itself.

The discursive approach to ideology has been extended to the field of psychology with Teun van Dijk's theoretical proposal, who understands the concept in a multidisciplinary way, seeing it as a product that is simultaneously social, discursive and cognitive.

According to van Dijk, the social nature of ideology derives from the fact that man, as a subject of reason, is a social animal that participates in social conflicts by managing the interests and struggles of groups according to his own reference frameworks. In this sense, the study of the social organization and manifestations consists above all in the study of ideology, understood as a precondition of human action, which cannot exist outside the sphere of meaning.

As for the discursive dimension of the phenomenon, van Dijk places it in the field of linguistics, understanding it as a discourse produced in the context of a certain strategy aimed at producing a set of effects.

As a social, linguistic and cognitive phenomenon, ideology is, for this author, «the basis of the social representations shared by members of a group»³, whose work consists in an attempt to explain the structures and strategies that relate discourse and social cognition.

«In most cases, ideologies are self-serving and a function of the material and symbolic interests of the group. Among these interests, power over other groups (...) may have a central role and hence function as a major condition and purpose for the development of ideologies. Ideologies thus operate both at the overall, global level of social structure, for instance as the socially shared mental monitor of social competition, conflict, struggle and inequality, and at the local level of situated social practices in everyday life.»⁴

Van Dijk's work can, moreover, be interpreted as a true theory of ideology, since the author is interested in the entire life cycle of ideas, addressing stages such as the

³ Idem, p. 8

⁴ Idem, p. 8



formation, development and circulation of the phenomenon and placing the elites and the media at the epicentre of this process, as creative and diffusing agents, respectively.

Configurations of the Global Media System

The discursive-communication nature of the ideological phenomenon presupposes its articulation with the media system and its functional structure, a condition that makes ideology and economy to relate directly, since they are historically interconnected. This relationship, in turn, translates into the interaction between economic model, ideological production and political structure, the first seeming to exert, as we will show next, a significant influence on the second and third dimensions.

As Chan-Olmsted and Chang write (Chan-Olmsted e Chang, 2003:214)

"Considering the significant role media corporations play in the production of culture and the delivery of important news and information and the fact that corporate structure, strategy management and behavior ultimately impact the nature and supply of content (Hollified, 2001), a better understanding of the patterns and determinants of media diversification strategies would contribute to the body of knowledge in the potential effects of media globalization."

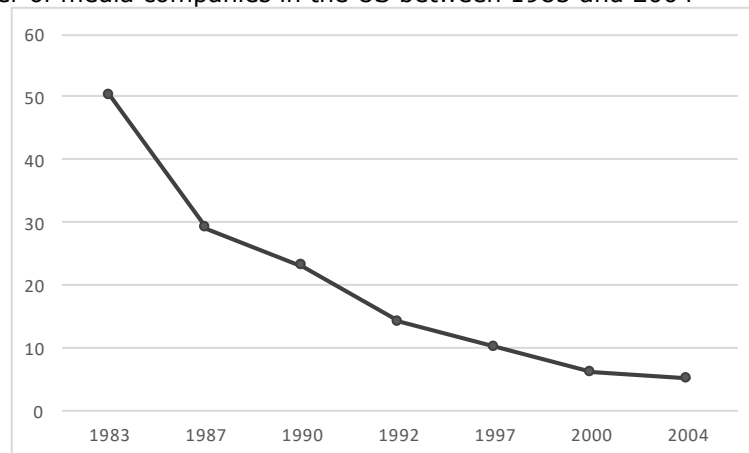
The economic model that has been present since the emergence of what we can call the media system is the business model, which demonstrated, in the nineteenth century, the lucrative potential of a new type of investment based on the sale of texts and images printed on paper and whose production was increasingly optimized thanks to the thriving technological innovation then witnessed and the new financing systems then created, as was the case with advertising.

The nineteenth-century atomized business model remained until the middle of the following century, when a new configuration was established, characterized by the increasing gathering of media companies into groups, generating a gradual but effective decrease in the number of economic agents in the media market. (Figure 1)

"In 1983, fifty corporations dominated most of every mass medium and the biggest media merger in history was a \$340 million deal. (...) In 1987, the fifty companies had shrunk to twenty-nine. (...) In 1990, the twenty-nine had shrunk to twenty-three. (...) In 1997, the biggest firms numbered ten and involved the \$19 billion Disney-ABC deal, at the time the biggest media merger ever. (...) (In 2000) AOL Time Warner's \$350 billion merged corporation (was) more than 1,000 times larger (than the biggest deal of 1983)." (Bagdikian, 2000: 20-21)



Figure 1 – Number of media companies in the US between 1983 and 2004



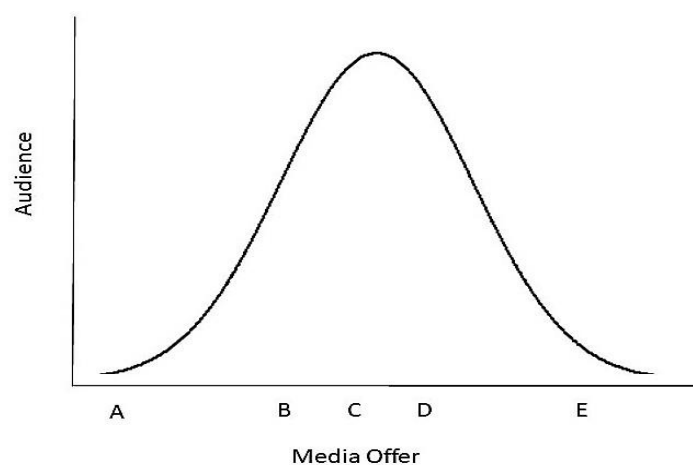
Source: author's own based on data of the Media Reform Information Center

This trend towards business concentration, which began in the 1980s, deepened in the 1990s and has continued to this day. It has generated a market characterized by a smaller number of economic agents in the form of groups of organizations that dominate the media offer, a model known as oligopoly that consists in an evolved form of monopolization in which the involved agents are not companies but groups and the competition occurs mainly due to factors like quality, the image of the products and the loyalty of the clients in detriment of the price factor (Chan-Olmsted and Chang, 2003).

The oligopoly generated a concentration of audiences and financing in the hands of a small number of agents, provoking a situation of not uncommon control of the media market.

Figure 2 represents this type of market, where the concentration of the audiences in the media represented by the letters C and D can be observed, the means A, B and E corresponding to almost residual values.

Figure 2 – Representation of the oligopoly type media market



Source: author's own

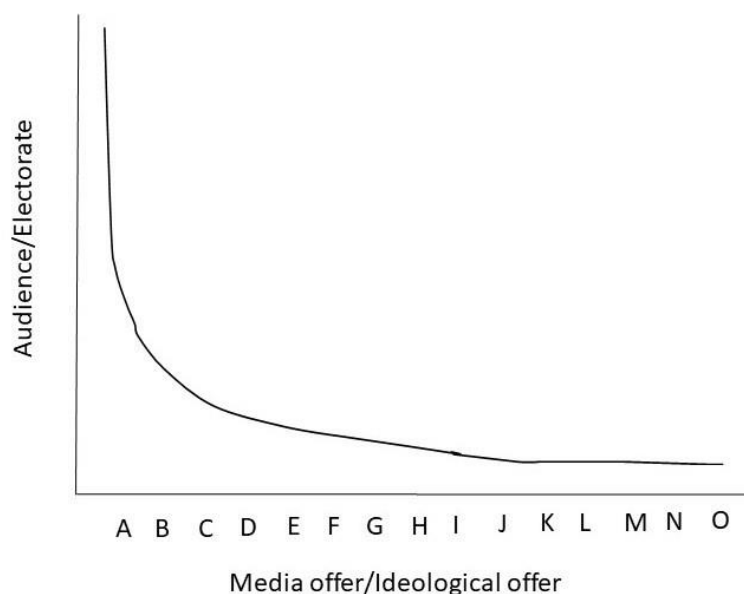


This oligopoly model of the media industry has become global through the evolution to another model called *conglomerate*, a change achieved through the merger of various oligopolies and which has been strongly criticized for constituting an acceleration of the process of media and cultural homogenization. It has also been critiqued for being a very serious threat to democracy, to which the proponents of the model, who are in favour of the economic approach, have responded by reducing the danger of monopolization and by creating economies of scale in the competition in the global market (Mandel-Campbell, 1998; Shearer, 2000).

According to Chan-Olmsted and Chang (Chan-Olmsted and Chang, 2003), three structural factors lie at the basis of this model transformation: the privatization of the television sector in many European and Asian countries; the deregulation of media ownership; the increasing homogenization of lifestyles in a broad set of metropolises; the saturation of demand in the US media market and the rampant advance of the so-called new technologies.

The media conglomerate faced its biggest challenge with the massive expansion of the Internet, a phenomenon that has affirmed itself in the 21st century and that decisively impacts on the way content is produced, disseminated and consumed. This new economic practice has increased the number of producers, raising it to an unprecedented scale in the history of the humanity and generating a paradoxical effect in the consumption pattern, simultaneously increasing the total volume of media consumers but distributing them by a multitude of producers who do not cease to emerge. The result of this new situation can be represented by the so-called *long tail*, a curve that symbolizes the hyper-dispersion of consumers by an increasing number of means (figure 3), consequently reducing the number of consumers by mean and rendering traditional financing and management models inadequate.

Figure 3 – Representation of the *long-tail* type media market



Source: author's own



The scientific debate around this new configuration of the media market tends to focus on two distinct but complementary phenomena (Napoli, 2003: 77): on the one hand, fragmentation; on the other, the autonomy of the audiences. The fragmentation phenomenon affects the media and the audiences, referring to the “technological processes that increase the range of content options available to media consumers”. In turn, the *autonomy of the audiences* phenomenon is, according to the author, “the extent to which media audiences increasingly have control over when, where and how they consume media; and how increasingly they have the power to affect the content they consume and to become content producers and distributors in their own right”.

Currently, we are witnessing an overlap between the two realities described above. The media oligopoly remains the dominant economic configuration in capitalist democracies, despite the deep crisis in which it is plunged due to the unstoppable and accelerated emergence of new producers in the age of fragmentation (Mancini, 2013; Nelson-Field & Riebe, 2011).

This overlap is a transitional phase that is believed to end in the hyper-fragmentation of the media system, a trend whose contours and effects are still difficult to predict, despite the vast literature dedicated to it. Notwithstanding the difficulty of accurately predicting what may be the future trend, it seems consensual that there is an increase in cultural processes, facilitated by low production costs and technological accessibility.

Global ideological and media configurations: convergence

The creation of any ideology inevitably presupposes reflection on its own praxis, a strategic conception that allows moving from the intellectual theorization stage to the dissemination and concretization of ideas phase, the interaction with the media being the decisive factor in those second and third moments.

In order to take place, the dissemination of ideas implies, in turn, a degree of acceptability on the part of those who receive them and this will depend on the construction and participation, by emitters and receivers, in a *symbolic space*, a reference domain that allows the sharing of meaning and emotional exchange. This reference domain, in turn, materializes itself in the form of signs, that is, signs endowed with meaning that allow the sharing of an imaginary and the construction of identity, which are essential factors in the construction of social life. It is in the capacity of creation of this symbolic space that the economic value of the media lies.

In order to characterize the intervention of the media in this process of democratization of ideas, the concept of *participatory disseminator* is proposed with regard to the fulfilment by the former of two structural functions: a transportation function and an identity creation function.

The media’s transportation function is accomplished on the basis of their integration into distribution networks that guarantee the placement of ideas in an increasingly wider area, today global, at an increasingly lower cost and in an increasingly shorter time, embodying what David Harvey called *time-space compression* (Harvey, 1990).

The identity creation function concerns the media’s capacity to participate in the construction of the identity of the actual objects they deal with, a function guaranteed by a set of selective processes such as *agenda-setting* and *framing*, designed to produce



a certain discursive construction of reality that can be accepted by a broad set of people with a certain economic-cultural profile, strategically defined as the *target audience*.

This acceptability, in turn, is explained by the creation of a discourse characterized, according to Wolton (Wolton, 1991), by being based on images, simplified and personalized, characteristics that are, however, contrary to the nature of the social problems that ideology conceptualizes, which are real and not image-based, complex and not simple, collective and non-personalized.

Notwithstanding this insurmountable contradiction between reality and media language, it is in these characteristics and in the infinite plethora of linguistic and visual combinations that embody them that the identity of the media discourse, its economic value and its cultural power lie.

The relation between economic system, cultural system and ideological production seems unavoidable, the former creating the material conditions for the development of the second in a symbolic framework that will allow the generation of the third.

The dominant economic-cultural system in capitalist democracies, previously described and identified as *media capitalism* (Nutt & Schwartz, 2008), *turbo-capitalism* (Luttwak, 1998) and *cognitive capitalism* (Parikka, 2014), has had a decisive impact on ideological production in these societies, and it can be said that each media configuration will correspond to a certain ideological configuration.

This part analyses this correspondence by focusing on the two dominant media configurations - oligopoly and fragmentation - and pointing out the ideological configurations that correspond to them. The next part will examine in detail the process of ideological production in presence, identifying the agents and processes that allowed the correspondence between media configuration and political configuration to take place.

Let's start with the media oligopoly.

The close relationship between the media system and the ideological system seems to have had as consequence, as in the case of the oligopoly market, a similar configuration in terms of the creation and diffusion of ideas, in the form of a reduced number of ideologies or even a single dominant ideology.

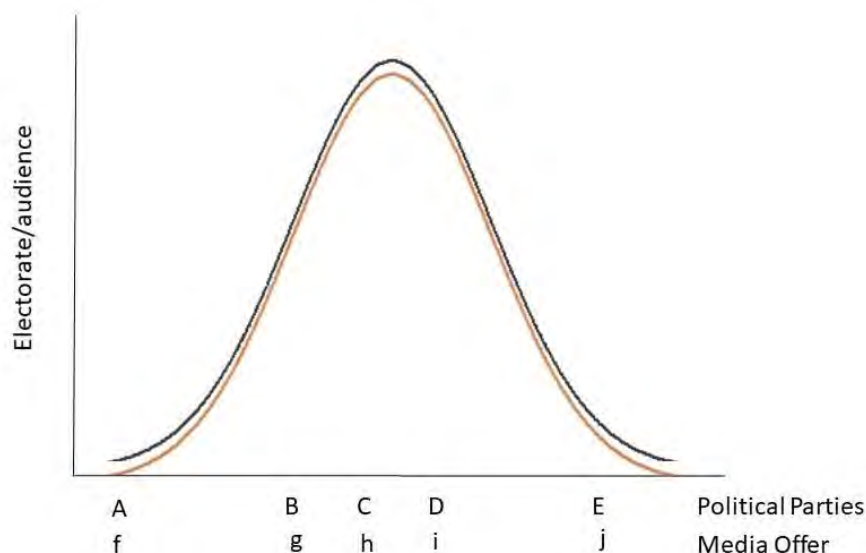
In dictatorial regimes, the media oligopoly is often detained by the state or by companies cooperating with it, resulting in almost absolute control over the symbolic production and hence over the generation and circulation of ideologies. This control happens to a lesser extent in the so-called liberal democracies, since the ownership of the mass media is access free, enabling the private sector to participate in ideological production, which in principle will become pluralist, the degree of this pluralism determining the very nature of the democratic regime in question.

The media oligopoly thus corresponded to a phase of oligopolization of the political space, with the affirmation of phenomena close to bipartisanship, concentrating the governmental power on a scarce number of parties that exercise it alternately. This is the phenomenon that Anthony Downs had already identified in 1957 (Downs, 1957) when, in the wake of Hotelling (Hotelling, 1929), he published *An Economic Theory of Democracy*, identifying the existence of a centripetal force in democratic regimes caused



by the parties' trends to approach the so-called average voter, opting to centralize their positioning in order to capture more votes.

Figure 4 – Convergence of media, social and political positioning in democratic regimes in oligopoly type markets



Source: author's own

This phenomenon is represented in figure 4, where we can observe that the vast majority of the electorate, represented by the black line, is located at the centre of the ideological spectrum, attracting political parties wishing to win elections (in this case represented by the letters C and D) and leaving parties A, B and E off the majority curve. In the same image, we can also observe the analog configuration of the media positioning, represented in orange, with the means h and i concentrating the majority of the market, thus demonstrating the said convergence between the two configurations.

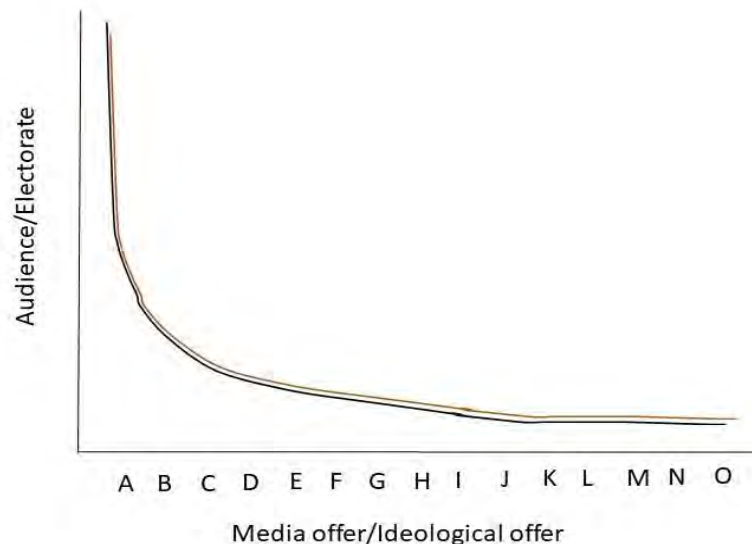
This trend towards the concentration of votes in a small number of political forces located at the centre of the political spectrum is, in our view, the strategic positioning of the media oligopoly, which is also centralized, resulting in phenomena close to *bipartisanship*, *de facto rotativism* or, if we prefer, of the so-called *alternation*.

In this sense, electoral majorities arise from the convergence between three factors: media positioning, the positioning of the electorate and the positioning of political parties, the first factor arising as the structural dimension on which the second depends, which, in turn, will generate the third.

Let us turn to the analysis of the media and ideological configurations in the case of the fragmented market, whose characteristics were already described earlier.



Figure 5 – Convergence of political and media spaces in democratic regimes, in fragmented type markets



In this type of economic configuration, represented in figure 5, media production and consumption are dispersed by a multitude of new producers/consumers who do not cease to appear, so it is expected that the circulation of ideas will follow this process, equally spread by an increasing number of producers. Such a market presents fewer barriers to ideological dissemination than oligopoly, since access to the means of media production is virtually straightforward, at most depending only on the level of digital literacy.

Therefore, it seems plausible to speak of an increase in ideological production and dissemination, notwithstanding the fact that, in the case of a fragmented market, unlike oligopoly, the impact of disseminated ideas has diminished considerably thanks to the parallel decline of audiences by means. This reduced impact ideological dissemination, in turn, should allow an increase in the ideological process and a refreshing of the political references, although, in institutional terms, it can generate phenomena such as difficulty in attaining political majorities.

Process of ideological production in the era of global media capitalism: agents and processes

The ideological production previously addressed in a systemic perspective will now be understood through a micro-analysis that allows identifying the agents and processes that integrate it, as well as the steps that it traverses.

However, this process should vary according to the type of market in question, whether oligopolistic, fragmented or mixed, for which reason the productive process of ideas in each of these contexts will be analysed.

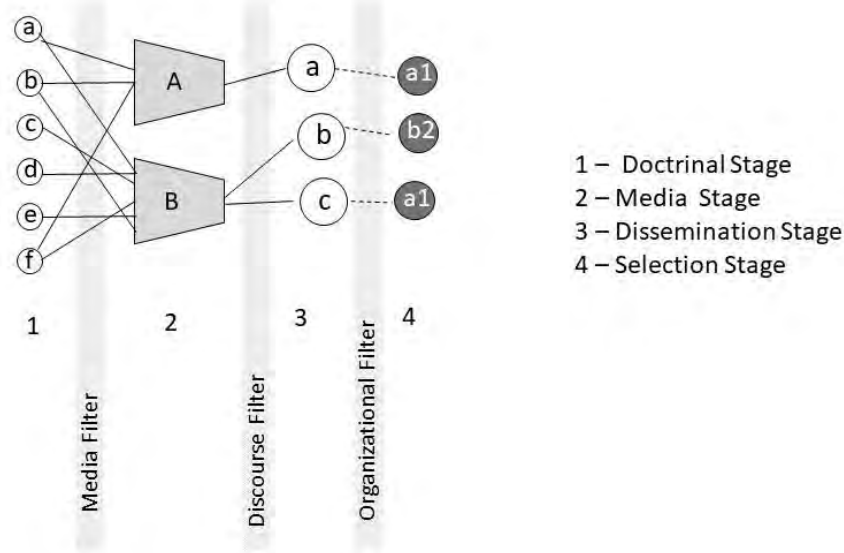
As we can see in Figure 6, the process of ideological production in an oligopolistic media system goes through four stages with distinct characteristics: a doctrinal stage; a media stage; a dissemination stage, and a selection stage.



The doctrinal stage corresponds to the moment of the germination of ideas and their systematization and discursive deepening between a more or less restricted group of agents.

Once the passage to praxis has been decided, it is necessary to widen the field of reception, the contact with the oligopolized media being decisive in this process. Still, this passage to the media field depends on a selection process - the *agenda-setting* - which we call media *filter*. In fact, it is the media's application of the so-called news-values, conceptual constructions, that allow defining the subjects that will be the target in the light of the ethical-professional and business objectives.

Figure 6 – Process of ideological production in an oligopolistic media system



Source: author's own

This media filter is a decisive moment in the life of any ideology, since it determines the possibility of sending the message to a large number of recipients. The passage in the media filter facilitates the ideological growth; the non-passage determines restraint and, not infrequently, the death of the ideology.

Notwithstanding the crucial importance of the media filter, it is only the first regulatory instrument in the life of an ideology. In case a body of ideas is accepted to integrate the media agenda, what we call the *media stage*, a second instrument starts operating, this time regulating both the prioritization that will be given to it in the face of the news of its competitors (*priming*) and the perspective in which it will be approached (*framing*). This is what we call a *semantic filter*, since it operates on the content to be published.

Once disseminated in the form of a media text constructed according to the processes described above, the ideology finally goes through a third filter capable of leading it to become praxis. This is what we call the *organizational filter*, which consists of the organizational configuration of agents capable of creating the social dynamics that will not only support the ideas already disseminated by the media but also broaden their base of support through the creation of a set of communicative strategies inserted in campaign



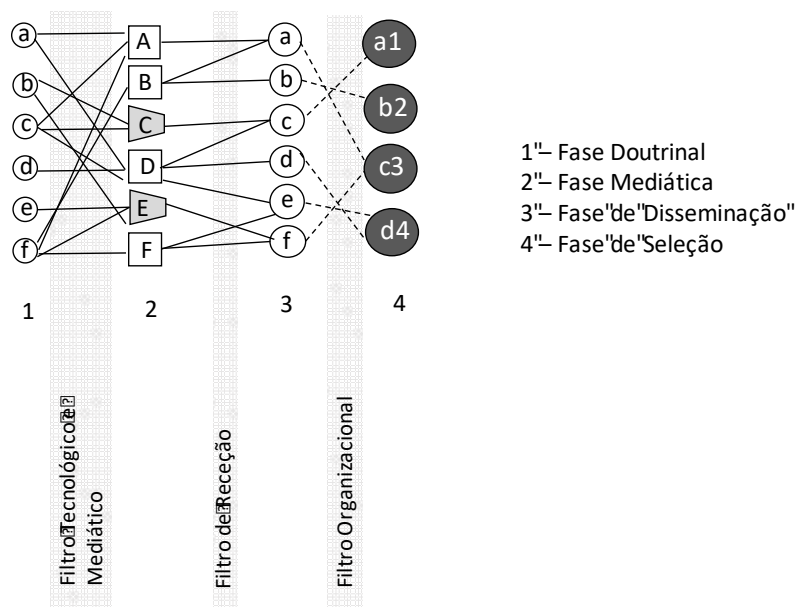
actions. The size and motivation of this *organizational filter* will directly impact on its effectiveness, i.e. the possibility of changing ideology into political action. We call this final stage the *selection phase*.

At the basis of a discursive power like that of Wolton (Wolton, 1991), described above, the media oligopoly serves as a compressor of the ideological process, acting as a filter that determines which doctrines may be diffused and which should be silenced or even killed, consubstantiating what Schlesinger describes as "the exercise of power through the interpretation of reality" (Schlesinger, 1972).

Thus, it seems logical that the media-cultural fragmentation stage will generate the fragmentation of the political space with the emergence of new political forces capable, if not of destroying the political oligopoly, at least of weakening it through the force of innovation or simply through the competitive effect.

However, getting to this stage will imply passing through an intermediate one characterized by the accumulation of aspects of the oligopoly stage as well as of the fragmented type (figure 7). It is a mixed media system in which the oligopoly, identified here by the letters C and E, still remains, although it now faces competition from a profusion of new non-oligopolized media agents (here designated by the letters A, B, D and F) born in the so-called *era of convergence* or *fragmentation*. This profusion of new media generates a cultural process that directly impacts on ideological production by allowing the hyper circulation of a greater number of ideas (here designated by the letters a, b, c, d, e, f) among an increasing number of people.

Figure 7 – Process of ideological production in a mixed media system



Source: author's own

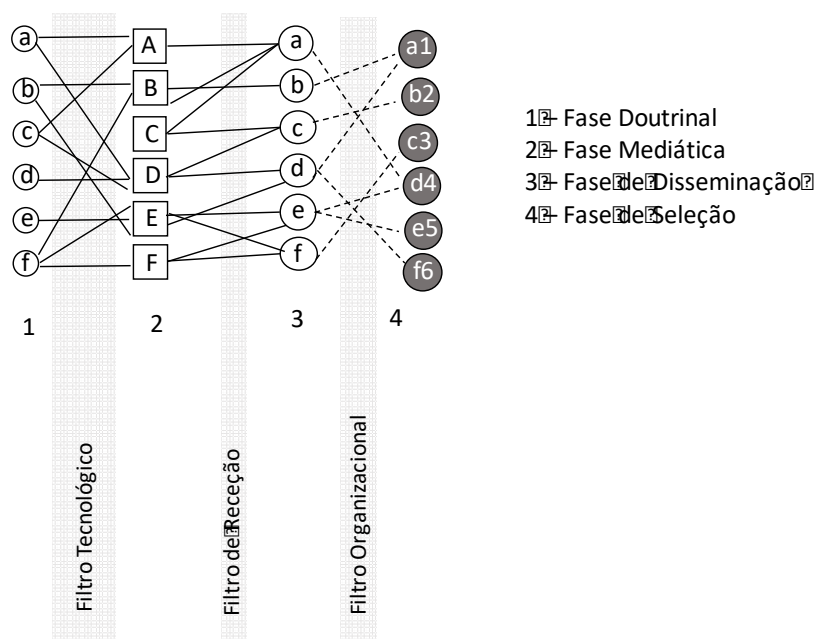
In turn, this new process will lead, depending on the effectiveness of each of the organizational filters in place, to the emergence, disclosure and affirmation of a greater number of ideological forces, which may want to move to a power stage through access



to the political-institutional system by means of free elections. The number of ideologies selected in this type of mixed market tends to be higher than that of the oligopoly (in the representation proposed here, the oligopoly allows the selection of three ideologies, while the mixed market allows four), since the so-called *new media* ensure the affirmation of new references and facilitate the dissemination of new ideas.

Finally, the fragmentation stage will come, in which the media oligopoly will have succumbed to the strength of the so-called *hyper-fragmentation* of the audiences, leaving media-cultural production in the hands of individual agents.

Figure 8 – Process of ideological production in a hyper-fragmented media system



Source: author's own

This last stage is a typical configuration that did not have real correspondence but that seems to be congruent with the logical evolution of the media systems we have witnessed in recent decades.

In a stage with these characteristics, represented in figure 8, cultural production is characterized by niche contents directed to an increasing number of audiences dispersed by an ever-increasing variety of platforms (here identified by the letters A, B, C, D, E and F) causing a ideological fragmentation (here identified by letters a, b, c, d, e, f, the largest number of ideas circulating among the three market types analysed) in a increasing free access framework but also of increasing uncertainty and instability, generated by the absence of monopolization. In this sense, the *niche-media* will tend to generate *niche-ideologies* and *niche-parties*, the latter already characterized by Bimber as "post-bureaucratic structures" (Bimber, 2003, 2009) anchored in their communicative capacity that generates social support.

Instead of the previous configurations, in the hyper-fragmented market the previously called *media filter*, which consisted in the set of news selection processes developed by traditional media, is replaced by the technological one, since ideological agents now have



access to new media technology platforms and digital networks that allow them to disseminate ideas.

As for the semantic filter, it will be the fundamental instrument that will guarantee the acceptability of ideas, consisting of a set of writing techniques that can create interest and generate audiences, broadening the reception base of ideology.

Notwithstanding the semantic centrality of the ideological production process in the hyper-fragmented market, it seems congruent that, even at this stage, a minimum of organizational strength is needed to transform any ideological agent into power, for which reason maintaining the so-called *organizational filter* is proposed, although it has residual importance compared to the others.

Finally, among the three scenarios analysed, this type of media configuration should allow the passage to the selection stage of the largest number of ideological forces (comparatively, six oligopoly forces, four in the mixed market and three in the hyper-fragmented passed to the selection stage), since it is characterized by an even larger and freer media system.

Conclusion

This article aimed to reflect on the phenomenon of ideological production in the present time, examining at it as a result of a strategic process catalysed by global media capable of simultaneously responding to financial profitability and ideological-cultural affirmation objectives.

In this sense, the interconnection between market configuration, cultural industry and ideological production plays a central role in current capitalist democracies. This interconnection has roots in the history of the press itself and its deep relation with the domains of politics and economy.

This industry-ideology alliance has constituted the structure of ideological production since the nineteenth century, although today it is at the heart of a deep global systemic crisis resulting from technological evolution and its massification. This crisis is now giving way to a new atomization and amateur usage of ideological and cultural production and consumption based on new discursive techniques, new standards and new values.

Notwithstanding the procedural changes we are witnessing in ideological production, it is clear that in the process of ideological production, the metamorphosed media industry - whether it is embedded in an oligopoly-type, fragmented or mixed market - always appears as a "system of power" (Gans, 1980) based on a set of productive processes such as agenda setting, framing and prioritization, and discursive techniques such as nominalization and conceptual metaphors. These editorial processes constitute the discrete but effective guarantee of maintaining a form of hegemony (Gramsci, 1990; Lears, 1985; Barbero & Fox, 1993; Artz & Murphy, 2000) of a functional type consisting of the domination of a class or group through the inculcation of a definite set of ideas and assumptions which, by force of habit, become natural and common sense. Once transposed to the realm of common sense, the media-based reference frameworks undergo a legitimization process, and the ideas and assumptions that do not conform to them become perceived as deviant and, consequently, repudiated.



This functional hegemony of the media and corresponding integration into Downs' theory through the phenomenon here called *socio-political-media convergence*, graphically represented in figures 4 and 5, constitute the main contribution of this article. Downs' important identification of the correlation between the *positioning of the electorate* and the *positioning of political parties* in the democracies, the latter following the former, lacks, in our opinion, an extension to the field of Communication, an extension that integrates the *media positioning* variable, thereby deepening the explanatory framework of the structural dynamics of democratic regimes.

The integration of this last variable allows a significant enrichment of Downs' model, introducing the phenomenon of *media hegemony* in the analysis and, through it, explaining the processes triggered in the following ways: media hegemony creates the reference frameworks of the audience-consumer, references which, in turn, will be the basis of the definition of the positioning of the electorate and, consequently, of the political parties, thus determining the political selection. It is a sequential process which, in the case of the oligopoly type market, promotes political stability by facilitating the formation of majorities, although it limits innovation by expelling, through its dynamics, the whole body of ideas that do not follow the references promoted by the media and the true pillars of the ongoing process. The opposite tends to happen in the fragmented market, since the gatekeeping effect of the media is nullified by technological accessibility, which creates the conditions for the ideological agents' direct control of the dissemination of their own ideological discourse.

This media centrality of the ideological production process, which here emerges as a structural and permanent factor of capitalist democracies, presents variations depending on the configuration of the media market being an oligopoly, fragmented or mixed. These variations affect, in particular, the volume of ideological discourses in circulation, with the first type of market promoting the bottleneck of the ideological offer in the public space, the second the spraying and the third a relative expansion.

Notwithstanding this variable process, this article clearly demonstrates the existence of a political-ideological function occupied by the media systems in what we can call a global democratic process, a function that began to be performed at informal level, but which the convergence phenomenon has been formalizing and institutionalizing through the creation of social movements and political forces organized from media experiences. These were the cases of Silvio Berlusconi in Italy and the so-called "Arab Spring", the former elected prime minister after a phase of establishing his own media oligopoly, the second creating a political movement through the dominance of a media sub-system such as online social networking. Examples of this reconfiguration of political actors are multiplying with cases like the *Pirates* in Sweden, who, after about four years of ideological affirmation on the Internet, acquired electoral legitimacy in 2010, having been elected to the European Parliament and obtained 8% of the votes in the regional elections in Berlin; or that of Beppe Grillo and the Movement *5 stelle*, which obtained wide social support through a blog denouncing political corruption in Italy.

There are several examples of the media's penetration of the political system, something that goes in the opposite direction to the one that traditionally existed. Scientific research has been evidencing not only the weakening of the traditional mass bureaucratic parties but also the emergence of a new global politics anchored in technology and developed by new agents who emerged due to easy access to technology and control of the discursive devices that guarantee the loyalty of the attention of the global consumer-



voter. This profound transformation of some of the democratic agents and processes means the reconfiguration of global democracy, implying new forms of negotiation and scrutiny, and, necessarily, the management of increased complexity.

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THE SIGNIFICANCE OF POLANYI'S CONTRIBUTION: AN INTERPRETATION OF THE NEOLIBERALIZATION AND COMMODIFICATION OF NATURE

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Abstract

Polanyi's analysis and contributions have been brought back into discussion due to the rapid emergence of market-based instruments designed to tackle environmental degradation. Polanyi is a crucial reference in current debates on globalization and international political economy. This article seeks to explore and discuss how his perspective, and the founding concepts of his work, can help us to interpret the current process of the neoliberalization and commodification of nature.

Keywords

Polanyi, environment, commodification of nature

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THE SIGNIFICANCE OF POLANYI'S CONTRIBUTION: AN INTERPRETATION OF THE NEOLIBERALIZATION AND COMMODIFICATION OF NATURE

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1. Introduction

Polanyi's work, The Great Transformation: the political and economic origins of our time, published in 1944, is a critique of free-market capitalism established in the nineteenth century. It is a historical analysis of human institutions that goes back to the English Industrial Revolution, when economic liberalism emerged as the organizing principle of society in view of the creation of the market economy. Polanyi's analysis aims to explain the crisis produced by the influence of liberal market ideologies and the belief in "laissez-faire", which also became the organizing principle of the world economy; a crisis which is not purely economic, in the narrow sense, as it entails the destruction of communities and livelihood provoking movements of social protection. A crisis that triggered institutional transformations of the 1930s. *The Great Transformation*, is increasingly recognized as a crucial reference in current debates on globalization and international political economy.

The concept of embeddedness, best expounded in his most famous work, is important to understand Polanyi's thought and his contribution to social sciences. In this paper it is a key starting point to comprehend other relevant concepts – such as fictitious commodity, the double movement or the economistic fallacy- analytically useful to study the current process of the neoliberalization and marketization of nature.

The article is structured as follows: first, it will provide a brief outline of Polanyi's view by attempting to clarify the main theoretical concepts elaborated in *The Great Transformation (and developed in other works)*. Then it will focus on the contemporary relevance of Polanyi's insights. Since Polanyi's analysis and contributions have been brought back into discussion due to the rapid emergence of market-based instruments to tackle environmental degradation, it will focus particular on how Polanyi's perspective - and the founding concepts of his work- can help us interpret the current process of the neoliberalization and commodification of nature.

2. Insights of Polanyi's perspective: the utopian vision of self-regulating markets



2.1. Focusing on the concept of embeddedness

Polanyi is often considered the father of the concept of embeddedness, though he borrowed it from Thurnewald's ethnographic studies on primitive societies and archaic cultures (Machado, 2010).

In *The Great Transformation* Polanyi only uses the term twice¹, nevertheless, the concept is a leitmotiv throughout his great work, particularly in specific chapters, and it plays a relevant role in his entire oeuvre. In the chapter on the "Evolution of the Market Pattern", he presents the contrasts between the market economy and pre-modern economies where the integration of economic life takes place through patterns of reciprocity and redistribution. Here, referring to the market economy, he writes: "*Instead of economy being embedded in social relations, social relations are embedded in the economic system*" (Polanyi, 2001- [1944]: 57).

A few pages later, the difference is explained in more detail, focusing on the acts of barter and redistribution:

In the vast ancient systems of redistribution, acts of barter as well as local markets were a usual but not more than a subordinate trait. The same is true where reciprocity rules: Acts of barter are here usually embedded in long-range relations implying trust and confidence, a situation which tends to obliterate the bilateral character of the transaction. (Polanyi, 2001- [1944]: 61)

Moreover, it has already been noted that, in other passages, Polanyi prefers to use 'absorbed' and 'submerged' to describe the relationship between economy and society (Barber, 1995: 401).

Therefore, the concept of (dis)embeddedness is used in the paragraphs quoted above, to illustrate the exceptional nature of the liberal capitalist market economy in the history of humankind. While in tribal societies economy was framed in other social institutional patterns, being reciprocity and redistribution the dominant forms of integration, the self-regulated market is intended as a sphere separated from the rest of society. However, the institutional separation is not due to the existence of trade, markets², and money, that were also present in non-capitalist societies (e.g. in ancient civilizations and feudal Europe³), but to the market mechanism that follows the law of supply and demand, and to the principle of gain that replaces subsistence as the dominant motive of action. In the transition to a full market economy, political efforts aiming at creating an economic sphere increasingly separated from non-economic institutions, culminate in embedding social relations in the market through the commodification of three factors of production: labour, money and land. The creation of fictitious commodities makes human social life dependent upon the fluctuations of supply and demand and causes the dehumanization of social conditions and the ensuing societal reactions to it.

¹ While the term "embedded" appears six times in the text. However, Polanyi had an "armoury of additional terms that suggest similar meanings" (Hodgson, 2016: 10).

² Polanyi defines markets as organized arena of exchange (see Hodgson, 2016).

³ For a review of the debate on the role of market as system in ancient civilizations see Schiavone (1999).



Undoubtedly, labour, land, and money markets are essential to a market economy. But no society could stand the effects of such a system of crude fictions even for the shortest stretch of time unless its human and natural substance as well as its business organization was protected against the ravages of this satanic mill. (Polanyi, 2001-[1944]: 76-77)

These contradictory forces, the process of disembedding and the consequent attempts to re-embed, constitute the core of The Great Transformation narrative as well as Polanyi's main thesis: the double movement. With this he means that market societies have been shaped by: on the one hand the movement toward self-regulating markets; on the other hand, a counter-movement of protection (not limited to a working-class movement) against the threats posed by increasing marketization and commodification that annihilates human and nature's substantial characters. In order to explain the shifting balance between the *laissez faire* approach and protective countermovement Polanyi focuses especially on Speenhamland Law of 1795, which became an obstacle to the development of a national labor market. "*The tendency of this law was to the opposite; namely, towards a powerful reinforcement of the paternalistic system of labor organization as inherited from the Tudors and Stuarts.*" (*ibid.*, 82) since the labourer had his income supplemented to subsistence level by the allowance system. This law was abolished in 1834, in order to allow movement of labour factor and the creation of a competitive labour market. The passage about the Speenhamland Law explains that the creation of self-regulating market needs state intervention as a precondition for the creation of the market economy (Just as happened with enclosures); in Polanyi's words "laissez-faire was planned". Polanyi suggests that there is often the need of greater government efforts to assure that groups that will bear increased costs of self-regulating economy will not engage in disruptive political actions. His detailed analysis of the Speenhamland period and the subsequent Poor Law Reform sheds light on the tensions between liberal mechanism and utilitarian principle that supports it, on the one hand, and the demands of solidarity and social cohesion on the other hand. However, the chapter about the Speenhamland Law shows that the forces of embeddedness and disembeddedness as well as movements aimed at the expansion of market system and counter movements, do not follow one another neatly, nor should they be studied following a simplistic dichotomous view that would fail to grasp their complexity. This point is reflected in Polanyi's criticism of the Speenhamland allowance system, whose "*outcome was merely the pauperization of the masses, who almost lost their human shape in the process*" (*ibid.*, 86), a trap for workers that allowed employers to pay as little as they wished.

The conceptualization of embeddedness described so far, as present in The Great Transformation, is a gradational notion since it is an historical variable (Gemici, 2008). As discussed above, in Polanyi's analysis societies are distinguished according to the place of economy in society. Interlinkages between markets, economic life and social life have been studied by Polanyi also in South Pacific communities from an anthropological point of view.



Another variation of the concept of embeddedness in Polanyi's body of work refers to the fact that all empirical economies are embedded and enmeshed in institutions (both economic and noneconomic). This concept is especially developed in his paper on "The Economy as an Instituted Process"⁴ where he sets forth his critique of the neoclassical view of the economy and the "economistic fallacy", viz. identifying the economy with its market form. More in detail, the formalist definition of the economy refers to a situation of choice between scarce means in relation to preferred ends, where the rule governing choices is the logic of rational actions. This approach can only be applied to study price-making markets in the modern capitalistic economies, since *homo oeconomicus* perspective is devised for that special form of economy.

"The relation between formal economics and the human economy is (...) contingent. Outside of a system of price making markets economic analysis loses most of its relevance as a method of inquiry" (Polanyi, 1957: 247).

The substantive approach, on the contrary, views economy as an instituted process of interaction between man and his natural and social environment. According to Polanyi, only the substantive meaning of economic allows social scientists to research past and present economies.

Therefore, the study of the economy in its forms of integration- reciprocity, redistribution and exchange (market)- is an institutional analysis. Likewise, an accurate analysis of economic actions has to take into account the social character of human actions and human preference interpreted within institutional and cultural context.

Gemici (2008) argues that in this case the embeddedness concept is used not as an historical variable but as a broader and general methodological principle, in an attempt to formalize a cross-cultural comparative theory of economics. The ambiguity between the two aspects of the concept (the historical dimension and the methodological notion) has been debated by scholars and derives from the lack of an explicit definition and the ensuing contradictory interpretations. The concept has indeed, been further developed by contemporary scholars- namely it has become a focal point of the new economic sociology following Mark Granovetter's (1985) seminal article "Economic Action and Social Structure – The Problem of Embeddedness". For instance, here the notion is reframed with the focus on the role of networks of social relationships among actors⁵.

The two aspects of the concepts are not contradictory. Instead, they strengthen each other, and are a key starting point to understand the main strands of Polanyi's argument and his original enduring contributions.

⁴ In the publication *Trade and Market in the Early Empires* (1957) resulting from an Interdisciplinary Research Project on the Institutional Aspects of Economic Growth.

⁵ Granovetter (1985) aims to critique a pure market approach to economic action and to create a balance between the "undersocialized" view of atomized actors as isolated from each other in neoclassical economics, and the "oversocialized" view of actors whose behavior are entirely controlled by social norms, in structural-functional sociology⁵. According to Beckert (2007) the concept of embeddedness, in the works of economic sociologists, has lost part of its original significant meanings. In particular, the macro level analysis as well as the social-reformist inclinations of Polanyi's have been neglected.



2.2. An apparent contradiction.

As a historical variable, (dis)embeddedness sheds light on the liberal ideological project to separate economy from society. This approach has been considered potentially misleading since it assumes social life as consisting of separated, or separable, spheres hence applying the (neo)classical perspective. However, Polanyi's aim is precisely to point out, through his historical analysis, that the idea of self-regulating market developed by Adam Smith, Ricardo and their successors, is a "stark utopia" unfeasible in practice because it entails to threat fictitiously entities that are not produced originally for sale⁶. This fictitious basis is the cause of the eradication of social institutions and protective counter movements⁷. The rise of market liberalism has caused forms of state regulation and intervention against free-markets dangers: on one hand New Deal and social democracy, on the other hand Fascism⁸ and communist planned economies.

Marx believed that capitalism would prove unable to further develop a continuous growth of the forces applied in the production process (means of production and labour power). The stage expansion of the productive forces reached in capitalism would not allow further development without causing cyclic economic crises and social impacts, making socialist transformation inevitable. For Polanyi, the core contradiction was that self-regulating markets are not able to produce and maintain economic and social order because of their deficiencies and inevitable responses, necessarily requiring government intervention (Block, 2008).

As a methodological principle, embeddedness can be credited with suggesting that market is a part of the broader economy, and the broader economy is enmeshed in a broader society. Moving from neoclassical economic to an institutional analysis, Polanyi affirms the importance of social relations, norms, religious and political institutions. This perspective allows him to highlight the social implications of a particular economic system which can not be disembedded from society as economic models would suggest.

Therefore, the embeddedness concept, in its variations, is the foundation upon which he builds his central argument: market liberalism could not work as intended. Its essential nature is a myth, a fiction⁹. Polanyi's alternative is not a step back to pre-modern communities. However, he insists on the need of economic system being in the service of natural human institutions, and not the other way round. In this respect it is important to recall Andre Tiran's (1998) interpretation according to which Polanyi seeks to reconcile Rousseau's social holism –showed in the community concept- and the concept of individualism developed and encouraged by the Reformation.

2.3. Fictitious commodities

⁶ Additionally market economy assumes that all humans behave in such a way as to maximize their personal utility.

⁷ Polanyi does say that the classical economists wanted to create a society in which the economy had been effectively disembedded, encouraging governments to pursue this objective. But he also argues that they did not and could not achieve this goal.

⁸ "In order to comprehend German fascism, we must revert to Ricardian England" (Polanyi, 2001 [1944]32) is a passage often cited.

⁹ According to Kari Polanyi-Levitt "the apparent contradictions in *The Great Transformation* are not contradictions, but expressions of the contradictions that exist in the self-regulating market system itself." (Maucourant and Plociniczak 2013; 519).



The unfeasibility of a fully self-regulating market economy, regulated and directed by market prices through the law of supply and demand, is intrinsically linked to Polanyi's critique of fictitious commodities. Self-regulation implies that there must be "*markets for all elements of industries, not only for goods (always including services) but also for labour, land and money.*" (Polanyi, 2001 [1944]: 72). This means that market economy needs the commodification of all elements of industry. According to Polanyi's definition, commodities are "*empirically defined as object produced for sale on the market*" (*ibid.*, 75). Hence, he points out that the extension of the market logic to the essential elements of labour, land and money is highly problematic. While labour, land, and money are essential to the market economy, the fact is they are not commodities, in the sense that they are not objects produced for sale on the market.

Labor is only another name for a human activity which goes with life itself, which in its turn is not produced for sale but for entirely different reasons, nor can that activity be detached from the rest of life, be stored or mobilized; land is only another name for nature, which is not produced by man; actual money, finally, is merely a token of purchasing power which, as a rule, is not produced at all, but comes into being through the mechanism of banking or state finance. None of them is produced for sale. The commodity description of labor, land, and money is entirely fictitious. (ibid.; 76,77)

The point is that, to include these fictitious commodities in the market mechanism, means to "*subordinate the substance of society itself to the laws of the market*" (*ibid.*, 75). For Polanyi this would inevitably result on the demolishing of society or, to put in another way, in the violation of the sociality substance of human beings. In particular, Polanyi argues that subordinating nature (land) and man to the requirements of the market mechanisms is part of the utopian project of a market economy which is not concerned about how nature, and land principally, is "*inextricably interwoven with man's institutions*" (*ibid.*; 187). In market society, social beings become factor inputs and nature (land) is included as part of the production process. Therefore, the institutional separation of the economic is the result of two commodity fictions: land and labour commodification.

Commodification as a process refers to the assignment of economic value to something that was not previously considered in economic terms, followed by the expansion of market trade to the sector that was not previously marketed. Therefore, Polanyi's definition of commodity-and consequently, of commodification - is centered on the "market trade" aspect, i.e. the inclusion of the product in the supply and demand mechanisms. While commodities are produced for sale on the market, fictitious commodities are not; that is to say, only a fiction makes them alienable and exchangeable in the market place.

"Commodity fictions" created in capitalism, particularly their social consequences, are reminiscent of Marx's theory of commodity fetishism. Centering his analysis on the relationship between capital and labour, Marx argues that commodities, when produced for the market, render the information about the social relations behind their production



invisible; human labour, embedded in the product, appears as an objective of the good. Under commodity production, relationships between human beings take the form of relations between "things", since they are mediated by objects.

However, it is worth noting that the notion of fetishism in Marx refers to the exchange value of not-fictitious commodities. In Polanyi's words *"Marx's assertion of the fetish character of the value of commodities refers to the exchange value of genuine commodities and has nothing in common with the fictitious commodities"* (Polanyi, 1944: 72). Notwithstanding, it should also be underlined that Polanyi and Marx both share their aversion to capitalism which *"was not primarily due to the fact that workers were exploited, but rather because they were dehumanized, degraded, decultured, reduced to toilers in William Blake's dark satanic mills"* (Polanyi-Lewitt and Mendell, 1987: 28).

Still focusing on the concept of commodity, and on his interpretation and elaboration of Marx's view in Polanyi's work, Appadurai points out:

In modern analysis of economy (outside anthropology), the meaning of the term commodity has narrowed to reflect only one part of the heritage of Marx and the early political economists. That is, in most contemporary uses, commodities are special kind of manufactured goods (or services) which are associated only with capitalist mode of production" (Appadurai, 1986: 7)

Historically, commodification (in Polanyi's perspective) is not a no-return process, since decommodification processes have occurred. The most emblematic example is the abolition of slavery. However, Polanyi argues that the dominant trend has been towards commodification. As will be discussed in more detail below, particularly with regard to environmental policies, this trend has intensified since the 1980s against the backdrop of the dominant international political-economic context, commonly referred as neoliberalism.

3. Polanyi's enduring contributions

Over 70 years ago Polanyi wrote: *"To allow the market mechanism to be sole director of the fate of human beings and their natural environment...would result in the demolition of society"* (Polanyi [1944] 2001: 73). Nevertheless, Polanyi was optimistic in his conviction that such a destruction could no longer happen after the Second World War, since *"Within the nations we are witnessing a development under which the economic system ceases to lay down the law to society and the primacy of society over that system is secured"*. (Polanyi [1944] 2001: 511).

It is worth noting that, as argued by Stiglitz in his foreword to the 2001 edition of *The Great Transformation*, nowadays it is widely acknowledged that free markets left by themselves, do not lead to efficient and equitable outcomes. The need for government intervention is recognized due to the limitations of markets (e.g. imperfect markets, externalities, imperfect information etc.). It is also currently more evident that reciprocity is a fundamental norm of action in modern societies (Block, 2008). Moreover, Amartya Sen's liberal paradox (1970) has shown the inherent contradiction in the [classical liberal](#)



claim that markets are both efficient, in this case in terms of Pareto optimality, and respectful of individual freedoms. However, while economic science is aware of free market limitations public policies do not seem to have recognised Polanyi's concerns, as demonstrated by the Reagan and Thatcher's doctrine, the Washington consensus, and more broadly, the globalization process that has evolved against a backdrop of neoliberal discourse.

Therefore, despite Polanyi's misplaced optimism, his arguments are still relevant. The "double movement" is a valuable tool for understanding current sociopolitical change. According to Block (2008: 5)

"The double movement is about the normal politics of market societies with democratic governance, where adherents of both laissez-faire and the protective counter movement are able to press their case in the political arena".

In other words, it is about the tension between economic liberalism principles and their opponents.

The contemporary relevance of Polanyi's insights is being reviewed and explored with regard to the interpretation of financialized capitalism as well as issues of social justice¹⁰. Moreover, the dangers posed by the commodification of nature have been brought back to debate. The commodification of land and the effects of the marketization of nature have become some of the core issues being discussed in recent works of political ecology. Castree (2010), for example, drawing on Marx and Polanyi's thoughts, identifies seven characteristics of the current process of the neoliberalization of nature: privatization, marketization, State roll-back, market-friendly re-regulation, use of market proxies, the promotion of 'flanking mechanisms' in civil society and the creation of 'self-sufficient' communities. He points out the fundamental role of the state in enforcing property rights to make markets work, reinforcing Polanyi statement that the market system could not exist without government action.

4. Interpreting the neoliberalization and commodification of nature

The unsustainable exploitation of natural resources, habitat destruction and the loss of biodiversity, often caused by the principle of immediate gain and profit, have mainly been addressed with two different type of policy instruments, both on the national and international scale: command and control instruments and economic tools. Regulatory approaches using command and control legislation (regulating, for instance, industrial pollution) can be viewed as a countermovement using non-economic values to interfere with market mechanisms, against their negative effects on the environment. In the environmental and nature conservation policy portfolio, a rapid emergence of market-based instruments (the second type of the abovementioned policy instruments) is

¹⁰ See the academic contributions to the 13th international Karl Polanyi Conference "The enduring legacy of Karl Polanyi" held at Concordia University, (Canada) on November 6-8, 2014, for further insights.



noteworthy. These include forest certifications, the payment of ecosystem services and carbon markets.

Probably the most important trend in conservation science at the moment is 'ecosystem services', typically seen as economic benefits provided by natural ecosystems. They form the basis of most market-oriented mechanisms for conservation. The underlying assumption is that if scientists can identify ecosystem services, quantify their economic value, and ultimately bring conservation more in synchrony with market ideologies, then the decision-makers will recognize the folly of environmental destruction on work to safeguard nature (McCauley, 2006; 26)

Market-based tools for conservation and sustainable use of resources are more flexible than direct regulatory approaches and they are considered more efficient and effective, since based on self-regulating market forces that determine, through price signals, the efficient allocation. In this regard, it is important to draw attention to the fact that the main theoretical foundations of this approach emanate from neoclassical environmental economics, which considers the non-existence of a market price for the services provided by natural ecosystems, and market failures in general, the root cause of environmental degradation. From this point of view, the solution proposed to avoid the degradation of ecosystems is thus the monetary valuation of the services delivered (e.g. water and flood regulation supplied by a forest)¹¹. However, recalling Polanyi's (1957: 72) notion of fictitious commodities - something that has been fictitiously produced (or placed) for sale on a market- we should make a distinction. A proxy commodification occurs when a natural entity (e.g. clean air) is priced in order to signal to policymakers, a value that can be taken into account in a cost-benefit analysis. Furthermore, there is the case of the actual creation of a market when the natural thing is priced so as to be bought and sold, thus producing a complete (fictitious) commodification (e.g. pollution permits created by the Kyoto Protocol in the contest of the international emission trading scheme-ETS).

Similarly, Gomez-Baggethun and Perez (2011) clarify in detail the differences between the concepts of valuation, privatization, and commodification (mainly focusing their analysis on the economic valuation and commodification of ecosystem services). In theoretical terms, they are distinct, well differentiated concepts. However, they can become tightly intertwined within the commodification process since the demarcation line separating the different stages may fade. First, the economic framing of the environment refers particularly to the conceptualization of the ecosystem functions as services defined as acts with the capacity to fulfill human needs. The conceptualization of ecosystem services was, indeed, intended with the aim of creating a framework to define and analyze the relationship between natural and human systems and to increase awareness on the contribution of biotic nature to human well-being. For instance, water purification by ecosystems (e.g. forests or wetlands), categorized as a regulating system, provides

¹¹ For instance, the main objective of the global initiative called "The Economics of Ecosystems and Biodiversity" (TEEB) is to draw attention of policymakers to the economic benefits of biodiversity and to the growing cost of biodiversity loss so that they can also be "captured" by market mechanisms.



clean water without having to use water treatment plants. Second, monetary valuation is the first step of the commodification process; assigning an economic value is a necessary for the sale or the exchange of the potential commodity but does not suffice on its own. Indeed, according to the definition of commodity proposed by Polanyi, as a product produced to be sold in the market, commodification requires the creation of a market for their sale or exchange. The creation of an institutional structure is necessary, starting with the definition of property rights (e.g. through privatization) which makes good and services alienable. When the commodification process is completed, monetary valuation can be realized as cash flows.

Contending views in the debate on the growing reliance on economic valuation of ecosystem services, and more broadly on the expansion of market valuation to spheres that were unaffected by commerce, range from the support of valuation as a pragmatic tool to the rejection of utilitarian rationales for conservation purposes¹². According to the first view, monetary valuation is considered crucial to communicate the value of biodiversity and allow for a cost benefit analysis. This enables the effective and efficient management and allocation of natural resources and ecosystem services, aimed at a sustainable development. In turn, concerns about monetary valuation are especially linked to its potentiality to act as a driver to commodification. Assigning a price to nature may become a first step towards the introduction of the logic of profit in specific spheres of human-nature relation only fictitiously marketable. In recent critiques of commodification scholars have also drawn upon Marx's analysis of commodification and his concept of commodity fetishism viewing the social relationships involved in production, not as relationships among people, but as asocial and economic relationships between money (the universal mediator) and commodities exchanged in market trade. As commodification makes human labour invisible, it also obscures the relevance of ecological complexity and of biological interactions¹³ contributing to the function of ecosystems. The attempt to translate these complex ecological relations in marketable units is met with obstacles at the operational level, since it is difficult to disentangle the overlapping components and functions, and then to assign a price to trade the services in the market. It is important to note that double counting is a frequent and well-acknowledged issue in estimating the value of ecosystem services. Moreover, many species and the peculiarities of ecosystem processes are still unknown. As highlighted by Gomez-Baggethun and Perez (2011) another significant issue concerning the process of nature commodification is linked to the ethical reasons against placing a monetary value on various aspects of the environment because of the incommensurability of their intrinsic, cultural, and social value, which depend on institutional and cultural settings. Finally, commodification through the annihilation of the multiple languages of valuing nature, can have worrisome implications on the way we relate to and perceive nature.

Translating the value of nature into the language of economics makes it possible to apply of the polluters-pay principle and, similarly, it allows policymakers to make their choices based on a cost-benefit analysis. Two main criticisms arise and have been well exposed by McCauley. First, to make monetary valuation the foundation of nature conservation strategies and of a path to sustainability is "*to imply —intentionally or otherwise — that*

¹² For a detailed review of this debate see Gomez-Baggethun and Perez (2011). Their analysis focuses on institutional and socioeconomical setup in which environmental policy and governance is currently embedded.

¹³ Intertwined in spatial as well as temporal dimension.



nature is only worth conserving when it is, or can be made, profitable" (McCauley, 2006; 27). Secondly, "nature conservation must be framed as a moral issue and argued as such to policy-makers, who are just as accustomed to making decisions based on morality as on finances." (ibidem; 28)

The financialization of new areas associated with environmental conservation and sustainability makes "green growth" the new frontier of market expansion¹⁴. Additionally, according to Sullivan (2013) conservation organizations, and international environmental NGOs are engaging with business and finance sectors, in an intensified financialisation of discourses related to nature conservation. Remarkably, the paradox is that, also environmental movements, emerging as reactions to the principles of market neoliberalism to contain the effects of commodification, can have the unintended consequence of extending marketization. *"Inasmuch as the solution to climate change becomes the creation of a carbon market (...) the result is the extension of the market with no obvious diminution of global warming."* (Burawoy, 2015: 24).

To conclude, Jessop (2007) argues that in contemporary capitalism, we have to add to the three fictitious commodities explored by Polanyi – land (or nature), labour, and money – a fourth factor of production that has been commodified: knowledge. Analysing this fictitious commodity is also of key importance to deepen our understanding of the ongoing process of nature commodification. It should be remembered that genetically manufactured crops are a product of new modes of transforming nature in a knowledge-based economy.

5. Concluding remarks

As illustrated above, the concepts of (dis)embeddedness, fictitious commodity and double movement, along with other theoretical insights of Polanyi's work, provide a useful conceptual framework for analyzing and interpreting neoliberalization and commodification of nature, as well as their social effects. These issues have been brought back into discussion, particularly due to the rapid emergence of market-based instruments designed to tackle pollution, the loss of biodiversity and the unsustainable use of natural resources. As Sandberg and Wekerle (2010; 42) point out *"in this neoliberal conservation narrative, nature is increasingly constructed as a commodity or real estate which is enclosed or fenced in order to be properly conserved."* Specific case studies and a historical approach are needed in order to determine local manifestation and contingencies of the processes of neoliberalization, commodification and the marketization of nature.

Notwithstanding this, Fraser warns us that Polanyi's framework must be revised in order to allow an *"integrated structural analysis (...) that is sensitive to, and critical of, domination."* (2012: 5). Indeed, she recalls that *"social constructions of labor, land, and money have typically encoded forms of domination, many of which long predate their commodification—witness feudalism, slavery and patriarchy"* (Fraser 2012: 7).

¹⁴ It is also important to note that the dominant paradigm of growth-oriented capitalism framing the arguments of those who are proposing the "green economy" or "green growth" model is being questioned by those supporting a "degrowth" paradigm. Nicholas Georgescu-Roegen coined the term *"degrowth"* in 1979, and the last decade has witnessed the consolidation of "degrowth" as a political, economic and social movement and as an intellectual current in the literature. Degrowth can generally be defined as a collective and planned process aimed at the equitable downscaling of the overall capacity to produce and consume and of the role of markets as a central organising principle of human lives (Schneider *et al.*, 2010).



Therefore, marketization and enforcing of property rights should also be researched as potential opportunities for emancipation. Conversely, with particular regard to privatization and marketization in support of nature conservation, a number of scholars lament their social and environmental consequences: benefit and risk are unequally shared, new types of social and economic capital are generated and “captured” by *élites* and, as a result, processes of rural gentrification may arise or be reinforced (Sandberg and Wekerle, 2010). The question that emerges from these conflicting views is whether the application of social principles, distributed concerns and the ethical allocation of resources throughout the development and implementation of political ecology’s approaches and specific governance settings, would be able to re-embed nature and the economy into society and so creating an alternative within the global political trend of neoliberalism.

Concurrently, a deeper perspective should focus on the impacts of fictitious commodification, on social relations and on the complex relationship between man and nature. Particular attention must be given to the fact that the dominant discourse of valuation and the market logic imposed on different aspects of social life tend to subordinate moral and ethical values to market and monetary exchange values. It is worth mentioning that anthropocentric concerns and materialistic values have been found to be negatively associated with pro-environmental attitudes and behaviours, by a growing body of evidence and empirical studies (Hurts *et al.*, 2013). Therefore, monetary valuation and the ongoing process of commodification of nature intended to solve pressing environmental issues through novel market-based conservation strategies (e.g. wetland banking), may be potentially counterproductive. “*In marked contrast to the neoliberal narrative, however, this process of conforming nature to fit neoliberal market logic has tended to accelerate rather than lessen the degradation of natural resources.*” (Vogelpohl, 2014; 237). This implication calls to mind Polanyi’s reflection on the need for the economic system be in the service of human institutions (and not the other way round). It also recalls the central argument of *The Great Transformation*, built on the concept of (dis)embeddedness, i.e. that market liberalism to work as intended because of its fictitious basis. The fiction and the contradiction inherent in the logic of the “neoliberalization of nature” consists in solving market failures and inefficiencies with the expansion of market mechanisms and market-friendly regulations.

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POPULISM AS A POLITICAL PHENOMENON

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Abstract

Populism is a political phenomenon that is difficult to define and therefore to measure. It is both feared and glorified. Its theorising may itself be a political statement.

Populism is extremist and anti-systemic, thus differentiating itself from what is popular and is generically accepted, but moderate in scope. It can be a political strategy, an ideology or a style easily propagated by the media, especially when defended by a charismatic leader, capable of generating emotions and galvanising the people.

Keywords

Populism, Democracy, Antisystem

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POPULISM AS A POLITICAL PHENOMENON¹

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Introduction

The article is divided into three chapters. The first attempts to define populism and explains the lack of consensus around its conceptualisation.

The second chapter is concerned with assessing the phenomenon, identifying types of populism, its main targets and proposes some ways of measuring it.

The third chapter contextualises the theme, taking into account the emotions and the media that project it. It identifies ways of manipulating the masses, directly and indirectly, before advancing with the main conclusions of the investigation.

From a methodological point of view, secondary sources, books and scientific articles were consulted, some of which were available online. The translations were carried out by the author of the article.

1. Define Populism

What is populism? It is a political phenomenon.² Its definition is not consensual.³ Historical divisions,⁴ geographic and ideological factors interfere in the attempt to reconcile it.⁵ It has a chameleonic nature.⁶ It reproduces in different contexts. It is

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² "Populism, as a political phenomenon and its relation to democracy, is currently a source of lively debate..." (Ostiguy, 2001: 1).

³ "Like many of the terms of the lexicon of political science, populism is marked by a high degree of contestation... We may argue that populism is so widely used – and usually in a derogatory way to denigrate any personality we dislike – that it has lost its analytical value and its meaning." (Moffitt and Tormey, 382)

⁴ "Taking a look at the 'populist' social movements of history, the concept of populism has already been applied to the protests of American farmers, as well as to the movements of the *narodniki* of Russia from the end of the XIX century. Later the term became popular in the 1960s and 1970s when it was attributed to the allusive nature of political regimes in Third World countries ruled by charismatic leaders. It was mainly applied in the political context of Latin America. Today populism is related to a diverse group of actors and policies. Silvio Berlusconi, Hugo Chavez, Mahmoud Ahmedinejad, Geert Wilders and the Polish brothers Kaczynski are all considered populist leaders by commentators and various political agents" (Azzarello, 2011: 9).

⁵ "Ideology, political parties, populist leaders and speeches grow and spread from America to Europe and from the Middle East to East Asia. But there is no agreement on how to measure or define this phenomenon. Populism means different things for different geographic areas, historical contexts and ideologies" (Dinç, 2016: 4).

⁶ "Comparative literature broadly agrees that populism is confrontational, chameleon, cultural and context-dependent" (Arter, 2010: 490).



difficult to find a common denominator for all its expressions.⁷ But it is important to mark out the scope of analysis, to fuel a constructive debate.⁸

In the 1960s, one of the earliest essays on the subject recognised the importance of populism and the difficulty of explaining it.⁹ In the next two decades, the phenomenon was associated with structural Marxism and the theory of modernisation and derived from the political and historical consequences of peripheral or developing countries. In the 1990's came the concept of neopopulism, which adapted to a changing world in the post-Cold War period. After this, its value was reduced to an analytical instrument.¹⁰ However, it recovered force in the second decade of the XXI century.

Within political parties, populism is studied at three levels: classification, description and admonition. It limits the scope of study, to distinguish the populist agents from the others. Adjective is the question. The following perspective is normative, for populism, for some, translates the "true will of the majority" and, for others, "endangers democracy".¹¹

In developed countries, populism often has a pejorative connotation, and candidates for public office repudiate it, even when they use it as a tool and professional projection.

In asymmetric societies, where the privileged are few and the middle class is a minority, populism can be understood as an act of courage, in favour of "integrity", against the corruption of the rich.¹² Is populism good or bad? It depends on perspective.

Populist parties are supposed to revolt against the abuse of power, by the strong over the weak in an unjust community. They defend a radical notion of political equality. They fight for the supremacy of the people.

If they want to win elections, they are not integrated into the society they criticise and thus win the loyalty of the electorate that is considered excluded. They organise themselves outside the system and fight against pressure groups and lobbies. They claim to be more democratic than any other. They make diffuse speeches that can please the majority and elevate the population to a homogeneous cultural group capable of the ambition of power.¹³

If they want to hold office, the enemy is external and agents claim to be victims of coup attempts by the opposition. The information provided may be dubious and the means

⁷ "Over the past two decades, the term 'populism' has been increasingly used in Western Europe – both in academic and vernacular language. The concept has been applied to a wide range of political parties such as *Front National* in France, *Die Linke* in Germany, the British National Party of Great Britain and the *Lijst Pim Fortuyn* of the Netherlands. As a result of this wide application, there is great disagreement over how populism should be defined" (Rooduijn and Pauwels, 2010: 2).

⁸ "Since populism does not tend to disappear in contemporary democracies... as the most diverse studies on the topic proliferate, it is particularly important that researchers be explicit and precise about a possible definition of populism. It is not only for proper operationalisation of the phenomenon, but it is also a necessary prerequisite for a constructive debate that brings together results from multiple cases and time periods". (Gidron and Bonikowski, 2013: 31)

⁹ "At present, there is no doubt about the *importance* of populism. But no one knows exactly what *it is*. As a doctrine or movement is elusive and changeable. It springs from all sides, but in many contradictory formats" (Ionescu & Gellner, 1969: 4).

¹⁰ Ding, 2016: 6.

¹¹ Sikk, 2009: 2-5.

¹² "When voters fear that politicians can be influenced or corrupted by the rich elite, they value signs of integrity. As a result, an honest politician seeking re-election chooses 'populist' policies – that is, left-wing for medium voters – to prove that they have not been taken over by the interests of the right. Politicians who are influenced by the special interests of the right respond with moderate or center-left policies" (Acemoglu, Egorov & Sonin, 2013: 771).

¹³ Corduwener, 2014: 433.



justify the ends. The rhetoric uses simple and direct messages, easily digested by ordinary people, tailored to the needs of the moment.¹⁴ In this sense, populism is a paradox of representative democracy.¹⁵

Populism is prolific in marshy grounds – that is when traditional political parties lose credibility because they are in crisis, buried in bureaucracies, internal struggles or obsolete structures. It fights cartel-parties that do not take care of the interests of the common citizen and do not take responsibility for the confusions they generate.¹⁶

Populist parties claim to fight tirelessly for the people against the privileged of the system. It weakens existing institutions, implementing alternative programs of wealth redistribution.¹⁷ But they rarely give power to the masses.

As a general rule, in the aftermath of elections, populism replaces the elite defeated by a new clientelistic elite, thus rewarded for its support.¹⁸ But when one elite replaces another, does it no longer have popular bases? Can populists be against populism as soon as they join the (new) system?

There are countries where political discourse constantly invokes democratic virtues. But when the protest of the populations becomes uncomfortable, the elite try to reduce it to insignificance and the state domesticates it to its measure. The nation sometimes forgets its revolutionary past¹⁹ and abuses technical and bureaucratic rhetoric to overturn popular uprisings that are supposed to jeopardise democracy. Decades earlier, similar or more radical movements overcame previous regimes, undermining one model to implement another. In this case, a movement is democratic when it pleases the parliamentary and populist majority and goes against interests.

An election boycott²⁰ or street demonstration may be localised phenomena, but they are identitarian, non-market or community forces.²¹ When they are regular, they are the

¹⁴ "The categorisation of 'people' is created by leaders who claim to represent it. This authoritarian appropriation of the population and its values has contradictory meanings. On the one hand, populism restores and values the cultural value of the common man. On the other hand, leaders take ownership of the meaning of what is popular and try to impose versions on its authenticity... based on the identity of a unitary people, with one voice and interest, with a leader representing national and democratic values" (Torre, 2007: 394).

¹⁵ "At least two factors indicate that, in politics, elements of populism will continue to exist and increase. First, representative democracy almost inevitably accompanies populism, due to a paradox of democracy. Hence, it will scarcely diminish the opportunities of the populists to restore the power of the 'people'. Second, the mediatisation of politics will also not fade. This gives the populists opportunities to gather and gain support to convey simple messages and to present themselves as charismatic leaders and real representatives of the 'people'" (Deiwiks, 2009: 8).

¹⁶ Martinelli, 2016: 20-21.

¹⁷ Acemoglu, Egorov, Sonin, 2013: 802.

¹⁸ Barr, 2009: 42.

¹⁹ In Portugal, only in the XX century, there were several military coups, including the Revolution of April 25. "All the rhetoric of a modern and European Portugal participates in a constant work of constructing a selective memory and forgetting a recent revolutionary past by abandoning slowly and systematically the ideals of equality and popular participation" (Mendes, 2005: 182).

²⁰ In Portugal: "The professionalisation and specialisation of political life reinforces the internal and self-centred logic of the political field... This is the only way to understand the extreme reactions of national political authorities and political agents, for example, in the face of electoral boycotts. The latter allows the irruption in the political space and in the public sphere of the ordinary people who, often outside of partisan logics, affirm their actions as acts of claiming citizenship, of participation, as voices and bodies that disturb the myth of a democracy without dissent or conflict" (*Id. Ibid*)

²¹ In Portugal: "A non-market and community logic prevailed in the festivities. It was a ludic and liminal way of reworking identities, of affirming community and the equality of all, forgetting rivalries and enmities, also bringing to life those who were critical of the movement or the restoration of the county. It was a work of memory, which affirmed the self-esteem of a population, the recognition of its value and existence, the



clear expression of popular will and may be more genuinely democratic than a parliamentary agreement of parties that govern by default the will of the majority, passing laws contrary to the dominant values in society without resorting to referendums on divisive issues. Not least because not all citizens vote, especially when they no longer believe in politicians who, opportunistically, demand statistical victories and forget deep dramas experienced by the population, who, one day, in despair of cause, may consider that the situation can only be resolved with a new revolution.

In Latin America, for example, populism has grown in cities. The beginning of the 20th century was associated with social change, under the impulse of urban workers against rural and conservative rigidity, landlords and classicists, who avoided sharing resources with the majority of the population.²² In this sense, it pleased the proletariat and informal, anti-systemic and revolutionary. In some cases, their leaders have come to power because they are charismatic and have high popularity ratings. But they lost it in a tragic way ²³ as soon as the expectations of supporters were exhausted. Later, populism revolted against the economic crisis, corruption, hyperinflation and poor distribution of incomes. It was reborn from the traumas of military regimes, replaced by supposedly more democratic, but chaotic, regimes that were fragile.²⁴

Populism feeds on the traumas of the people, the majority. If the phenomenon is a leftist force, it is in favour of the "poor". The rival group is the rich right-wing elite that rules in a supposedly corrupt way and must be fought due to the suffering that it inflicts on the masses.²⁵ It spreads in developing countries, where the priority is to take the population out of misery.

"The people, after meeting their basic needs for food and clothing, want to express their opinion" (Weili and Toomey, 2017: 11). China is a paradigmatic example of a changing society. After the reforms of Deng Xiaoping and the Tiananmen Square trauma, communist ideology gave way to a nationalist propaganda against US imperialism, which was dichotomous but "empty of content", so was only instrumental in the justification of party policies. In recent years, the Chinese have perhaps shifted their attention from social conflicts to fracture issues (such as Taiwan) or foreign policy (relationships with Japan or Korea). But government rhetoric seems to have less influence on public opinion in these matters. Advertising, therefore, has difficulty in asserting itself, and populations at this level find a way of escaping from the grip of the state.

possibility of developing and fixing future generations and believing in the feasibility of fixing in the interior of the country" (*Id. Ibid.*: 171).

²² "The politics of Latin America underwent enormous transformations in the 1920s and 1930s due to the emergence of a large process of urbanisation. After a long history of an elitist political system based on landowners, a new wave of urban-based political leaders emerged, supported by a multiclassist scheme that includes the urban proletariat, the employees of a growing public sector and the marginalised urban population" (Sachs 1990: 12).

²³ "The populist episodes we have examined have resulted in failures, sometimes even tragedies. Perón was forced to exile, leaving behind a weakened economy and a society at the same time politicised and deeply divided; Allende died in a military coup that destroyed democracy in Chile for the next fifteen years; Sarneu and García now preside over failed regimes, both facing the real threat of hyperinflation and economic collapse" (Sachs, 1990: 24-25).

²⁴ "We suggest that the push to adopt populist measures is due to several factors, including: an environment of deep economic conflict, associated with the highly unequal distribution of income; political instability, leading to short-termism governments; deep and visible splits between sectoral interests – urban workers in open confrontation with exporters of primary commodities" (*Id. Ibid.*: 24)

²⁵ "The motivating force of populist politicians in Latin America is the weakening of democratic institutions, which makes voters believe that politicians, despite their rhetoric, may have a right-wing agenda, be corrupt or influenced by rich pressure groups. Populist policies therefore emerge as a way for speakers to choose future policies in line with the interests of the average voter". (Acemoglu, Egorov, Sonin, 2013: 802)



Eurosceptics may still be attracted to Russian-born populism. Far-right European parties are perhaps under the influence of Putin's propaganda, because it is a "victorious expression of imperialist neo-conservatism". The far-left still reveres the communist heritage of the former USSR and seems seduced by Putin's "anti-capitalism".²⁶

In Europe, they spread criticism of globalisation.²⁷ A right-wing movement gives voice to the "silence majority",²⁸ which "defends fiscal austerity and capitalism"²⁹ and cannot affirm its own culture due to external threats (strong migratory movements, multiculturalism, invasion of another country, etc.). It appeals to a dominant and influential middle class, which seeks to recover or reaffirm values related to the country and/or nation, identity, need for recognition and the role of a particular people in the world; and that revolts against the ruling elite that supposedly sells itself abroad.

In any case, populism is always against the ruling elite. It is invigorated by the majority, be it impoverished or already influential and middle class. It serves as a counterpoint to the direction the country takes. It no longer accommodates the system and does not measure efforts to achieve objectives that its agents have already lost hope of achieving.

Therefore, populism is extremist and anti-systemic. To this extent it differs from what is simply popular and generally accepted by the population. A popular agent is moderate. A populist is a fundamentalist and capable of everything to achieve the objectives outlined – emphasis is on the excesses that are practiced.

There are leaders who seem to be permanently on the campaign trail. In a republic, where elections succeed one another, there is great pressure to please voters. It is easier for candidates to keep their plans down to the bare minimum, since most people do not vote for unpopular measures, no matter how necessary they are. Therefore, the difference between the popular and populist becomes porous.

Where is the border? The popular leader is a realist. Voter loyalty through systemic behaviour is guaranteed, which ensures social welfare and democratic order, based on moderate programs and speeches on concrete and achievable measures. Criticism of opponents is more constructive than destructive. Play it safe. The system is not called

²⁶ "The connection between Putin's Russia and the populist parties is becoming a concern for European foreign policy circles. The membership of the European right-wing parties to the Kremlin is, naturally, the most pronounced, but there is also a pattern of association with the positions of the radical left in Europe and foreign policy tendencies through Moscow" (Nestoras, 2016: 1).

²⁷ "In the last decade, populist parties have gained strength in Western Europe. They are defined by opposition to emigration and are concerned with protecting national and European culture, using the language of human rights and freedom. In economic policy, they are generally critical of globalisation and the effects of international capitalism on workers' rights. They combine with rhetoric and anti-systemic language. Often referred to as "extremist and populist parties" or the "new right", they do not fit easily into traditional political divisions... [with increasing weight] in the parliaments of Austria, Bulgaria, Denmark, Hungary, Holland, Sweden, Latvia and Slovakia, and also in the European Parliament. In some countries they are the second or third political force and are seen as coalition partners of many conservative governments" (Bartlett, Birdwell and Littler, 2011: 15).

²⁸ "There is still room for different connotations of 'people' that can be ethnically defined, from a civic point of view or as a common citizen ('the silent majority')" (Raadt, Hollanders and Krouwel, 2004: 8).

²⁹ "All these material aspects may be elements of populism at work, but they are corollaries of underlying ideas in different social contexts. For example, low-vision economic policies emerge in populist movements in developing countries because the poor and landless constitute the vast majority of citizens; in rich countries, populism is often right-wing and defends fiscal austerity and capitalism. Most of the successful movements have charismatic leaders, primarily, due to their role in coordinating a vast network based on "people power". Many other populist movements lack this kind of leadership" (Hawkins, Riding and Mudde, 2012: 4).



into question. On the contrary, the populist leader is anti-systemic, unpredictable, paternalistic, incendiary, idealistic or dangerous.

Nor should we confuse populism with nationalism. The first is radical. The second can be moderate or exacerbated, because not all people who identify with the Nation (values, territory, language) have an imperialist project. Populism can also be an internal dichotomy (people versus the elite) and nationalism as a need for a border and outside (domestic versus foreigners) to exist.³⁰

After defining populism, it is necessary to measure it. One option is to describe it in a minimalist way,³¹ to cover its various dimensions. Because? An equation with too many variables risks not reaching any conclusion.

What to do? One hypothesis is to measure populism in stages or on the basis of partial definitions. Several social dynamics can be evaluated. The speeches of the candidates in elections or the results of the ballots are usually important. Or the parliamentary and tribune debates. Or the political comments on television. Nowadays, trends in social networks or internet blogs are also analysed.

The approach can be quantitative or qualitative. A database is built. This is handled manually (human factor) and/or with computer aid.³² Results are disseminated and interpreted in the first instance and then by other researchers. It is possible to use indexes of perceived corruption or political risk worldwide, some more accredited than others, so it is necessary to refer to the source consulted. They are only indicative, but they help explain the phenomenon under consideration.

2. Evaluating Populism

Populism can be an ideology, a type of discourse or a political strategy. Table 1 summarises these three main lines of research in vogue.

Populists can have a mobilising ability, charismatic attributes and generate a cult of personality.³³ When authoritarian,³⁴ speeches are aggressive, arrogant or stubborn. But they can also be a kind or extremely nice. It depends on the posture that works best in the context under analysis.

³⁰ "However, one cannot get populism confused with nationalism . . . Not only because there are populisms that do not ethnically build the people, but also because in ethno-nationalism (or nativism) the basic distinction is between natives and foreigners. Meanwhile, in populism this distinction occurs within the same native group, in which the people are betrayed by the elites. For this convergence to exist, the elites would have to be foreign (instead of just 'agents' of foreign interests, as they are often denounced)" (Zúquete, 2016: 18).

³¹ "Starting with a minimal definition of populism and trying to apply it to empirical cases helps determine whether we are dealing with populism or not. A minimal conceptualisation has the advantage of circumscribing the meaning of populism and theoretical discussion becomes less confused, since its concept is distinguished from other political phenomena" (Deiwiks, 2009: 8).

³² Rooduijn and Pauwels, 2010: 18.

³³ "Populism is based particularly on personality politics". (Taggart, 2000: 101)

³⁴ Hawkins, Riding and Mudde, 2012: 4.



Populism, as an ideology, separates two homogenous political groups: ³⁵ poor and rich, us and them. It distinguishes the good people from the elite who are corrupt.³⁶

Table 1: Three Main Lines of Research on Populism

	<i>Definition of Populism</i>	<i>Analysis Unit</i>	<i>Relevant Methods</i>	<i>References</i>
<i>Political Views</i>	Set of interrelated ideas on socio-political nature	Party and party leaders	Party literature. Qualitative analysis of texts	Mudde (2004, 2007) Mudde and Kaltwasser (2012)
<i>Political Style</i>	Speech with specific characteristics and political proclamations	Texts Speeches	Interpretive analysis of texts	Kazin (1995) Laclau (2005) Panizza (2005)
<i>Political Strategy</i>	A form of organisation and mobilisation	Parties (with a focus on structures), leaders and social movements	Comparative historical analysis and case studies	Roberts (2006) Weyland (2001) Jansen (2011)

Source: Based on Gidron and Bonikowski, 2013: 17

While discursive style promotes antagonism between two enemy entities (for and against the people).³⁷ It involves judging ideas against supposedly evil or immoral opposition forces.³⁸ It results in a power struggle under the law of the strongest.

As a political strategy, populism promotes social cohesion and calls for the vote of a large number of supporters who rely on it in a direct, disorganised and non-institutionalised fashion.³⁹

Who are the most vulnerable to populism? The less-well educated, low-income earners as well as those who are disillusioned with life or despise the current system. The politically correct, which stifles contrary deep feelings, may be silencing less obvious, even wealthy, sectors that feel vilified, discriminated against or threatened by others (whether this is a real or illusory perspective).

³⁵ Populism is an ideology "... which considers society, lately separated between two antagonistic and homogeneous groups, 'the pure people' versus 'the corrupt elite', and argues that politics should be the expression of the general will..." (Mudde, 2004: 543)

³⁶ "Although academics do not agree on a definition of populism and multiple concepts circulate simultaneously, there is a common denominator that most people share. The populist ground is an antagonistic relationship between "the (good) people and the (corrupt) elite". (Rooduijn and Pauwels, 2010: 3-4)

³⁷ "Antagonism, as identification, relates the form (the people as signifier) and the content (the people as signified) attributed by various processes of naming – that is, establishes who are the 'enemies of the people'..." (Panizza, 2005: 3)

³⁸ "First, we understand populism as a set of ideas... It is a moralising, dualist, believing in popular sovereignty, which exalts the opinion of the majority, whilst characterising the opposition as immoral or malevolent. It opposes the approach of pluralism which emphasises the inevitable and desirable difference of opinions. Pluralism seeks institutions that value and protect the rights of the minority, whilst following the majority will; populism craves moral clarity and treats dissent with suspicion as if it were dangerous. Whilst pluralism prefers political relations based on cooperation and harmony, pluralism sees the world as naturally antagonistic". (Hawkins, Riding and Mudde, 2012: 3)

³⁹ Weyland, 2001: 14.



Populism seems to be everywhere ⁴⁰ and feeds on defrauded expectations.⁴¹ It takes advantage of situations of crisis (economic, social, political, religious, etc.). It proliferates where there is no mercy and unemployment abounds, when there is uncertainty or a lack of security. It aims to give voice to those excluded from the system.⁴² It diabolises existing institutions to give way to all, or to alienate rivals – admitting doing so violently.

The symbolic character of speeches is important in this regard. Voters, when they recognise references (the type of language and the code of values), usually identify with the action plan. Believe in what you hear. It is convinced that it is possible to achieve the proposed goal. Because? Because populists are able to play with their emotions.

3. Disseminate Populism

The political sociology of emotions helps to study populism. The passionate side of politics can be considered romantic by idealists and instrumental, manipulative and dangerous by realists, who prefer more moderate behaviour in the public sphere or have more objective interpretations of national interest.

The domain of the rational paradigm distrusts what is interpretive or dependent on the perspective. Avoid being put under by the whim of the furious crowd. But resentment ⁴³ is fertile ground for populism. Inherent is a vote of revolt against the system driven by anger ⁴⁴ which fights against some kind of injustice and, consequently, transfers the blame to a parallel entity (to the state, elites, government, etc.).

It has been proven that emotions have an impact on elections.⁴⁵ Political propaganda sells an illusion. Business media interests are not neutral when they try to maximise audiences and sign profitable advertising contracts. On the limit, they can turn reality into a mystical experience or spread "common sense" ideology contrary to fact-based

⁴⁰ "Contemporary democracies are being challenged. Its main institutions and political parties have been in crisis for some time, for a variety of reasons, from the decline of ideologies to tension between party and citizen organisations, weakening of mediation, the spread of corruption, impact of the media, policy customisation. Populism seems to be everywhere nowadays". (Martinelli, 2016: 13)

⁴¹ "The high expectations of most people were overcome by the 'unfortunate inheritance of the past', perverse bureaucracy, excessive and obsolete laws, underdeveloped parties, stagnant or inefficient public enterprises, outdated and fragmented agriculture, weak civil society and lack of modern political culture. Social cleavages were developed as a result of inadvertent consequences of the reforms that irregularly distributed the burden of transformation (unemployment, selective impoverishment, rampant competition, illegal immigration, increased crime) in a society divided between the successful in this new system and those who experienced, objectively or subjectively, loss or failure and even idealisation of the past. This situation created a favourable social climate for the growth of populist parties..." (Martinelli, 2016: 19)

⁴² Populism is "... any political project that sustains itself on a large scale by mobilising marginalised social sectors that makes publicly visible and engenders contentious political action, whilst articulating anti-elite nationalist rhetoric that values ordinary citizens". (Jansen, 2011: 82)

⁴³ "... a policy of widespread resentment in which the uncertainties of capitalism and state supervision create individuals with a diffuse sense of powerlessness, the public expression of a praxis that is neither positive nor consolidated, but results from a hasty and dependent reaction, which, as a rule, takes the form of 'identity politics'... resentment is the feeling of the weak..." (Demertzis, 2006: 104)

⁴⁴ "Anger seems to be the great engine behind populism. This is because perceptions of injustice, moral judgments, attribution of guilt and need for control are components of this negative emotion and, at the same time, are fundamental elements of populist rhetoric... rage significantly increases populist attitudes and the probability of voting in the populist party. Anxiety has the opposite effect, only obtaining statistical significance on the voter side. Sadness has no effect". (Rico and Guinjoan and Anduiza, 2016: 1)

⁴⁵ "First, we have shown that there are clear limits to voters' competence, since the decision to vote is affected by sports results... Second, we have shown that a sub-optimal source of decision is the inability of voters to separate their emotions from their political cognition. Therefore, when voters make decisions, emotions and events play an important role in explicit political variables. In fact, the overall mood effect on voting may be significantly larger than our estimates suggest, since sport is just one of the many influences that voters suffer from and not everyone enjoys sport". (Healy and Malhotra and Mo, 2009: 24)



deliberation. We enter into the mediatisation of democratic politics or public diplomacy, or the coverage of political campaigns that involve investment in image and sophisticated styles of communication and language.⁴⁶

Populism creates a parallel reality, based on exaggerations and exacerbated emotions that infantilise and confuse the reader in order to influence their deliberation; not due to experience and logical reasoning, but to impulsiveness, instinct, pathological fear or chimera capable of reaching the impossible.

For example, populists promise to lower unemployment. Some even advocate full employment, but rarely communicate concrete measures in support of this goal, because the truth is little congruent with the plan; although the break with the model of reference may seem like an oasis in the middle of the desert that despair provides.

The media can help to monitor language errors and denounce behavioural exaggerations. They do not do it if they are sensationalists and populists.

We can perhaps subdivide the policy mediation process into phases. In the 1960s, voters seemed to be loyal to prior and definite alliances, followed dominant ideologies in political parties, in a context in which the mainstream media was the press and radio.

In the 1990s, television transmitted content across society. Political agents took advantage of this stage to entertain the crowds with their humour and skills, already with concerns of image and political marketing. The format was not suitable for great philosophical reflections but attracted charismatic people with the capacity to thrill audiences like actors in the theatre.

The first quarter of the 21st century was dominated by media globalisation, especially the internet, capable of rapidly disseminating throughout the world a distorted amalgam of contents, both credible and erroneous or easily manipulated. In the last few years, politics has turned to social networks where fake news, informative rubbish and gossip are abundant. These sources are unpredictable, unmanageable and conducive to populism, especially in a complex context⁴⁷ that mixes serious issues with entertainment, which are the same thing.

Some studies have concluded that people do not necessarily vote for parties that have media coverage or only adhere to populists when they are dissatisfied.⁴⁸ Be that as it may, humans tend to participate in group phenomena. They let themselves be dragged by the torrent, under the pressure of their friends or because they feel an affinity for a certain view of the world. Once organised, individuals form waves of discontent that, later, can turn into political tsunamis.

⁴⁶ Azzarello, 2011: 18-19.

⁴⁷ "From the communications perspective, the relevant literature has studied the connection between the media and populism, mainly through the lens of the mediatisation of politics... It takes place at the same time as the professionalisation of the publicity and campaigning techniques of political parties, the increasing commercialisation of journalism, the diversification of channels and agents open to new political demands and the radical segmentation of political audiences... It is important to observe these tendencies in a broad context of processes of social change, modernisation (fragmentation of social organisation and increased identity politics), individualisation (with a more consumer-oriented approach and political gratification), secularisation (which reduces the statute of official policies and party identifications to skepticism towards established elites), economy (journalism subordinated to market criteria) and stylisation (which encourages approximations between politics and popular culture)". (Wirth *et al* 2016: 24-25)

⁴⁸ "Only when citizens agree with the party's position does the media exposure make them more likely to vote in that party". (Bos *et al* 2014: 21)



On the internet, Europe's populist supporters seem to be in line with the following profile: above all, young men, employed and optimistic, party-affiliated or highly likely to vote for him, those who do not accept the direction the country is taking. They are critical of the European construction and its institutions that are far from national realities. They do not believe in justice and revolt against impunity, transferring trust to the police and the army. They no longer leave the home (cyber activism) and vote (for anti-systemists or right-wing nationalist parties) due to the fear of immigration and Islamic extremism and the attempt to prevent the country's cultural erosion; and they admit to demonstrating on the streets against corruption, if necessary, with violence. (Bartlett, Birdwell and Littler, 2011: 20-21).

In fact, some studies consider populist discourse as "virile", admitting that women are less likely to engage in politics and adopt more moderate behaviours – that is they depart from a traditional model that may not correspond to the truth.⁴⁹ But variables such as age or gender may not have a significant impact on the equation,⁵⁰ if we admit that both men and women may be populists and that both juniors and seniors may be defrauded to the point of adhering to extreme measures to solve problems.

On the internet there is room for moderates and extremists. The difference is that the latter is visible in social networks, unlike the day-to-day, where moderates tend to be prevalent.

Because? The internet allows more freedom of expression than the politically correct daily life advocated by EU institutions or state institutions at national, regional or local levels. When citizens fear giving their opinion in a professional environment, they stop participating in demonstrations or fail to vote, they may seem harmless and go unnoticed by traditional polls. But if the revolt is installed, it spreads among individuals with common interests on social networks (Facebook, Instagram, Badoo, Google+, LinkedIn, My Space, Twitter, Tumblr, etc.) or through themed blogs.⁵¹ It is a type of passive resistance that can break at any moment, especially when a leader emerges strong enough to open the way to what the masses want, to defend them in the open. It is then that streets fill with enthusiasts and the system suddenly changes.

The issue is particularly important if we assume that terrorism is the most violent expression of populism, whether it be a state (French Revolution) or not. Nowadays, in an internet without rules or control, it is easy to control populations at a distance through the dissemination of false news or propaganda; money laundering, cyber-bullying and cyber-attacks on institutions.

Jihadist populism is particularly suited to virtual reality, given its globalised nature, which aims to embrace a whole community of believers (the Ummah), extendable beyond a

⁴⁹ "... feminist intellectuals have questioned the sexualisation of current culture and the relationship between sex, money and power that underlies Berlusconi's populism. The debate regarding the idea of 'women's silence', 'post-patriarchy' and non-television 'real woman'... The concept of 'post-feminism' is a valid alternative... it is able to capture the complexity of the policies of Berlusconi's governments, which constitute a setback in relation to the victories of feminism of the 1970s and 1980s". (Azzarello, 2011: 106-107).

⁵⁰ "Contrary to what some people think, although in line with more recent research, (populism) it is not consistently related to age or gender. It is important because these results are found not only in more conservative environments, but also in the country as a whole". (Hawkins, Riding and Mudde, 2012: 23).

⁵¹ "The emergence of social networks has created a new way of expressing support for a person, organisation or idea. Individuals can support or become a member of one of the thousands online groups with just one click. This raises a number of questions about the strength of this affinity and the relationship between online and offline involvement". (Bartlett, Birdwell & Littler, 2011: 33).



clearly defined territory (Bhui and Ibrahim, 2013: 217-219). Middle East Jihadism echoed in Europe is able to schedule, in the 21st century, attacks on virtual platforms, before attacking on the ground. The populations, caught unaware, are vulnerable to fear and anger. The revolt produces more populism and pushes the moderates to the margins of the system, when it becomes necessary to have a *we* it is a *they* as a matter of survival. To counter this tendency becomes increasingly difficult as the attacks multiply and the number of victims increases.

Conclusion

The definition of populism is not consensual, because its conceptualisation can be a political statement.⁵² Answer questions related to populists are and what means are employed are a matter of choice and this is hardly neutral.

It is difficult to measure the phenomenon and the "fundamental problem is not necessarily populism, but the political orientation that mobilises it" (Alvares and Dahlgren, 2016: 49). In this sense, it can be a type of discourse, an ideology or a strategy (or all three at the same time), extremist and anti-systemic. Advertising and the media are vehicles that disseminate it.

Populism has history and is against social exclusion,⁵³ so it is important to identify who controls the resources in a particular territory. From the point of view of discourse, the people are told what they want to hear. Political ideology views the people as a single and homogeneous entity.⁵⁴ It is part of the strategy to defend the plebs⁵⁵ and, in a sense, worship them.⁵⁶

Populism is a rhetoric with specific characteristics, much used in the electoral period, which generates extreme emotions and attitudes. It may have a diffuse matrix in favour of the rights and guarantees of the people in a democracy. Pleasing the masses and trying to satisfy their wants and immediate needs even when they are not feasible. He or she may have good intentions but risks being paternalistic and infantilising the receiver of the message. When one takes advantage of the needs of the plebs, the demagogue manipulates it. Hence, populism can be Machiavellian, instrumental, incendiary or dangerous.

A populist party opposes the regime. It boasts of being the mouthpiece of the majority wronged against lobbies, or privileged minority groups that hinder the happiness of the population. If it is necessary to break down barriers, it becomes radical or impinges on some kind of rupture in status quo, criticises the malfunctioning of existing representative

⁵² "Populism is often used as an analytical concept and, in the absence of clear academic consensus on its meaning, is a contested definition. The confusion about the term, however, is not only caused by an analytical problem of generalisation; it results mainly from the promiscuity with which it is used and the pejorative meaning of the word, both inside and outside the scientific debate. Any scientific definition attributed to this political concept is a political act in itself..." (Raadt, Hollanders and Krouwel, 2004: 4).

⁵³ "Populism is not a historical aberration or a deviance from the universal standards of modernisation... it has arisen historically as a response to the marginalisation of many politics. The persistence of social and economic exclusion brought about by neoliberal policies and, in particular, the difficulty of the poor in accessing their constitutional rights explains its resilience. Although the concrete manifestations of populism and levels of polarisation vary according to experience, populism continues to recur in democracies where the rights of ordinary people are not reinforced or respected". (Torre, 2007: 394-395).

⁵⁴ "Population is a unity and only one, and a reference to the people is not only a rhetorical claim, it is a consistent part of its ideology". (Raadt, Hollanders and Krouwel, 2004: 7).

⁵⁵ "Populists place 'the people' at the center of their politics". (Rooduijn and Pauwels, 2010: 4).

⁵⁶ "Populism worships the people". (Ionescu and Gellner, 1969: 1).



democracy. But it does not intend to be undemocratic. On the contrary, it defends a (more) direct democracy, capable of punishing the intermediary institutions that will face the "true and uncorrupted will of the people".⁵⁷

Populism is a form of struggle, so claim those who have little but want to earn more. Whoever is poor wants to be rich. Who has already satisfied the basic needs, wants to express their opinion. Whoever does not have freedom demands it.

Public opinion in a developed country calls for rights and guarantees that may not be at the forefront of a population prone to armed conflict. That is why populism depends on geographic areas, culture and dominant ideology.

In a democracy, many leaders condemn populism, but take initiatives and utter popular speeches that are generally accepted by the population. The boundaries between what is popular and populist are porous in times of crisis.

The leader is popular if he or she pleases the people with solutions that do not ruin the rule of law. It is populist when it defends an extremist program. The first promotes democratic order. The second is the cause or consequence of democratic disorder.⁵⁸ The popular strategy is moderate, protective, constructive or secure. The populist is paternalistic, fundamentalist, destructive or dangerous. Systemic policies are realist, constructive, based on concrete measures and achievable promises; idealist models are diffuse, unpredictable or promise that which could be obtained.

The defenders of the masses invoke freedom, equality and fraternity. They seek to ensure that the sovereignty of the people is not only a facade. When its leaders are charismatic, they are milestones of history⁵⁹ and try to be agents of political transformation. For some, populists are the enemy. For others they are heroes of the population. For some, populism is undemocratic, but does not always criticise elites as a "threat to liberal democracy, as long as it maintains its individualistic and anti-statesman orientation."⁶⁰ So the trend changes when the project becomes radical.

The most basic frustration, anger, disillusionment, fear and emotions ground the populist vote. In a context of uncertainty, moderation can be a threat to survival. Cicero preferred the most unjust peace to the fairest of wars.⁶¹ But does the majority of the population still prefer the status quo?

⁵⁷ "A first element of populist ideology is found in rejecting the system. Criticism is the reason for being of any opposition party, but populist parties develop a set of arguments about the malfunctioning of representative democracy... Populism is not anti-democratic... it rebukes intermediary organisations that stand in the midst of the true and uncorrupted expression of the will of the people". (Raadt, Hollanders and Krouwel, 2004: 6).

⁵⁸ "... the hypertrophy of the democratic side, to the point of over-weakening the protections of the rights of individuals and minorities, leads to the democratic disorder known as populism". (Plattner, 2010: 87)

⁵⁹ "The charismatic populist leader fascinates, mystifies and excites. The populist leaders deeply and indelibly mark the national and global history; often colorful and sweeping, they are successful in forging a bond with their followers that rarely fails to include a moral or religious tone. They claim to speak to and with the people; beyond mere representation, claim to personalise the people and are prepared to faithfully follow something relatively similar to what Rosseau called the 'general will'. In the midst of this tumultuous identification and liaison process, institutional boundaries and conventions are often forgotten or criticised in favour of unmediated contact with citizens". (Piramo, 2009: 1-2).

⁶⁰ Plattner, 2010: 92.

⁶¹ *Equidem ad pacem hortari non desino; qua vel iniusta utili est quam iustissimum bellum cum civibus.* Cicero, *Letters to Penthouse*, VII, 14. (Winstedt, 1913: 69).



Conflicts exist all over the world as a result of the rivalry between cultural groups, identities or with unsatisfied socioeconomic demands.⁶² Therefore, we do not go to the end of the ideological evolution of humanity, nor to the uniformisation of Western liberal democracy.⁶³

Apparently, we have not changed much since the Romans. Formerly there were wax tablets. There is now tablets with internet access. But people still find it difficult to live in public space when they abuse the freedoms and guarantees and virtues of a republic, in a context that privileges and rewards entertainment.

Citizens vote for leaders who make them laugh, with the ability to mobilise emotions, who know how to dress or enthuse the bored electorate who likes to play computer games or extreme sports. Instead of choosing rulers capable of facing reality with policies that effectively contribute to what the people need, both now and in the future, they vote for animators of vain rhetoric who promise to the people what they want to hear or make life a hobby. Opinion makers cease to be specialists. The information is less scrutinised by journalists and more disseminated by social networks (Facebook, Twitter, etc.) or popular video bloggers. Formal education is replaced by a system of equivalences. We invest less in cohesive and secure families, preferring dysfunctional alternatives that do not give structure to societies. Teenagers do not want to be scientists, they want to be paraded. No wonder increasingly inexperienced or immature voters choose famous candidates (whom they know by television or the internet) rather than sages and statesmen. Therefore, the environment is voluble and conducive to populism.

We are not at the end of history. We are at the beginning of a new cycle, of a wave that can result in a tsunami. And it is not for lack of warning. It is that the postmodern matrix seems more and more like the bread and Circus of the ancient Romans, from where the Middle Ages succeeded. Without forgetting that jihadist terrorism has already opened the door to this path, it remains to be seen if we can counteract the trend based on the lessons already studied.

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⁶² "In the post-Cold War world, the most important changes among peoples are not ideological, political or economic, but cultural... People use politics, not only in the pursuit of their interests, but also to define their identity". (Huntington, 1996: 21).

⁶³ "What we are witnessing is not only the end of the Cold War, or the transition to a special post-war period, but to the end of history as such: that is, the end of the ideological evolution of humanity and uniformity of Western liberal democracy as a final form of human government". (Fukuyama, 1989: 4).



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ON HUMAN RIGHTS – PARTICULARLY CRIMES AGAINST HUMANITY

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Abstract

In today's world of devastation, largely due to armed conflicts and humanitarian tragedies, as well as to the phenomenon of terrorism - which has plagued societies from the East to the West - the role of states in fulfilling their obligations towards respecting, protecting and ensuring the realization of human rights figures prominently. As far as terrorist acts are concerned, there is no consensus on their possible inclusion in the very concept of "crimes against humanity", although some authors express their agreement of its inclusion. In view of the non-existence of a Convention on Crimes against Humanity, such international crimes - which have *jus cogens* status - create obligations for States, such as the obligation to investigate, punish and extradite. In this context, the Responsibility to Protect (or R2P) is also highlighted, as the state has the prime responsibility to protect the populations from crimes against humanity.

Keywords

Crimes against Humanity, Human Rights, Terrorist Acts, International Human Rights Law, International Criminal Law

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ON HUMAN RIGHTS – PARTICULARLY CRIMES AGAINST HUMANITY¹

Daniela Martins

I. Introduction

The definition of crimes against humanity², not without controversy, has been a source of uncertainty and fluctuation³, since there is (as yet) no Convention on crimes against humanity. The United Nations International Law Commission has taken over the draft for a Convention on Crimes against Humanity to address the gap that appears to exist in the international legal order. "The most frequently-mentioned candidate for rewriting is the 'policy element', which is seen by many scholars and jurists as an unnecessary impediment to prosecution"⁴. Indeed, the current multiplication of terrorist acts has motivated the discussion of the statute of such acts. Terrorism is not included in art. 7 of the Rome Statute of the ICC⁵. The recent decisions of the International Criminal Tribunal for the former Yugoslavia (ICTY) and Rwanda (ICTR) have reaffirmed that crimes against humanity can be disconnected from armed conflict and that the requirement for state connection is not absolute, provided that an organizational policy can be established.

Acts prohibited under the Rome Statute of the International Criminal Court concern violations of fundamental human rights⁶, such as the right to life and the right not to be

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² The word *war crimes* "was selected by U.S. Supreme Court Justice Robert Jackson, the chief U.S. prosecutor at Nuremberg and the head of the American delegation to the London Conference that framed the Charter. Jackson consulted with the great international law scholar Hersch Lauterpacht, but they decided to leave their deliberations unrecorded, apparently to avoid courting controversy. In 1915, the French, British, and Russian governments had denounced Turkey's Armenian genocide as "crimes against civilization and humanity," and the same phrase appeared in a 1919 proposal to conduct trials of the Turkish perpetrators", David Luban; "A Theory of Crimes Against Humanity", *The Yale Journal of International Law*, Vol. 29, 2004, p. 86.

³ For example, see the concept of "systematic attack" for which there is no convergence, since international instruments have deferred the following terms: the ICTY statute, adopted in 1993, requires the existence of armed conflict; the ICTR statute, adopted one year later, waived the requirement of armed conflict but required a discriminatory motive. The ICC Statute, adopted in 1998, only requires a state or political organization.

⁴ Darryl Robinson; "The draft Convention on Crimes against Humanity: what to do with the Definition", 2014, p.3. Available at: <http://regnet.anu.edu.au/sites/default/files/uploads/2015-08/CAH%20What%20to%20Do%20with%20the%20definition%20Robinson%202014%2011%20later%20revs.pdf>.

⁵ See UN Doc. A/CONF.183/C.1/L.27, available at: http://legal.un.org/icc/rome/proceedings/E/Rome%20Proceedings_v1_e.pdf.

⁶ Human rights are presented as a legal category. Each human right constitutes a certain type of normative standard and implies a relationship of public law between human beings and normative authorities with a view to pursuing the fundamental values and protecting the needs against the interference of the public authorities (vertical dimension). The typical structure of a Human Right contains a subject, an object and a content. For further information see Ana Maria Guerra Martins, *Direito Internacional dos Direitos Humanos - relatório*, Almedina, 2016, p 83 and following.



tortured (the latter has as a consequence the prohibition of torture as a guarantee) - which have the nature of peremptory norms of International Law - as well as other particular offenses concerning specific human rights (e.g. prohibition of racial discrimination). As Hans-Peter Kaul⁷ claims, crimes against humanity directly violate fundamental rights and can indirectly affect the enjoyment of almost all human rights and freedoms. These crimes are so serious that "a moral and arguably legal duty arises to end the criminal conduct"⁸: the states thus have obligations in relation to human rights and freedoms, such as respect for them and abstention from violating acts, as well as to protect them⁹.

II. Crimes against Humanity as a violation of Human Rights

*"Crimes against humanity that are so heinous-so horrible-that are viewed as an attack on the very quality of being human"*¹⁰

The term *crimes against humanity* gained momentum after World War II¹¹- in line with the actual international protection of human rights, which only occurred after that period "as a reaction to the atrocities and human rights violations committed, in particular, by the Hitler regime"¹². David Luban¹³ points out that the sentence "crimes against humanity", a concept that we propose to address, suggests that offenses are committed not only against people and their communities, but against all humanity (regardless of community). "Humanity means both the quality of being human-humanness-and the

On the difference between human rights and fundamental rights, see Robert ALEXY; "Constitutional Rights and Constitutional Review"; *Lecture given at the Faculty of Law of the University of Coimbra* (30 October 2012). Available at: http://www.fd.unl.pt/docentes_docs/ma/jsb_ma_16920.docx. The author explains that "[t]he importance of constitutional rights stems from the fact that constitutional rights are rights that have been recorded in a constitution with the – subjective or objective – intention of transforming human rights into positive law, in other words, the intention of positivizing human rights *qua* moral rights."

⁷ See Hans-Peter Kaul, Judge and Second Vice-President of the International Criminal Court, at the international conference "The protection of Human Rights through the International Criminal Court as a Contribution to Constitutionalisation and Nation – Building", 2011. Available at: https://www.icc-cpi.int/NR/rdonlyres/2C496E38-8E14-4ECD-9CC9-5E0D2A0B3FA2/282947/FINAL_Speech_Panel1_HumanRightsandtheInternational.pdf.

⁸ See, on behalf of all, David Scheffer; "Crimes Against Humanity and the Responsibility to Protect" in Leila NADYA SADAT (ed.); *Forging a Convention for Crimes Against Humanity*, Cambridge, 2011, p. 305.

⁹ As Maria Luísa Piqué points out, in the field of human rights there is a negative obligation that forces states to respect rights or to refrain from repressing them (obligation to achieve results), while there is another positive obligation with regard to the states' action "to ensure rights, or to take measures in order to secure human rights" (obligation of conduct); "Beyond Territory, Jurisdiction, and Control: Towards a Comprehensive Obligation to Prevent Crimes Against Humanity" in Morten Bergsmo and Song Tianying (eds.); *On The Proposed Crimes Against Humanity Convention*, Torkel Opsahl Academic EPublisher, Brussels, 2014, p. 143.

¹⁰ See Sean D. Murphy, "New Mechanisms for Punishing Atrocities Committed in Non-International Armed Conflicts", *Melbourne Journal of International Law*, Vol. 298, 2015, p. 299.

¹¹ The protection of human beings under international law took place even before World War II. This protection includes humanitarian intervention, the inclusion of provisions relating to the protection of certain rights in certain states, and particular regimes of conventional protection for victims of armed conflict, among other things. However, the international protection of human rights only came to full fruition after World War II, when human rights were recognized as global and universal rights – also, the modern notion of human rights and the development of international justice arose from the barbarism perpetrated by Nazi Germany.

¹² Ana Maria Guerra Martins; *Direito Internacional dos Direitos Humanos - relatório*, Almedina, 2016, p. 100. See also Hannah Arendt, who describes the Holocaust as a new crime, a crime against humanity, in the sense of a crime against the status of being human, against his own nature; *Eichmann in Jerusalem: A report on the banality of evil*, 1965, p. 268.

¹³ See David Luban; *A Theory of Crimes...* op. cit. p. 86.



aggregation of all human beings-humankind¹⁴, therefore, crimes against humanity are an attack on the quality of being a person, a quality that requires from rule of law and the international community respect, protection and the promotion of an inalienable set of human or fundamental rights necessarily associated with this existence¹⁵.

The reason for the formulation of this particular offense, for the first time included in clause c) of art. 6 of the Charter of the Nuremberg Court in 1945¹⁶, arises from the absence in international law of a rule covering crimes against the population itself¹⁷. As opposed to the normative consecration of the crime of genocide, which was developed through a treaty, until the adoption of the Statute of the International Criminal Court¹⁸ crimes against humanity were largely the product of customary international law. In this regard, the establishment of the ICC (universal level) was a key milestone in the protection of human rights¹⁹.

It should be noted that at regional level it is worth noting the adoption on 27 June 2014, under the aegis of the African Union, of the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights²⁰ - whose entry into force

¹⁴ See David Luban; *A Theory of Crimes... op. cit.* pp. 86-87.

¹⁵ The thesis according to which the foundation of human rights is based on the idea of the dignity of the human person is based on this. Dignity is the quality that defines the essence of the human person, or it is the value that confers humanity to the subject. The idea of dignity must, therefore, guarantee the freedom and autonomy of the subject. According to the first paragraph of the Preamble to the UN Universal Declaration of Human Rights (1948), dignity is understood as being inherent and universal to all members of the human community. Both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) state in their second preambular paragraphs that dignity is the foundation of human rights. The Charter of Fundamental Rights of the European Union also contains the inviolability of the dignity of the human being as a gateway to the system of fundamental rights of the European Union, in accordance with its art. 1, in which all other rights, such as the right to life or the prohibition of torture, are anchored. The first historical moment in which the dignity of the human person was accepted as a constitutional principle was in the Constitutional Charter of the German Republic of 1949 - from that historical milestone, the constitutionalisation of the dignity of the human person is present in several contemporary constitutions.

¹⁶ According to Antonio Cassese, this article aimed at the prosecution and punishment of the most repugnant atrocities, that is, those acts that could subvert the sense of the principle of the dignity of the human person; «Genocide». In Antonio Cassese, P. Gaeta e J. Jones (eds.), *The Rome Statute of the International Criminal Court: A Commentary*, Vol. I, Oxford University Press, 2002, p. 335 and following. The requirement in that article that it had to be an act committed before or during the war served to limit the scope of the precept (and thus the jurisdiction of the Court).

¹⁷ As a result of this absence, the atrocities committed during World War II by the Nazis against Jews and other civilians could only be prosecuted as individual or collective offenses under German Criminal Law. According to Ilias Bantekas e Luzt Oette, "[t]his outcome, however, would have been absurd given that the Holocaust was much more than simply the accumulation of multiple offences and could not in any way be left to the devices of ordinary criminal law"; *International Human Rights – Law and Practice*, Cambridge University press, 2013, p. 709.

¹⁸ It should be noted that the ICCI has a limited and secondary nature in its intervention because there is no international jurisdiction reserve for certain crimes (Principle of complementarity and subsidiarity) - the Court intervenes in a subsidiary capacity when national jurisdiction does not ensure appropriate investigation and trial.

¹⁹ See Paula Escameia; "Prelúdios de uma Nova Ordem Mundial: O Tribunal Penal Internacional, Revista Nação e Defesa", *Instituto da Defesa Nacional*, no.104-2nd series, 2003, p.25.

See Leila Nadya Sadat, who wrote: "[g]iven the centrality of charges of crimes against humanity to the successful prosecution of atrocity crimes, the ICC's treatment of crimes against humanity will therefore be critically important. Moreover, because the ICC is a permanent court with the capacity to intervene in ongoing situations (even prior to the outbreak of conflict in some cases), the Court's prosecutions of crimes against humanity may assume a preventive role at the ICC that similar prosecutions could never have assumed at the ad hoc tribunals".¹⁹ See Leila Nadya Sadat; "Crimes Against humanity in the modern age"; *The American Journal of International Law*, Vol. 107, 2013, p. 334.

²⁰ Available at: [http://au.int/sites/default/files/treaties/7804-treaty-0045 - protocol on amendments to the protocol on the statute of the african court of justice and human rights p.pdf](http://au.int/sites/default/files/treaties/7804-treaty-0045_-_protocol_on_amendments_to_the_protocol_on_the_statute_of_the_african_court_of_justice_and_human_rights_p.pdf).

See also Patrícia Galvão Teles e Daniela Martins; "Tribunal Penal Internacional – Desafios Atuais", *Relações Internacionais*, Instituto Português de Relações Internacionais, Vol. 54, June 2017, p. 28 and following.



is pending. The purpose of this Protocol is to provide that Court with a section on international criminal law with jurisdiction to prosecute, in particular, crimes against humanity.

The constraints imposed by the Rome Statute (such as the failure to include the principle of universality)²¹ make the ICC's task intrinsically difficult. However, the inclusion of the principle of universality in the new Convention on Crimes against Humanity can constitute a major step forward in inter-state cooperation in punishing such serious violations of international law by establishing more effective jurisdiction of the ICC. Indeed, "until the ICC becomes a truly universal tribunal (if it will ever become one), its 'partial' or 'incomplete' jurisdiction will remain a challenge"²².

Crimes against Humanity are defined in art. 7 of the Rome Statute of the ICC. According to paragraph 1 of the precept, "crime against humanity" means any of the following acts, when committed in the context of a generalized or systematic attack against any civilian population, with knowledge of this attack: a) Homicide²³; b) Extermination; c) Slavery; d) Deportation or forced transfer of a population; (e) Imprisonment or other serious deprivation of physical liberty, in violation of fundamental rules of international law; (f) Torture²⁴; g) Rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable gravity; (h) Persecution of a group or community for political, racial, national, ethnical, cultural, religious or sexually identifiable reasons as defined in paragraph 3, or other criteria universally recognized as being unacceptable in international law relating to any act referred to in this paragraph or to any crime within the jurisdiction of the Court; i) Forced disappearance of persons; j) Crime of apartheid; (k)²⁵ Other inhuman acts of a similar character which intentionally cause great suffering, serious injury or affect mental or physical health." Unhappy with this definition, Charles Chernor Jallow suggests reformulating it by an amendment to the Rome Statute²⁶.

²¹ The competence is not universal since it is restricted, in principle, to the states that have ratified the Rome Statute. The ICC does not prosecute all perpetrators of crimes against humanity: The Treaty of Rome provides that the jurisdiction of the ICC is limited to crimes committed in the territory of the State Party or by its nationals. However, in the draft articles that may be part of a future Convention on Crimes against Humanity, it is proposed that the states exercise jurisdiction not only in relation to crimes committed in their territories or by their nationals, but also by non-nationals abroad who are within the territory of the said State Party. This is a major step forward in the process of protecting human rights. DIRE TLADI stresses "[p]erhaps the central element of the ILC project will be the obligation to prosecute or extradite, a legal principle known as *aut dedere aut judicare*. The *aut dedere aut judicare* obligation, broadly stated, obliges a state to prosecute offenders *present in its territory or, if it is unable or unwilling to do so, to extradite the offender to a state that is willing to do so*"; *Complementary and cooperation in international criminal justice, Assessing initiatives to fill the impunity gap*: paper 227, Institute For Security Studies, 2014. Available at: <https://issafrika.s3.amazonaws.com/site/uploads/Paper277.pdf>.

²² See Patrícia Galvão Teles; "O Tribunal Penal Internacional e a evolução da ideia do combate à impunidade: uma avaliação 15 anos após a Conferência de Roma", *Janus.net*, Universidade Autónoma de Lisboa, Vol. 5, no.2, November 2014-April 2015, p. 4.

²³ "Events like the 11th September attacks could be prosecuted under this heading. The acts were multiple and coordinated, causing the death of thousands of people, in furtherance of Al Qaeda's terrorist policy against the United States. Thus, they were 'systematic'", Roberta Arnold; *The prosecution of Terrorism as a Crime... op. cit.* p. 994

²⁴ Terrorism can also be covered in this paragraph, since such a provision omits the requirement of connection "to a public official". *Idem*.

²⁵ See Draft Code of Crimes Against the Peace and Security of Mankind, International Law Commission Report, 1996, p. 47 Available at: http://legal.un.org/docs/?path=../ilc/documentation/english/a_cn4_I532.pdf&lang=EF: inhuman acts should be those "which severely damage physical or mental integrity, health or human dignity, such as mutilation and severe bodily harm."

²⁶ See. Charles Chernor Jallow; "What Makes a Crime Against Humanity a Crime Against Humanity", *American University International Law Review*, Vol. 28 No. 2, 2013, p. 435.



Paragraph 2 of this article presents a set of definitions that have as main purpose the delimitation of the conducts typified in number 1. Andrew Clapham poses the question "if such acts are already violations of human rights law, what is the added value of criminalising them at international level?"²⁷ International criminalization makes it possible for the individual to be tried before an International Court²⁸. But what will justify, *ab initio*, the criminalization of such acts? Bassiouni²⁹ was one of the first authors to advance a doctrinal basis for international criminalization. Such offenses, according to the author, affect internationally significant interests, posing a threat to world peace and security, with transnational implications. That is why there is universal interest in repressing these crimes, which results, in principle, in universal jurisdiction.

Crimes against humanity are, therefore, defined as a "generalized or systematic attack against any civilian population, with knowledge of this attack" (article 7 (1) of the Rome Statute of the ICC). The concept of "attack" presupposes, in terms of clauses (a), (b), (c), (d) and (e), that these offenses taken together (that is, cumulative) give form and existence to a government policy against a target civilian group.

The **objective elements** of crimes against humanity are defined in clauses. (a) to (k) of paragraph 1. The offenses are required to be systematic in nature and must be endorsed by the state, government or entity in charge. At this point, there is controversy³⁰ in the nature of terrorist acts³¹ committed by non-state actors - will they be considered agents of crimes against humanity? There are two ways in which such offense (terrorism) can be taken into account as Crime against Humanity: as one of the subcategories of crimes against humanity or as an "inhuman act" (k). This is the view of Roberta Arnold³², for whom the advantage of including terrorism in one of the subcategories is that they can be committed by all, including non-state actors and "[s]econdly, a wide range of victims is covered, including every person who is not performing *de facto* combating functions, independently from his or her nationality." Michael A. Newton and Michael P. Scharf believe that "[e]xpanding the corpus of crimes against humanity [to terrorism] could provide a harmonized legal framework applicable in both times of armed conflict or peace"³³. According to Kai Ambos, "[t]he intentional killing of more than 100 people constitutes the required single act of murder. As a

²⁷ See. Andrew Clapham; "Human Rights and International Criminal Law" in William SCHABAS, *The Cambridge Companion to International Criminal Law*, Cambridge University Press, p. 6.

²⁸ See Andrew Clapham; *Human Rights and International...op. cit.* p. 7.

²⁹ See Cherif Bassiouni; "The Penal characteristics of conventional international criminal law", *Case Western Reserve Journal of International Law*, Vol. 15, No. 1, 1983, p. 30 and following.

³⁰ See, on this matter, Michael P. Scharf e Michael A. Newton: "Assuming that non-state actors are in fact legally capable of committing crimes against humanity, the acts of any large-scale group such as the Mafia, organized drug trafficking or terrorist organization, or even a gang capable of committing 'widespread or systematic crimes' would be sufficiently covered by the specifically listed categories of crimes against humanity. In such a case, there is no need to list terrorism as a separate crime against humanity; rather, the specific act is already covered in the crimes against humanity of murder, persecution, or other identifiable crime."; *Terrorism and Crimes Against Humanity... op. cit.* p. 275.

³¹ "[T]errorist attacks have usually been defined as serious offences, to be punished under national legislation by national courts. The numerous international treaties on the matter oblige the contracting states to engage in judicial cooperation for the repression of these offences. In my opinion, it may be safely contended that, in addition, at least trans-national, state-sponsored or state-condoned terrorism amounts to and international crime and is already contemplated and prohibited by international customary law as distinct category of such crimes."; Antonio Cassese; "Terrorism is Also Disrupting Some Crucial Legal Categories of International Law"; *European Journal of International Law*, 2001, p. 994.

³² Roberta Arnold; "The prosecution of terrorism as a crime against Humanity", *ZaoRV*, Vol. 64, 2004, pp. 994 and 999.

³³ See Michael A. Newton and Michael P. Scharf; "Terrorism and Crimes Against Humanity" in Leila Nadya Sadat (ed.); *Forging a Convention for Crimes Against Humanity*, Cambridge University Press, 2011, p. 272.



consequence, the ICC has jurisdiction *ratione materiae*, without being controversial"³⁴. In fact, the author points to two bases for the ICC's jurisdiction over such acts: (1) the active personality principle (it exists for some ISIS members who are nationals of ICC States Parties, as per clause b) of paragraph 2 of art. 12); 2) the principle of territoriality (clause a) of paragraph 2 of art. 12) - a certain territorial connection is required from the state where the offense was committed, it being understood that such a connection exists when the perpetrator is resident in the same state (part of the ICC Statute). But in the case of ISIS, the actors have no fixed territory or have a connection to third countries (such as Iraq, Libya, and Turkey). The author suggests, however, that the requirement of a sufficient territorial link to a Member State is necessary - as when the act (or its effects) is produced in a Member State. There are those who argue³⁵ that subsuming terrorism to the category of crimes against humanity would lead to the dilution of *lex specialis* into *lex generalis*, so it would be preferable to establish terrorism as a separate category of transnational crime. For Bassiouni, the only entities liable to commit acts that gain the status of crimes against humanity - other than the government - are those that hold elements of state sovereignty - Gestapo, KGB³⁶. It is thus a narrow view of the term "political organization" as including only the government, excluding non-state actors³⁷. Conversely, an expansion of the scope of universal jurisdiction to such non-state actors is applauded by some authors, including James Fry³⁸.

In view of the lack of consensus regarding the inclusion of the crime of terrorism into the catalogue of crimes against humanity, it should be noted that "[the] fight [against] terrorism raises two complex problems with regard to human rights: on the one hand, the right of the civilian population to have its own security strengthened, on the other hand, the right to the protection of fundamental human rights, which must be ensured even for the alleged terrorists.

A balance must be struck between the human rights of victims and of terror suspects and the rights of citizens in general, who can see their fundamental freedoms affected and restricted by measures taken in the name of the fight against terrorism"³⁹, according to Patrícia Galvão Teles.

Regarding the **subjective elements**, it should be noted that according to the general principles of international law, the subjective element of crimes against humanity can be divided into two distinct moments: knowledge/awareness of the wider context in which crime is committed, that is, that these offenses are part of a systematic, widespread and large-scale policy of abuse; and the need to verify intention with respect to the practice of the underlying offense. Thus, individual responsibility for crimes against humanity is not limited to the fact that a person commits crimes of widespread or systematic scope.

³⁴ On the ICC's jurisdiction over terrorist acts, see Kai Ambos; "The new enemy of mankind: The jurisdiction of the ICC over members of 'Islamic State'", *Blog of the European Journal of International Law*, 2016, paragraphs. 2 and 3. Available at: <https://www.ejiltalk.org/the-new-enemy-of-mankind-the-jurisdiction-of-the-icc-over-members-of-islamic-state/>.

³⁵ See Ben SAUL; "Reasons for defining and criminalizing 'terrorism' in international law", The University of Sydney, Legal Studies Research Paper No. 08/121, 2008, p. 248.

³⁶ See also William A. Schabas; "State Policy As An Element of International Crimes", *Journal of Criminal Law and Criminology*, Vol. 98, No. 3, 2008, pp. 953, 973.

³⁷ The Jurisprudence of the International Criminal Tribunal for the former Yugoslavia has accepted the possibility of non-state actors being tried for crimes against humanity - see, for example, the International Criminal Tribunal for the Former Yugoslavia, *Tadić*, 1997, para. 654.

³⁸ See James Fry; "Terrorism as a Crime Against Humanity and Genocide: The backdoor to universal jurisdiction", *UCLA Journal of International Law & Foreign Affairs*, Vol. 7, 2002, p. 197 and following.

³⁹ See, for example, Patrícia GALVÃO TELES, "Terrorismo e Direitos Humanos", *Janus.Net*, 2003 § 1.



It is required that the perpetrator be *aware* of the general context in which the crime was committed, a knowledge that must be combined with *malice*. As far as crimes against humanity are concerned, there is no requirement for intent in the volitional element, admitting any form of malice (also both the necessary and the possible).

These are international crimes committed directly against the civilian population which acquire a certain proportion/scale that goes beyond the so-called crime with a purely private intent and can be committed in the territory of a single state or at the borders. Finally, the crime concerns the most hateful acts of violence and persecution known to mankind.

In accordance with the above, the requirements for a crime to be considered as a crime against humanity are:

- i) *Acts committed in a generalized or systematic way*⁴⁰- These are alternative requirements. The notion of attack has been studied in jurisprudence. Examples include the *Nahimara et al.* case⁴¹, in which the International Criminal Tribunal for Rwanda cited the *Kunerac et al.* case in order to concretize the notion that it considers to be substantiated in the conducts involving committing acts of violence. The Court concluded that an attack on the civilian population means a violent action against the civilian population, or some kind of treatment referred to in sub-paragraphs a) to i) of art. 7.

It is necessary that the attack be generalized to the extent that it interferes with a large number of people (multiplicity of victims, which excludes isolated acts of violence). The attack must be systematic, which means that it must be committed according to a pre-conceived plan whose implementation or policy should result in the repeated and ongoing commission of inhuman acts.

- ii) *Acts committed against any civilian population* – In fact, the “civilian population” requirement has been the subject of debate, largely because of the difficulties in transposing the notions of International Humanitarian Law⁴². If one agrees to a human rights approach, this will ensure a range of positive rights for all individuals regardless of their underlying status. It is particularly debated whether that term should be interpreted broadly or narrowly – since the Rome Statute is silent on that point. Leila Nadya Sadat⁴³ suggests that the term “civilian population” should have an autonomous meaning, rather than merely a demarcation of the meaning of international humanitarian law, since any person is protected against attacks on his life by the protection afforded to him by the right to life. According to the author, the

⁴⁰ It is understood that the requirements are disjunctive. The practice of the ICCI has reaffirmed this– See *Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya*, Pre-Trial Chamber, ICC-01/09, Mar. 31, 2010, para. 94.

⁴¹ International Criminal Tribunal for Rwanda, *Nahimara et al.* (Case No. ICTR-99-52-A), Judgement, 28- Nov. 2007, para. 916. Available at: <http://cld.unmict.org/assets/filings/90-ICTR-99-52-2079-4-MEDIA-Nahimara-et-al-appeals-judgement.pdf>.

⁴² One can read, for example in the *Bemba* case (*The Prosecutor v. Jean-Pierre Bemba Gombo*, ICC- 01/05-01/08) that the civilian population includes all persons who are civilians in opposition to members of the armed forces and other legitimate combatants.

⁴³ See Leila Nadya Sadat; “Putting Peacetime First: Crimes against Humanity and the Civilian population requirement”, *Emory International Law Review*, Vol. 31, 2017, p. 206.



Court should not only analyse the formal status of a victim (as a civilian) within the meaning of international humanitarian law, but take into account the actual situation of the individual or the population being abused - a position that I endorse and which, according to Leila Nadya Sadat, ensures the tendential abolition of the artificial division between protected persons and unprotected people during War and Peace⁴⁴.

The notion of "civilian population" must then be interpreted broadly - - "[a]n attack can be committed against any civilian population, regardless of nationality, ethnicity or any other distinguishing feature, and can be committed against either national or foreign populations."⁴⁵ The notion of civilian population "is much broader than the four groups enumerated in the Genocide Convention"^{46,47}. Steven Ratner, Jason Abrams and James Bischoff believe that such a requirement suggests that even the most atrocious acts, such as some terrorist attacks, are not crimes against humanity, even when they are isolated⁴⁸, which is criticized by the authors as it confines the scope of crimes against humanity.

- iii) *Acts deriving from the instigation or direction of the government or of any other political organization (policy element)*⁴⁹ - The International Law Commission decided to include such a requirement in order to include inhuman acts committed by private persons without state involvement.⁵⁰ Clause a) of paragraph 2 of art. 7 of the ICC's Rome Statute expresses this view. Such a provision expressly contemplates the commission of crimes against humanity by non-state perpetrators. The jurisprudence of the ICC suggests that the term "political organization" includes "any organization or group with the capacity and resources to plan and carry out a widespread or systematic attack."^{51 52}

⁴⁴ *Idem*, p. 207.

⁴⁵ *First Report of the Special Rapporteur on Crimes Against Humanity*, Sean MURPHY, para. 135.

⁴⁶ See Ilias Bantekas and Lutz Oette; *International Human Rights... op. cit.* p. 710.

⁴⁷ In the *Kunarac* case, the Tribunal said that: "the use of the word 'population' does not mean that the entire population of the geographical entity in which the attack is taking place must have been subjected to that attack. It is sufficient to show that enough individuals were targeted in the course of the attack, or that they were targeted in such a way as to satisfy the Chamber that the attack was in fact directed against a civilian 'population', rather than against a limited and randomly number of individuals."; *ICTY Prosecutor v. Kunarac and Others*, 2002, para. 63.

⁴⁸ Steven R. Ratner, Jason S. Abrams and James L. Bischoff; *Accountability for human rights atrocities in international law – Beyond the Nuremberg Legacy*, 3d Edition, Oxford University Press, 2009, p. 79.

⁴⁹ In 1995, the International Law Commission discussed the debate on whether acts by non-state actors could be included as crimes against humanity, which, according to some members, would not be possible. However, the jurisprudence of the International Criminal Tribunal for the former Yugoslavia has accepted the possibility of non-state actors being tried for crimes against humanity. - See the *Tadić* case, 1997 "the law in relation to crimes against humanity has developed to take into account forces which, although not those of the legitimate government, have *de facto* control over, or are able to move freely within, a defined territory", para. 654. Darryl ROBINSON identified four theories regarding this requirement. See «Essence of Crimes Against Humanity Raised at ICC», *Blog of The European Journal of International Law*, 2011. Available at: <http://www.ejiltalk.org/essenceof-crimes-against-humanity-raised-by-challenges-at-icc>.

⁵⁰ Primarily, the International Law Commission defined crimes against humanity as "Inhuman acts such as murder, extermination, enslavement, deportation or persecutions, committed against any civilian population on social, political, racial or cultural grounds *by the authorities of a State or by private individuals acting at the instigation or with the toleration of such authorities*"; Report of the International Law Commission on the work of its sixth session, *Yearbook of the International Law Commission, 1954*, vol. II, p. 150. Later, it defined it as "any of the following acts, when committed in a systematic manner or on a large scale and *instigated or directed by a Government or by an organization or group*", ILC Report, 1996, p. 47.

⁵¹ See *First report on crimes against humanity*, Sean Murphy, para. 147.

⁵² "Such a policy may be made either by groups of persons who govern a specific territory or by any organization with the capability to commit a widespread or systematic attack against a civilian population.",



iv) Knowledge of the attack - the author of the act must commit it with knowledge of doing it.

Criminalizing this type of behaviour presupposes the states' obligations to prevent⁵³ them (as well as the obligation to punish them). The State⁵⁴ is obliged to **protect**⁵⁵ all fundamental rights, since, by assuming a monopoly on the use of lawful coercive force, it is obliged to protect the life, safety, well-being, freedom, and the property of private individuals. In fact, "the threshold between human rights violations and crimes against humanity takes on a particular significance in the context of [...] the 'Responsibility to Protect'".⁵⁶ The "R2P" concept came from the International Commission on Intervention and State Sovereignty (ICISS).⁵⁷ The State's duty to protect the dignity and basic human rights of its own population⁵⁸ is essentially achieved through positive normative or factual actions aimed at the effective protection of fundamental rights. This duty is essentially carried out through positive actions but also includes duties of abstention, of no negative affection, which from the perspective of individuals, translate into both positive and negative rights. Violation of such an obligation implies the State's responsibility⁵⁹. Regarding the new Convention on Crimes against Humanity - a project initiated by the International Law

International Criminal Court, *Katanga Case* (ICC-01/04-01/07) between the Prosecutor v. Germain Katanga, 2008, para. 396. Available at: <https://www.icc-cpi.int/drc/katanga>.

⁵³ States have a duty to respect, protect and fulfil fundamental rights. The fundamental rights legally guarantee individual access to goods which, due to their importance for the dignity of the human person, personality development, autonomy, freedom, and well-being of the people, the Portuguese Constitution (CRP) and the other international instruments understood deserving maximum protection. The constitutional consecration of fundamental rights has a very precise legal meaning: it always imposes upon the State, and upon each of its constituted powers, duties of subordination and legal binding, which, in general, result in corresponding claims and rights of realization for the individuals, whose awareness can be translated into the ownership of public subjective rights, i. e., rights to be legally claimed in their own interests to ensure the fulfilment of the respective state's duties.

⁵⁴ The International Community also has a responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VII of the Charter of the United Nations, to protect populations from crimes against humanity.

⁵⁵ For further information, see Jorge Reis Novais; *Direitos Sociais: Teoria jurídica dos direitos sociais enquanto direitos fundamentais*, Coimbra Editora, 2010, p. 256 and following.

Following the widespread and systematic attack against the civilian population by the Libyan regime, the UN Security Council adopted Resolution 1970 on 26 February 2011 (available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970 (2011)), making explicit the reference to the responsibility to protect. The Security Council has called for an end to violence, "recalling the Libyan authorities' responsibility to protect its population", imposing international sanctions. In Resolution 1973 (available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970 (2011)), adopted on 17 March 2011, one reads that attacks on the civilian community constitute crimes against humanity. In the UN Secretary-General Ban Ki-Moon's report on Implementing the Responsibility to Protect (A/63/677, 2009), three pillars of this obligation are identified. They are: 1) The State has the primary responsibility to protect the populations from genocide, war crimes, crimes against humanity and ethical cleansing, as well as their incitement; (2) The International Community has the responsibility to encourage and assist states in fulfilling such responsibility; (3) The International Community has the responsibility to use appropriate diplomatic, humanitarian and other means to protect against such crimes. If a state is manifestly lacking in its obligation to protect, the international community must prepare to take collective action to protect the population, in accordance with the Charter of the United Nations. (Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/206/10/PDF/N0920610.pdf?OpenElement>).

⁵⁶ Andrew Clapham; *Human Rights and International...op. cit.* p. 7.

⁵⁷ Such a Commission was called upon to reach an international consensus on humanitarian intervention following the experience of the 1990s (experiences such as Somalia, Rwanda, Bosnia and Kosovo). It was, therefore, the responsibility - in the first instance, of the state concerned - to protect its own population. The concept of responsibility to protect was adopted by the Member States of the United Nations at the World Summit in 2005.

⁵⁸ See ICISS; *The Responsibility to Protect*, Report of the International Commission on Intervention and State Sovereignty, 2001, p. 8. Available at: <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

⁵⁹ See articles adopted by the International Law Commission in 2001: *Responsibility of States for internationally wrongful acts*, Available at: http://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf.



Commission in 2014 - Rita Maxwell⁶⁰ believes that it represents an important opportunity to give a greater meaning to the responsibility to protect insofar as it consolidates the relationship between this responsibility and the states' obligation to prosecute crimes against humanity. In that regard, David Scheffer suggests that an explicit provision should be incorporated in the alleged Convention as to the responsibility to protect requiring effective action by states⁶¹.

III. Crimes Against Humanity - an integral part of Jus Cogens

"[A]t the individual level, that is, that of criminal liability, it would seem that one of the consequences of the jus cogens character bestowed by the international community upon the prohibition of torture is that every State is entitled to investigate, prosecute and punish or extradite individuals accused of torture, who are present in a territory under its jurisdiction [...] This legal basis for States' universal jurisdiction over torture bears out and strengthens the legal foundation for such jurisdiction found by other courts in the inherently universal character of the crime. It has been held that international crimes being universally condemned wherever they occur, every State has the right to prosecute and punish the authors of such crime"⁶².

The definitions given by the Statutes of the International Tribunals for the former Yugoslavia and for Rwanda - art. 5 and art. 3 of the Statutes, respectively - made a decisive contribution to the consolidation of crimes against humanity as *jus cogens* rules. Thus, the international community is obliged to ensure universal respect for consecrated *jus cogens* norms. Currently, *jus cogens* is a recognized element of international law. Part of the doctrine characterizes *jus cogens* norms as the product of natural law, that is, *jus cogens* as emanation "which grew out of the naturalist school, from those who were uncomfortable with the positivists' elevation of the state as the sole source of international law."⁶³ International practice has identified crimes against humanity as *jus cogens*. An example of this is the case opposing Germany to Italy (Jurisdictional Immunities of the State Case) where the Court suggested that the prohibition of crimes against humanity constitutes a *jus cogens* rule⁶⁴. "The prohibition of genocide [...], crimes against humanity cannot be only internal affairs of a certain state since they reflect the

⁶⁰ See Rita Maxwell; "The Responsibility to Protect and to Prosecute: Reflections on the Canadian Experience and Recommendation for the Proposed Crimes Against Humanity Convention" in Morten Bergsmo e Song Tianying (eds.); *On the Proposed Crimes Against Humanity Convention*, Torkel Opsahl Academic EPublisher, Brussels, 2014, p. 277.

⁶¹ David Scheffer; "Crimes Against Humanity and the Responsibility to Protect" in Leila Nadya Sadat (ed.); *Forging a Convention for Crimes Against Humanity*, Cambridge, 2011, p. 306.

⁶² International Criminal Tribunal for the Former Yugoslavia (ICTY) – Trial Chamber II, Case Number IT-95-17/1-T: *Prosecutor v. Anto Furundzija*; 10 December 1998, para. 156.

⁶³ See Mark W. Janis; "The Nature of Jus Cogens", *Connecticut Journal of International Law*, Vol.3, 1988, pp. 359, 362. Another part considers the wording of art. 53rd CVDT, focusing on consent as a vital element. There are also authors who have viewed *jus cogens* with scepticism and stressed the difficulties of its definition and concretization, as Jorge Miranda; *Direito Internacional Público*, Vol. I, Lisbon, 1995, p. 146.

⁶⁴ See *Concerning Jurisdictional Immunities of the State (Germany v. Italy; Greece intervening)*, ICJ Reports 2012, 99, at 141 (para 95).



core values of international society”⁶⁵, so, “certain human rights do represent *jus cogens*, since it brings *legal duties* of the state to the community as a whole and gives legitimacy for the *legal interest* of the community, which was elaborated above in the notion of *erga omnes*.”⁶⁶

In 2001, the International Law Commission indicated that the prohibition of crimes against humanity was a peremptory norm of international law accepted and recognized⁶⁷. Later, in the *Belgium v. Senegal* case⁶⁸, the ICJ recognized that some acts, such as the prohibition of torture, had a *jus cogens* nature, which made it implicitly recognized that the prohibition of such a systematic act would also have a *jus cogens* character. “Among the principles of general or common international law, there are those that the doctrine has called *jus cogens* principles [...] which are principles that do not depend on the willingness or agreement of wills of subjects of international law; which play an eminent role in confronting all other principles and precepts; and which have their own legal force, with inherent effects in the subsistence of norm and contrary acts [...] *jus cogens* is evolving and susceptible to transformation and enrichment by the addition of new rules”⁶⁹. As to the nature of the *jus cogens* norms, Mark W. Janis writes that *jus cogens* is not a form of customary law, but a form of constitutional law, which forms the basis of the legal system of the International Community⁷⁰. The peremptory norms⁷¹ oblige states to prevent their violation⁷². *Jus cogens* norms override any other rules, including constitutional rules - *jus cogens* should be seen as a material limit of constitutional revision.⁷³

As Cherif Bassiouni points out, “certain crimes affect the interests of the world community as a whole because they threaten the peace and security of humankind and because they shock the conscience of humanity. If both elements are present in a given crime, it can be concluded that it is part of *jus cogens*”⁷⁴.

⁶⁵ Predrag Zenovic, “Human Rights Enforcement Via Peremptory Norms – A Challenge to State Sovereignty”, *RGSL Research Papers*, No. 6, Riga Graduate School of Law, 2012, p. 26.

⁶⁶ *Idem*.

⁶⁷ See *Draft Articles on State Responsibility, Commentary on Article 26*, in *Official Records of the General Assembly, Fifty-sixth Session*, and U.N. Doc. A/56/10, 2001, p. 283: “peremptory norms that are clearly accepted and recognized include the prohibition of [...] crimes against humanity”.

See also the *Report of the International Law Commission Sixty-Sixth Session*, 2014 (5 May – 6 June and 7 July – 8 August). Available at: <http://legal.un.org/ilc/reports/2014/english/annex.pdf>.

⁶⁸ *Questions Relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, I.C.J. Reports 2012, p. 422, at para. 99; also *Prosecutor v. Furundžija*, Trial Chamber, Judgment, ICTY Case No. IT-95-17/1, para. 153 (1998); and also *Al-Adsani v. United Kingdom*, E.Ct.H.R., Judgment, App. No. 35763/97, para. 61 (2001).

⁶⁹ See Jorge Miranda. *Direito Internacional Público – I*, Lisbon, 1995, pp. 143-150.

⁷⁰ Mark W. Janis; “The nature of Jus Cogens”, *Connecticut Journal of International Law*, Vol. 2, 1988, p. 362.

⁷¹ Article 71 of the Vienna Convention on the Law of Treaties deals with the consequences of the invalidity of the treaty which conflicts with a peremptory norm of general international law (under the terms of articles 53 and 64 of the Convention).

⁷² Lauri Hannikainen; *Peremptory Norms (Jus Cogens) in International Law: Historical Development, Criteria, Present Status*, Helsinki: Finnish Lawyers’ Pub. Co., 1988, p. 722.

⁷³ Ana Maria Guerra Martins; *Direito Internacional dos Direitos Humanos...op. cit.* pág. 117.

See also Ana Maria Guerra Martins and Miguel Prata Roque; “A Tutela Multinível dos Direitos Fundamentais – a posição do Tribunal Constitucional português”; *Conferência Trilateral dos Tribunais Constitucionais Espanhol, Italiano e Português*, 2014. Available at: <https://www.tribunalconstitucional.es/ActividadesDocumentos/2014-10-16-00-00/2014-PonenciaPortugal.pdf>.

⁷⁴ See Cherif Bassiouni; “International crimes: *Jus Cogens* and *Obligatio Erga Omnes*”, *Law and Contemporary problems*, Vol. 59, 1998, p. 69.



As for the concept of *jus cogens*, the international law doctrine is not unanimous. Whereas for Eduardo Correia Baptista⁷⁵ *jus cogens* norms are all norms of customary law that impose *erga omnes* obligations, unless there is a customary practice that expressly removes this "statute", Ana Maria Guerra Martins⁷⁶ believes that not all international human rights standards are *jus cogens*; the International Human Rights Law is one of the fields of privileged application of this type of norms. All intangible rights are *jus cogens* (which have been extended by the Human Rights Committee⁷⁷) – they are related to the physical and moral integrity of the human person and to freedom. They are inalienable attributes of the human person and are based on values that express the value of respect for the inherent dignity of the person.

A *jus cogens* crime is characterized by state conduct regardless of whether it manifests itself in an action or an omission. It should be borne in mind that an international crime that has such status must itself meet the following conditions: existence of legal instruments that show the prohibition of its practice, the (high) number of states that have incorporated such a prohibition in their legislations and also the number of national and/or international legal proceedings related to the same crime. Evidence of general principles of international law and the role of the doctrine are also pointed out as evidence of such *jus cogens*. Some doctrine defends that crimes against humanity have acquired the status of *jus cogens* crimes for manifesting the ability of a specific conduct to shock the conscience of humanity⁷⁸. Thus, the values and principles protected through the promotion of peace, security and dignity of mankind are shared by all states and are universally accepted⁷⁹.

International crimes that acquire *jus cogens* status constitute *erga omnes*⁸⁰ obligations that are non-derogable. The origin of the problem of *erga omnes* obligations with regard to *jus cogens* crimes comes from the ICJ's advisory opinion on Reservations to the Convention on the Prevention and Punishment of Genocide⁸¹. It is, however, difficult to verify the legal obligations arising from the *jus cogens* nature of international crimes, Oliver Dorr and Kirsten Schmalenbach are presented as examples: "the duty to prosecute

⁷⁵ See Eduardo Correia Baptista; *Direito Internacional Público*, Lisboa, Vol. I, 1995, p. 432 and following.

⁷⁶ Ana Maria Guerra Martins; *Direito Internacional dos Direitos Humanos – relatório...op. cit.* p. 92 and following.

⁷⁷ Starting to include the right of all persons deprived of their liberty to be treated with humanity and respect, the prohibition of hostage-taking, the prohibition of deportation or forced transfer of persons, the prohibition of incitement to racial, religious or national hatred.

⁷⁸ See Faustin Z. Ntoubandi, *Amnesty for Crimes Against Humanity Under International Law*, Martinus Nijhoff Publishers, Leiden, Boston, 2007, p. 218.

⁷⁹ Markus Petsche begins by defining values as constituting "the underlying foundation of the normative system of any given society or community [...] and are, therefore, more 'fundamental' than norms.", «Jus Cogens as a Vision of the International Legal Order». *Penn State International Law Review*, Vol. 29, No.2, 2010, p. 258. Such fundamental values can be created either through state practice or by acquiring "fundamental" status by inherence, irrespective of the acceptance and/or recognition of the International Community. For Cancado Trindade, such fundamental values "do not emanate from the inscrutable 'will' of the states, but rather [...] from human conscience"; «Jus Cogens: The determination and the Gradual expansion of its material contents in contemporary international case-law», *Course 3*, 2008, p. 6.

⁸⁰ *Erga omnes* obligations are international obligations that bind through the same rule one state in relation to all other states, which in turn are in the same legal situation. The *jus cogens* norms have a close connection with *erga omnes* obligations. All the *jus cogens* rules impose obligations of this kind, since they protect common interests. In the *Barcelona Traction* case (ICJ, 1970), the distinction between *erga omnes* effects (obligations of states *vis-à-vis* the international community as a whole) and *vis-à-vis* obligations (those arising with respect to another state) the ICJ's definition of *erga omnes* refers to an obligation assumed before all.

⁸¹ *Reservations to the Convention on the Prevention and Punishment of the crime of genocide, Advisory opinion of* 28 May 1951. Available at: <http://www.icj-cij.org/docket/index.php?sum=276&p1=3&p2=4&case=12&p3=5>.



or extradite, the non-applicability of domestic laws limiting the criminal responsibility or prosecution for such crimes (amnesty) and the universality of (mandatory) jurisdiction [...] The *jus cogens* nature of international core crimes is believed to generate all legal obligations necessary to bring to justice persons who are guilty of these crimes.”⁸²

IV. Final considerations

“There is no doubt that the recent development of international criminal law corresponds to the development of international human rights.”⁸³

International law crimes (core crimes) were significantly codified when the Rome Statute of the International Criminal Court was adopted. “[P]arts of international criminal law have developed [...] to respond to egregious violations of human rights in the absence of effective alternative mechanisms for enforcing the most basic of humanitarian standards.”⁸⁴ The prohibition of crimes against humanity ascended to the status of *jus cogens* norm. The perpetration of such acts constitutes an attack on the quality of being a person, a quality that requires respect, protection and promotion of an inalienable set of human rights from the rule of law and from the international community. The criminalization of this type of serious offenses under international law was accompanied by “timidity and ambiguity in the face of political constraints.”⁸⁵

Fundamental rights⁸⁶ imply, by nature, limits to public authorities and, in turn, to so-called state sovereignty (the concept of sovereignty itself is in crisis, in its classic aspect) - human rights treaties arise precisely to obviate situations in states that cannot guarantee people's rights.

The Convention on Crimes against Humanity, still missing, appears to be an important piece in the field of International Human Rights Law, since “[e]nding impunity for mass crimes is a common responsibility of humanity as a whole and

justice for victims of such serious crimes should never be sacrificed at the altar of political expediency”⁸⁷.

⁸² See Oliver Dorr and Kirsten Schmalenbach; *Vienna Convention on the Law of Treaties: A commentary*, Springer, 2012, p. 933.

⁸³ Predrag Zenovic, “Human Rights Enforcement Via Peremptory Norms – A Challenge To State Sovereignty”, *RGSL Research Papers*, No. 6, Riga Graduate School of Law, 2012, p. 40.

⁸⁴ Robert Cryer, Hákan Friman, Darryl Robinson, and Elizabeth Wilms; *An introduction to international criminal law and procedure* – 2nd ed., Cambridge University Press, New York, 2010, p. 13.

⁸⁵ Jorge Miranda; *Direito Internacional Público... op. cit.* p. 310.

⁸⁶ It should, however, be clarified that “human rights” (international plan) and “fundamental rights” (internal constitutional plan) differ in the legal sphere because they are different realities. Regarding the distinction, see on behalf of all Alexandre Melo Alexandrino; “Hermenêutica dos Direitos Humanos”, Conference given at the “Protection of Human and Fundamental Rights” course organized by the University of Lisbon Law Faculty under the Framework Agreement for cooperation with the University Centre of Euripedes (UNIVEM) and University of Northern Paraná (UENP), between January 11 and 13, 2011. Available at: <http://www.fd.ulisboa.pt/wp-content/uploads/2014/12/Alexandrino-Jose-de-Melo-Hermeneutica-dos-Direitos-Humanos.pdf>.

⁸⁷ President Song, Prosecutor Bensouda and ASP-President Intemann: “Humanity is bound together in a common quest to end impunity”, ICC-CPI-20140910-PR1038, *Press Release*: 10/09/2014. Available at: <https://www.icc-cpi.int/legalAidConsultations?name=pr1038>



It is important to clarify the notion of "crimes against humanity", especially as regards the interpretation of the concept of "civil population". In addition, expanding the range of agents of crimes against humanity could have the advantage of "opening a door" to non-state actors - an increasingly assertive presence in the globalised world - by adopting a broad vision of the term "political organization" in clause a) of paragraph 2 of art. 7 of the Rome Statute. Regarding the agents of this type of criminal offense, the inclusion of the crime of terrorism in the catalogue of crimes against humanity seems an important point to consider in this legal debate.

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UNDERSTANDING ERDOGAN'S LEADERSHIP IN THE "NEW TURKEY"

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Abstract

In 2001, the rise of the Justice and Development Party (AKP) in Turkey led to the emergence of a moderate path between Kemalist and Islamic wings. After a first term focused on foreign diplomacy, Erdogan and the party saw their policies gaining broad social support internally, reinforcing their stance in areas of ideological and religious confrontation with secular opposition. Erdogan, although elected president in 2014, has led Turkey on an increasingly conservative route from the standpoint of social values, and less democratic regarding the political language of the state. If Erdogan reveals a conception of state that departs from the democratic values and the ideal of Atatürk's secular Turkey, and, at the same time, focuses on an Islamic-conservative perspective of society and an authoritarian conception of political power, what explains and stimulates this strategy? This article is based on the premise that perceiving "New Turkey" implies understanding Erdogan's leadership style, even if it does not exhaust all explanatory variables. From this premise, the goal is to identify and explain internal factors – associated first and foremost with the dualist structure between Turkey's centre and periphery) – that, along with Erdogan's individual variables, such as Islamic solidarity and authoritarian tendencies) – put him at the centre of decision-making in Turkey.

Keywords

Turkey, Erdogan, political leadership, civil society

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UNDERSTANDING ERDOGAN'S LEADERSHIP IN THE 'NEW TURKEY'^{1,2}

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Turkey presents itself as an interesting case study due to the discursive and ideological transformations that operated a conservative-liberal variation through an authoritarian transversion of political power. Much of this transformation can be attributed to the role of the Justice and Development Party (AKP) and the current president, Recep Tayyip Erdogan (Aydin-Duzgit, 2018: 20). By using the Kemalist paradigm of a Westernised and secular Turkey, Erdogan starts the implementation of a "New Turkey",³ which establishes a regenerative political hegemony of Turkish society's perceptions (Gorener & Ucal, 2011: 359).

Erdogan experienced challenges to secularism in Turkey in the 1970s. The foundation of the National Order Party (MNP) and the National Salvation Party (MSP) are amongst these challenges as they are the first Turkish parties of Islamic orientation. He knew how to capitalise on Turkey's economic, religious and cultural circumstances in order to form a base of support loyal to his political discourse. It was a base consisting essentially of religious and rural populations, but also the neoliberal electorate and Turkish nationalists – all of them having in common a critical reading of secularism, although for different reasons.

The exploration of the idea of new social conflicts Erdogan's discourse in has facilitated the emergence of a new paradigm in the Turkish political culture, which identifies the people as a unified nation that is simultaneously associated with the idea of marginalisation, precariousness and abandonment.

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³ The "New Turkey" is considered the assimilation of Islam to Neo-Ottomanism, in an attempt to interpret the political, cultural, religious and behavioural reorganisation of Turkey. The concept of Neo-Ottomanism refers to the theory of "strategic depth" – formulated by Ahmet Davutoglu, former Minister of Foreign Affairs (2009-2014) and former Prime Minister of the Republic of Turkey (2014-2016) – which significantly influenced the country's foreign policy. This theory is based on the approach that the end of the Cold War provided Turkey with a historic opportunity to become a global power in case it pursued an expansionist policy based on Islamic ideology. According to this, Turkey must dominate the Middle East, the Balkans, Central Asia and the Caucasus region. On the concepts of Neo-Ottomanism and the theory of strategic depth, see Ozkan, 2014: 119-140.



In 1923 with the creation of a pro-Western modern state that contradicted the political thought of Islamic and imperial influence of the time, modernisation reforms undertaken in Turkey were essentially orientated towards the centre and not to the periphery, which was thus relegated to a secondary position. Being aware that the modernisation of Turkey – inseparable from the presence of secularism in political life – mainly meant subjecting the peripheries, Erdogan began to explore this aspect, taking the peripheries as the geography of the authentic Turkey, forgotten in favour of a development paradigm that, in this reading, is more culturally distant (Cagaptay, 2002a; 2004). From this geography of authenticity, the New Turkey can be created.

As Burak (2011) argues, it is true that this strategy had already been used by Turgut Ozal (Burak, 2011: 60).⁴ However, whilst he took a realist attitude focused on the country's economy, Erdogan reveals a more emotional approach, also centred on the people (Heper, 2013: 155). This project allowed him to build a system of power around those who had been excluded by previous governments, through a neoliberal reformist agenda associated with an Islamic policy, under the premise of responding to many of the social concerns and taking into account political and economic interests of the population (Hadiz & Chrysogelos, 2017: 403).

Therefore, Erdogan's political praxis became a distinct phenomenon because of the high level of reception of very unequal social bases, which facilitated the introduction of a reformatory socio-political agenda of the country's political system as well as the political regime itself. Invoking the honour and pride of the Turkish people – alluding to the demands of Turkish nationalism – and pro-Western religious conservatism, Erdogan came to grips with the political process, which has been rarely seen in Turkish state history, despite the preponderance of the leader's dominance being an underlying attribute of Turkish political culture and its partisan system (Gorener & Ucal, 2011: 357-58). As Turkey traditionally has had a rather patriarchal society, where many admire a strong and charismatic leader who leads the people and the nation (Cagaptay, 2002b: 42),⁵ Erdogan put together the necessary conditions to change the conservative structures of the state to an authoritarian conception of political power (Ozbudun, 2014: 158). This led Turkey to democratic underdevelopment, due to Erdogan's substantial power over the political system and the characteristics of his individual leadership.

In this sense, it is our goal to explore the link between the values and worldviews conveyed by Erdogan's political praxis and the receptivity by Turkish civil society as a possible explanatory factor for the success of his leadership and what appears to be the gradual construction of a conservative and authoritarian Turkey. Thus, this article seeks to understand Erdogan's successes regarding the country's socio-political agenda and, in particular, his conception of political power and the way society reacts to this proposal.⁶

⁴ Turgut Ozal was Prime Minister (1983-1989) and President of the Republic of Turkey (1989-1993). During its governance there was a high liberalisation of economic and social domains, and peripheral society came to occupy a prominent place in the country's politics and economy.

⁵ However, this image needs to be reassessed in order to verify whether Turkish society remains faithful to this patriarchal conception or whether there have been more significant changes recently in its political culture that point to the emergence of a new conception.

⁶ Understanding the complexity of the link between the partisan system and Turkish civil society, both its elites and social peripheries, has been the subject of increasing academic interest of several researchers. Amongst them, we highlight the recent work by F. Michael Wuthrich (2015), which analyses how leaders and parties shape their strategies and discourses in order to grasp the current social dynamics; and the work of Tahir Abbas (2017), which focuses on the growing erosion of ethnic, religious and cultural balances stemming from Erdogan's and AKP's interpretation of Turkish politics.



Erdogan's oratory and motivational speeches, coupled with a social and economic context favourable to his interpretation of power, allowed him to reformulate the regime according to his personal ambitions and axiomatic views. Therefore, charismatic leadership theory seems to fit this research objective as it highlights the influence of the leader's personal view on citizens. In order to do so, the contributions of House (1977), Weber (1978) and Trice and Beyer (1986) will be used as a theoretical basis to analyse the leader's role, focused on personality traits and behaviour.

This article proposes, through an interpretive approach on Erdogan's political action, to verify if his leadership has produced important transformations in Turkish society.

The Importance of Leadership in Political Decision-Making Processes

The debate around effective leadership, and who is the leader and the led, is a recurring issue in studies about leadership and its nature.

Barling (2014) notes that control and centralisation of power dominated the definitions of leadership during the first decades of the twentieth century. Although, due to the need to understand the characteristics of the leaders in the post-World War II period, leadership studies focused on traits and personality. Leadership, then, started to be seen as the ability to persuade, centred on the effects of power and the surrounding circumstances (Bass & Bass, 2008: 15) insofar as it is the very claim of legitimacy⁷ that will allow the actions of leaders to be validated (Weber, 1978: 684).

According to Weber's political sociology, societies and their constituent parts are held together by the exercise of power (Parkin, 2000: 53). However, only domination based on authority – as it involves an emitted order and, consequently, an acceptance of it – implies submission. In this sense, the subordination of whom is led produces a rational reaction to their own interests, subject to the objective circumstances of their own ambitions (Weber, 1978: 943). In general, still according to Weber's perspective, the specific arrangements for domination are thus dependent on a population group accustomed to obeying the orders of leaders and who have a personal interest in the continuation of domination due to their own participation and resulting benefits (Blaug & Schwarzmantel, 2016: 251).

Simultaneously, Abelson (1986) noted that it would be wrong to assume that leaders who experience the same political event have similar goals, since they hold different interpretations, beliefs and memories. In addition, the population groups also have experiences and expectations that make them react differently to the call of leaders. In an attempt to interpret the leader's level of success and acceptance in a given environment, Metcalf and Robbins (2012) concluded that the style adopted for each leadership condition will be different, since decision-making is affected by objects which make choices that keep themselves away from the ideal. In this sense, the forms of denomination differ according to the kind of pretension leaders have to legitimate their power (Parkin, 2000: 58), which reconfigure the leader's position in the decision-making process and influence the development of societies through foundations of obedience.

⁷ According to Weberian thought, legitimacy refers to claims accepted and subscribed by subordinate groups. Legitimation, on the other hand, starts from the claims that dominant groups make on themselves. Thus, while legitimacy is granted from the bottom, legitimation comes from the top (Parkin, 2000: 59).



From this brief theoretical incursion, it is clear how the proposals of leadership interpretation are varied foremost according to its type of approach, either the subject as leader or the societal circumstances that interact with their proposal of discourse and action. Despite the difficulties inherent in the identification and conceptualisation of all the elements that interact in the formation of leader personality and style, the study of leadership itself assumes great heuristic utility, both from the perspective focused on the role of value and belief systems in the formation and conduction of leaders and analysis centred on discourse and action.

The Importance of Charismatic Leadership Theory in Erdogan-style Analysis

Leadership theories are meant to explain the nature and consequences of leadership, making it possible for research problems in the political and social sciences to be defined.

Based on their effectiveness and satisfaction, theories⁸ can be categorised into three groups: (1) instrumental theories, (2) informal theories and (3) inspiring theories. The latter – referring to charismatic, transformational and visionary leaderships – focus on analysis of emotional and ideological appeals, and behaviour that evokes trust, symbolism and concentrated or intrinsic motivation (Bass & Bass, 2008: 46).⁹ Both charismatic and transformational leadership depend on the leader's ability to influence and inspire followers, motivate individuals for a greater good and mobilise them for a common purpose. However, unlike what happens with transformational leaders,¹⁰ due to discourse that appeals to the moral passion of followers, the personal vision of the charismatic leader exerts a strong influence on targeted citizens.

Based on the high levels of emotional attraction and expressiveness of leaders, Max Weber introduced the concept of charisma in the social sciences to describe a leader gifted with extraordinary capabilities. They need to be self-confident, determined, active and energetic (Bass & Bass, 2008: 50), as if they were endowed with a divine grace, a kind of "mystical, narcissistic and personally magnetic saviour with extraordinary capabilities and a doctrine to promote" (Bass & Bass, 2008: 575).

For Weber (1978), charisma is self-determining and defines its own limits, not responding to any form of regulation or supervision. Charismatic leaders take advantage of the task for which they are destined and demand that others follow them due to their mission (Weber, 1978: 1112) and the heroic and virile gifts attributed to them, exercising denomination over the population (Carvalho, 2004: 124). When this denomination is recognised, the power of charisma becomes the belief in the emergence of a new hero who revolutionises men and shapes material and social conditions according to their revolutionary will (Weber, 1978: 1116). The Weberian conceptualisation of the emergence of the charismatic leader was later summed up by Trice and Beyer (1986) through the consolidation of five key elements: (1) an extremely gifted person; (2) a crisis; (3) a radical solution; (4) followers who are attracted to leaders due to the belief

⁸ Followers establish a relationship of trust with leaders through a mutual process of influence. For more information on the established trust process between leaders and followers, see Shahzadi et al., 2017.

⁹ Intrinsic motivation arises in the execution of a task motivated by its inherent satisfaction. In contrast, concentrated motivation arises when task execution is done to achieve a specific outcome.

¹⁰ For Bass and Bass (2008), transformational leaders act on the processes of changing their followers' attitudes, beliefs and goals, in articulation with the aim of making them aware of their needs.



that they have the solution to crisis; and (5) validation of the leader's powers based on successful experiences. Charismatic leaders are, thus, dependent on the emergence of a crisis, and only in times of turmoil does faith in leaders stand out and, consequently, charismatic domination becomes legitimised (Parkin, 2000: 66).

The attempted coup of July in 2016 is a case that illustrates the operationalisation of these five key elements. Indeed, if there were any doubts about Erdogan and the presence of the first key element in his type of leadership, they would disappear as soon as he responded to the attempted military coup.¹¹ First, he was able to explain discursively the traumatic feeling experienced by the Turkish nation, allowing much of the country to unite around the leader, recognising together the existence of a common threat (Cagaptay, 2017: 10). The existence of a harmony between the leader and the population's reading about a certain scenario as a crisis or threatening scenario is fundamental to the leader's action. Second, by asserting that the coup had been a conspiracy against the nation and instilling in the population the strong feeling that internal enemies were attacking them, Erdogan met the necessary conditions to impose severe restrictions on civil liberties, confirming, then, the third key element mentioned above. Such feelings have in turn resulted in greater support for Erdogan's charismatic leadership, corroborating House's (1977) statement about the emergence of charismatic leaders in times of crisis as potential saviours who fulfill the emotional needs of their submissive and obedient followers.

Charismatic leaders reveal themselves as individuals who exude confidence, a sense of purpose and a remarkable ability to psychologically prepare their followers, and who, through the extensive use of symbols, reinforce a sense of moral authority over their followers (Bass & Bass, 2008: 576). Erdogan's own discourse – with constant references to the dichotomous relations between right and wrong, just and unjust, villains and victims (Panayirci & Iseri, 2014: 66) – reflects a perception of society as a moral community, which Erdogan alludes to through a discourse oriented towards the intrinsic discriminatory nature of citizens, essentially visible in times of crisis. As prime minister, Erdogan promised a "new social contract" between the state and Turkish society, referring to a series of liberal reforms to favour the separation of powers, the rule of law and freedoms. Nevertheless, it is evident that he is currently leading Turkey in a deeply illiberal and authoritarian way (Karaveli, 2016: 1-2).

For being a conceptual approach that integrates the leader's cognition, motivation and other traits of their personality, the charismatic leadership theory is considered the best option when analysing the construction of Erdogan's leadership profile, a charismatic and pragmatic leader who inspires followers and appeals to their emotions (Gorener & Ucal, 2011: 357).

Erdogan's Leadership Profile: from Islamic Conservatism to the Instrumentalisation of Human Rights Rhetoric

In this section, some identity marks of Erdogan's leadership will be identified.

¹¹ During the coup attempt, Erdogan was able to muster a broad support that easily allowed him to overthrow the group of opponents. A subsequent repression was quick and relentless, which indicated that Erdogan's response to the coup attempt showed that his control of power remained strong enough and that he would only be strengthened in the ensuing period (Karaveli, 2016: 1).



We begin with the importance of Islamic conservatism. Born in Kasimpasa, a low-middle-class neighbourhood in Istanbul, Erdogan grew up aware of the feelings and aspirations of ordinary people, where secularism defended by the urban elites not always seemed to say much or result in obvious benefits. This social and educational context of his first years of life played an important role in the construction of his political discourse, sensitive to the fringes of society. It has helped him to create a kind of "discursive economy" that is easily confused with a precise representation of reality, referring to a closer approximation between discursive identity and the concept of power, through which Erdogan, as a discursive agent, manages to impose his own identity (Aydin-Duzgit, 2018: 23).

From this perspective, the discursive construction of a "New Turkey" can be discerned through his discourses (Aydin-Duzgit, 2016: 46). After the first two electoral victories (2002 and 2007) and the constitutional referendum of 2010,¹² Erdogan was able to capitalise on a converging public opinion with his domestic policy options and later – after fostering the generalised view that he had become the most powerful figure in the country (Aydin-Duzgit, 2016: 47) – strengthen his and the government's political legitimacy.¹³ This aspect, then transposed into Turkey's foreign policy, is well marked by a discourse where he honoured the Turks, which was used – even in international periods of crisis – to appease the concerns of social bases that supported him, with a discourse marked by sensitivity to Islamism and nationalism (Panayirci & Iseri, 2014: 66).

Erdogan's discourse begins, therefore, by exploring feelings of exclusion of the fringes of society, consubstantiated in the presentation of measures that aim to respond to social concerns at the same time that they are inserted in the logic of more conservative,¹⁴ Islamic values.¹⁵ Simultaneously, his discourse allows him to exert a strong emotional influence over the electorate, presenting a sense of purpose and a new mission for Turkey.

Since he joined national politics in the 1990s through the Welfare Party (PR), Erdogan has employed a political identifier based on the assertion of his humble origins, presenting himself as the voice of the common people and defending their interests of the elites (Cagaptay, 2017: 3). His understanding of local politics (Phillips, 2017: 9) allowed him to convey the image of a leader who eliminates the distance between the people and the exercise of political power, which guaranteed the integration of the masses in his political project.

¹² The 2010 constitutional referendum was widely perceived as an important step in gaining government control over the judiciary. The high number of judicial proceedings against military personnel that would henceforth have led to a gradual weakening of military power over civilian authority in the country (Aydin-Duzgit, 2016: 47).

¹³ In the course of the Libyan crisis, opposition parties accused Erdogan of inconsistency as his stance against NATO involvement changed after the campaign was launched. Erdogan disregarded the criticism and dismissed it as misinformation. His discourse are thus shaped by the path of international developments with the aim of reinforcing Turkey's honour and moral whilst maintaining his charismatic leadership profile, both at home and abroad (Panayirci & Iseri, 2014: 74).

¹⁴ Traditionally, religion and conservatism are two features parallel to the rhetoric of the Turkish right, which is a prominent position dating back to the pre-republican era (Çarkoglu, 2007: 255). Erdogan's great project has been to preserve a conservative social order and, since Islam is a creed shared by the majority of citizens, it acts as a unifying force (Karaveli, 2016: 1).

¹⁵ The idea associated with discrimination of Muslim believers has been a constant mark in Erdogan's discourses. It can be observed in narratives such as "Westerners cannot say that Islamophobia is a crime against humanity... because killing a Muslim is legitimate for them" (Van, 31st July 2014) and "The West has not followed an honest approach... Justice is needed for Palestine... We will not be silent and we will continue to fight for this cause" (Bursa, 18th July 2014).



However, Erdogan soon realised the limitations of a conservative project based only on Islamic readings due to the resistance that it could provoke internationally. He was convicted for inciting religious hatred¹⁶ after reciting part of a poem by Ziya Gokalp¹⁷ from the Turkish War of Independence. During his period in prison, Erdogan seemed to have learned the need to redefine his political strategy and what would become AKP's political project. Thus, instead of defining the implementation of rules of social organisation blatantly inspired by a conservative reading of the Muslim religion, Erdogan began to express them as a legitimate option that people have the right to choose, that is as a human right and freedom of expression issue. In this way, he differs from the RP's founder, Necmettin Erbakan, seeming to embrace Western values as a vehicle for building a more liberal and open country (Phillips, 2017: 10). With this change of strategy, it can be said that Erdogan increases the degree of complexity to the analysis that can be done on his leadership, not facilitating his allocation to simplified categories.

AKP's own action cannot be dissociated from Erdogan's action. With the dissolution of the Virtue Party (FP), which succeeded the RP, AKP emerged in 2002 as a herald of change and progress, with a particularly motivating discourse towards the more liberal economic wings by creating partnerships that ensured the opportunity to replace the traditional structure of the Turkish political system. The inheritance of secularism seems to be safeguarded even if only in the Westernisation of economic ideas. At the same time, AKP emerged as a party attentive to the demands of different sectors of the population who accumulated resentment against the political elite for feeling less represented in their (rural) geography, social condition (the poorest) and identity (religious, e.g.). In parallel, the success of AKP's discourse and adherence by the population shows the weakness of the remaining parties in responding to the demands of the population, particularly of a large rural population historically far from the circuits of power (Aliriza et al., 2009: 11).

It is in this line of apparent contradictions that the AKP, despite its pro-Islamic roots, publicly commits itself to joining the European Union (EU). Erdogan's discourses reiterate the party's intention to guarantee freedom of expression through a transparent government and the strengthening of local governments. Working to reapproach society to the state apparatus, AKP presents itself as a new type of pro-Islamic party.

By defining his nationalism in terms of the ethnic and religious identity of Turkish society – respecting the confessional and ethnic identities as an integral part of civil liberties –, Erdogan was able to present a moderate and progressive view of Islam, in contrast to the "orthodox" view of the secular-inspired parties that historically sought to separate from Islam. This position allowed AKP and Erdogan to present the proposal for a new social contract,¹⁸ supported by the reintroduction of the Turkish-Islamic synthesis that breaks with the traditions of the modern Kemalist state (Karaveli, 2016: 2), transforming the relationship between state and society (Ozsel et al., 2013: 551).

¹⁶ Although Erdogan was sentenced to 10 months in prison, he only served four months. However, the conviction made it impossible for him to hold political positions.

¹⁷ "The mosques are our barracks, the domes our helmets, the minarets our bayonets and the faithful our soldiers".

¹⁸ AKP's foundation was accompanied by the self-portrait of a "conservative democracy". However, this "conservative democracy" is presented as a new interpretation of liberal democracy, nevertheless adjusted to the specific needs of Turkish society. This approach of two apparently contradictory ideals (democratic and conservative) meets the ideas of Akdogan (2006: 50) when he states that "the field of politics should be firmly grounded in the culture of reconciliation", since "it is possible to solve social differences" (Ahmadov, 2008: 26 cit. Akdogan, 2006: 50).



The AKP assumes itself as a party that advocates Turkish Muslim identity for justice and considers that this is the best way to ensure greater civil society participation in politics. Erdogan and the AKP define the course of their success (Phillips, 2017: 10) by building a base of support in a liberal electorate that does not see itself as on the left regarding economic matters; in a conservative electorate with a focus on the most religious and rural populations; and also in a heterodox group of other ethno-nationalist voters (Karaveli, 2016: 2), thanks to the stance adopted on Kurdistan and the Kurdistan Workers' Party (PKK).

Due to the Turkish economic crisis of 2001 that weakened the two main right-wing parties – the True Path Party (DYP) and the Motherland Party (ANAP) – the AKP not only maintained the trust of those who voted for the FP but also gained the support of the centre-right electorate. Despite the fact that in practice the AKP is the successor party to the extinct RP and FP, the Turkish electorate does not regard it as a necessarily Islamic force – at least not in a pejorative sense – and its rhetoric proves that it can encompass a diversity of social bases of support. Thus, by extending electoral support, Erdogan leads the AKP to its first electoral victory in the legislative elections of 2002.¹⁹

Initially, the great debate on the AKP's party strategy sought to discover whether the party would be able to maintain moderate discourse, moving itself to the centre and whether it would abandon political Islam. Unlike its predecessor, the FP, the AKP is committed to being moderate. By taking a pro-globalisation stance and rejecting the idea of an isolated Islamism, combining conservative Islamism with a liberal and global perspective, the AKP places itself in a position similar to that of conservative European religious parties (Kosebalaban, 2011: 147).

Erdogan promises a powerful Turkey, projecting it as one of the greatest powers in the Middle East, capable of competing with Europe and other world powers. The glory times of the Ottoman Empire seem to continue to foster the creation of myths and goals for the country, inspiring an exaggerated sense of recovery of the lost glory. In this perspective, the justifications related to the loss of influence of republican Turkey have become a fertile fuel for the idealisation of the past (Cagaptay, 2017: 7).

Relying extensively on the binary construction between Turkey and the West, Erdogan used an inspiring and motivational discourse that established a transformation in the power relationship for which Turkey was responsible.

For years they have bowed down in front of the West, this is what they did. What did the West do? It gave orders, and they obeyed

¹⁹ In 2002, with the establishment of the 10% barrier to guarantee parliamentary seats, seven parties did not obtain representation in the Great National Assembly. The AKP won 34% of the votes, but, due to the electoral barrier, it won a majority of parliamentary seats (363 out of 550). The Republican People's Party (CHP), the only one to join the AKP in parliament, won 19.39% of votes and 178 parliamentary seats (Schofield et al., 2011: 455). In the face of the 1999 elections, the Turkish right had only a 1.12% increase in popular votes. On the left, the CHP achieved the best result of the past 30 years – winning the electorate of the DSP elected in 1999 – and the Democratic People's Party (HADEP) had the best result since its foundation in 1994. In this sense, the victory of the AKP means an ideological vote, in the sense that, by not neglecting other factors, the party was the option of a broad liberal, nationalist, conservative and religious electorate. Due to Erdogan's inability to hold political office, Abdullah Gul assumed the post of prime minister during the first months of the AKP at the head of the government. After parliament approved a constitutional amendment in December 2002 aimed at suspending the disqualification of individuals convicted of ideological crimes, Abdullah Gul resigned and President Necdet Sezer appointed Erdogan to the post.



those orders. But now there is no such situation. We sit down, we talk, we take our decisions, but we make the decisions, this is the Turkey that there is now (Elzag, 6th March 2014).²⁰

In this excerpt, it becomes clear that the previous rulers – “they” – are described as too submissive to the West, whereas the AKP – “we” – is represented as an active agent possessing the power needed to reject external impositions (Aydin-Duzgit, 2016: 51). Unlike the other parties – which, although questioned for their actions, did not change their political stance – the AKP emerges as an alternative to the usual parties of the Turkish political system (Schofield et al., 2011: 458), capable of recovering the greatness of the Turkish nation.

An Authoritarian Conception of Political Power

In the 2007 legislative elections, the AKP was again the most popular party. Having obtained 46.6% of the popular votes and 340 parliamentary seats, Erdogan reinforces his image (Schofield et al., 2011: 472), exploring the receptivity that the electorate seems to demonstrate to the idea of legitimising the conduct and restructuring of the Turkish political system.

The progressive discourse therefore becomes a reflection of the intentions to reconstruct the powerful image of Turkey, leading to a resurgence of Turkish influence in the regions of the extinct Ottoman Empire.²¹ Secularism is no longer presented as the way to achieve this progressive agenda that articulates conservative values with democratic values (Ahmadov, 2008: 26). At the same time, the proposal of a socio-political system based on Islamic-conservative values is presented as the one that is most compatible with the Turkish collective identity and the aspirations of returning to a supposed Turkish greatness, moving the state away from the democratisation process and linking it increasingly with the borders of postmodern authoritarianism (Ozbudun, 2014: 162).²²

It is in this way that Erdogan introduces his perspective of a New Turkey, “deeply Islamic in its internal and external politics, to make it, once again, a great power” (Cagaptay, 2017: 8). This synthesis of Islamic-conservative values and national grandeur increased Erdogan’s popularity and enshrined him as a charismatic leader of Turkish politics (Kosebalaban, 2009: 146). In 2009, at the World Economic Forum in Davos, Erdogan staged an intense debate with Shimon Peres on the war in the Gaza Strip. Turkish population received him in apotheosis, consecrating him for his provision and welcomed him as the new hero of the country (Schofield, 2011: 472), revealing a strong emotional appeal for his leadership and placing full confidence in his role as the centre of decision-making in Turkey.

Focusing on the religious tendencies of voters, whilst not detracting from the principles of secular state organisation, Erdogan manages to shape popular perception with the

²⁰ Aydin-Duzgit, 2016: 51.

²¹ The influence on the Balkans, the Caucasus, Central Asia and the Middle East, associated with the conception of a new political ideology, not only represents an attempt to reorganise the sovereign states of the region (Neo-Ottomanism), but also resumes the influence of Islam in Turkish political praxis.

²² Other authors consider Turkey as a regime of electoral authoritarianism that legitimises itself by holding multiparty elections and refutes civil liberties for the well-being of society (Shirah, 2015; Robinson & Milne, 2017).



notion of Turkish superiority, which appears to the electorate as credible and based on historical accuracy. This electorate, in turn, looks at Erdogan's figure as a "leader who defends the oppressed" (Aydin-Duzgit, 2018: 29).

Erdogan's cunning to conciliate in his discourse seemingly irreconcilable ideas, in a clever synthesis between conservatism and progressivism, makes it possible to understand why during the campaign for the 2011 legislative elections the AKP was committed to replacing the 1982 Constitution of Turkey, claiming that the country needs legislation more open to democratic freedoms. In June of that year, his third term was secured, after an election campaign divided between the leading role of the CHP's leader, Kemal Kiliçdaroglu, and Erdogan. Several references to the Alevist origins of Kemal Kiliçdaroglu were made by Erdogan in an attempt to discredit the candidate before the Sunni electorate, asserting that the CHP was a party deprived of ethical values and that had deviated from Islamic purpose (Borco & Verney, 2016: 205). In a progressive way, Erdogan then began to represent the opposition as a threat to Turkey's national values and religious identity, and later to repress those who question it (Cagaptay, 2017: 10).

However, in 2013, a setback seems to overshadow Erdogan's walk. An environmental protest in Gezi Park, Istanbul, quickly turned into an anti-government protest against the unequal treatment of minorities. The government appears as a synonym of the vehicle of Islamisation of society (Tucker, 2015: 290) and not of progressive Islam, being seen as having undemocratic practices that inhibit fundamental freedoms. In fact, instead of providing more freedoms for society as a whole, Erdogan seems ultimately to secure this space only for his Islamic-conservative base of support (Cagaptay, 2017: 10). This is challenged by a new generation of young people with expectations of expanding themselves as active citizens in society and opposing the Islamisation of society and social control promoted by the AKP (Gokay & Xypolia, 2013: 36).

Following these protests that reveal the weaknesses of this New Turkey, Erdogan presents the new "democratic package", referred to as an example of national concern for equal rights between ethnic groups and the resolution of internal security problems. The aim is clearly to appease popular discontent through a discourse aimed, primarily, at the Kurdish population. Amongst the reforms presented, the promise of greater autonomy for Kurdistan as well as the guarantee of civil rights for its population stood out. However, the reforms applied did not correspond, in practice, to the promises presented. Thus, the path traced by Erdogan was more of a setback than progress (Karaveli, 2016: 2-3).

On the same critical line, Cagaptay (2017: 10) considers that Erdogan has revealed himself as an increasingly authoritarian leader, convinced that his electoral victories legitimise the indiscriminate use of political power (Cagaptay, 2017: 10). At the same time, the AKP has become a party extremely focused on Erdogan, in which loyalty to the leader becomes a promotion criterion (Hefner, 2016: 166).

These criticisms walk into what is paradoxically evidence: despite a stance that many call authoritarian, a discourse increasingly close to religion (Bosco & Verney, 2016: 206) and the difficulties that his options seem to bring – as seen in the protests of 2013 – at a time when he could already accuse the weariness of governance, Erdogan wins the first presidential elections in August 2014 by popular vote. His main conception of democracy itself and the use of the polls as the only legitimate tool for democratic representation were accompanied by a notion of anti-government demonstrations, as an attempt by the



minority to impose its will on the majority, by illicit means (Ozbudun, 2014: 157). This perspective, which puts the periphery in the place always occupied by the centre, allowed Erdogan to achieve an electoral popularity that operates from society itself, where the periphery is now included and feels like an integral part of Turkish politics.

However, the coup attempt of 15th July 2016 seems to confirm our analysis of Erdogan's leadership based on the exploration of the five key Weberian elements synthesised by Trice and Beyer (1986). The attempted coup, which led to the deaths of hundreds of citizens and the arrest, suspension and investigation of thousands²³ emerged as an "incident of crisis" that provided Erdogan with a favourable context for the introduction of authoritarian measures that, on the one hand, made him an autocratic leader and, on the other hand, made him emerge as a unifying and saving figure of the great threatened nation (Cagaptay, 2017: 12).

In this line of action, the Turkish parliament's approval of a constitutional amendment withdrawing parliamentary immunity from deputies made it possible to investigate a number of Republican People's Party (CHP) deputies accused of insulting the president, and 50 out of the 59 deputies of the Peoples' Democratic Party (HDP), a pro-Kurdish party. Faced by the population as a manifestation of fighting clientelism, the measure made it possible for Erdogan to solidify his popular support and weaken the opposition. With the adoption of the new constitution, approved by the referendum on 16th April 2017,²⁴ Erdogan will begin to control state budgets, appoint judges and resume the leadership of the AKP.

By entering into force only in 2019 and changing the limit of presidential terms, the new constitution will allow Erdogan to remain in office until 2029. This is a type of government longevity that is unprecedented in Turkey, which began with a proposal for a moderate and liberal political orientation and gradually becomes conservative and authoritarian.

Erdogan aspired to be the new "father of the Turks". Since the future of the country is still quite unpredictable, the only certainty is that the Turks now live in a country that has undoubtedly become Erdogan's Turkey (Karaveli, 2016: 6). A conservative, nationalist and Islamic Turkey that, under the leadership of a charismatic leader with a strong sense of purpose, strides along an increasingly authoritarian route.

Conclusions

Erdogan, who grew at the height of reactionary attitudes towards Turkish secularism, was able to capitalise on the social, economic and political circumstances of his time by launching the idea of a "New Turkey" that promotes Islamic culture.

With the political support needed, he has succeeded in creating legislative and legal responses capable of holding rivals, reconfiguring the political system and transforming Turkey's historical, cultural and political presuppositions, which many analysts consider increasingly far from the West and its democratic values.

²³ According to Karaveli (2016), the government has ordered an arrest warrant for tens of thousands of alleged elements of Fethullah Gulen's religious movement. It has also suspended and arrested a significant part of the army and public administration, shut down mass media and suspended thousands of academics.

²⁴ Solaker, Gulsen and Butler, Daren. Erdogan wins narrow referendum victory, laying bare Turkey's divisions, 2017. Available at http://www.huffingtonpost.com/entry/turkey-referendum-erdogan_us_58f373dde4b0bb9638e4924b. Consulted on April 18, 2017.



This article does not intend to initiate any kind of discussion about the meaning of democracy and authoritarianism. It seeks to clarify the circumstances that allow us to better understand Erdogan's growing success in building a leadership line, that one must recognise, is closer to authoritarianism than democracy – regardless of how flexible it may be in terms of conceptual elasticity. This authoritarian path that Erdogan followed should not be seen, however, as an event that emerged in isolation in a period of his political action. It is true that his first term was marked by an attempt to diplomatically reproach the international community, but it may well be seen as a mechanism to facilitate the legitimation necessary in consolidating its internal leadership.

Before a democratic underdevelopment that places him in a central and isolated position in the exercise of political power, Erdogan reveals himself as a charismatic leader who cleverly inspired his followers by virtue of his purposes, beginning to exercise his dominion over society. However, it is equally important to realise that Erdogan's success cannot be understood apart from the fundamental role that society has played in this success. Therefore, further studies are needed, regarding political sociology, in order to understand Turkish society and its culture and political behaviour.

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EVOLUTION OF RUSSIAN FOREIGN POLICY AND THE MIDDLE EAST

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Abstract

Russian foreign policy demonstrates continuity and change. The Russian Federation has acted in several scenarios and, since 2000, with Vladimir Putin, its main objective has been to consolidate the status of the Russian Federation as a great power, in order to return to the glorious Soviet era. Maximising power and the pursuit of internal security are essential, because there is an international system in permanent anarchy.

Putin's third term was marked by the Ukraine crisis and the annexation of the Crimea, which contributed to a historical turning point in Russian foreign policy. Western sanctions due to the occupation of Crimea and military interference in eastern Ukraine have opened up a period of greater rivalry between Moscow and Washington, as well as the need for Russia to diversify its relations with emerging economies such as Iran and Turkey. This study finds out that Ankara and Tehran have a historical relationship with Moscow, despite some episodes and divergent positions that at certain moments have harmed relations. The issue of Syria, the fight against terrorism and violent extremism, agreements on oil and natural gas and relations with the Kurdish people are some of the key issues in the more or less friendly relations of the Kremlin with Ankara and Tehran. The state of Russian foreign policy and Russia's relations with regional actors in the Middle East (Iran, Turkey, Saudi Arabia and the Kurds) as well as the challenges Vladimir Putin's Russia has to face in the region are addressed.

Keywords

Foreign policy; Realism; Revisionism; Russian Federation; Middle East

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EVOLUTION OF RUSSIAN FOREIGN POLICY AND THE MIDDLE EAST¹

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Introduction

The Russian Federation has acted in several scenarios and, since the political rise of Vladimir Putin, its main objective has been to consolidate the status of great power to return to the glorious Soviet era. The preference for a multipolar world order based on sovereignty and non-interference in countries' internal affairs has been constantly present in official foreign policy documents and discourses. The independence recognition of South Ossetia and Abkhazia or the annexations of Crimea and Sevastopol's naval base constitute a direct violation of those sovereign principles and territorial integrity. The Russian intervention in Crimea and eastern Ukraine (between February and September 2014), using coercion and force to take over and destabilise the territories of a neighbouring state, is a challenge to the post-Cold War European regional order. The relationship with the West has changed significantly. Moscow's hard policies there and the challenge to Washington have made Russia more credible in the Middle East. With Putin, the war in Chechnya and the Russian involvement in Abkhazia and South Ossetia, as well as in Transnistria and Nagorno-Karabakh, are explained by the need to secure state cohesion, expand its influence and protect itself against Western advances.

The key objectives of this study are: to learn about the evolution of Russian foreign policy, especially since 2000, and the state of Moscow's relationship with the Kurds, Ankara and Tehran. In the first section of this article, some of the different Russian foreign policy orientations are identified as well as their evolution along with the presidents who have been in the Kremlin since the end of the Cold War, assessing the impact of the war with Georgia (2008) and the Ukraine crisis (2014) in Russian foreign policy. The second section analyses Russia's relations with Iran and Turkey, the evolution of this relationship and its positioning in the Middle East regarding the Kurdish problem. Finally, the interrelations between Moscow, Ankara, Tehran, and the Kurds, the influence of the Kurdish issue on the Tehran-Ankara Axis and Russian challenges in the geopolitical chess of the Middle East are addressed. This article is based on academic literature, official documents of the Ministry of Foreign Affairs of the Russian Federation and the Kremlin, Russia and Middle East media. Support from Professors Mark N. Katz, Roy Allison and Licínia Simão as well as José Milhazes and José Manuel Félix Ribeiro is appreciated.

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1. Russian Foreign Policy: brief evolution

The role of the leaders² was always fundamental in the formulation and decision-making process of foreign policy in the Union of Soviet Socialist Republics (USSR)³ as well as in post-Soviet Russia, due to the strength of centralism and the characteristic authoritarian features of the Soviet system. Despite the constitution of a new state, the centralisation of political power, which in post-Soviet Russia has accentuated a strong personalisation of power, has lived on (Freire, 2014, pp. 16-17). This was a constant element of the Czarist Empire of the USSR and is still present today in Russia. This centralisation of power was (re)confirmed with the presidential election of Vladimir Putin for the third term (2012).

Czarist Russia and the USSR represent centuries of centralised governance in which the defining lines of democracy, in a broad understanding of the concept – including not only popular participation in electoral acts, but also representativeness, individual rights and freedoms issues – were never present (Freire, 2014, p. 31).

Mikhail Gorbachev is the central figure in the transformation of the USSR after the disenchantment with the governance of Leonid Brezhnev and the short leadership of Yuri Andropov and Konstantin Chernenko (1982-1985). Internally, he put faith in a reformist course and externally he showed willingness to approach the West and to democratically open itself to the East.

In Russia's⁴ transition, the foreign policy reflected the constraints that Russian policies faced internally. General discontent regarding the transition process then initiated by Gorbachev⁵ contributed to Boris Yeltsin's victory in the 1991 presidential election. The first Russian president, Yeltsin, tried to fully integrate the country by joining the North Atlantic Treaty Organization (NATO) and forging a direct alliance with the US (Trenin, 2014, p.9). But quickly the policy of opening up to the exterior and modernising gave rise to centralising and controlling tendencies.

Vladimir Putin saw Russia as a great power and sought Western recognition⁶, unlike Gorbachev and Kozyrev, demonstrating his desire for domestic affirmation and to stand out in global affairs.

After the announced exit of Yeltsin, 2000 was a turning point and marked the rise of Vladimir Putin. By 2008,⁷ Putin, through his policies based on a well-defined multi-sectoral (2003-2004) presupposition, managed to introduce greater coherence to foreign policy (Freire, 2014, p. 34). Putin defined his foreign policy by adopting new documents that referred to changes, for example, in the concept of foreign policy. The 2000 Concept,

² The leaders as well as the type of leadership shaped the way in which foreign policy is formulated and the behaviour of states within the international political scenario.

³ On 25th December 1991 the USSR was officially extinguished. Fifteen new republics emerged on the world map, with a clear focus on the Russian Federation. The transition process initiated presupposed a new historical alignment and changes in the post-Soviet foreign policy due to the end of the Cold War, geographic redefinition and the new socio-economic politics.

⁴ Throughout this article, the terms "Russia", "Russian Federation", "Moscow" and "Kremlin" are used at random in reference to the same country.

⁵ In the last years as a Soviet leader, Moscow had hoped for a "common European home" and joint global leadership with the US, but these notions proved to be illusions.

⁶ Russia has, historically, sought Western recognition.

⁷ Dmitri Medvedev became president in 2008. After serving as prime minister, Putin assumed another presidential term.



for example, criticised the tendency to establish a unipolar world structure, whilst that of 2008 reinforced that unilateral action destabilises international situations (Light & Cadier, 2015, p.16). The guidelines of the Russian foreign policy, in the context of the end of bipolarity, were characterised by multi-sectorality – identifying concrete areas of action⁸ – and multipolar order⁹ – in a discourse very centred on the exercise of counterbalance to American hegemony. Putin instilled a "new realism" into Russian foreign policy (Freire, 2014, p.33) – which translates into a combination of a realist and traditional view of national interest and the pursuit of it in the international system, seeking to establish a genuinely equilateral dynamic of mutual advantage in the Russian integration in European and global structures, in the projection of Russian power and influence in the system – along with his affirmative position based on a stable internal context and economic growth. These elements support the search for recognition as well as legitimacy in regional and global policies. The foreign policy of revitalising the great power is the element that makes Putin popular in Russia (Trenin, 2016, p.2).

Generally, the impact of a leader's personal characteristics on foreign policy increases when his or her own authority and legitimacy are accepted by the population, or when they are protected from ample public criticism in authoritarian or totalitarian regimes (Freire & Vinha, 2015, p.36). Russian foreign policy is primarily the responsibility of the president, who is in charge of defining the basic lines of action underlying the position of the Russian Federation in international affairs (Freire, 2014, p.41). Thus, Putin designs, shapes and executes foreign policy decisions¹⁰ with the support of the security community.¹¹ These decisions are based on his interpretation of national interest and also on the philosophical opinions about what is right and what is wrong (Light & Cadier, 2015, p.34). Therefore, the decision-making process in foreign policy is conditioned by external, domestic and psychological factors (Freire & Vinha, 2015, p. 58).

After 2007, the Russian foreign policy entered the stage of neo-revisionism¹² (Sakwa, 2014, 30) . From a status quo state, Russia has become a distinctive type of neo-revisionist power, claiming to be a "norm-enforcer" and not just a "norm-taker" (Sakwa, 2014, 31). The election of Dmitry Medvedev as Russian president in March 2008 meant continuity of the Russian foreign policy, following the tendency of reinforcing the lines of assertive pragmatic policy, which characterises Putin's legacy. He combined growth resulting from the use of energy resources with a new foreign policy vector based on domestic modernisation (liberalism), building "modernisation alliances" aimed at various aspects, from leading scientific research to the formation of the individual (Tsygankov, 2016) (Freire, 2014, p.35).

⁸ Since 2000, the Commonwealth of Independent States (CIS) has been defined as a foremost area of action for Moscow, in which priority is given to the development of good relationships with neighbouring states and the strategic partnership. The policies of Putin and Medvedev for the CIS have developed in the line of reaffirmation of the Russian influence in the area.

⁹ In the post-2008 Russia understands the international order as multipolar and considers itself an important actor. The option for multipolarity is one of the lines of rupture with the Soviet past and is justified by the inability of the Russian Federation to be seen as a hegemonic power. After the US invasion of Iraq in 2003, Russia's definition of multipolarity has deepened.

¹⁰ The Ministry of Foreign Affairs of the Russian Federation develops general foreign policy strategy, presents relevant proposals to the president and implements the foreign policy of the Russian Federation. It also coordinates the foreign policy activities of the federal executive bodies and international cooperation in accordance with the Executive Order of the Russian Federation No. 1478 of 8th November 2011 on the role of the foreign policy coordination of the Ministry of Foreign Affairs.

¹¹ The world view of the Security Council of the Russian Federation presents international relations in terms of an endless struggle for domination and influence among some powerful countries.

¹² Its essence is the attempt to ensure the universal application of international standards.



We must be more effective in using foreign policy instruments specifically for the pursuit of national goals, to modernise our Country, economy, social life and, to some extent, the political system, in order to solve the various challenges that our society faces. (Tsygankov, 2016, p.209)

Thus, by analysing this excerpt – from Medvedev’s speech held at the meeting with the ambassadors and permanent representatives of international organisations on 12th July 2010 – the importance of modernising the domestic economy is highlighted. It was also necessary to develop a policy that would provide conditions for foreign investment in technology that would provide economic development and create the necessary conditions for the development of non-energy areas to overcome Russia’s excessive dependence on energy exports (an economy directly dependent on prices in the international market). The years of Medvedev (2008-2012) as Russian president were not characterised by the attempt to affirm more liberal policies in the economic and social dimensions as several analysts state.

The Russian campaign in Georgia has triggered the most significant crisis in Russian foreign relations with Western countries since the dissolution of the USSR (Allison, 2008, p. 1169). The case of Georgia is paradigmatic in the context of the development of relations and the position of Moscow in the CIS. The five-day war in Georgia in August 2008 corresponded to a policy of reasserting Moscow in the post-Soviet space in the face of Western influence and, above all, before a set of US-led policies and actions, which were considered in Moscow as surpassing a policy of strategic cooperation, having direct implications for national security (Freire & Simão, 2014, p. 92). The Russian intervention in South Ossetia (Georgia) had as its central justification the protection of its nationals (Allison, 2008, pp. 1153-1154, 1167-1169). The Russian response to the Georgian attack on Tskhinvali (capital of South Ossetia) included the temporary occupation of part of Georgia, followed by the recognition of the independence of the regions of South Ossetia and Abkhazia on 26th August 2008 (Sakwa, 2014, p. 40). This was a response to the threat of NATO enlargement. Moscow invaded Georgia driven by a policy of power projection in the post-Soviet area, with the objective of weakening the country, affirming itself in the CIS (vital area), reinforcing the strategy of constraining the presence of US military bases in Eurasia and underlining its recognition in the international system as a great power (Freire, 2015, p. 209). This Russian attitude fits into the most widely used theory to understand the phenomena of international relations – *Realpolitik* or political realism (Burchill, et al., 2013, p. 33). Kenneth N. Waltz, founder of neorealism or structural realism (1979),¹³ advocates that the structure of the international system has created a platform of competition among states seeking security, and because of its anarchic nature, sometimes that structure predisposes that states adopt expansionist and revisionist behaviours (Sousa & Mendes, 2014, p. XXIV). In this perspective, Russia assumes a constant impulse to assert its power and guarantee security (Tsygankov, 2016, p. 11).

¹³ A successful attempt to overcome the approach of classical realism and to develop a more rigorous and neo-economic explanatory model of the structural constraints of the competitive and anarchic system of IR.



Pragmatism was recurrent in Putin and Medvedev's foreign policy statements, and, in practice, perhaps except for the Georgian war, it was the hallmark of their policy before 2014 (Light & Cadier, 2015, p. 18). In 2011, Medvedev finally admitted that Russia's main motivation for sending troops to Georgia had been to avoid its membership in NATO (Allison, 2014, pp. 1269-1270). The result of this military incursion was a slight revisionism, oriented towards the marking of a different *vis-à-vis* position with the West as well as towards the idea of multipolarity and demonstration that its influence in the post-Soviet space remained. (Marques, 2016, p. 46).

Putin returned to the Kremlin ¹⁴ for a third term (May 2012) almost immediately after the Arab Spring and in a context of internal decline marked by a new phase of difficulties in relations with the West (Freire, 2015, p. 211). The Ukraine crisis was responsible for some of these difficulties. Since February 2014 the Kremlin had been in a war mode with Putin as the leader (Taussig & Ryan, 2016). It all began when Russia occupied the Crimea in March 2014 to remedy a historical injustice¹⁵ (Allison, 2014, p. 1286). In fact, Putin reacted like this to the events that took place in Kiev, in late 2013 and early 2014, that led to the fall of Viktor Yanukovich from the presidential post when he refused to sign the Ukraine-European Union Association Agreement (Milhazes, 2017, p. 24). According to Putin's account of the initial operation of Russia in the Crimea, the NATO factor certainly stands out (Allison, 2014, p. 1273). The main objective was to prevent Ukraine from joining NATO (Sakwa, 2014) and, ideally, to recover it for the Euro-Asian integration project – to compete with the EU – whose main element is the reunification of what Moscow considers "the Russian world" (*Russkii mir*) (Trenin, 2014, p. 6). The intervention in Ukraine appears as an extreme expression of a policy of strategic denial, based on Putin's increasing effort to demarcate the CIS order as a "no-go zone" for NATO (Allison, 2014, p. 1269). The reunification of Crimea and [Russian] actions in Donbass provoked a wave of sanctions (Sakwa, 2014, 113). The Russian policies suffered an immediate and strong negative reaction from the US and its allies (Trenin, 2014, p. 8). The Russian military intervention in Ukraine was based on the constant Western (NATO and EU) advances in Eastern Europe, negatively influencing Russian's perception of them as a threat to Russia's security (Marques, 2016, pp. 8-9). The Putinist challenge to the "sovereign right" of the Atlantic security system along with expanding Russian borders was clear and provoked a response in sanctions and other pressures whose ultimate logic was to change the regime in Russia (Light & Cadier, 2015, p. 69). The Ukraine crisis and the formal annexation of Crimea (18th March, 2014) by the genuinely revisionist Russian state (Sakwa, 2014, p. 116)¹⁶ stand as the turning point in Russian foreign policy and a defining moment in Russian history.

In contrast with 2000, when the EU was at the top of the list, it was now below the BICS (Brazil, India, China and South Africa), the Shanghai Cooperation Organisation, the CIS and the Collective Security Treaty Organisation, and even below relations with Abkhazia and South Ossetia (Light & Cadier, 2015, p. 72). The domestic political goals of protecting the regime from outside influence, of consolidating the regime's internal cohesion and

¹⁴ The centralisation of power, which hinders the democratisation of Russian political structures and the consolidation of a truly pluralist regime, remained with Putin.

¹⁵ In 1954, Nikita Khrushchev took the initiative of transferring the Crimea (and Sevastopol) to Ukrainian jurisdiction. The annexation of the Crimea is Russian revenge for its defeat and post-Cold War victimisation.

¹⁶ Offensive realism assumes that states want to maximise their power and that, especially hegemonic states, must do so through expansionist policies and the imposition of their power and interests on weaker and enemy states.



renewing Putin's support base have affected Russian foreign policy since 2012. These goals also contributed to a stronger nationalist rhetoric in foreign policy discourse, an increasing characterisation of Europe as a threat (confrontational attitude towards the West), an increasing investment in soft power and a renewed attempt to build the post-Soviet space as a buffer zone (Light & Cadier, 2015, p. 213).

2. Asia Orientation: the Greater Middle East

Euroasianism, personified in Putin, acquired clear relevance on the agenda of Russian foreign policy after becoming popular with Yeltsin and with the pragmatic Yevgeny Primakov. The identification of Russia as a Eurasian country reinforced the growing importance that Eastern relations took under Putin's leadership.

Central Asia has been prominent in Russian foreign policy, particularly in strategic issues related to Caspian energy and the importance of regional dynamics in stabilising Afghanistan and Pakistan. Strengthening cooperation, for example, with Iran¹⁷ is central to understand the eastern dimension of Russian foreign policy (Freire, 2011, p. 58). Iran and Turkey, influential regional actors on the border between the Caucasus and the Middle East, have become fundamental to Russian foreign policy in the Middle East (Freire, 2011, p. 208). In the context of the extension of the geographical relations, "Russia intends to develop and deepen relations with Turkey, Egypt, Algeria, Iran, Saudi Arabia, Syria, Lebanon, Pakistan" (Freire, 2011, p. 231).

The use of force has once again become an active instrument of Russian foreign policy within and beyond the former Soviet space (Trenin, 2016, p. 3). Even though other actors are sometimes considered, the state is the main actor of power competition due to its ability to mobilise and organise essential community resources to defend itself or to expand militarily (Reis, 2016, p. 6). The intervention in Syria, posing a challenge to Washington, is an example of Putin's unpredictability. Moscow has broken a post-Cold War US monopoly regarding the global use of force and has staged a spectacular geopolitical return in a region that it abandoned in the decaying years of the USSR (Trenin, 2016, p. 1). For Tsygankov (Tsygankov, 2016, 243), Moscow intervened with a desire to resume relations with the West, to support al-Assad (Lund, 2016), to be recognised as a great power, to maintain Syria as its geopolitical and military strength and to take commercial advantages related to arms' sales in Damascus (Berman, 2016).

Nikolay Kozhanov categorised the objectives and reasons that influenced Moscow to increase its activity in the Middle East in three groups: economic (to compensate for the negative political and economic implications of the tension experienced with the West,¹⁸ and to protect the interests of Russian gas and oil corporations through energy agreements); political (to promote dialogue between the main actors of the Middle East and the Russian vision of the future of the IR system); security (to restrict potential threats to Russia's security in non-European parts of Eurasia by combating international terrorism, Islamic radicalism, proliferation of weapons of mass destruction and cross-

¹⁷ Until 1935, the current Islamic Republic of Iran (IRI) was known by the official name of Persia. By decision of Muhammad Reza Shah, in that year, the country changed the official designation for Iran and, following the 1979 Islamic Revolution that resulted in the deposition of the Shah, Muhammad Reza, adopted its current name. Iran and IRI will be used throughout the article.

¹⁸ The European countries chose, for example, to suspend the South Stream natural gas pipeline, a new and important energy channel with which Moscow expected to increase its market share in Europe.



border crime) (Kozhanov, 2015). The growing terrorist threat poses a great danger, and combating it is very important to ensure security in Russian cities and in the international community.

According to Richard Sakwa, Putin's disillusionment with the West (after Ukrainian events in 2014) implied not only a shift to a greater Asian orientation, but also a much more substantive attempt to give shape and substance to a reenergised view of Russia as a bicontinental power (Light & Cadier, 2015, p. 70). Russia has focused on countries (Iran and Turkey) with economic, geopolitical and military advantages. The policy of containing Western advances through alliances and partnerships is a goal. According to the new Foreign Policy Concept,¹⁹ Moscow wants to strengthen its relationship with the Arab world by participating in the Gulf Cooperation Council (GCC):

Russia intends to further expand bilateral relations with the States in the Middle East and North Africa, including by relying on the ministerial meeting of the Russian-Arab Cooperation Forum, and continuing strategic dialogue with the Cooperation Council for the Arab States of the Gulf. (Russia, 2016)

The 2008 Foreign Policy Concept, in view of the growing importance of the Islamic variable in equating power relations in a new multipolar order, had already made reference to the strengthening of Russia's relations with Islamic countries, with participation as an observer state in the Islamic Conference and in the League of Arab States (Freire, 2011, p. 231). Russia's desire to get closer to Arab partners in a context of the growing threat of Islamic radicalism fits into counterterrorism. Russia's relations with regional actors, in particular Syria, Iran and Turkey, are revealing Russian interests in the area and complexity in bilateral and multilateral relations (Freire, 2011, p. 211). The Kremlin has been pursuing the goals of the "new Russia" to assert itself and consolidate power.

Subsequently, the evolution of Russian relations with Turkey and Iran as well as their relations with the Kurds are analysed.

a) Ankara

From the numerous wars between the Ottoman Empire and the Russian Empire to recent energy agreements between Ankara and Moscow, the relationship between Turkey and Russia has always been marked by great ambiguity (Barrinha, 2014, p. 253).

Currently separated by the Islamic republics of the South Caucasus, Turkey and the Russian Federation were, until the end of the bipolar system, countries with common borders, parallel ambitions and antagonistic alliances.

Between the years of 1676 and 1917 the two countries were opponents in twelve wars. The war of 1768-1774 would have a special meaning since the heavy defeat of the Ottoman forces meant the end of hegemony in the Black Sea (Barrinha, 2014, p. 254). During the second half of the 20th century until the end of the Cold War, it was

¹⁹ The concept was approved by Putin on 30th November, 2016.



characterised by the imbalance between the USSR and post-imperial Turkey concerned with the consolidation of the republic.²⁰

In the 1960s Russia and Turkey (re)approached, since Russia opened up politically with Nikita Khrushchev and Turkey was dissatisfied with the US regarding the Cyprus issue. Only in September 1984 did the Turkish government, led by Turgut Ozal, sign an energy agreement with Russia in the issue of natural gas. This agreement is still regarded today as a milestone in the relationship between the two countries (Barrinha, 2014, p. 256). A year and a half later, it was the turn of the Russian company Gazexport and Turkey's Boots to sign a trade agreement for a period of 25 years (Barrinha, 2014, p. 256). The end of the Cold War had as fundamental consequences for the Turkish foreign policy, on the one hand, the resizing of its relations with the former Soviet space of Turkish cultural roots and, on the other hand, with the Middle East (Barrinha, 2015, p. 478). The relationship between them, during the presidency of Yeltsin, was characterised by bilateral cooperation. In the context of the emergence of new powers and a post-American world, Turkey came into direct contact with Brazil, the People's Republic of China, India and the Russian Federation.

The strengthening of internal legitimacy, the existence of a basic doctrine associated with the new minister for foreign affairs, strong economic growth and the progressive affirmation of new poles of power in the international system contributed to a change in Turkey's attitude concerning its foreign policy (Barrinha, 2015, p. 485). The change was reflected in an attitude of more global activity.

For Moscow, the relationship with Turkey is part of a strategy of simultaneous expansion of economic relations and constraint of the influence of the West in its neighbourhood. On the Turkish side, this approach is related to a new way of doing foreign policy with the Justice and Development Party and the minister for foreign affairs, Ahmet Davutoglu.

Energy has been the area that has most united these two states in the last decades.²¹ In this energy context, there are two issues that characterise the Turkish-Russian relationship: on the one hand, the economic relationship between the two countries; on the other, the geopolitics of the issue (Barrinha, 2014, p. 259). Gas and oil pipelines have had fundamental importance in the energy relationship. Russia's top priority is the Turkish Stream Gas Pipeline (substitute of the abandoned South Stream project), which is expected to supply 15.75 billion cubic meters of gas to Turkey by 2020 as well as to Southeast Europe (Baev & Kirişci, 2017, p. 7). According to Putin, its implementation will significantly increase the energy security of Turkey and Europe, boosting the chances of exporting Russian gas to Turkey. Erdoğan's decision to grant the Russian State Atomic Energy Corporation (Rosatom) the rights to build the Akkuyu Nuclear Power Plant in southern Turkey is controversial. As Pavel Baev and Kemal Kirişci note, it would grant Russia "control over a significant portion of Turkey's electricity production" (Baev & Kirişci, 2017, p. 7). In contrast to Turkey's energy diversification goals, the projects will aggravate its dependence on Russian energy (Taussig, 2017). Turkey imports between 50% and 55% of its gas needs from Russia (Baev & Kirişci, 2017, p. 6).

²⁰ Its consolidation was marked by the well-known principle of Mustafa Kemal "Ataturk" Pascha: "Peace at Home, Peace in the World".

²¹ In January 2015 Putin travelled to Istanbul to propose the construction of a gas pipeline from Turkey to the borders of Europe.



Regarding security and conflict issues, bilateral relations have been characterised by geopolitical dynamics such as the Iranian nuclear issue, the Nagorno-Karabakh conflict, the Balkan War (1990) and the Eastern Mediterranean issue (Cyprus and Syria). Turkey and Russia have convergent perceptions regarding the world order, development of energy projects and cooperation in enhancing security in the Black Sea. This relationship can be explained by the strong and stable leaderships of Putin and Erdoğan as well as by the international scenario, which is favourable to the rise of emerging powers after the crisis of 2008, acquiring a growing prominence in the international scenario (Barrinha, 2014, p. 268).

These countries' agenda have, since 2011, focused on the Middle East and, particularly, on the Arab Spring, which is differently read by Putin and Erdoğan. Baev and Kirişci (Baev & Kirişci, 2017, p.4) state: "Turkish leadership hailed the popular uprisings as a 'grand restoration' of Islamic civilization and expected the formation of a 'Muslim Brotherhood belt', stretching across Tunisia, Libya, Egypt, and Syria". Erdoğan tried to reorient Turkey as the leader of an emerging Islamic civilisation in the Middle East (Taussig, 2017). However, Putin understands political Islamism as a real threat to Russia's security (RO). He distrusts Erdoğan's support and connections with radical Islamic groups in Syria, and it is interesting for him that this ideology fails regionally.

Turkey and the Russian Federation diverge on the paths to be taken on the Syrian conflict. Ankara, since the beginning of the crisis, has tried to reach a common position with Moscow, but it has been difficult. On the one hand, Moscow wants Syria to remain as an area of influence, which allows it to guarantee access to the Mediterranean coast,²² re-routing and increasing its influence in an area of strategic multidimensional interest (Freire, s.d., p. 41). For Ankara, the potential for a Kurdish entity to emerge along its long border has been assessed as the main threat to security that could arise from conflict (Çandar, 2017). Turning to the Kurdish question, Moscow insisted that the Kurds should integrate the process of political solution with Syria. Despite Erdoğan's disapproval, Moscow furthered ties with the Syrian Democratic Union Party (PYD), a strong Kurdish operational faction in Syria that elaborated a new Syrian constitution, granting significant autonomy to Kurdish regions (Taussig, 2017). Russian protection of the PYD gave rise to the Kurdish problem with Ankara. Recently, the historic agreement between a Russian state oil company, Rosneft, and the Kurdistan Regional Government – to buy Kurdish oil – shows that Russia sees the Kurds as important actors in the future of the Middle East. Through the activities of Rosneft, Moscow gained influence over Turkish and Iranian interests on the Kurdish issue and, potentially, reaffirmed its influence of oil and gas exports on not only Ankara but also on major economies in southern Europe (Jaffe, 2017) (Barmin, 2017). In Syria and Iraq, Russia favours the real autonomy of the Kurds (Trenin, 2017), despite the rather ambiguous (Azizi, 2017) Russian reaction to the Kurdish referendum (25th September 2017). The independence of Iraqi Kurdistan would probably be detrimental to Russian regional interests. It would cause a disagreement between Russia and Turkey and Iran, two actors with whom Moscow is aligned in the Middle East (Barmin, 2017).

²² In 1971, the USSR installed a naval support and maintenance base for the Syrian port of Tartus. This naval base is the only one that is outside the so-called post-Soviet space and is endowed with a greater capacity of projection in the Eastern Mediterranean area. This naval base, the only one of warm waters, is important for Russian ambitions to play a greater geopolitical role in the Eastern Mediterranean area and in the Middle East.



Russian-Turkish relations have experienced a tense period since the 2015 incident, when a Russian warplane entered Turkish airspace and was overthrown by Turkish forces near the Turkish-Syrian border.

Moscow imposed economic sanctions on Ankara,²³ which, according to initial estimates, cost Turkey US\$ 10 billion in lost trade at a time when the Turkish economy was declining (Tank, 2016). However, bilateral relations have been restored since August 2016. At the end of a meeting in November, Putin said that "in regards to Russia-Turkey cooperation, you could say our relation has been practically fully restored" (ru, 2017). Ilshat Saetov, from the Institute of Oriental Studies of the Russian Academy of Sciences, told *AI-Monitor* that, although Moscow forgives Ankara, he does not trust Turkey anymore (Chulkovskaya, 2017).

During the conference held on 3rd May 2017, Putin said that only political and diplomatic means can contribute to the solution of the Syrian conflict. Russia, Turkey and Iran, despite their competing interests, deepened their cooperation in Syria by launching the Astana format in early 2017 to enact a ceasefire and negotiate the end of the conflict. Putin again stated the strategic importance of Ankara and referred to the importance of normalising their relations:

Turkey is an important and promising partner of Russia. For some time, the durability of our bilateral relations, as we know, has been tested. We can now confidently say that the period of recovery for the ties between Russia and Turkey is over and we are returning to normal cooperation between the partners. Our countries are firmly committed to strengthening cooperation in many areas, according to the spirit and as mentioned in the treaty on the foundations of bilateral relations, which will have its 25th anniversary at the end of May. (ru, 2016)

Russia and Turkey have taken important steps to improve their relations since the 2015 incident. In addition, Putin signed a law (31st May 2017) removing some of the restrictions imposed on Turkey²⁴ after the meeting with his Turkish counterpart ((RFE/RL), 2017) (ru, 2017). On 1st December, Russia completely lifted the ban on imports of Turkish tomatoes (Chulkovskaya, 2017).

Regarding Syria, it should be noted that the Astana meetings, as well as the memorandum on de-escalation zones, contributed to reducing violence in the country, according to Putin and Erdoğan.

b) Tehran

According to Mark Katz, despite their differences, Russia and Iran have cooperated in Syria concerning arms sales and economic affairs. Tehran, in the post-Cold War context,

²³ 4Russia banned, for example, imports of Turkish tomatoes. Ankara imposed large import duties on Russian wheat in March but resumed purchases after the meeting of the presidents in May 2017.

²⁴ The sanctions were imposed on Turkish companies operating in Russia and Turkish nationals who wanted to work in Russian territory.



was obliged to abandon the principle of "neither West nor East" in regards to its foreign policy and established the principle of "North and South" (Simão, 2015, p. 415). Its position meant openness to the republics of the South Caucasus and Central Asia. The relationship with Iran is crucial because Russia can neutralise Iranian influence in Chechnya and other Islamic areas defined as a threat, particularly in the Caucasus. In offensive realism, Tehran is an ally to counterbalance the Western threat, since Moscow has sought to project itself as a great power after decades of reduced influence and status.

The Islamic Republic of Iran (IRI) is a key country in the Middle East, Central Asia and the Caspian²⁵ as well as in the Kremlin's economic and security interests (Trenin, 2016). Moscow is prepared to establish relations with the regime of Ali Khamenei²⁶ regarding trade, energy and security.

Tehran has not always been a reliable partner for Moscow. For example, in December 2008, the Russian government was strongly surprised when – despite the agreements established with the Persian regime – the IRI voted against St Petersburg, making it favourable for Qatar to be the site of the executive and secretariat of the Gas Exporting Countries Forum (GECF). The Iranian voice seemed to be decisive in the voting by the members of the organisation (Kozhanov, 2015). Russia intended to be influential in the international gas market but, as mentioned above, it was not.

Since Putin became the president again in 2012, Russian-Iranian relations have experienced a significant turnaround, in contrast to the substantial cooling of the bilateral dialogue that characterised the last two years of Medvedev's presidency (Kozhanov, 2015). His view of the Kremlin's top priorities in the international arena was greatly affected by the failure to restore relations between Washington and Moscow and the beginning of tensions with the West concerning Syria. Disappointed with the attempts to overcome obstacles in the relations with the West, Putin was determined to develop relations with non-Western countries (Kozhanov, 2015). Iran's geostrategic position has allowed it to influence the development of the situation in the Caspian, Caucasus, Central Asia and Middle East. This reality forced Moscow to discuss various foreign policy issues with Iran, such as the Nagorno-Karabakh conflict, the situation in Iraq and Afghanistan, the stability of Tajikistan,²⁷ NATO activities in the South Caucasus (cooperation with Georgia and Azerbaijan), the presence of non-regional powers in the Middle East and Central Asia, the construction of trans-Caspian pipelines and the instability in the Caucasus. The IRI support was considered relevant to the success of Moscow's activities to strengthen Russia's post-1991 regional position.

In September 2014, Lavrov designated the IRI as a "natural ally" in the struggle against the religious extremists of the Middle East (Kozhanov, 2015). The departure of Ahmadinejad and the election of Hassan Rouhani did not significantly affect the tendency of deepening cooperation. The results of the Arab Spring in the region demanded Moscow to be more active when contacting the IRI after the victory of Rouhani²⁸ in 2013.

²⁵ Russia is a good market for Iran's products.

²⁶ He was the president of the IRI between 1981 and 1989, elevated to the category of Ayatollah and appointed as supreme leader by the Assembly of Experts.

²⁷ In the mid-1990s, the regimes of Moscow and Tehran banded together to halt the civil war that then broke out in Tajikistan.

²⁸ He wanted, in his first term, to strengthen relations with the West, which alarmed the Kremlin.



In 2014, the tension between Russia and the US and EU, resulting from the Ukrainian crisis, contributed to strengthening the Kremlin's cooperation with Iran (Kozhanov, 2015), and also their economic and geopolitical ties with non-Western countries (Borshchevskaya, 2015). In the context of this tension, Russian companies had to look for new commercial and investment opportunities in the IRI.

In August 2016, at a summit held in Baku, Putin, Hassan Rouhani and Ilham Aliyev from Azerbaijan committed themselves to the development of a 7,200-km-long trade corridor linking the countries via rail (Trenin, 2016). For the Kremlin, IRI offers significant economic opportunities due to its population size and potential for growth in technology, education and culture.

The Caspian Sea region is one of the oldest oil producers in the world and is growing rapidly as a natural gas producer (EIA, 2013, p. 1).

The Caspian issue encompasses political, economic, diplomatic and military aspects (Sazhin, 2016, p. 13). The legal status of the Caspian area has been a complex topic because there is no agreement on whether the "body of water" is defined as a "sea" or a "lake". There is currently no defined legal definition for the Caspian since coastal states²⁹ should unanimously agree on a definition (EIA, 2013, p. 4). Sergei Lavrov said, after a recent meeting [4-5th December 2017] Caspian states, that after more than 20 years of negotiations, an agreement on the status of the Caspian was "practically ready" to sign (Pannier, 2017). In 2003, Russia, Azerbaijan and Kazakhstan signed a number of bilateral agreements concerning the boundary lines of the areas adjacent to the Caspian. However, Iran (considering the Caspian a lake) did not recognise the legitimacy of the tripartite initiative, calling for equal division of 20% of the seabed and the surface of the Caspian (Sazhin, 2016, p. 14) (EIA, 2013, p. 5). There are contradictions between Moscow and Tehran in their territorial division: there is no consensus on the governance regime for navigation in areas under national jurisdiction (Kozhanov, 2015).

Iran and Russia were united in the negative attitude towards the Trans-Caspian project, supported by Turkmenistan and Azerbaijan. Neither Russia nor Iran want the failure of the European gas transport project for the future Kazakhstan-Turkmenistan-Caspian and Sea-Azerbaijan-European routes (Sazhin, 2016, p. 15).

Regarding the Syrian conflict, Moscow and Tehran are not fully aligned, since their political strategies are different. They want to prevent the overthrow of the Assad regime and maintain state institutions (Sazhin, 2016, p. 16), but there is a fundamental divergence with regard to their objectives. Moscow has defended the integrity of Syria:

Russia supports the unity, independence and territorial integrity of the Syrian Arab Republic as a secular, democratic and pluralistic state with all ethnic and religious groups living in peace and security and enjoying equal rights and opportunities" (see more detailed information in Sazhin 2016 and the Foreign Policy Concept)

²⁹ Russia, Azerbaijan, Kazakhstan, Turkmenistan and Iran.



When Putin intervened in Syria,³⁰ supposedly to combat *Daesh* and to prevent Assad's defeat, he meant to secure military and economic interests, particularly natural gas pipelines crossing Syria (Tsygankov, 2016, p. 243) (Tank, 2016). One of the main objectives of the Russian intervention has gained US recognition concerning the fact that Russia is a great power (Trenin, 2016). On the other hand, the Iranians intend to maintain a friendly regime in Damascus, preserve the crucial links to Hezbollah, the Lebanese armed movement, and strengthen influence in Assad-controlled Syria (Trenin, 2016). Tehran is aware that the political survival of the Syrian regime will allow it to maintain the dream of regional leadership and promote the "Shiite bow" (Pinto, 2015, p. 117).

Concerning the Kurdish issue, whilst Russia supported Syrian Kurds as well as their hopes for a federal solution that would give them autonomy in Syria, Iran and Turkey opposed these aspirations (Katz, 2016).

Russia is looking for a result that may, eventually, include some political commitment, consider the factions in conflict in Syria and the important regional actors, whilst preserving their interests. The potential for discord between the IRI and Russia lies in regional geopolitics, in the debate on the legal status of the Caspian Sea and in gas exports.

In the foreseeable future, Moscow and Tehran will need each other to achieve their broader goals, even though they recognise that cooperation has clear limits. Understanding its limits can make the relationship sustainable and moderately successful, despite a sordid history (for the Iranians) and deep and persistent mistrust. With Rouhani and Putin, important steps have been taken to strengthen bilateral cooperation, particularly with the implementation of major projects, including the launch of the second Bushehr bloc and the thermoelectric plant in Bandar Abbas as examples of new links between them ((IRNA), 2017). It should be noted that the Bushehr nuclear power plant produces electricity with full capacity.

In the economic context, the major challenge for Moscow is to manage relations with Shiite Iran, whilst deepening dialogue with Saudi Arabia (Trenin, 2016). In fact, good management of relations with major oil producers is important for the Russian economic development. But the excellent line of communication with Tel Aviv, the good relations with Cairo and Riyadh and the relationship with the Kurds constantly test Russian diplomacy and balance of power.

Final considerations

The sanctification of the great status of Russia's power and the declared preference for a multipolar world order has been a constant. There was a clear shift in Putin's political position and rhetoric, adopting a more ideological, more conservative and nationalistic tone with the start of his third term. With the Ukraine crisis and its consequences, changes in Russian foreign policy are marked by a clear distance from the West and the search for new allies and partners, mostly in the Middle East and North Africa, where Western domination could be challenged.

³⁰ Since then, Moscow has coordinated operations with Damascus and Tehran as well as with Iraq. Russia has obtained permission from Iran and Iraq to use airspace for air strikes.



Putin's recent diplomatic initiatives regarding Syria and meeting with all the Middle East leaders mean he wants to avoid the costs of continuing conflicts and increased security risks for Russia. For Waltz, it is clear that states seek, above all, to maximise their security. Active diplomacy in Syria serves to strengthen its domestic image before Russian presidential elections of 2018. According to Katz, the diplomatic marathon may be a sign of Putin's fear that, in case the Syrian conflict continues and the regional situation worsens, Russia's ability to control the situation and its image as a great power will deteriorate.

Moscow's relations with Ankara and Tehran have been strengthened by energy agreements and counterterrorism cooperation, despite their differences. Iran and Turkey, being able to approach one another - if Ankara seeks a new course of collision with Israel (a full supporter of the Kurdish independence), Tehran will move even closer to Ankara - will remain limited in the ability to act together in the Middle East, in addition to the common anti-Israel and anti-Kurdish stance. Moscow seeks to present itself to the countries of the Middle East as a pragmatic, non-ideological, reliable, experienced and sensible player capable of assessing regional issues through diplomatic and military means and also adopting an ambiguous stance. It strengthened economic ties with Iraqi Kurdistan (through Rosneft) and with the Syrian Kurds, intending to project an image of great power there. Iraq's instability, the Syrian conflict and the physical collapse of *Daesh* present new challenges but also new opportunities for the Kurds.

The potential contradictions of these "bridges" that Moscow has established in the geopolitical kaleidoscope of the Middle East are intriguing. Some of them represent a "hidden dialogue" with Washington that might make Tehran and Ankara very suspicious and also the fact that allies and opponents constantly change.

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FOREIGN EXPERIENCE IN ENSURING THE SECURITY OF THE PENITENTIARY SYSTEM AND THE POSSIBILITY OF ITS USE IN DOMESTIC PRACTICE

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Abstract

Foreign experience of ensuring penitentiary safety is structurally studied in this article; the possibility of its use in domestic practice is discussed. The intrinsic and external aspects of penitentiary security, which are organically interconnected with each other, are highlighted. The General characteristic of modern criminal and Executive system of Russia is given, the problems of legal regulation of ensuring its safety existing at the moment are revealed. On the basis of the comparative legal method in combination with other methods of scientific cognition, the article considers foreign experience of ensuring the security of penitentiary institutions through differentiation of convicted persons and the conditions of serving sentences, and also given the wide use of advanced technical means of control and supervision in the process of correction. In this regard, some measures have been proposed to optimize the functioning of penitentiary institutions of the penal correction system of Russia in terms of penitentiary security. In order of discussion, subject to the review of best international practices are selected relevant for the domestic practice questions on the specifics of ensuring penitentiary safety in emergency situations, the models of private prison companies, the development of social control's forms and supervision over the persons released from penitentiary institutions, the conclusions about the parameters of the perception of foreign experience in domestic practice are formulated.

Keywords

Penal system; prison security; Russia; foreign experience

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FOREIGN EXPERIENCE IN ENSURING THE SECURITY OF THE PENITENTIARY SYSTEM AND THE POSSIBILITY OF ITS USE IN DOMESTIC PRACTICE

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1. Introduction

Held in Russia radical changes, focused on upgrading and at the same time, the progressive development of the Russian state and society, are comprehensive in nature and deal including relationships arising and developing in the penitentiary sector, including issues of prison security. The Russian Federation proceeds from the necessity of continuous improvement of the system of public security (The concept of public safety in the Russian Federation, 2013), in conjunction with the strategic objectives of national security in modern conditions (National security strategy of the Russian Federation, 2015). Prison safety genetically related to the overall system of national security, since it involves complex regulatory and legal forces and means aimed at countering threats to the normal development of the Russian state and society, lawful interests of citizens. At the same time, the prison security encompasses significant specifics due to the peculiarities of its main threats (crime, criminal and prison subculture, prison relapse) and manifesting itself in the legal instruments of its software (Romashov, Tonkov, 2014, p. 266-267).

Prison security is both intra-system and inter-system in nature, because the insider threats determine the risk in relation to the persons directly located in the prison environment – especially the convicts and the prison staff. In the field of intersystem relations in the prison as a source of danger should be considered the prison system, which concludes a threat to 'law-abiding' society.

Accordingly, a reasonable statement on the allocation of the inside and outside of prison security.

With regard to Russia we should speak about the special role of the penal system in ensuring prison security. The term 'correctional system' is traditionally used in the literature in understanding with state-legal nature and accordingly organized by the Institute for implementation of activities in the sphere of execution of criminal penalties and performs in this regard are significant for the state and society (Lelyukh, 2006).



In turn, the dynamics of state-legal and social change manifests itself in changes of the content of the functions, specific tasks of the penal system and its constituent organs and agencies. In modern conditions, in conjunction with the constitutional institution of the special value of man, his rights and freedoms (article 2 of the Constitution of Russia of 1993), active and comprehensive participation of Russia in integration processes, the correctional system is rebuilt on the line of humanization of the prison, direction is gradually replacing the punitive and derived from it.

The main milestones of the humanization of the modern criminal-Executive system of Russia include:

- the adoption of laws in the sphere of organization and activity of criminal-Executive system, taking into account the constitutional provisions and international standards in the penitentiary field (law of the Russian Federation of 21 July 1993 n 5473-1 'On institutions and bodies executing criminal penalties of imprisonment'; the Criminally-Executive code of the Russian Federation 1997);
- 1997, the penal system of Russian Ministry of internal Affairs to the Ministry of justice of Russia (on the basis of the decree of the President of the Russian Federation from October 8, 1997);
- education in 2004 the Federal service of execution of punishments, which transferred the functions of the Ministry of justice for enforcement of criminal sanctions, taking into account the updates of the legislation and accepted by Russia of its international obligations in the penitentiary sector (on the basis of the decree of the President of the Russian Federation dated March 9, 2004);
- the development, adoption and implementation of measures for implementation of the concept of development criminally-Executive system of the Russian Federation until 2020 (approved by the decree of the Government of the Russian Federation of 14 October 2010 g. № 1772-R), where, respectively, the General characteristics and current state of the penal system were given, the main directions, forms and methods of its improvement based on international standards and the needs of social development were determined (The concept of the Federal targeted programme "development of the penal correction system (2017-2025)", 2016).

The process of humanization of Criminal-Executive system of Russia substantively represents itself in the reduction of the number of convicts serving a sentence of imprisonment, finding alternatives to criminal sentences involving isolation from society. So, for comparison, if in 2002 the number of prisoners located on the territory of Russia correctional institutions (prison) amounted to 877 thousand 393 people and in 2015, respectively, 618, 656 thousand people (Gorban', 2016, p. 176-183). At the same time the practice of assignment and execution of alternative types of punishment not connected with isolation from society is expanding.

However, the current Russian criminal-Executive inspection, entrusted with the task of execution of alternative punishments, it is necessary to control more retidivirovanii contingent, which complicates their work and reduces its effectiveness. There is also rejuvenation and the deterioration of the criminological characteristics of the contingent of prisoners who are serving sentences in deprivation of liberty, in particular, increasing the number of prisoners who are prone to various forms of destructive behavior,



manifesting itself in violence against other convicts, as well as in attacks on employees of criminal-Executive system (Kudryavtsev, 2013, p. 20-23).

Designated circumstances actualize the problem of studying the best foreign experience of ensuring penitentiary safety.

The purpose of this study is to identify the positive elements of foreign experience of ensuring penitentiary safety and the prospects for its perception in the course of reforming the criminal-Executive system of Russia.

2. Literature Review

The theoretical basis of public security, part of which acts as a prison security, developed in the works of A. A. Ter-Akopov (1998) A. B. Antonova and V. G. Balashov (1996), M. M. Babayev and E. N. Rakhmanova (2003). Among the works of foreign authors, we mention the study of known criminologist Michael Tonry (USA) (2001) who identified the particular importance of model of criminal justice, implying the priority of measures aimed at ensuring public safety, protection from crime.

Some writers appeal directly to the problem of prison security. In particular, B. B. Kazak (2001) outlined the main components of security control of the penal system. In the research of V. Chorny, F. (1996) were systematized the factors of security of prisoners in places of deprivation of freedom. R. Z. Useev comes to conclusions about the holistic nature of penal hazards and security of criminal-Executive system, the need for a conceptual definition of this concept on the legislative level (Useev, 2015, p. 56-61).

Foreign experience of organization and functioning of penitentiary systems and ensure they prison security is provided in several studies. In particular, a review of the device penitentiary prison a number of European countries, order and conditions of serving of punishments in them, is given in the book by L. F. Pirtle, A. M. Fumm, Y. Y. Iron and T. V. Borisova (2012).

The work by A. V. Bykova, and M. A. Kalogirou (2015) discusses the prison system of the United States and the main ways of providing it security. In the book by Andrew Coyle (United Kingdom) (2002) a progressive vision of its author in terms of prison management when the balance of the prison security and prisoners ' rights is presented. Norwegian researcher Erich Saham (2006) considers in comparison with the European prison rules basic training for the Norwegian correctional. In own work S. H. Samsonov (2016) analyzes foreign experience of creation and functioning of private prisons, expresses judgments about the possibility of his careful and selective use in Russia. In conjunction with the problem of prison security (in its broadest sense) E. A. Tohave (2009) analyzes the positive foreign experience of socio-legal control over the persons, released from correctional institutions.

However, the whole issue of prison security, considered from the perspective of its impact on the modern criminal-Executive system of Russia of international experience, parameters of perception in domestic practice, in the course of the ongoing in Russia, reforms that are not specifically allocated.



3. Materials and methods

The methodological basis of this study is comparative legal method, which focuses on the comparison of different legal systems, socio-legal categories and phenomena. The practical importance of comparative legal method is the recognition characteristic of the modern world the objective process of rapprochement of the different national legal systems, given the typological differences and national legal particularities of a given country.

The comparative method is combined with other General scientific and special methods of cognition, namely:

- with systemic (involving the penitentiary need to consider security as a holistic phenomenon, and its support, respectively, as the process of preventing, detecting and neutralizing the threats emanating from criminal and criminogenic prison environment, in turn, correlated with intra and inter-system socio-legal factors);
- formal and legal (involving the use of conceptual-categorical apparatus of jurisprudence, recourse to the law and materials of law-enforcement practice in the sphere of penal activities in the countries surveyed);
- structural-functional (allows to highlight part of the prison security and the main components of its software in connection with the operation and development of the penal systems of modern States).

The research of methodology consists of the study and comparison of the basic characteristics of penal systems of modern States, in part, related to issues of prison security. The main attention is given to the penitentiary countries of Europe and the United States, taking into account the degree of development of the penitentiary systems and the accumulated positive experience of ensuring penitentiary safety in terms of total lines on the humanization of the penitentiary activities, combined with its efficiency.

Based on the special scientific and reference literature, the article takes into account the provisions of the legislative acts of Russia and a number of foreign countries in force on penitentiary security.

A comparison of foreign and Russian experience is given to justify the position about the existence of the two main areas of prison security, namely 1) internal (with reference to the actual prison) and 2) external (with respect to law-abiding society). In this regard, these directions are considered in the work, the authors are aware of a certain share of conventionality of this distinction, taking into account the noted holistic and integrated nature of the prison security and the intrinsic relationship of the parties.

4. Results

4.1. The internal security of penal institutions through differentiation of convicts

The role of the factor of differentiation of convicts and conditions of punishment serving in the internal security of penal institutions is substantively indicated in the below country-specific data. In the United States (first place in the international ranking in the number of prisoners), there is a diversified system of corrections, respectively, which, in



the jurisdiction of municipal, state or Federal government. Each prison has a security level, respectively, from 1 to 4, and:

- correctional institutions of local subordination have security level 1 or 2 and more than half contained therein offenders have a resolution without support for some time to leave the area for employment or training of any profession;
- prisons and reformatories of the fourth and third levels of security are under the jurisdiction of the States or the Federal government (however, in these penal institutions there are also units with a soft mode corresponding to the second level (Kovalev, Sheremetyeva, 2013, p. 19-20).

Differentiation of convicted persons and, accordingly, the question of determining the necessary level of security of the penal institution held not only under the sentence of the court, but also in conjunction with the operation of reception centers, diagnostic and classification of prisoners (in the case of persons serving imprisonment for more than one year) (Kovalev, Sheremetyeva, 2013, p. 19-20).

In correctional institutions: there are various programs aimed at the resocialization of the convicted person. In addition, in the United States operate:

- restitution centers (a 'mild' alternative to imprisonment; they are sent to convicted persons who have committed an offence for the first time, able-bodied and mentally healthy persons who do not have problems with drugs and alcohol, and by a court decision can be sent to convicted persons whose prison term is coming to an end; convicted persons undergo a socialization course, are obliged to go to work and perform free public works, pay their living in the center, court costs and compensate the victims for the damage);
- centers compulsory treatment (they send in need of treatment from alcoholism and drug addiction centers educational programs and programs of socialization, inmates also undergo a professional training course, they receive qualified assistance in finding employment after release);
- correctional camps (for the first time convicted for up to five years for crimes not related to violence young healthy men are sent there, and, if they express such a desire themselves; convicted persons are engaged in heavy public works, for example, the construction of roads, and are also obliged to undergo an educational program and a course of vocational training).

In the UK, due to historical administrative-territorial division and different political status of its constituent territories, Scotland and Northern Ireland have their own system of execution of punishments, and England and Wales – General (Yakovlev, Yakovleva, 2011, p. 142) (respectively, England and Wales – 86 230 thousand prisoners; Northern Ireland – 1460 prisoners, Scotland – 7480 convicted (Bykov, 2017). In the UK prison service, there are different categories of institutions for the detention of prisoners, taking into account gender, age, criminal experience (separately allocated institutions with a life sentence). There are four modes of accommodation for adult males: category 'A' (top security) prisons; category 'B' (high security) prisons; category 'C' (middle security) prisons; and category 'D' (open mode) prisons. In the process of serving the sentence, many convicts in accordance with the decision of the prison administration,



taken on the basis of an assessment of the identity of the convicted person and his behavior, go into the category of a lesser degree of safety, some prisoners go into the category of a higher degree of danger than previously expected (Yakovlev, Yakovleva, Yakovleva, 2011, p.143).

In Germany (64 thousand convicts 193) (Bykov, 2017), the execution of the penalty of deprivation of liberty is carried out in penal institutions open and closed (second dominate), while the inmates depending on the risk of their identity are sent to prisons with different degrees of isolation. In connection with the reform currently under way (since 2006), the execution of sentences is regulated by the legislation of the Federal lander, which, however, does not change the basic purposes and principles of the organization of the execution of penalties relating to the protection of society from crime and the socialization of the convicted person.

In France, penitentiary establishments are divided into: detention home (where to put those arrested and sentenced to deprivation of liberty for a term of less than one year); the Central prison (where the most dangerous prisoners with a much more strict regime of detention and high security measures); the places of deprivation of liberty, which is designed for prisoners who in the opinion of the administration, have the best chance of rehabilitation (where the detention regime is focused on possible communication of convicted persons with outside world); detention centers (institutions of a mixed type, which can coexist compartments, designed for both prisoners on remand and convicted); a semi-free Autonomous centers (placed convicts who have to serve not more than one year and have attained a certain degree of correction) (Yakovlev, Yakovleva, Yakovleva, 2011, p. 150).

In Spain (as well as in Portugal) there are four categories of detention of convicted persons (closed, semi-open, open (night stay) and conditional release under house arrest), which can be applied by transfer from one correctional institution to another (the so-called progressive system of punishment (TePLYashin, 2016, pp. 113-120). It is important to note that in Portugal every convicted person is assigned an expert from the social reintegration service, which is a structural unit of the General Directorate of reintegration and prisons, who prepares a plan of social rehabilitation taking into account the individual characteristics of the convicted person and monitors compliance with its requirements (TePLYashin, 2016, pp. 113-120).

In Finland (there is a low crime rate (Koski, Druzhinina, 2015, p.90) there are various types of punishment regime associated with isolation from society, while, taking into account the behavior of the convict, testifying to his correction, there are rules on transfer from a stricter to a less strict regime of detention (Koski, Druzhinina, 2015, p. 92).

In Norway (crime rates and the level of prisoners are significantly lower than in other European countries) (Saheim, 2006, p.88) convicts are placed in prisons with different levels of security on the basis of an individual risk and needs assessment, taking into account, among other factors, the factors of influence of the criminal environment on low-risk prisoners, as well as the importance of social rehabilitation work.

In Russia, the institutions of the penal correction system that carry out prison sentences include: colony-settlement (convicted primarily for reckless crimes, in addition, for the first time convicted of crimes of minor gravity) educational colonies for minors; medical correctional institutions; correctional colonies of General, strict or special regime



(respectively, the regime is determined taking into account the gravity of the crime, as well as relapse.); prisons (their number is insignificant, they contain persons who have committed especially serious crimes, at especially dangerous relapse, and also transferred from corrective colonies on a sentence of court in connection with malicious violation of the order of serving of punishment) (Art. 16, 74 of the Criminal and Executive code of the Russian Federation). In the domestic penal enforcement legislation there are provisions on separate detention of men and women convicted of crimes, persons who committed the crime for the first time and those convicted who previously served a sentence of imprisonment (article 80 of the Penal enforcement code), as well as provisions on changing the type of correctional facility for positively characterized convicts (article 78 of the Penal enforcement code).

At the same time, there is a potential for improving legislative provisions and practice, taking into account the positive foreign experience, within the framework of two promising areas:

- differentiation of prisoners based on the findings of specialized centers on the level of risk and accept in conjunction with that decision about the direction of the face (in some cases also subject to his consent) to the penitentiary (where, in turn, operates the appropriate socialization program);
- possibility of transfer of the sentenced person, the sentence which ends in a penitentiary institution, with a 'soft mode' with simultaneous passing of the relevant programs of adaptation and re-socialization.

These provisions should be reflected in the domestic penal enforcement legislation, namely, in Art. 78 (Change of type of correctional institution) and in Art. 87 (conditions of serving of punishment condemned to imprisonment) Criminally-the Executive code of the Russian Federation.

4.2. The technical component of prison security.

The following is the experience of certain countries in the technical part of the security of penal institutions, state its significance, and formulated recommendations for improving national legislation in this part.

In the Netherlands the prisons are equipped with video cameras, which carry out continuous monitoring of convicts (prisoners have virtually no personal space, excluding the toilet and shower (Kurkina, 2013, p. 146).

In Spain, the system of security of penitentiaries (including the means of its technical support) correlates with the type of institution, and in the centers of social integration, which are generally not closed and operate on the basis of the principle of confidence in the convicts (the latter have the opportunity to work and undergo treatment outside these institutions), there is an effective security system that allows to control convicts with, inter alia, electronic bracelets GPS-monitoring, indicators of alcohol content in the blood, personal voice detectors (Teplyashin, 2016, pp. 113-120).

In the US:

- an important means of operational control of the criminal environment is centralized accounting, which allows collecting, accumulating, storing, systematizing and issuing



operational information (Central Inmate Monitoring System), first of all, in relation to prisoners with high criminal activity and significant criminal experience;

- prison staff widely uses advanced technical means to prevent escapes and other crimes, violations of the established order of serving of punishment, and to obtain the necessary information about the behavior of the convicts (Bykov, Kalugin, 2015, p. 28-32).

The use of computer technologies with the use of digital monitoring and surveillance systems allows:

- to effectively implement the task of implementation of integrated control of the territory of the penitentiary institution;
- to prevent ill-treatment of inmates by correctional staff;
- to respond promptly to emergency situations and thereby ensure security within the prison.

According to article 83 of the Criminal Executive code of the Russian Federation the administration of correctional institutions has the right to use audiovisual, electronic and other technical means of control and supervision in order to prevent escapes and other crimes, violations of the order of serving the sentence, while obliged to notify prisoners on receipt of the use of technical means of control and supervision.

Taking into account the high importance of technical means of ensuring penitentiary security, it is necessary to shift the emphasis on the obligation to use such means in order to ensure the personal safety of convicts and correctional facility personnel, and to make appropriate adjustments to article 83 of the Criminal Executive code of the Russian Federation.

5. Discussion

Peculiarities of functioning of penitentiaries and ensuring their security in emergency situations.

Among these features are: the establishment of a special legal regime; the creation of temporary structural units; the creation of a temporary system of management and communication; the use of special tactics; the use of special tools and weapons (Glushkov, 2013, pp. 28-30). In correctional institutions of the Republic of Belarus with the introduction of special provisions the decision of the head of the institution may be limited prisoners' contact with the outside world, while in this mode, insulation is within the institution or transfer to another prison convicts, organizing a group or provoking illegal actions (Glushkov, 2013, p. 28-30).

In the UK the prisoners involved in the riots, the rebellions, hostage-taking and attacks on representatives of the administration in places of imprisonment, transferred to a prison lockdown; in the Commission of such acts in jail, they are placed in the camera security category 'A' (in this case they lose their personal allowances and are subject to the most stringent monitoring: produce weekly searches of their person and cells, where they are contained (Coyle, 1994, p. 96; Draft guidelines for Prison and Probation Services regarding Radicalisation and Violent Extremism, 2015).



In General, it is necessary to take into account the foreign experience of the functioning of penitentiaries in emergency circumstances in the parameters of the current legislation.

Private prisons.

First version of private penal institutions of closed type was tested in the USA in the 1980s, currently there are private prisons in 27 States and managed by 20 private companies, their capacity is 4.4 percent of the limit of American prisons (Shamsunov, 2016, p. 25-28). The researchers regard the opportunity to provide prisoners with fairer, safer, humane and constructive living conditions, to reduce the burden on the state in maintaining the penitentiary system as positive aspects (Kovalev, Sheremetyeva, 2013, pp. 19-22), on the other hand, there is a lack of experience among the staff of such institutions in working with a contingent of prisoners (Shamsunov, 2016, pp. 25-28), in addition, the increase in the number of prisoners is associated with the privatization of prisons (Kovalev, Sheremetyeva, 2013, pp. 19-20).

The model of private penitentiaries (with some modifications) is widespread in a number of foreign countries (Shamsunov, 2016), while some countries (for example, Germany) began to stop privatization of prisons (Gulina, 2012). The national special literature suggests the possibility of gradual perception of foreign experience in this part in Russia (Kovalev, Sheremetyeva, 2013, p.28).

The authors of this article believe that the question of the introduction of a model of a private penitentiary institution in the penal correction system of Russia, taking into account the noted positive and negative aspects of it, requires careful study with the involvement of a wide range of scientists and practitioners. This process may be gradual, subject to compliance with all relevant requirements established by law and other regulatory legal acts for the organization and functioning of the correctional institution (including security issues).

The outer side of the prison security.

There is and dynamically develops a system of social control over persons released from correctional institutions abroad (Veldhuis, 2015) (first of all, repeat offenders (Tohava, 2009, pp. 198-201). In this regard, it is necessary to consider positively probation, which performs, among other things, the form of social control and supervision, as well as the prospects of its implementation in domestic practice.

In some foreign countries, criminal law instruments are provided for persons who have committed particularly serious crimes and who have served prison sentences. In particular, we are talking about the so-called preventive arrests (Sicherheitsverwahrung) to persons convicted of especially serious crimes of violent nature applied within the framework of the German penitentiary system (Gulina, 2012, pp. 136-142). At the same time, it is necessary to pay attention to the reformation of this institution, including under the influence of decisions of the European court of human rights (Reform der Sicherungsverwahrung, 2011). In General, this institution raises questions in terms of its legitimacy.

The current legislation of the Russian Federation provides for administrative supervision of persons released from prison (Federal law of 6 April 2011), while the term of



administrative supervision is limited to the period established by the legislation of the Russian Federation for the repayment of the criminal record. In this regard, the domestic approach seems to be more in line with the General legal principle of legality. However, this statement does not deny the opportunity to improve directly the forms of administrative supervision in order to prevent the Commission of new crimes and other offenses by repeat offenders.

Apparently, the efficiency of the implementation of the administrative supervision may be provided subject to systematic observation carried out by supervised entities, an important role is played by innovation component, namely, the establishment of electronic registration of supervised persons and access by all law enforcement units. In this regard, the importance of foreign best practices and the need to take them into account and use them seems obvious.

Conclusion

Conducted on the basis of the comparative legal method and with the involvement of other methods of scientific knowledge, the study has a significant novelty, since it attempts to substantiate the parameters of the perception of the best foreign experience of penitentiary security in the modern penal system of Russia. These parameters should be correlated with the type of the Russian legal system and the needs of reforming the Russian penal correction system in the direction of humanizing penitentiary activity, and at the same time improving its efficiency and security. Penitentiary security is complex, includes internal and external directions.

Accordingly, this vision, as a result of the comparison of the basic characteristics of the penitentiary systems of a number of modern foreign States and the penal enforcement system of Russia, identified promising for perception in domestic legislation and practice, the provisions of best foreign experience and formulated recommendations regarding the forms of this perception.

The conclusion about the reflection in the penal legislation of Russia (article 78, 87 of the Penal code) used in the foreign penal practice methods of differentiation of convicts on the basis of the findings of specialized centers on the level of danger and the possibility of transfer of the sentenced person, the sentence which ends in a penitentiary institution, with a 'soft mode' with simultaneous passage of programs of adaptation and re-socialization.

The importance of the technical means of ensuring penitentiary security, confirmed by the best practice in the implementation of penitentiary activities, raises the question of increasing the technical equipment of correctional institutions and other institutions and bodies executing criminal penalties, and also assumes reflection in the current criminal Executive legislation (art. 83 of The penal code of the Russian Federation), the obligation of the administration of correctional institutions to use such means in order to ensure the personal safety of convicts and correctional personnel.

The humanization of penitentiary activities does not deny the adequate response of the penal correction system to the threats posed by penitentiary crime and other factors that disrupt the normal functioning of the penitentiary institution. In this regard, the national



practice should take into account the foreign experience of the functioning of penitentiary institutions in emergency circumstances in the parameters of the current legislation.

Assessing the foreign practice of creating private closed-type penitentiaries, as well as the possibility of its perception in the domestic practice, the authors proceed from the fact that this process can be phased, while at the same time subject to all relevant, established by law and other regulatory legal acts requirements for the organization and functioning of the correctional institution (including security issues).

Development of forms of social control and supervision over the persons released from penitentiary institutions (primarily retidivirovanii) in Russia has prospects in the parameters stipulated by the Federal law (2011) on administrative supervision over persons released from places of imprisonment. The introduction of electronic records of persons under surveillance and the provision of access to them by all units of law enforcement agencies can contribute to improving the efficiency of administrative supervision.

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QUANTITATIVE DETERMINANTS OF THE FARC-EP GUERRILLA VIOLENCE IN COLOMBIA

This work was supported by the Observatory of Human Rights and International Humanitarian Law (ODHDIH by its abbreviation in Spanish) of the Vice-Presidency of the Republic of Colombia

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Abstract

The purpose of the following study is to explain the activism of the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP) within the framework of the Colombian internal armed conflict between 2002 and 2012. In addition to being the time of the greater armed intensity, the investigation tries to explain the impact of different social, economic or institutional variables that, from a statistical exercise with regressions, show how it is possible to find foundation in understanding why the activism of this guerrilla responds in a greater manner to some scenarios than to others. Drawing on a multivariate exercise with institutional sources, a comprehensive exercise on guerrilla violence in Colombia is conducted, which escapes from unidirectional explanations and juxtaposes different variables in order to seek for an answer, with greater complexity, to what and how the logic of the guerrilla activism from the FARC-EP has been understood during the last decade and a half.

Keywords

Colombian Armed, Conflict, Determinants of Violence, FARC-EP, Political Violence.

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1. Introduction

This work presents, from a strictly quantitative approach, the analysis of some variables that have determined guerrilla violence in Colombia during the last decade. This, with the aim of identifying not only the patterns of direct violence exercised by the FARC-EP, but also to understand why violence happens to a greater or lesser degree, and according to which contexts.

The idea, therefore, is to analyze some of the variables that, considering the prolific literature on the internal armed conflict in Colombia, have traditionally been identified as those with the greatest influence to generate guerrilla activism and presence. So, socioeconomic, institutional, geographical, and other variables will be aggregated, same that in the end will allow us to understand why the internal armed conflict ended up becoming territorial in certain regions of the country, to such an extent that the military solution in favor of the State became impossible, and ended up making necessary to overcome the conflict through peaceful means of conflict resolution, culminating in the signing of the Peace Agreement between the guerrilla and the Colombian Government on November 24, 2016.

Based on the above, the work is organized around four parts. The first one, identifies the most relevant literature that has studied the internal armed conflict from different angles and perspectives, paying special attention to some of the factors that are identified as explanatory of the violence in Colombia, and that also construct a theoretical approach that understands that the violence generated from the armed conflict in Colombia responds to objective circumstances, especially of a socio-economic nature (Sánchez, 2009). Then, the details of the methodological analysis with which the econometric model, description of variables, their operationalization, as well as the origin and sources of information are explained. In the third part, the analysis and results that would explain how and why the guerrilla violence has occurred in the last years are presented; to finally, as a corollary, present possible lines of research based



on this work which, in particular, allow to identify not only the most vulnerable scenarios after the armed violence in Colombia, but also an eventual framework of the post-conflict such as the present one.

2. Status of the issue and theoretical framework

The Colombian armed conflict has been one of the most investigated in Latin America, given its longevity of more than half a century, so there are a wide variety of approaches that have tried to explain it and address it. Thus, among many others, historical studies, military studies, geographic-political approaches to violence, as well as strictly economic approaches could be highlighted as major fields of study.

From the historical contributions of armed violence, the works of Pécaut (2008), Aguilera (2010), and Pizarro (2011) about the FARC-EP become mandatory references; just as in the case of the ELN, the investigations by Medina (1996), or Hernández (2006) stand out; and in relation to paramilitarism, the publications of Medina (1990), Romero (2003), Duncan (2006), or Ronderos (2014), among others. All of them deal with the origins and evolution of armed groups that have been protagonists in the internal armed conflict, taking into account not only the root causes of their appearance, but also the organizational, economic and violence factors that determined the particular evolution.

From the military studies, there is another neat research line on violence in Colombia, focused on determining what the dynamics of violence were in terms of military strategies or types of military security and cooperation policies. For example, works such as those by Blair (1993) or Leal (1994), focus on analyzing the role of the Public Force, the influence of national security doctrines, and the concurrence of internal enemies, resulting from the influence of the American thought. Additionally, Ramírez (2000) and Rangel (2003) focus on the importance of US military cooperation policies, while others such as Echandía (1999, 2006), Salas (2010, 2015) or Ríos (2016a, 2016b) prioritize the study of the military strategy of the guerrillas, according to the change factors and the different stimuli concurrent in the internal conflict.

Political geography has also been an interesting starting point in the understanding of the Colombian conflict, mainly because of its attempt to understand how areas used to plant coca and other resources have operated as explanatory factors of violence in Colombia (Betancourt, 1991; Observatorio Geopolítico de las Drogas, 1996; Echandía, 1996). These visions, on the other hand, have been complemented by local approaches such as those developed by the Center for Research and Popular Education (CINEP by its abbreviation in Spanish) in the works developed by García (2003) on peace actors and violence in Bajo Cauca region of Antioquia; by Guzmán (2003), on Valle del Cauca and Cauca; or by Gutiérrez (1998; 2002) on the relationship of violence and political system in Cundinamarca. Also, we must highlight the contributions from Vásquez, Vargas, and Restrepo (2011) concentrated on the South area of the country; or Torres (2011) and Rodríguez Cuadros (2015), in particular case studies focused on Putumayo and Nariño, respectively. On the other hand, García and Aramburo (2011), with a marked geographical imprint, address the complexity of armed violence in the East area and the Urabá region in Antioquia; since González *et al.* (2012) focus on Eastern Colombia, and particularly in Antioquia, Boyacá, Santander, Norte de Santander and Arauca; and in a second document, does the same work about the Caribbean region of the country (González *et al.*, 2014).



From the approaches that are closer to the economy, it may be noted, first of all, that there have been two currents that have dominated the explanation of the Colombian armed conflict. On one side, those focused on analyzing the cost of violence in Colombia and, in front of them, those that have analyzed, either with a more qualitative or more quantitative approach, the economic factors that have stimulated violence.

In reference to the first works, some outstanding contributions emerge from the second half of the nineties; there are works that are focused on showing the negative repercussion that the conflict has on the economy of the country and, by extension, on the continuation of the social problems. It is thus possible to highlight the contributions of Castro *et al.* (2000); Trujillo and Badel (1998); Granada and Rojas (1995), or Deas and Gaitán (1995), who agree, in brief, in indicating that the costs for Colombia of this armed conflict, in a macroeconomic study focused in the 1990s, would amount between 2 and 4 % of the Gross Domestic Product (GDP); a figure well below the 15.1% that Sánchez and Díaz (2005) quantified with respect to the percentage of GDP represented by illicit activities in Colombia. In more current literature, we can not overlook the work of Otero (2007. p. 10), who, being focused on the Democratic Security Policy, refers to an impairment of 4.5% of GDP, according to a conflict quantification exercise which states that between 1958 and 2012, it has left behind more than 220,000 deaths, 25,000 missing, 27,000 people kidnapped, 5.7 million displaced persons, almost 2,000 massacres and 5,000 attacks against public infrastructure (Centro Nacional de Memoria Histórica, 2013). In sum, an economic impact, only between 2000 and 2003, of \$35 billion Dollars in security costs, plus another \$2.3 billion in direct costs of war. Nor can we ignore other works, equally aimed at the economic deceleration that has involved armed violence in Colombia, as proposed by Álvarez and Rettberg (2008), Sánchez *et al.* (2009) or, more recently, from a sub-national perspective, the work of Querubín (2013).

From the group of works that are oriented on explaining violence based on economic factors, the work of Sánchez (1987) is one of the mandatory starting points, as it is the first one to alert the close relationship between structural violence and the emergence of armed conflict. This hypothesis, followed by Molano (1987), Reyes (1988) or Ramírez (1990) will open a line of research in the 1990s that is predominant in the Colombian academy, known as the violentology, which will be developed within the National University of Colombia.

Theoretically, this line has a linking point with the theoretical developments that try to understand the violence of an armed conflict from an unfailing correspondence, not only to legitimize the existence of an armed struggle but also, to identify a rational calculation and a use of economic resources as an input to sustain the aforementioned violence for the sake of a military victory (Montenegro & Posada, 2005). And, in fact, between one and the other, as will be seen below, is where the approach of this work comes into force.

That is to say, the explanatory contribution of this work evidences that there are structural factors from origin that allow explaining and understanding certain enclaves of greater guerrilla entrenchment since, due to the evolution of the internal armed conflict, there are other factors that, besides being derived from violence and not so much from origin, they also take on an argumentative force when it comes to understanding why guerrilla violence is concentrated in certain scenarios rather than in others. Thus, for the case of Colombia, all the works coincide in highlighting the



economic inequality (Candelo *et al.*, 2000), land concentration (Ibáñez and Querubín, 2004), or forced displacement and accumulation of land (Reyes, 2009).

Finally, the internal armed conflict can not be understood without the revenues of legal sources, and mostly illegal, that fuel every armed confrontation against the State but also construct particular dynamics of legitimacy (Collier, 2000; Collier & Hoeffler 2004; Bates, 2008). Something that, for that matter, Yaffe (2011, pp. 193) for the case of Colombia and taking up contributions such as Ballentine and Nitzchke (2003) or Ballentine and Sherman (2003), implies that:

...although the struggle for access to economic resources can be a perpetuating element of armed conflicts, it is not the main cause of their emergence (since) they agree in the fact that the origin of violent conflicts is in the resentments generated by the bad management of resources, the unequal distribution of wealth derived from these resources, and the government policies that prevent many sectors from benefiting from these fortunes. Yaffe (2011, pp. 193).

That is to say, both conditions originating from structural violence, translated into institutional abandonment, inequality, or socio-economic backwardness, such as conditions that are linked to the curse of resources for the survival of violence would come together as explanatory factors of the guerrilla activism in Colombia. An activism that, according to what is stated in the following section, seeks to be explained in the light of a list of variables that, in the beginning, should serve to understand how the dynamics of violence in Colombia are produced.

3. Methodological design

The methodological design is inspired by two investigations of mandatory reference. First, the work by Sánchez and Díaz (2005) that focuses on analyzing the economic effects of the armed conflict in Colombia and investigates the evolution of the armed activity of the FARC-EP, the ELN, and the United Self-Defense Forces of Colombia, between 1995 and 2002, throughout a vast sample of municipalities. In this work, the consequences of the activities of these groups are estimated on the forced internal displacement, human capital (in terms of education and infant mortality), socioeconomic variables (based on Unsatisfied Basic Needs and the Gini coefficient), in addition to geographic variables (distance and infrastructure), and fiscal activity (transfers and public investment). The technique that was used, and that also serves as a reference, is matching estimators, whereas what is compared is the reality of a municipality with the armed activity against a simulated municipality without armed activity, but that in other aspects maintains conditions that are very similar to the first one.

On the other hand, the contribution of Botello (2014) seeks to explain the determinants of the homicide rate at national level, transcending itself from the armed conflict, between 1993 and 2005; this time, based on a Tobit model, which is used when the information of the dependent variable can be divided into two groups (municipalities without homicides and with homicides), we use explanatory variables



that include the average income of the municipalities, the number of inhabitants, and the size of the urban sector.

Based on the above, the assumption on this occasion is to estimate and quantify the determinants of the armed conflict in Colombia although, unlike the previous ones, the dependent variable is the number of armed actions of the FARC-EP, whilst it is about explaining what factors explain their activism in recent years. In this way, and contrary to both, the period that is analyzed is more recent, covering the decade between 2002 and 2012, since it is the one of the greatest guerrilla violence in the recent history of the country, and so, emphasize in this way the explanatory imprint that pose the cultivation of coca, the mining activity, the operational capacity of the Armed Forces, or the legal changes focused towards the end of the conflict, among other factors.

3.1. Description of variables

All the indicators that are presented in this paper are analyzed by department according to an annual periodicity that, as noted before, covers from 2002 until 2012. In the case of most of the quantitative variables, the natural logarithm (symbolized by an "L" that precedes a variable) is applied. The number of clashes with the FARC-EP guerrillas and the armed contacts initiated by the Public Force were obtained from the Observatory of Human Rights and International Humanitarian Law (ODHDIH by its abbreviation in Spanish) of the Vice-Presidency of the Republic, whose information, in turn, was processed by the Department of Security Administration until 2011, and from then on by the General Command of the Military Forces. Thus, based on this indicator, armed actions are understood as the number of attacks against the Armed Forces, ambushes, harassment, attacks against the civilian population, and acts of terrorism carried out by the FARC-EP. An activism that, according to the data, would be mainly concentrated in the departments of Cauca, Nariño, Antioquia, Caquetá, Arauca, and Putumayo, where the annual average of fifty actions was exceeded by all of them.

The number of coca crops is measured per cultivated hectare, based on the calculations made by the United Nations Office on Drugs and Crime (UNODC), which coordinates all the information that nourishes the Illicit Crop Monitoring System in Colombia (SIMCI by its abbreviation in Spanish), in which all data on illicit drugs is concentrated. Similarly, departments such as Cauca, Nariño, Antioquia, Caquetá, Putumayo, Guaviare, and Meta would be the coca-growing departments of Colombia par excellence, surpassing the 4,000 hectares of cultivated coca plantations annual average in the period under study.

On the other hand, Cundinamarca and the departments of Santander, Valle del Cauca, and Antioquia would be the ones with the highest real GDP per capita, exceeding the \$8,000,000 Colombian Pesos (COP) per year, approximately \$3,000 Dollars (US), which would contrast with departments such as Vaupés, Chocó, Guainía, Guaviare, Nariño, and Sucre, where the same indicator is less than COP\$3,700,000 in annual average (approximately US\$1,200). On this occasion, it would be the National Administrative Department of Statistics (DANE¹ by its abbreviation in Spanish) who will work as the source from which information on this type of indicator can be extracted, making also possible to calculate the population density by department.

¹ Information can be found on www.dane.gov.co in the section *Estadísticas por tema* and then in *Cuentas Nacionales*.



Data about inequity, specifically in terms of ownership and distribution of land tenure, and covering all data and departments, with exception of the data for year 2012, are obtained through the Ministry of Agriculture of Colombia. In this way, the departments with the greatest inequality would be Antioquia, Meta, Arauca, Cauca, Valle del Cauca, and Boyacá, with a coefficient that exceeds the value of 0.82 in annual average. This, compared to the departments of Orinoquia and Amazonia, which like Vaupés, Vichada, Guainía, or Guaviare, share much more egalitarian trends (coefficient of 0.47 annual average).

The socioeconomic conditions of violence are integrated, fundamentally, based on three variables. On the one hand, educational performance is measured on the basis of the results of the mathematics tests from the exams that are given to enroll Higher Education (SABER 11)². These tests measure the level of quality of education, which is key for stimulating, or not, actions of guerrilla recruitment. In this way, this indicator was analyzed for all years, and the results showed a high performance from Cundinamarca, Santander, Boyacá, Nariño, and Valle del Cauca (above 44.5 annual average) compared to other departments such as Chocó, Vaupés, Amazonas, and Magdalena, where the lowest scores were recorded (below 42 annual average).

Also, the departmental tax collection per inhabitant would measure institutional capacities to combat violence, although it is available only for the years between 2009 and 2012, thanks to the figures that are housed in the National Planning Department (DNP³ by its abbreviation in Spanish). Tax revenues are high in San Andrés, Cundinamarca, Antioquia, and Boyacá (above COP\$149,000 annual average) compared to Putumayo, Cauca, Nariño, and La Guajira (below COP\$70,000 annual average) that is where the tax collection is much lower.

Besides, the Ministry of Health and Social Protection⁴ provided the infant mortality rate, which measures the number of deaths in children less than 1 year of age per 1,000 births, from 2000 to 2005. The best indicators of infant mortality are in Santander, San Andrés, Arauca, Casanare, and Valle del Cauca (below 15 deaths in the annual average), as opposed to Chocó, Vichada, Caquetá, and Guainía (above 29 deaths in the annual average).

Dichotomous variables were created to measure changes throughout time. This was the case of "Santos", who took the value of 1 for 2011 and 2012 (periods in which Juan Manuel Santos served as president) and the variable "justice" to which value 1 was assigned from 2006 to 2012, seeking to find the possible effects of Law 975 of 2005 on Justice and Peace in guerrilla violence in Colombia, while leaving with it the demobilization of more than 31,000 paramilitaries.

Finally, variables were constructed to measure specific characteristics of the departments, especially in attention to the center/periphery binomial. *Distancia* measures the length in kilometers between the capital of a department and the capital of Bogotá. *Frontera*, *Mar*, *Andino*, *Minorías*, and *Minero* are qualitative variables that serve to compare the group of departments that share a border with some country, have access to the sea, where minorities are representative within their population or with respect to which the mining sector becomes especially important within the departmental GDP.

² Information can be found on www.icfesinteractivo.gov.co/historicos/

³ Information can be found on www.dnp.gov.co/programas/desarrollo-territorial/evaluacion-y-seguimiento-de-la-descentralizacion/Paginas/desempeno-fiscal.aspx

⁴ Information can be found on www.minsalud.gov.co/estadisticas



4. ANALYSIS OF THE INVESTIGATION

4.1. Determinants of conflict (specification 1)

The model that has been proposed for analyzing the determinants of the conflict is the following (equation 1):

$$CO_{i,t} = \beta_0 + \beta_1 L(CI_{i,t}) + \beta_2 L(GOB_{i,t}) + \beta_3 (DESECON_{i,t}) + \beta_4 (MINE_i) + u_{i,t}$$

a) Illegal crops *CI*, government *GOB*, real GDP per capita *PIBRPC*, and the presence of mining *MIN* determine the evolution of the conflict *CO*. The error *u* captures all independent variables not explicitly included in equation (1).

b) Illegal Crops *CI*: when there is an increase in the coca crops, it requires the augmentation of troops from illegal armed groups, leading to greater conflict (positive beta 1). Coca crops were calculated using the variable *LCOCA*.

c) Government *GOB*: higher tax revenue per capita reflects a greater presence of the Government and a lower possibility of conflict (negative beta 2). In this scenario, it is also important to consider that a larger army can generate a greater conflict (positive beta 2). In this case, *LRECTRIPC* is the variable used to measure tax collection.

d) Economic Performance *DESECON*: since there is much part of the conflict with guerrillas occurring outside of urban centers, to a greater economic development reduced the incentives to generate conflict (negative beta 3). The variable used is *LPIBRPC*.

e) Miner *MINERO*: the departments that are most dependent on the mining sector, attract the attention of illegal armed groups given the ability to generate additional income. This in turn translates into greater conflict in protecting these new resources (beta 4 positive). The mining activity was estimated using the variable *MINERO*.

4.2. Determinants of conflict (specification 2)

Another model proposed to analyze the determinants of the conflict is the following (equation 2):

$$CO_{i,t} = \alpha_0 + \alpha_1 L(CI_{i,t}) + \alpha_2 L(DES_{i,t}) + \alpha_3 L(DI_i) + \alpha_4 (LEY_t) + \alpha_5 (IN_{i,t}) + v_{i,t}$$

Illegal crops *CI*, inequality *DES*, distance *DI*, justice *JUS*, and initiative *IN* determine the evolution of the conflict *CO*. The error *v* captures all the independent variables not explicitly included in equation (2).

a) Illegal Crops *CI*: when there is an increase in the coca crops, it requires the augmentation of troops from illegal armed groups, leading to greater conflict (positive alfa 1). Coca crops were calculated using the variable *LCOCA*.

b) Inequality *DES*: according to the literature, inequality and especially rural inequality are one source of conflict, but also of legitimacy to justify guerrilla action (alpha 2 positive). The inequality was estimated using the variable *LGINIT*.

c) Distance *DIS*: the economic performance and the presence of the Government are also associated with the peripheralization of the conflict. A greater distance indicates the peripheralization of the conflict due to a lower presence of the Government and a reduced internal trade (alpha 3 positive). The variable used is *LDISTANCE*.

d) Laws *LAW*: the legal framework also poses solutions to the conflict. Laws allowing the inclusion of illegal armed groups into civil society reduce future sources of violence



(negative alpha 4). In this case, *JUSTICE* is the variable that is used to measure change in legal processes.

e) Initiative *INI*: as mentioned above, it is important to consider that a larger majority of Public Force can generate intensification of the conflict (positive beta 5). The initiative of the Military Forces is evaluated with the variable *LFFMM*.

5. Results of the investigation

5.1. Ordinary Least Squares (double logarithmic model)

Using the statistical program Eviews version 9.5, the following regressions in which the dependent variable is the natural logarithm of the number of confrontations from the FARC-EP guerrillas were performed (Tables 1 and 2). The Ordinary Least Squares method allows us to know the marginal effect of an independent variable (coca crops) on a dependent variable (conflict), keeping the other variables constant. In all cases a Log-Log model is used since the coefficients have an intuitive interpretation (elasticities), it reduces the possible problems of heteroscedasticity and allows to compare variables in different units of measurement. The statistical program Eviews is used given that it is one of the softwares that allows to model information from panel data, and allows to analyze the information in an intuitive way.

In the first regressions (Table 1) the emphasis was on coca production, State presence (tax collection per capita), and economic performance (real GDP per capita). In all cases, the response of the conflict to coca cultivation is inelastic and positive. This result can be explained in the following way: when the production increases, the guerrilla group makes an additional effort to protect these lands from different threats (FARC, ELN, paramilitary, and National Army).

The presence of the State attenuates the magnitude of the conflict in a considerable way. When the departmental tax collection increases by 1%, the number of FARC-EP clashes decreases by 1.93% (Model 4). When the Government carries out a greater collection, it is probable that it will have a greater presence of Public Force in that department and in this way restrain confrontations with the guerrilla group.

The economic growth also has a significant impact on fighting. When GDP per capita increases by 1%, the number of FARC-EP clashes increases by 1.36% (Model 4). This logic-challenging outcome can be explained by the productive structure of the region. Departments in which the mining sector generates a large part of its GDP attract the attention of illegal armed groups. Among the multiple sources of income of the FARC-EP, the extraction of minerals such as gold in the Pacific or oil in the department of Arauca can be included. When analyzing the variable *MINERO * LPIBRPC*, the results show a positive sign pointing out how the economic growth of departments with high dependence on mining generates more clashes with the FARC-EP.

As in the regressions in Table 1, the conflict response to coca crops is inelastic and positive (Table 2). In addition to the above, measures of inequality (GINI of lands), peripheralization of the conflict (distance to Bogotá), Law of Justice and Peace (Justice), and Military Forces (initiative) were incorporated into the models 6, 7 and 8.

Among all variables, inequality has the largest impact on the number of confrontations (models 6, 7 and 8). When the Gini coefficient of land per department increases by 1%, the number of FARC-EP clashes increases by 1.63% (Model 8). Thus, high levels of inequality generate discontent and discomfort in such a way that when injustices are perceived in the processes, the result is a greater conflict in those regions, according



to what is posed in some previous works like the one by Whitworth (2012), which is centered in showing how there is a significant link between inequality and violence at the local level.

The presence of the State can also be modeled by the distance between the capital of a department and Bogotá. When the distance increases by 1%, the confrontations increase by 0.10% (Model 8). The distance indirectly reflects the transport costs and the influence of the capital city on a department, given by the easiness in the internal commerce (even from the times of the colony, as proposed by Safford & Palacios, 2012).

On the other hand, the Justice and Peace Law reduced the intensity of the conflict by 43% when comparing the period between 2001 to 2005 and 2006 to 2012. Given the strong acceptance of this Law by the United Self-Defense Groups of Colombia (AUC by its abbreviation in Spanish), it would be expected for the guerrilla of the FARC-EP to have less competition for coca crops (between 2002 and 2010, there were 31,810 group and 21,849 individual demobilizations carried out according to the Office of the High Commissioner for Peace).

When the military forces increase their initiative in the conflict by 1%, the number of conflicts with the FARC-EP increases by 0.66%. According to the above, the Army has also had an offensive position in the conflict which generates a response from the guerrilla and sharpens the conflict in the country. This poses a positive scenario for peace as both actors lose the incentive to start a fight.

5.2. Binary models

Another way to understand the consequences of the Colombian internal armed conflict is to estimate the probabilities of engagement with the FARC-EP. Under this scenario, the departments that have had at least one contact with this group differ from those without conflict. The technique that is used is the binary models that allow the calculation of regressions when the dependent variable acquires only two values (1 if it had conflict, 0 otherwise).

Tables 3 and 4 present the results of the Logit model including all the departments of the sample. A qualitative variable that allows comparing the departments with coca crops versus those that do not have them was constructed. The difference is statistically significant in most cases, and in model 16, the coca-producing departments are 39% more likely to have conflicts with the FARC.

When analyzing the incidence of inequality and the initiative of the military forces, one can observe their importance as conflict sources. For each additional point in the Gini coefficient of land, the probability of having a combat with the FARC increases by 63%. For every military initiative of the Colombian Public Force, the probability of generating a conflict with the FARC-EP increases by 7%.

5.3. Models with censored or truncated information

The Tobit model employs the best of the double logarithmic model (5.2.1) and the binary models (5.2.2). Just like the binary models, the Tobit model divides the sample into those departments that had conflict with those that did not have this condition, but in this case the regression allows to differentiate the severity of the conflict because the dependent variable assumes its original values (not binaries).



Similar to what is discussed in point 5.2.1, the conflict response to coca crops is inelastic and positive. In addition, the inequality has the greatest impact on the number of clashes (Table 6) and its coefficient is very similar to the one indicated in 5.2.1 (1.75% versus 1.63%). In spite of the above, the impact of the Justice and Peace Law, and the initiative of the Military Forces is larger in the Tobit models (71% compared to 43% in the first case and 0.66% compared to 0.71 %).

5.4. Assumptions review

Among the independent variables, the correlation coefficients register values that are lower than 0.63, indicating that multicollinearity is not a serious problem. This diagnosis was validated by the auxiliary regressions and the Klein rule.

When performing regressions with robust errors that correct problems of heteroscedasticity, the signs and magnitudes of the estimators did not change significantly.

The approximation to the normal standard of the Durbin Watson statistic shows that, in general terms, most of the regressions do not present autocorrelation order 1 (positive or negative).

With a significance of 1%, the Jarque Bera test of normality does not reject the null hypothesis that the regression errors of models 2, 3, 4, 7 and 8 follow the normal distribution. In the other cases, although the null hypothesis is rejected, the sample size allows statistical inference (minimum sample size of 238).

6. Conclusions

This research carried out a quantitative approximation by analyzing some variables that, segmented according to their socioeconomic, institutional, and geographic nature, and pondering by their importance, explain much of the FARC-EP guerrilla activism that has occurred in recent years.

On the socioeconomic side, the emphasis was placed on the production of coca and the presence of the State (tax collection per capita), revealing a positive relationship between the armed conflict and coca cultivation. The response of the conflict to coca crops is less than 1%; a situation that can be explained by the additional efforts that the FARC-EP guerrilla must carry out in order to protect these lands. This result, although not so evident, is magnified when compared with groups of regions, showing that coca-producing departments are 39% more likely to have clashes with the FARC.

The guerrilla group gained ground in the economic environment thanks to illicit crops and criminal activities, before which the Colombian State has had serious difficulties to stop these phenomena. In this study, it is determined that the tax collection has influence in the conflict as, when it increases by 1%, the number of combats with the FARC-EP decrease by 1.93%. That is to say, it could be affirmed that when the Government carries out a greater collection, it counts on greater Public Force support from which to dissuade the violence produced by the internal conflict.

Within the findings of the study, it is evident that the mining activity is also a determinant of the armed conflict. When conducting the interaction of the percentages of the mining GDP with the per capita GDP of a department, it shows a positive relationship. The greater the mining wealth, the more conflicts are generated in that



region, perhaps also related by the fact that illegal mining has stood out as one of the most important sources of income for the FARC-EP.

Amidst the socioeconomic variables, inequality plays a very important role in the confrontations. When the Gini coefficient of land increases by 1%, the number of FARC-EP combats increase by 1.63%. This, insofar as high levels of inequality generate malaise and nonconformity, and when injustices are perceived in the processes, the result is a greater conflict in those regions.

Likewise, the periferialization of the conflict (distance to Bogotá), and the Justice and Peace Law together with the initiative of the Military Forces were, on the other hand, included as institutional variables. The effect of distance and army initiative on the conflict is positive, but below 0.2% in the first case and below 0.7% in the second variable. Besides, it is evident that the guerrillas have been strengthened, thanks to the absence of the State, in regions that are far from the great capitals and the demographic centers. The further the department is from the capital the more reduced the presence of the State, which is reinforced by the greater costs of transport. The Justice and Peace Law, on the other hand, has a significant effect on the reduction of the conflict over the conflict, comparing the period between 2001 to 2005 and 2006 to 2012, its severity was reduced by 43%.

Finally, it can be concluded that guerrilla violence in Colombia is mainly determined by inequality, the presence of the State, cocaine crops, and armed demobilization processes (Justice and Peace Law).

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ANNEXES

Table 1. Conflict Regressions (dependent variable *LFARC*)

Variable	Model 1	Model 2	Model 3	Model 4
C	1,06(0,28)***	3,68(2,09)***	-21,93(1,25)***	-13,28(5,65)*
LCOCA	0,18(0,04)***	0,36(0,07)***	0,42(0,06)***	0,43(0,06)***
LRECTRIPC		-0,84(0,41)***	-2,28(0,43)***	-1,93(0,47)***
LPIBRPC			2,04(0,34)***	1,36(0,42)***
MINERO				-16,67(9,03)*
MINERO*LPIBRPC				1,09(0,57)*
N	288	96	96	96
R2	0,07	0,27	0,47	0,51
F	22,47***	17,1***	28,04***	19,08**
DW	1,79	2,27	2,17	2,25

Source. Calculations prepared by the authors. *p<0,10; **p<0,05; ***p< 0,01

Table 2. Conflict Regressions (dependent variable *LFARC*)

Variable	Model 5	Model 6	Model 7	Model 8
C	1,06(0,28)***	2,10(0,28)***	1,11(0,39)***	0,03(0,34)
LCOCA	0,18(0,04)***	0,19(0,03)***	0,17(0,03)***	0,06(0,03)**
LGINIT		2,64(0,36)***	3,13(0,38)***	1,63(0,32)***
LDISTANCIA			0,22(0,06)***	0,10(0,16)**
JUSTICIA				-0,57(0,14)***
LFFMM				0,66(0,06)***
N	288	246	246	245
R2	0,07	0,24	0,27	0,58
F	22,47***	38,48***	31,16***	64,91**
DW	1,79	1,70	1,83	1,97

Source. Calculations prepared by the authors. *p<0,10; **p<0,05; ***p< 0,01

Tabla 3. Conflict Regressions (Logit) (dependent variable *FARCD*)

Variable	Model 9	Model 10	Model 11	Model 12
C	0,64(0,21)***	0,55(0,58)	-0,18(0,71)	-0,79(0,84)
DCOCA	0,79(0,26)***	1,11(0,44)**	1,46(0,49)***	2,07(0,62)***
RECTRIPC		-0,005(0,003)*	-0,02(0,006)***	-0,01(0,006)**
PIBRPC			0,00(0,00)***	0,00(0,00)
MINERO				2,01(1,74)
MINERO*PIBRPC				0,00(0,00)
N	372	124	124	124
R2 (Mc Fadden)	0,02	0,08	0,20	0,29
LR	8,72***	12,35***	31,13***	45,58***

Source. Calculations prepared by the authors. *p<0,10; **p<0,05; ***p< 0,01



Table 4. Conflict Regressions (Logit) (dependent variable *FARCD*)

Variable	Model 13	Model 14	Model 15	Model 16
C	0,64(0,21)***	-2,00(0,83)**	-2,46(0,89)***	0,02(1,05)
DCOCA	0,79(0,26)***	1,31(0,31)***	1,29(0,31)***	0,40(0,39)
GINIT		3,61(1,07)***	4,13(1,12)***	0,65(1,36)
DISTANCIA			0,0001(0,00)	-0,00(0,00)*
JUSTICIA				-1,13(0,38)***
FFMM				0,07(0,01)***
N	372	323	323	323
R2	0,02	0,08	0,08	0,35
LR	8,72***	24,5***	26,65***	64,91**

Source. Calculations prepared by the authors. *p<0,10; **p<0,05; ***p< 0,01

Table 5. Conflict Regressions (Tobit) (dependent variable *LFARC*)

Variable	Model 17	Model 18	Model 19	Model 20
C	0,62(0,21)***	4,07(2,77)	-30,66(6,70)***	-15,60(8,55)*
LCOCA	0,21(0,03)***	0,33(0,07)***	0,38(0,07)***	0,41(0,07)***
LRECTRIPC		-0,96(0,55)*	-3,03(0,65)***	-2,15(0,67)***
LPIBRPC			2,82(0,51)***	1,55(0,62)**
MINERO				-11,01(11,84)
MINERO*LPIBRPC				0,80(0,75)
N	360	120	120	120
Criterio de Akaike	3,65	3,44	3,21	3,13

Source. Calculations prepared by the authors. *p<0,10; **p<0,05; ***p< 0,01

Table 6. Conflict Regressions (Tobit) (dependent variable *LFARC*)

Variable	Model 21	Model 22	Model 23	Model 24
C	0,62(0,21)***	1,92(0,23)***	1,07(0,43)**	-0,54(0,35)
LCOCA	0,21(0,03)***	0,24(0,03)***	0,24(0,03)***	0,04(0,02)
LGINIT		3,67(0,47)***	4,07(0,50)***	1,75(0,38)***
LDISTANCIA			0,17(0,08)**	0,07(0,05)
JUSTICIA				-0,71(0,14)***
LFFMM				0,91(0,06)***
N	360	312	312	312
Criterio de Akaike	3,65	3,45	3,44	2,76

Source. Calculations prepared by the authors. *p<0,10; **p<0,05; ***p< 0,01



Table 7. Descriptive Statistics

Variable	Average	Des Est	Maximum	Minimum
ANDINO	0,34	0,47	1	0
COCA	3.472	5.252	47.120	0
DENS	119,09	256,58	1.433	0,45
DISTANCIA	719,9	1.565	9.281	0
FARC	30,1	33,6	169	1
FFMM	50,87	71,79	506	0
FRONTERA	0,31	0,46	1	0
GINI T	0,73	0,13	0,94	0,20
HOMI	47,48	35,46	195,4	0
JUSTICIA	0,58	0,49	1	0
MAR	0,30	0,50	1	0
MATE	43,49	2,62	52,28	37,91
MINERO	0,28	0,45	1	0
MINORIAS	0,31	0,46	1	0
MOR INF	19,61	7,00	11	44,7
PAZ	0,60	0,50	1	0
PIBRPC	6.846.656	4.571.636	38.439.912	2.168.265
RECTRIPC	126,24	68,84	446	43
SANTOS	0,16	0,37	1	0
SUPER	35.631	28.522	109.665	52

Source. Calculations prepared by the authors.

BRAZIL: LADDERS AND SNAKES

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Abstract

Moksha Patam is a game associated with traditional Hindu philosophy that was later marketed in England as "Ladders and Snakes".

The evolution of Brazil in the last twenty years, especially its trajectory as an "emerging power", can be analysed taking into consideration this ancient Indian game. Indeed, during the first decade of the 21st century, Brazil enjoyed a great political and economic bonanza. In its actions, both nationally and internationally, only the "ladders" seemed to prevail, which drove domestic economic growth, increased the social welfare of the lower and middle classes and promoted the country's international emergence.

However, in the beginning of the second decade of the new century, and in the wake of the 2008 crisis, the international game as a whole began to suffer complications. This systemic variable quickly combined with growing internal problems that dragged Brazil towards multiple "snakes" that plunged the country into economic recession, the reprimarization of the economy and corruption. In this context, it is then necessary to pose the question: what are the ladders that the Brazilian government succeeded to climb and stay in that position? What factors can explain the recent and increasingly frequent snakes Brazil is entrapped in? From a theoretical point of view, the discussion presented here is framed, in a broad sense, in the debates related to the rise and fall of powers in the international structure. To what extent do the internal and external factors that explain the future of a given State condition its position in the global framework? Taking into account the case of Brazil: what are the consequences - both regarding its achievements and its recent troubles - for its international path?

Keywords

Brazil; emerging power; foreign policy; Brazilian crisis; PT governments.

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BRAZIL: LADDERS AND SNAKES¹

Clarisa Giaccaglia

1. Introduction

Moksha Patam is a game associated with traditional Hindu philosophy that was later marketed in England as "Ladders and Snakes". Based on its origins, the game emphasized two concepts: "karma" and "kama", or destiny and desire. In other words, the game was used to teach the consequences of good deeds as opposed to bad ones. Accordingly, while the "ladders" represented virtues such as generosity, faith and humility, the "snakes" represented vices such as lust, anger, murder, and theft.

The evolution of Brazil in the last twenty years, especially its trajectory as an "emerging power", can be analysed taking into consideration this ancient Indian game.

Indeed, during the first decade of the 21st century, Brazil enjoyed a great political and economic bonanza. In its actions, both nationally and internationally, only the "ladders" seemed to prevail, which drove domestic economic growth, increased the social welfare of the lower and middle classes and promoted the country's international emergence.

However, at the beginning of the second decade of the new century, and in the wake of the 2008 crisis, the international game as a whole began to suffer complications. In this sense, Brazil was able to stay out of these new difficulties only for a short period of time. This systemic variable quickly combined with growing internal problems that dragged Brazil towards multiple "snakes" that plunged the country into economic recession, the reprimarization of the economy and corruption.

In this context it is then necessary to pose the question: What are the ladders that the Brazilian government succeeded to climb and stay in that position? What factors can explain the recent and increasingly frequent snakes Brazil is entrapped in?

From a theoretical point of view, the discussion is framed, in a broad sense, in the debates related to the rise and fall of powers in the international structure and the consequent rearrangements of global power. From this perspective, the classic analyses carried out by Robert Gilpin (1987) and Paul Kennedy (1987) in the 1980s, as well as the neo-realist theoretical approaches of the 1990s (Krauthammer, 1991; Kissinger, 1994; Huntington, 1999) stand out. This research strand was further strengthened at the beginning of the 21st century (Amsden, 2001; O'Neil, 2001; Haas, 2008; Khana, 2008; Zakaria, 2009; Ikenberry, Mastanduno y Wolforth, 2009 y Acharya y Buzan, 2009).

The perspective of **neoclassical realism**², in particular, is appropriate for this analysis insofar as this approach emphasizes the need to incorporate domestic variables into

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² Within neoclassical realism, Gideon Rose distinguishes three successive lines of work. First, the studies of Robert Gilpin, Paul Kennedy and Michael Mandelbaum, in the early eighties. Second, the research of Aaron Friedberg and Melvyn Leffler in the late eighties and early nineties. Finally, the actual neoclassical authors such as Fareed Zakaria, William Curti Wohlforth, Thomas Christensen and Randall Schweller (Rose, 1998: 155-156).



international analyses in order to have a better understanding of the policies conducted by state actors in the international arena (Rose, 1998: 147). Consequently, it is important to ask: in what proportion do the internal and external factors that explain the future of a given State condition its position in the global arrangement? Taking into account the case of Brazil: what are the consequences – of both its achievements and its recent troubles – for its international trajectory?

As a starting point for the analysis, it is argued that the combination of material capacities and influential resources allows explaining the situation of a given State in the world order, particularly from a political and economic point of view³.

With regard to Brazil's case, the argument is based on the idea that the government of Lula da Silva's Workers' Party (PT) joined this international game, from 2003 onwards, with strong intentions to climb up all ladders as they came about, underpinned by a serious, committed and ambitious domestic and external policy. However, as the years went by, mesmerized by a favourable international economic situation and a global environment that only seemed to praise the achievements of this Latin American country, the Brazilian government abandoned the path of effort. Thus, it settled for a comfortable economic policy that encouraged the reprimarization of the country, alongside a stance that endorsed, or at least pretended to ignore, an increasingly corrupt government behaviour (in association with private actors). As a result, PT governments, particularly after the administration of Dilma Rousseff, started losing the support of the majority of Brazilian society. In addition, pressures exerted from abroad – particularly by transnational investment groups and the world press – added to the withdrawal of support for the Brazilian political class, further aggravating the national crisis.

This work is based on a qualitative methodology with a high descriptive and analytical content, emphasizing the sequence of events linked to Brazil's case⁴. The time period chosen includes the three PT governments (two mandates of Lula da Silva and one of Dilma Rousseff) as well as the period encompassing Michel Temer's administration until today.

This article goes through the different ladders that the Brazilian government successfully climbed during the first decade of this century. Then, it examines each one of the snakes the country has met with along the way, starting in the second decade. Finally, it seeks to identify on what foundations Brazil can still sustain itself in order to rebuild itself and return to the game with new ladders that enable its long-awaited emergence.

2. Ladders: the PT government during the first decade of the 21st century

During the first decade of the new century, hand in hand with the administration of Lula da Silva, Brazil commendably climbed up multiple ladders: sustained economic growth, social growth by means of the expansion of the middle classes, great international diplomatic activism, diversification of partners and implementation of what could be called a "showcase operation" tending to highlight the country worldwide.

Several analysts have identified this first stage as a bonanza period for the country (Rolland and Lessa 2010, Cervo and Bueno 2011, Cornelet, 2014, Cervo and Lessa, 2014). In effect, **long-term economic growth** also meant political stability. In the 2003-2010 period, Brazil had an average GDP annual growth of 4%. By the end of 2011,

³ It is important to clarify that strategic-military variables are not taken into account since they exceed the objectives set out in this work.

⁴ To this, qualitative content analysis of documents was conducted (specialized bibliography on the monitoring of Brazilian policies, as well as official documentation of national and international organizations) and analysis of quantitative data.



it had become the sixth economy in the world, pushing Great Britain to seventh place (data from IBGE, 2011).

Regarding foreign trade, between 2003 and 2011 exports increased by 17%, surpassing the expansion of world trade (11.6%) (Cervo and Lessa, 2014:144). Likewise, a process of internationalization of Brazilian companies was conducted by means of growing incorporation into global productive chains (Actis, 2015).

According to Pierre Salama (2010:3), "it would be wrong to argue that the economic policy followed by Lula was a continuity of that defined by Fernando Henrique Cardoso: orthodox in monetary terms (high interest rates) and fiscal (primary budget surplus).

Although to some extent this is a founded explanation, it is simplistic. He adds that "Lula's policy, contrary to that of his predecessor, was aimed at achieving and accentuating the maintenance of demand levels based on the increase in the minimum wage and social transfers, the rise in public spending (after a tax reform) and credit facilities for consumption and production" (Salama, 2010:4).

Accordingly, another of the ladders that Brazil managed to climb through the **expansion of the middle classes** becomes clear. Indeed, since 2003, the lower middle class or "class C" became the largest in the country with 91 million citizens thanks to the rise of 27 million people who previously belonged to classes D and E.

With a family income of between 600 and 2,600 dollars per month, class C represented 37% of the Brazilian population in 2003, rising to 49% in 2008 (Getulio Vargas Foundation, 2010). According to data provided by the Institute of Applied Economic Research (IPEA) of Brasilia, for the first time in history the middle class exceeded half of the economically active population, standing at 51.84% of the population. This led to a marked reduction in poverty from 34.93% in 2002 to 25.16% in 2008 (IPEA, 07/08/2008). It should be noted that the increase in average income especially benefited the population with fewer resources located in the Northeast of the country.

It also started to be noticed that a good part of the new members of the lower middle class had more years of schooling, were more qualified and tended to sign formal work contracts (Sallum, 2008). It is important to bear in mind that many received a lot of government assistance through several ongoing social programmes, including the "Bolsa Família" (Family Allowance), the "Hambre cero" (Zero Hunger) plan, as well as those linked to education such as ProUni, FIES and ReUni⁵.

The described social policies also correlated in the external actions of the country. The principle "everyone is entitled to three meals a day", the moral basis of action in favour of the social inclusion of Brazilian citizens and the international inclusion of nations, implied a "multiplication of cooperation projects in the areas of agriculture, food, health and education sponsored both by the government and NGOs" (Cervo and Lessa, 2014:134).

In terms of foreign policy, a strategy of greater world visibility was developed, which was based on **intense international activity** through high-level multilateral and multi-spatial diplomacy. The Lula da Silva government carried out a clearly proactive external action, which was demonstrated by the numerous trips and bilateral visits made by the Head of Government and his Minister of Foreign Relations Celso Amorim⁶, as well as by the country's intense executive and technical participation in the most relevant world forums.

⁵ For additional information about the educational programmes see Sallum, 2008.

⁶ In the period 2002-2010, the Brazilian president made 267 official visits to 83 countries around the world. Minister Celso Amorim, meanwhile, made 630 trips abroad and was received, at least once, in 106 states. In contrast, from 2003 to 2010, Brazil had the official visit of 281 heads of state and government from 108 countries and hosted 260 meetings with foreign affairs ministers. In other words, Lula da Silva received foreign officials on its territory an average of once a week (Ministry of Foreign Affairs of Brazil, 2011).



In fact, the government of Lula da Silva created and was the driving force behind multiple events for regional and global negotiation, such as UNASUR and CELAC in Latin America, and the Africa-South America (ASA) and South America-Arab Countries (ASPA) Summits. It was also actively present at global multilateral meetings held within the framework of the United Nations, the WTO, WHO, FAO and the COPs on Climate Change, among others, generating the creation of various pressure groups in defence of their interests. (G20 Agriculture Ministerial Meeting, BASIC). It was also one of the main promoters for the creation of forums composed of exclusively emerging powers such as IBSA or the BRICS. The government also sought the inclusion of Brazil in meetings traditionally attended only by the developed powers, such as the G7, in which the Brazilian State participated on several occasions as a special guest. Finally, the Brazilian government sought to demonstrate the regional and international importance of its country, promoting high-level political dialogues with the main traditional powers, that is, the United States and Europe⁷. In short, the government consolidated Brazil as a pole of regional power in South America and at the same time transformed it into a State with a relevant global insertion.

Within this same line of goals at international level, the TP government actively **diversified its commercial partners**. From this perspective, the Lula government encouraged the opening of new markets to include other developing countries in the external trade system.

As a result, while in 2002 Brazilian exports to non-OECD countries reached 38.5% of the total, in 2009 this amount rose to 57% (Amorim, 2010: 216). In this regard, Vigevani and Cepaluni (2007: 304) argue that the government of Lula da Silva encouraged the quest for autonomy by means of diversification, that is, both the partners and the strategic options of the country multiplied in order to achieve a better balance with the countries of the North.

Finally, the Brazilian government climbed the ladder of national and international greatness with the implementation of a **"showcasing operation"** to highlight the country worldwide, which earned it all kinds of praise, establishing a positive image of Brazil globally.

In this context, the "BRIC" concept acquired growing prominence in both the media and audiences in general, when they trumpeted the emergence of new powers that would replace existing ones. The "staging" of Brazil as one of the four global promises for the next fifty years - based on its economic potential - was the kick-start for the development of a Brazilian foreign policy increasingly shaped by global communication variables, that is, by the consideration of the "international community's gaze" and of the "national image" itself. From this perspective, it is worth mentioning the presence of a strong presidential figure, by means of which Lula da Silva placed himself at the centre of the national and world political scene⁸. In addition, the Brazilian government maintained a flowing communication with the national media in order to maintain good relations that would result in a higher popularity level for Lula (Breve, 2009). In the same way, Lula had an excellent degree of acceptance by the world press (BBC World, 31/12/2009). Therefore, the good opinion of Lula was replicated in the international image of Brazil, turning the country into a true centre of global attention.

⁷ In effect, the Brazilian government maintains a Global Partnership Dialogue with the United States, at ministerial level, and the European Union-Brazil Summits that began in 2007. Both are held annually (Ministry of Foreign Affairs of Brazil, 2011: 30-33)

⁸ Having won the elections in the second round with 61.3% of the votes, he became the most voted president in the history of Brazil. For the 2006 elections, he won again in the second round with 60.82% of the votes, maintaining the support of the Brazilian people. Towards the end of his second term, Lula continued to have an 80% of positive image according to several Brazilian surveys.



It is also worth mentioning the publication made by The Economist (12/11/2009), entitled "Brazil takes off", which can be considered the corollary of all this recognition stage of Brazil by the media and international think-tanks.

Finally, the "showcasing operation" also involved the establishment of Brazil as a venue for mega events organized by civil society - social, environmental, sports - among which the 2014 FIFA World Cup and the 2016 Olympic and Paralympic Games in Rio de Janeiro stand out.

3. Snakes: Brazil from the second decade of the new century onwards

At the beginning of the second decade of the new century, the international scene as a whole began to show certain cracks. As mentioned above, the 2008 economic crisis that hit the developed nations strongly seemed, at first, not to affect the so-called emerging powers. In this sense, Brazil managed to stay out of these avatars but only for a short period of time. A series of domestic difficulties became increasingly present, dragging Brazil towards multiple "snakes": economic slowdown that later became a recession with major social setbacks, corruption, political-institutional crisis, reprimarization of the economy, decrease in multilateral diplomatic activism and finally what might be called the "international shame" effect.

Regarding the **economic slowdown**, according to World Bank data, the average annual growth of the BRIC economies was reduced by half in 2015, compared to 2010: "Average growth among this group has slowed from an average of 9 percent in 2010 to about 4 percent in 2015" (World Bank, 08/01/2016). Likewise, the growth of Brazil was slower than that of the rest of its acronym partners.

The lack of ability of Dilma Rousseff's cabinet to manage the crisis is one of the reasons that explain the deepening of the discomfort (Solano Gallego, 2016:147). The economy stagnated in 2014 and a **recession** began in 2015. In effect, "in 2016 the Brazilian economy was in a recession, with an estimated drop of 3.6% of the GDP, that is, a GDP reduction of more than 3.5% for the second year in a row". The total net public debt, on the other hand, "went up from 36.2% of the GDP at the end of 2015 to 44.2% of the GDP as of October 2016". Likewise, the lower economic activity had a strong impact on the tax collection of the federal, state, and municipal governments. The recession of the industry was maintained for the twelfth consecutive quarter in 2016, which continued to be reflected in a drop in its product, especially in the processing and construction industry (CEPAL, 2016:1-3).

The situation also led to significant **social setbacks**. Brazil is currently experiencing a situation of rising unemployment, a high rate of inflation in food prices and a decrease in the real income of workers. According to data provided by ECLAC, "the unemployment rate rose from 6.8% in September 2014 to 8.9% in September 2015 and to 11.8% in the same month of 2016. In the first ten months of 2016, 751,000 formal jobs were lost, representing a fall of 4.2% in total jobs". As for the real average wage, there was "a decrease of 2.4% in 12 months up to October 2016". Inflation reached a peak of 10.7% at the end of 2015, falling to 7.9 in October 2016. However, food prices maintained their upward trend, with an increase of 4% (from 12% in 2015 to 12.4% in 2016) (ECLAC, 2016: 4).

It should also be mentioned that since Temer took power, the agenda of social problems has been exacerbated by legislative projects that limit public spending and seek the reform of labour or retirement laws, aggravating an already discouraging panorama (Solano Gallego, 2016: 154).



The second snake that entrapped Brazil and that seems not to end is **corruption**. In 2013, the so-called "Lava Jato"⁹ operation, that is, a corruption investigation into the procedures carried out by the state-owned company Petrobras was unleashed. According to Tibile and Moraes (2015: 7), this investigation "reveals with greater clarity the explicit and spurious links between the political and economic worlds." In effect, this first operation, as well as other investigations derived from it, exposed a network of corruption that involves both businessmen and various Brazilian politicians. Regarding the latter, it should be noted that, although at first the judicial process included several members of the Workers' Party (PT) in a leading role, "today we know that Petrobras' corruption scheme also involved the Brazilian Democratic Movement Party (PMDB) and the Brazilian Social Democracy Party (PSDB)" (Solano Gallego, 2015: 149).

The motivations that make it possible to explain the spread and deepening of acts of corruption in Brazil in recent years (both regarding the amounts of money involved and the number of members of the political and economic elite included in the scandal) refer to three main issues. Firstly, the request for bribes in the public works tenders, as demonstrated in the case of Petrobras. Secondly, electoral financing by highly concentrated private contributions, which encouraged an increase in corruption. In this sense, Marcelo Odebrecht, condemned to 19 years' imprisonment, declared before the Brazilian justice that "75% of the electoral campaigns were financed by means of undeclared payments. The businessman involved 12 of the 27 governors of the country and the five former Brazilian presidents alive (Infobae, 04/15/2017). Finally, the creation of political coalitions that guarantee the governability of the country has also been based on acts of corruption. In this regard, Brandon Van Dyck (2016: 19) wrote with irony: "in the multiparty presidential systems of Latin America, governability depends on the formation of legislative coalitions, and in the past two decades, Brazil has done better than almost all the countries of Latin America. Now it should do it cleanly". From this perspective, Cervo and Lessa (2014: 135) argue that: "the political system of party coalition easily displaces the governability of efficiency in favour of individual or party advantage".

It is pertinent to mention that the judicial investigations conducted did not stop generating controversy, especially due to certain legal abuses and because of the political selectivity shown at the beginning, insofar as they focused on PT officials with direct and clear negative repercussions on the initiated, simultaneously, against Dilma Rousseff in 2016.

However, in March 2017 the Brazilian justice requested the opening of 83 proceedings against politicians, an initiative that reached the leadership of the three main political parties in the country. The list contains a host of senior or former prominent individuals, including: Lula da Silva and Dilma Rousseff (PT); six ministers of Temer's current government; the last two presidential candidates of the opposition, Aécio Neves and José Serra; and the presidents of Congress¹⁰ and of the Senate. The prosecution has also expanded the investigation to two more government ministers and former President Fernando Henrique Cardoso. The inquiries also extend to 29 senators, at least 40 deputies and three governors "(newspaper *El País*, 04/13/2017).

This list gives an account of the snake that threatens Brazil and which is linked to a deep **political institutional crisis**. In fact, the aforementioned economic and corruption problems went hand in hand with a series of social protests that started this crisis. The

⁹ Petrobras tendered its works to large engineering and construction companies in Brazil, as part of a programme encouraged by President Lula to stimulate the creation of jobs in the country. In order to favour the hiring of certain companies, the Brazilian oil company requested bribes that were around 3% of the budget, which were distributed among politicians and businessmen. The money was reintroduced in the system through hotel, laundries and gas stations businesses to be laundered. Then it was transferred abroad through "front" companies to accounts in China or Hong Kong (newspaper *El País*, 04/03/2016).

¹⁰ The president of the Chamber of Deputies was Eduardo Cunha, architect of the impeachment against Rousseff, and who also ended up being dismissed and detained.



first wave of demonstrations occurred in June 2013, beginning in São Paulo and extending to other Brazilian locations. The protest was mainly carried out by the lower middle classes and was motivated, at first, by the increase in the cost of public transport. However, other claims quickly joined in, among which the people's rejection of the priorities of state spending, the recurrent acts of corruption and the manner in which public resources were being used. In this regard, the organization of the World Cup was strongly criticized given the exorbitant sums of money involved and the persistence of highly unsatisfactory public services throughout the country. It should be noted that, at that time, there were no claims due to socioeconomic shortcomings, as, according to the surveys of that time, the majority of the population (71%) admitted being satisfied with their standard of living and 43% had positive expectations about the future of the country (Ibope Institute survey in Infobae, 23/06/2013). That is to say, the main motivation for the protest was greater demands in terms of health, education and infrastructure, despite the fact that the economic situation of the majority of citizens had not yet been affected. The second wave of protests took place in 2015 and, unlike the previous ones, it was mostly carried out by the middle and high classes, whites and middle or old age, who demanded the fight against corruption and the departure of Dilma Rousseff from the government (Tible and Moraes, 2015:4). In this way, the problems associated with the increasingly unconcealed vices of national politics acquired total public preponderance. In spite of this, the growing dissatisfaction of large sectors of the Brazilian population - irrespective of the region, age or level of income - who had begun to suffer from a national socio-economic reality in clear regression should not be ignored. Consequently, the popularity of President Dilma Rousseff collapsed: "If at the end of the second Lula government nine out of ten Brazilians approved his management, by 2015 an inverse phenomenon was manifested: only one in ten trusted his successor in the Planalto" (Tible and Moraes, 2015: 6).

This situation led to the beginning of a political crisis in which the majority of Brazilian society manifests almost total lack of representativeness of the executive and legislative powers and politicians in general, a fact that, in turn, deepened the weakening of the PT as a ruling political party.

At the same time, in the Congress alliances began to weaken. Indeed, "allied" parties that led certain ministries began to vote against the national government of the PT in the parliamentary sessions. Faced with this, the political articulation was placed in the hands of Vice President Michel Temer of the Brazilian Democratic Movement Party (PMDB)¹¹ who had been the PT's main ally at federal level but ended up becoming the largest opposition party heading the political trial of Dilma Rousseff¹².

The reported events caused serious governability difficulties and situations of political instability to this day - with new and scandalous accusations against the current President Temer, who has virtually no level of public support. The situation exposes the deep institutional crisis that involves all the most important political parties in Brazil.

On the other hand, the Brazilian state faces a fourth snake, which some specialists identify as the "**deindustrialization**" of the country that has as a correlate the "**reprimarization**" of the national economy (Cypher, 2009; Malamud, 2011; Salama, 2014; Cervo and Lessa, 2014; Hearn, 2015; Brun, 2016; Svampa, 2013, 2017). It is important to consider that this process exceeds the Brazilian case. Indeed, during the first decade of 2000, Latin America experienced strong growth due to a boom in the

¹¹ The PMDB is a party without a clear programme. The party's strategy since the re-democratization of the country has been to stay on the side of power but without presenting candidates, taking advantage of the Brazilian electoral system, which practically prevents the winning parties from winning the parliamentary majority and forces them to look for allies (Solano Gallego, 2016: 155).

¹² In 2016, Dilma Rousseff was subjected to an impeachment process, in which fiscal irregularities were alleged. It lasted for eight months and culminated with the dismissal of the president.



prices of primary goods. The robust global demand for these products driven by the high growth rates of Asian nations was a unique opportunity for the region's economies.

In this context, in 2009 China became Brazil's first commercial partner, surpassing the historical position of the United States¹³. In the last decade, Brazil has exported mainly highly concentrated raw materials and imported goods from the industrial sector, more diversified and with a tendency to greater added value. As an example, between January and April 2016, soy represented 51.3% of Brazilian exports to China

(Brun, 2016:202). Consequently, Brazil's global export basket has been primarized, with a greater participation of basic products to the detriment of the manufacturing sector. Furthermore, "by competing with Brazilian products in domestic and regional markets, mainly in South America and the United States, China would also provoke the de-industrialization of the Brazilian economy, as well as its inability to move towards the production of higher-tech goods"¹⁴ (Brun, 2016:202). As a result, the Brazilian economy in recent years has been characterized by low innovation and low competitiveness of production and service systems, with the exception of the agribusiness (Cervo and Lessa, 2014:135).

Faced with this process, the Rousseff's government remained inert so that due to the "end of the super cycle of commodities" (Svampa, 2017), associated with the slowdown of growth in China, the consequences for the national economy have been critical.

In the words of Adrián Hearn (2015: 63), "The current negative perceptions about China contrast with the initial enthusiasm aroused by Chinese funding during the tour of Latin America in 2004 by the then president Hu Jintao among politicians and industry leaders". Between 2005 and 2013, "Brazil received 31,400 million dollars of Chinese investment, becoming the fourth largest investment destination of the Asian giant after the US, Australia and Canada" (Hearn, 2015:63).

In sum, Brazilian economy's excessive dependence on agriculture has meant a setback in the value chain, which continues to be mainly based on exports of unprocessed soya.

From a foreign policy perspective, the next snake Brazil faced was a **decrease in international diplomatic activism**, once the hallmark of the government during the Lula da Silva years. It is important to clarify that both the style of President Dilma - with a lower charismatic profile than Lula - and the beginning of a much more complex economic situation after the financial crisis of 2008 led the new government to focus more on internal affairs. The international prominence of Brazil was then slightly diminished by the Rousseff government. Thus, "a large presence of Brazil in traditional multilateral organisms, global or regional, is maintained, mostly by the diplomatic machine, Itamaraty" (Cervo y Lessa, 2014:136).

The events that took place after the impeachment process against the president further exacerbated this situation, since all political views focused on domestic problems. Therefore, the Brazilian foreign policy left aside the motorization of multilateral negotiation instances. Within the framework of the emerging powers, in particular, Brazil relinquished its role as a catalyst for the agenda both within IBSA, which entered a stage of hibernation, and as part of the BRIC countries, where it was replaced by Putin's government as the main driver of initiatives within the group and, later, also by China, which, since the arrival of Xi Jinping, began to adopt a higher international profile.

In spite of what has been said, it is important not to forget that the systemic conditions of the international arena have also changed. In this sense, the erosion of the WTO as a result of the start of certain bilateral negotiations (the TTP and the TTIP), Britain's exit

¹³ The trade exchanges between Brazil and China soared since the beginning of the 2000s, reaching 46 billion US dollars of exports (Brun, 2016:201).

¹⁴ In fact, cell phones, footwear, clothes and motorcycles are the sectors that lost most ground before China in the export markets (Jenkins, Barbosa, 2012: 78 in Brun, 2016:202).



of the European Union and the arrival of Donald Trump to the United States government formed a more complex and unpredictable international scenario which, therefore, added to the internal developments in Brazil.

With the arrival of Michel Temer, the great strategies of Lula are still maintained but through a reactive or follow-up foreign policy. As an example, Brazil continues to participate in the BRIC summits. Since Dilma was removed from power, the Chancellery became a space of power of the PSDB, which resulted in José Serra becoming a minister, who, in turn was, subsequently replaced by Aloysio Nunes, currently in office. From there, an attempt has been made to grant the country's foreign policy a more economic tone, in which negotiations with the old continent for the signing of a Mercosur-European Union agreement have become one of the state priorities (Cárdenas, 2016).

It should also be noted that the cuts in public spending implemented by Temer's new government have also involved the country's diplomatic machinery. In this sense, the closure of embassies in places considered "non-priority", such as Africa, was announced, in clear contrast to the policies implemented by Lula in the previous decade in relation to that continent (Vásquez, 2016:22).

Finally, Brazil has been entangled in recent years, especially since the events that led to Rousseff's impeachment, in the snake of **"international shame."** Indeed, from the perspective of state governments, particularly in terms of foreign policymakers, the international recognition and prestige aspirations have had as their correlate an irrepressible fear of shame and global humiliation. In Brazil's case, the last years of the PT government seemed to demonstrate a State that was more concerned with "managing" the country's international reputation than with addressing the real national needs¹⁵.

The fear of international disgrace is a novel element in world politics, and typical of a global interconnected and televised system, which especially affects the emerging powers in their eagerness to demonstrate that they are in a position to belong to the big leagues. As a result, the international image of Brazil has also suffered a severe setback due to the endemic corruption that has been unveiled but also as a consequence of a media campaign that was carried out from abroad and that appeared to aim the end of the government of Dilma Rousseff. Mónica Hirst (05/05/2016) states that there was pressure from abroad, "with clear messages in favour of the rapid exit of the PT government in Brazil". The report of The Economist (03/26/2016) entitled "Time to go" was illustrative in this regard.

She also adds that "the opinions of Latin American political leaders identified with their opposition counterparts in Brazil who defended the resignation of the president were frequent in the regional press". The truth is that since the beginning of the impeachment process against Rousseff, Brazil has been the setting of a series of intra-hegemonic disputes among the political-economic alliances (both national and international) that govern the country and that apparently have not yet been resolved.

Brazil's reputation has not improved to date, as different political and institutional scandals continue to appear. In this sense, only the holding of new presidential elections (scheduled for October 2018) can calm the waters to restart the way.

4. Final considerations

It is well known that in the traditional Hindu game, the number of ladders is lower than the number of snakes, reminding us that the paths of good are more difficult to travel than the ways of evil. Going back to the initial question posed in this article, it is worth

¹⁵ This topic is further deepened in Giaccaglia, Clarisa (2014) "Poderes emergentes: ¿todo es sólo para la foto? El caso de Brasil", in revista Estudos Internacionais de PUC Minas, Belo Horizonte (MG), Vol. 2, no.1.



asking again: What are the ladders that the Brazilian government succeeded to climb and stay in that position? How much progress was made during this "window of opportunity" that currently seems to be closing?

As pointed out throughout this paper, the positioning of a given State in the global order depends on the combination of a series of internal and international factors.

From a domestic affairs perspective, the outcome of another political scandal around Michel Temer in 2017 has brought about new threats about Brazil's chances of overcoming the economic recession that it has suffered for two years. The truth is that the country has the structural conditions to overcome the present economic difficulties, so the uncertainty lies, in any case, in the time this recovery will require, given, above all, the resolution of the political crisis.

It is important to remember that despite the turbulent episodes the country is going through, democracy has not been questioned. The political parties, still very discredited, continue to act. Brazilian society, for its part, has shown growing and unprecedented levels of participation and has begun to ask for explanations from the main political and economic elites for their illicit acts.

In fact, one of the greatest strengths of Brazil lies in having achieved the inclusion, during the last decade, of millions of people into the country's middle class. Consequently, this social rise is what has led to the various civil protests, a recent event in the country's political history taking into account that Brazilians have discovered the possibility of demanding. Until then, "those who were born poor died poor. That started to change, and maybe it is one of the biggest social changes we have had in Brazil since the end of slavery in the 19th century" (Schmitt en Duffy, 18/09/2007). In addition, and despite the fact that the socioeconomic situation is unfavourable, poverty and inequality continue well below the levels of the 1990s. According to data provided by the World Bank (2017), the Gini index in Brazil went from 60.5 in 1990 to 51.48 in 2014.

In short, as noted by Tible and Moraes (2015: 14), in the last decades in Brazil, three important macro debates were won: democracy (end of the dictatorship), fighting inequalities (since the Lula da Silva administration) and political distribution (since the first protests in June 2013 that opened the citizens' demands).

However, a retrospective look requires that we also consider everything that needs to be reformulated if Brazil wishes to continue the path begun in recent years. In this sense, two issues are unavoidable. From an economic point of view, the primarization of the economy and, therefore, deindustrialization, are problems that must be seriously addressed by future governments to avoid that an excessive dependency of the international trade on agricultural products conditions the model of national development. Similarly, the social inclusion attained must go beyond the mere inclusion by "consumption", that is, based on an increase in purchasing power and include better access to education, health and infrastructure, as currently claimed by Brazilian society.

From a political point of view, a revision of the actions of the so-called progressive governments is required, which includes Brazil but also involves all of South America. In this sense, Maristella Svampa (2017: 63-64) affirms that the current conservative turn in the region is linked, to a large extent, "to the limitations, mutations and disproportions of the progressive governments". From a critical perspective, she argues that "Certainly, at the beginning of the cycle, all progressive movements involved enhancing a language of rights (social, collective, economic, and cultural) and opened a window for different democratization policies. But between 2000 and 2016, a lot of water ran under the bridge". In this sense, she adds that it is not the same to talk about "new Latin American left" and "populism of the 21st century": "in the passage from one characterization to another, something important was lost on the way, something that evokes the evolution towards models of traditional domination, based on the cult of the leader, his identification with the State and the search or aspiration to perpetuate himself in power".



Coinciding with this need for self-criticism, it is also pertinent to recall the words of another progressive Latin American, such as former Uruguayan President José Mujica: "if the left loses ground, then let it lose it and learn from it" (newspaper *La Nación*, 19/03/2016).

Therefore, returning to the path of national industrialization and improving bureaucratic mechanisms in pursuit of greater political transparency appear as two of the main goals to be taken into account by the Brazilian government for the next decade.

Regarding international factors, two aspects should be mentioned. With regard to Brazil's foreign policy, it is foreseen that the protagonism achieved in recent years will continue to take into account the transformation of Brazil into a State with global interests. The changes will then be based on the nuances that this role will adopt based on the systemic changes that have taken place - lack of recovery of world trade levels to the pre-2008 stage, Brexit, the arrival of Donald Trump to the executive power of the United States -, among the most significant. As a result, there seems to be an international role for Brazil, which will be still active but with lower levels of revisionism and, therefore, with a more status-quoist stance, also claiming the benefits of a diversification of partners that allows both good relations with the United States and the consolidation of links with the BRIC countries, especially with China.

A second aspect refers to the reorganization of political-economic alliances (both national and international) that govern the country. In a broad sense, it is appropriate to resort to the arguments of Ian Taylor (2006: 37), who assures that the appearance of the BRICs was an attempt on the part of the transnational financial capital - with the active help of the very elites of the BRIC countries - to promote the hegemony of liberal capitalism through the incorporation of emerging powers into the world order, so that they become new centres of accumulation and growth within the existing system.

However, the dynamics of the current global capitalism has shown that, for a growth model based on the expansion of the middle classes on the basis of consumption to continue, "another planet would be necessary" (Friedman, 10/03/2012). Therefore, the awareness that the distribution of dividends worldwide cannot be infinite, (particularly following the 2008 crisis which has still not been overcome) has provoked a series of intra-hegemonic disputes within the framework of transnational political-economic alliances. The Brazilian case must then be understood in that context: the crisis affecting the country involves the internal political and business sectors but also the global media and transnational financial actors have actively intervened.

The rearrangement of these alliances will therefore condition the future of the world system as well as the possibility that the South American giant may continue to advance up the ladders of the new international game in the coming decades. So that the "kama" (desire) stands higher on the "karma" (destiny) of Brazil.

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Notes

THE CHINESE DIASPORA: PRESENT AND FUTURE IN PORTUGAL¹

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The Chinese people have always been characterized by great mobility. In the nineteenth century many were those who sought their fortune outside Imperial China. In the Portuguese case, the process was slower since Portugal was traditionally seen as a crossing point for other stops rather than a final destination. However, this trend began to change from the 1970s onwards. Nowadays, reality shows that this community is changing again, because of the transformations of its own country. As such, more and more students and investors who are holders of the Visa Gold, see in Portugal the way to improve their academic careers and an entry into the European Union.

Introductory note

The 21st century promises to be, for better or worse reasons, China's century. Its assertion from the external point of view will have profound consequences for the way the international order will be organized in the coming decades. With this evolution, the profile of the Chinese immigrant is also changing progressively on a world scale. Citing the example of the United States, one of the earliest records of Chinese in this country, dates from 1784, upon the arrival of a ship with Chinese sailors. From 1850 onwards, many of the Chinese who settled there were attracted by the "gold fever" in California. Until the 1870s, a good part of this community served as cheap labor in the construction of railways on the Pacific coast (LOC, 2017). Currently, the Chinese who go to the United States have higher qualifications. They seek to pursue their academic career, do business or constitute a family outside their country. By 2013, China has overtaken Mexico as the main immigrant source country (Lee, 2015). For many Americans, this and other Asian communities are seen as examples of work and dedication to be followed by others.

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Portugal will not escape this trend and may receive an increasing number of Chinese immigrants in the coming years. However, this migration phenomenon is not uniform at all, having undergone several fluctuations over more than 100 years of history. Thus, to understand the real impact of the Chinese diaspora in today's Portuguese society, it is crucial to know how everything began and what is the current situation of a community that still seems mysterious to the eyes of many Portuguese.

The 70's of the 20th century

The example of the United States has some similarities with the one that we have in Portugal today, although the social and economic circumstances dictate the existence of some differences. To begin with, it is not clear when the first Chinese arrived in Portugal, although records from the Civil Government Archives of Oporto show the existence of a Chinese community since the 1920s of the 20th century (Matias, 2010: 79). These individuals came from Zhejiang province and specialized in street vending (Mortágua, 2011: 294). In the next 50 years there is little to register for the Chinese community in Portugal. This would change with the end of the Portuguese colonies in Africa. The decolonization of Mozambique, for example, led to the withdrawal of 26 Chinese families from the territory. Contrary to what is often pointed out by the Chinese community in our country, these individuals did not experience any integration difficulties when they arrived in Portugal. They were Portuguese-speaking people with professional experience in different sectors, being an integral part of the Mozambican colonial society. However, the change of status quo in Mozambique led to the departure of some of these individuals. As Matias (2010: 84 and 85) points out, the Chinese who settled on the East African coast left their country in search of better living conditions. As early as 1960, the Chinese population amounted to over 660 million people (National Bureau of Statistics, 2014). With the aggravating effects of the Great Leap Forward (Dikötter, 2010: 333, Mason, 2012) and later the Cultural Revolution, many Chinese were forced to seek places that would guarantee them the necessary stability, to have a comfortable and quiet life. The independence of Mozambique brought a highly troubled period to the new African state, which led to the withdrawal of 26 families to Portugal. Arriving in European territory, many ended up being integrated without major difficulties. We can not forget, as Matias (2010: 88) points out, that the fact that these individuals had a vast knowledge of our culture and language, allowed their integration process to be almost perfect.

Timor-Leste, another old Portuguese colony, also had a very significant Chinese community. The invasion of the territory by the Indonesian government of Suharto in 1975, dictated the flight of this community to other stops. However, many of those who came to Portugal used our country as a point of passage to other destinations. These individuals, however, had an equal migratory trajectory: leaving Cantão, they settled in an old Portuguese colony and later passed through Portugal (Mortágua, 2011: 296).

From the 80's of the 20th century to the 21st century

With the end of the troubled 1970s in Portugal, Chinese immigration gained new impetus from the 1980s. Once again, the departure of many Chinese from their country was due to the search for better living conditions. While Deng Xiaoping's reforms in the late 1970s led to a substantial improvement in living conditions in the People's Republic of China



(PRC), they also exposed Chinese citizens to new realities and environments they had never known. In a sense, those who left their country were drawn to the development provided by the capitalist states of the Western world. Added to this is the growing circulation of information which, little by little, allowed many people to risk emigrating because they had more knowledge about the diaspora (Gaspar, 2015: 2).

The wave of Chinese immigration that came to Portugal during the 1980s came mainly from Zhejiang province (Qingtian and Wenzhou port cities) and from Fujian. Many of these individuals (mostly men) went through a process of re-immigration, that is, they were in other European countries (eg, France or Holland) before arriving at Portuguese Lands (Mortágua, 2011: 297). It was this great migratory movement that brought with it one of the most enduring stereotypes of our society: the Chinese small merchant. It was in this period that the first Chinese restaurants and shops began to emerge, symbols of a community intrinsically linked to commerce (Mortágua, 2011: 297). Even today we have access to Chinese product stores in any part of our country. In the beginning, many of these businesses competed with others, belonging to Portuguese. The main consequence of this situation is the creation of one of the most enduring stereotypes related to the Chinese community: "Chinese shops" (alongside large stores) have destroyed traditional commerce. The fact that stores are exempt from paying taxes in the first five years of existence (Matias, 2010: 137), a perception that helps to create prejudices among the Portuguese population vis-à-vis the Chinese community.

The construction of this kind of prejudice is often a consequence of a very low level of integration of the Chinese population. Notwithstanding this situation, the Portuguese also have responsibilities in the low acceptance of these individuals. There is, in fact, a great lack of knowledge and even indifference to what the Chinese are. The fascination that some feel for China is due to their culture which, in our eyes, is seen as being exotic or mystical. As for the Chinese community, its closed nature makes much of the existing contact with the Portuguese being summarized by commercial transactions associated with their establishments (Matias, 2010: 156). Thus, "the increase in the number of Chinese who study Portuguese and who cross half a world to continue their studies in Portugal, will cause this image to be gradually diluted. In addition, these individuals will greatly contribute to the eradication of cultural barriers between the two peoples, something that will bear fruit that goes beyond merely commercial aspects."²

In addition, the Chinese community has undergone major changes over the last decades. However, its progressive increase has been its most striking aspect. According to statistics released by the Foreigners and Borders Service (SEF), there were more than 22,000 Chinese living in Portugal in 2016 (SEF, 2016: 11). This increase is mainly due to the incessant search for better living conditions outside Chinese territory. As such, it is not a new or unexpected motive, as it has been strongly credited in the different waves of Chinese emigration. The example of individuals from Zhejiang Province who settled in Oporto and in Lisbon testifies this fact, as they sought to escape the atrocities committed by Japan in Chinese territory. As we saw earlier, the 1980s were marked by the arrival of Chinese from Wenzhou who found their livelihood in street vending. Being the family character one of the characteristics of this diaspora, the transition to the area of restoration and retail was quickly made.

² Pestana (2017).



Although the tendency for this community to grow and to not have chinatowns in Portugal as elsewhere in Europe or in the United States, there is a great concentration in Lisbon, especially in the Martim Moniz area (Gaspar, 2015: 4 and 5). As such, it is possible to conclude that on the part of the Chinese community there is a clear tendency for the maintenance of a status quo in which the contact with the Portuguese population sums up to the minimum indispensable, probably, as a way of preserving their traditions and traditions.

The profile of the Chinese immigrant in Portugal has been gradually changing. At this time, college students and those with Gold Visas are at the forefront of this new wave of immigration from the Middle Kingdom. At present, there is an increasing interest in studying Portuguese because of relations between China and Portuguese-speaking countries. As such, the number of universities teaching Portuguese rose from only 6 to 37 in less than two decades. This trend means that in a brief time the number of Chinese higher education institutions with Portuguese courses may reach 50. (Gaudêncio 2017). Through various agreements and protocols, Chinese universities have been giving their students the possibility to study abroad for periods of up to one year. For Portuguese learners, these are unique opportunities to improve their level of language and also to know a different academic reality from the one they have in China. It should also be remembered that Portugal is in a situation (up to now) privileged from the point of view of security, which is joined by being a Member State of the European Union. All these factors make our country a prominent destination for many Chinese students who want to finish their studies abroad (Pestana, 2017).

In October 2012, the Golden Visa program came into effect with the promise of attracting more foreign investment. By the end of 2013, the first year the program was available, Chinese citizens had already invested 229 million euros under this program (Cerqueira, 2017). This is an easy way for Portugal to obtain investment, especially in the real estate sector. For those who enter Portugal through this program, it is an uncomplicated way to travel in the Schengen Area. Up to November 2017, 3,575 Golden Visas were awarded to Chinese citizens, which reached approximately 3,380 million euros (Ribeiro, 2017).

As I mentioned:

"These two groups are the mirror of a society that has been changing rapidly. Not only has the Chinese upper class has been growing, but it has also sought to invest in places where living and security conditions guarantee an investment without aggravated risks. Portugal, as already mentioned, has all these characteristics"³.

Of particular importance (also because of media), the country has not yet been subjected to any terrorist attacks since the rise of the Islamic State unlike other EU members (Pestana, 2017).

Conclusion

³ Pestana (2017).



The path taken by the Chinese community in Portugal since the beginning of the 20th century has been marked by constant fluctuations and periods of low migratory intensity. When these movements occurred, it was due to the greater instability of the places where the Chinese lived: the PRC, since its founding, experienced periods of great social and political unrest, and the former Portuguese colonies (such as Mozambique and Timor-Leste) are no exception. Thus, the Chinese diaspora has always been forced to move, seeking the best possible living conditions. In Portugal, the Chinese encountered trade opportunities in the 1970s and 1980s that helped them settle down. Today, this community is in a new process of transformation with students and investors heading this new wave of immigration. It is up to the Portuguese State to create the conditions necessary for these individuals to be above all an added value for the country, promoting a more cohesive and effective integration process.

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Notes

THE CONSTRUCTION OF DEMOCRACY IN CAPE VERDE: FROM PORTUGUESE COLONIAL CONDITIONALISM TO INTERNATIONAL RECOGNITION¹

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Introduction to the process of democratic consolidation in Cape Verde

Cape Verde gained independence from Portugal on 5th July 1975. This article aims at analysing the main institutional settings from the moment of independence to the legislative election of 2016. We start by discussing the political importance of anti-colonialist movements for the self-determination of Cape Verde as a sovereign state.

Regarding the post-independence period, we will discuss the process of establishment of the "leviathan state" (Correia e Silva, 2001), a pivotal moment in Cape Verdean politics, in which the African Party for the Independence of Guinea and Cape Verde (PAIGC) is constituted as state apparatus.

Then, we will explain the political reform and modernisation of the state before regime change, a moment of transition from a revolutionary to a liberal democracy (Koudawo, 2001; Silveira, 2005). We will detail the steps of the democratisation of power (Almada, 2011; Wood, 2016a), which was more than a necessity; it was a requirement of the international institutions (Évora, 2013a).

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Complementarily, the article revisits the profuse debate about democracy in Cape Verde, especially the reformatting of the organs of the state (Sanches, 2011, 2013). Significant changes that were made in the Presidency of the Republic (2004), as well as on electoral and party system allowed, on the one hand, for the imposition of other dynamics regarding civil society organisation, which had been the target of political parties (Costa, 2013) and, on the other hand, redefine the debate on gender and political representation (Monteiro, 2015).

Decolonisation and political transition towards self-determination in Cape Verde

It is essential to understand, analyse and explain the colonial period as an important political conditionalism in the construction process of the nation state in Cape Verde (Silveira, 2005). Like some African states, Cape Verde was under the administration of the Portuguese state for almost five centuries (1460-1975), inheriting the Portuguese administration model (Martins, 2010). With the installation of colonies on the African continent, the Portuguese Empire sought to establish commercial warehouses and occupy strategic zones through agreements with African leaders to expand its influence (Valles 1974). The colonial state created structures of power and decision-making, investing in the cadres of the metropolis with the intention of expanding its sphere in the politico-economic domain (Marques, 1999).

Moreover, in Cape Verde the state bet on the "old Cape Verdean elite" to conclude the project of colonial domination (Hofbauer, 2011). Anjos (2002) characterised this elite as a "mediator", who in the late 19th century sought to claim "a special status in the Portuguese colonial scheme" (Madeira, 2014: 9).

The advent of the *Estado Novo* or Second Republic (1926-1974) in Portugal marks a new period in the history of the Portuguese colonies in Africa. In the 1950s, the regime of *Estado Novo* (1933-1974) was confronted with problems concerning its possessions in Africa, mainly because Portugal intended to enter the North Atlantic Treaty Organisation (NATO) in April 1949 and join the United Nations (UN), which happened in December 1955 with the strong support of the United States of America, since it remained with its air and naval bases in the Azores archipelago (Antunes, 2013). As a way of circumventing the demands of the UN, Salazar considered that Portugal was a multi-racial, multi-continental, unique and indivisible nation, extending from Minho to Timor, with the prospect that all overseas provinces formed a single united and inseparable body (Henriques, 2004).

Although the *Estado Novo* remained until 1961 under this disguise, which was supported by the USA by constantly refraining from UN resolutions condemning Portugal's policy in Africa (Antunes, 2013), the situation became unsustainable as liberation movements in Africa advanced and colonial wars broke out from February 1961 to the fall of the regime in 1974 (Almada, 2011, Graça, 2004 and Pereira, 2003).

As far as Cape Verde is concerned, in the mid-1950s Amílcar Cabral travelled to Bissau and in 1956 founded, in collaboration with Aristides Pereira, Elisée Turpin, Fernando Fortes, Júlio de Almeida and Luís Cabral, the first clandestine cells of PAIGC (Cabral, 1974a: 91). In the party, "every militant would take the solemn commitment to give everything, including his own life, to the full realisation of the programme" (Pereira,



2003: 87) of "national unity in Guinea and Cape Verde" (Cabral, 1979: 4). To achieve this goal, it was necessary not only to reinforce the socialist spirit, but also to work hard so that these two populations could awaken to the liberation struggle, and thus "the final phase of the liquidation of imperialism" (Cabral, 1974b: 12)

In Cape Verde, the clandestine activities of the PAIGC began to emerge in the late 1960s. With the conditions set, on January 23, 1963, armed action began in the territory of Guinea-Bissau, and PAIGC declared war on Portugal (Coutinho, 2015). This was only because Cabral's proposals did not receive favourable acceptance either from the Portuguese government or from the UN, and for this reason the patriotic forces "came to a generalised action against the colonialist forces in January of 1963" (Cabral, 1974c: 15).

In January 1973 Amílcar Cabral was murdered in Conakry, victim of a conspiracy within the PAIGC, with the support of the International Police and State Defence (PIDE), which intended to promote the division of the party (Pereira, 2003). The struggle for self-determination continued, and in the same year the first National People's Congress (ANP) was elected in the liberated regions of Guinea, which in September declared the independence of the new Republic of Guinea-Bissau, recognised by the UN and by more than 70 sovereign states. This legitimised the PAIGC as the sole and authentic representative of the people, which immediately proposed to Portugal the withdrawal of its military forces from the territory of Guinea (Almada, 2011).

However, the independence of Cape Verde was not made official in the same year, because according to the PAIGC report on the situation of the country, the fight was still in the sphere of clandestine political action, and the two countries were subject to a statute that was the result of different dynamics of the party's action in each of the two territories, since an assembly had been freely established in Guinea-Bissau, which would have proclaimed a sovereign state (PAIGC, 1974). The revolution of 25th April accelerated the process of independence of Cape Verde and, on 17th October 1974 General Francisco Costa Gomes, (who replaced General António de Spínola in the presidency of the Portuguese Republic), addressed the UN General Assembly in New York, ensuring that Portuguese decolonisation was a necessity and that, in fact, it would be necessary for self-determination and independence² to be adapted as solutions for the needs of the new states (Lopes, 2002).

In view of these events, the PAIGC sought to the independence of Cape Verde with Portugal. After several failed attempts, the Portuguese government promised in December 1974 that, within six months, it would grant the independence of Cape Verde

² See in this respect Law No. 7/74, of 27th July – *Direito das Colónias à Independência*, Diário do Governo nº 174/1974, 1º Suplemento, Série I – which establishes the acquisition of the principle of recognition by Portugal of the right of Article 6: "The Portuguese Government reaffirms the right of the people of Cape Verde to self-determination and independence and ensures the realisation of this right in accordance with the relevant resolutions of the United Nations, also taking into account the expressed will of the United Nations and of the Organisation of African Unity," and Article 7: "The Portuguese Government and PAIGC consider that Cape Verde's access to independence within the general framework of the decolonisation of African territories under Portuguese domination is a necessary factor for lasting peace and cooperation between the Portuguese Republic and the Republic of Guinea-Bissau." The agreement signed in Algiers was attended by two delegations: the PAIGC Executive Committee of the Fight (CEL) composed of Pedro Pires, CEL member and commander, Umarú Djalo, CEL member and commander, José Araújo, CEL member, Otto Schacht, CEL member, Lúcio Soares, CEL member and commander, Luís Oliveira Sanca, ambassador, and the Portuguese Government Delegation by Mário Soares, Minister of Foreign Affairs, António de Almeida Santos, Minister of Interterritorial Coordination, Vicente Almeida d'Eça, captain of sea and war, and Hugo Manuel Rodrigues Santos, major of infantry.



and that during this period a transitional government would be appointed, consisting of a high commissioner and five ministers in charge of one or more departments. Here the high commissioner and two other ministers would be appointed by the Portuguese government, and the remainder by the PAIGC (Lopes, 2002; Silva, 2015). The purpose of this government was to create the institutional and legislative conditions for the electoral census and, consequently, to allow the election by direct and universal suffrage of the first Constituent Assembly in June 1975, where Abílio Duarte was nominated as president.

The breakdown of Cape Verde with Guinea-Bissau and the political solution of the single party

The Constituent Assembly was responsible for declaring the independence of Cape Verde and within 90 days it had to approve the first Constitution of the Republic of Cape Verde (CRCV) (Silva, 2015). However, the first constitution was approved only in September 1980, noting the non-compliance of the agreement, since it was the Law on Political Organisation of the State (LOPE), considered as a pre-constitution that would fill the constitutional void in the period of five years (Silva, 2015).

For the constitution of the National People's Congress (ANP) 56 deputies were elected, and the PAIGC, which, through a list presented by a group of citizens, was the only party to participate in these elections, since it was considered as the only party force able to represent popular will, and also because other political parties such as the Democratic Union of Cape Verde (UDC) and the Union of the People of the Cape Verde Islands (UPICV) and citizen groups did not have enough forces and structures to face the PAIGC in these elections. The elected ANP had the power to elect the President of the Republic (who at the time was Aristides Pereira) as general secretary of the PAIGC, and Pedro Pires as prime minister (Cardoso, 2015; Coutinho, 2015; Lopes, 2002).

Given this scenario, the PAIGC had all the conditions to begin its binational leadership. Regardless of whether Cape Verde and Guinea-Bissau had separate heads of state, they nevertheless maintained the same ideology and a similar political system. Although the political regime constitutionally adopted by the PAIGC in Cape Verde was characterised by national revolutionary democracy, it nevertheless distinguished itself from liberal democracies and former socialist countries, whose representative bodies were elected or constituted with the participation of society through the mechanism of direct suffrage (Lima, 1992). In practice, it was configured as a single-party regime whose central feature was that it did not allow "the circulation of the seat of power nor ideological alternation" (Fernandes, 2010: 149).

The state of Cape Verde was an instrument in the service of the PAIGC, considering that the power of the party shaped the entire state apparatus, materialising the idea that it makes the decisions while the "parliament ratifies and gives legal force to decisions, and the government runs under the control of the party" (Lopes, 2002: 652). Thus, it would make sense that once the configuration of the exercise of power was established, the PAIGC would eventually be confused with the state itself, characterising the idea of a party-state (Silveira, 1998). In addition, the party was enshrined by the CRCV of 1980 in Article 4 as the only leading political force of civil society and the state (Koudawo, 2001).



In view of the troubled moments in Guinea-Bissau (namely the coup that took place on 14th November 1980) that led to the dismissal of President Luís Cabral, the Cape Verdean government, seeking to safeguard its integrity, ended up breaking with the project of unity, proceeding with the change in the status quo of the Cape Verdean state (Lopes 2002). The rupture “was substantiated when the politicians of Praia, in an attitude qualified as ‘betrayal’ by Guinea, proceeded to the binational separation of the party, creating the PAICV and putting an end to the utopian union of the same people in two separate territories” (Nóbrega, 2003: 229)

It should be noted that this event was the consequence of a process that had been dragging on since the colonial era, in an intensification of distrust and competitiveness between the two countries. An asymmetrical distribution of power contributed to this situation. Administrative posts were generally occupied by Cape Verdeans, since they had higher levels of education, participation and access to the labour market, and because they spoke Portuguese correctly (Mateus, 1999). Even within PAIGC, there were early incompatibilities between the Guinean wing and the Cape Verdean wing, the first being formed by members of the popular class that obeyed the military party hierarchy, and the second, composed of a bourgeois elite with a more cohesive leadership (Coutinho, 2015; Lopes, 2002).

However, the “anti-Cape Verdean sentiment quickly overcame the restricted scope of the power struggle in the PAIGC, becoming a more or more widespread repudiation in Guinean society” (Nóbrega 2003: 126-127). This whole process triggered a general wave of discontent, since it is considered that the two countries would have done little or nothing to implement this unit, which were mere declarations of intent, even though there were several protocol signatures of cooperation in the attempt to unite both countries institutionally (Medeiros, 2012).

Cape Verde sought to embark on a new stage that was marked by a policy of peace and dialogue, even though there were ideological differences within the PAIGC/CV and the fact that it found itself in a troubled international context, especially because of the Cold War (Madeira, 2016b). Regarding politico-ideological differences, it was found that, within the party, a new wing called “Trotskyists” appeared, which defended a more open and pluralist regime (Évora, 2004).

This new wing was composed mostly of former students who had acted clandestinely in Portugal and who, after 25th April having returned to Cape Verde, could only make a certain amount of opposition within the party.³

³ According to Cardoso (2015: 84), that date stood out the following members: Manuel Faustino, 27 years old; Minister of the Transitional Government, Minister of Education (1974-1975). José Luís Fernandes, 27 years old, member of the CNCV and the PAIGC delegation to the negotiations in Lisbon and Minister of Finance (1975-76). Amaro da Luz, 41 years old, member of the CNCV, Minister of Economic Coordination of the Transitional Government (1975). António Gualberto do Rosário, 27 years old, member of the PAIGC Regional Directorate by São Nicolau and Sal. Cândido Santana, 24 years old, member of the CNCV and political leader of Santiago. Euclides Fontes, 24 years old. Eugénio Inocêncio, 25 years old, member of the CNCV and political leader of Santo Antão, São Vicente and Sal. Carlos Lima (Calú), 22 years old, political officer of Brava. Carlos Moniz (Polampa), 27 years old. Emídio Lima, 22 years old, member of the PAIGC Regional Office in São Vicente. Eurico Monteiro, 21 years old. Érico Veríssimo, 27 years old, National Director of Information (1975-1976). Jacinto Santos, 21 years old, responsible for the Cape Verde Cooperatives. José Tomás da Veiga, 24 years old, member of the CNCV, State Secretary for Finance (1977-1979). Jorge Carlos Fonseca, 23 years old, General Director of Emigration and Consular Services and General Secretary of the Ministry of Foreign Affairs (1975-1979). José Eduardo Barbosa, 23 years old, political officer of São Nicolau and Fogo. Luís Leite, 27 years old. Manuel Tolentino, 25 years old, responsible for information. Renato Cardoso, 24 years old, Counselor to the Prime Minister and Secretary



Several researchers have explored this issue by collecting information about this group. The statements of Pedro Martins in *Testemunho de um combatente* (1995) and the narratives about the process of independence and construction of the Cape Verdean state in *Os bastidores da independência* (2002) and *Cabo Verde: as causas da independência* (2003) by José Vicente Lopes help to understand this phenomenon. There was something highlighted by Jorge Querido in his 1989 called *Cabo Verde: subsídios para a história da nossa luta de libertação* and the counter-argument presented the following year by Manuel Faustino in *Jorge Querido: subsídios sob suspeita*. The author seeks to dismantle the discourse presented by Querido, considering that “in this epic there are episodes very ill-told” (1990: 23), especially the responsibilities they attribute to him, particularly regarding the “Trotskyist group leadership” (Furtado, 2016: 880). Manuel Faustino considers that there were different ways of being in politics between them and the more conservative wing of the party (Lopes, 2002).

In 1979, with the disengagement of this wing from the PAIGC, Manuel Faustino, Eugénio Inocêncio, José Tomás Veiga and Jorge Carlos Fonseca founded in 1980, under the leadership of the latter, the Cape Verdean Circles for Democracy (CCPD) and other associations such as the Cape Verdean Human Rights League, whose primary intention was defence against political repression. Both institutions were essential in the creation of the Movement for Democracy (MpD) in March 1990, which sought to oppose the PAICV regime and to embody “the will of Cape Verdean society to free itself from undemocratic systems and their sequels, namely the omnipotence and omnipresence of the welfare state and underdevelopment” (MpD, 1993: 3). The political transition was triggered by a combination of internal and external factors that allowed the adoption of a democratic regime in Cape Verde, putting an end to the single-party regime.

Political opening and configuration of the multi-party democratic regime

The fall of the Berlin Wall in November 1989 unleashed the “third wave of democratisation” (Huntington, 2012). In Cape Verde, this event strongly challenged the PAICV regime, providing the necessary conditions for political openness. With the collapse of socialism, African regimes “lost the ability to use the East-West rivalry, which until then had kept the flow of international funds at the disposal of its elites uninterrupted” (Nóbrega, 2010: 130). At the institutional level, the first step was the fall of Article 4, which led to the opening for other party forces to compete in the elections in Cape Verde (Évora 2013a).

In addition to the MpD, other parties re-emerged, such as the Union of the People of the Cape Verde Islands (UPICV) and the Cape Verdean Independent and Democratic Union (UCID) which were based outside Cape Verde and did not meet the minimum requirements for legalisation, therefore they could not compete in legislative elections (Sanches, 2011). The first multi-party, free and pluralist elections took place on

of Public Administration. Musician and composer of mornas and ballads such as Porton d’Nos Ilha, Tanha e Tera bo Sabe. Author of the book Cabo Verde – Opção por uma política de paz (1986). Sérgio Augusto Cardoso Centeio, 26 years old, member of the CNCV and Minister of Agriculture and Water (1975-1976). Terêncio Alves, member of CNCV, and Victor Fidalgo, member of PAIGC’s Regional Directorate in São Vicente.



January 13, 1991, after the political opening in 1990. PAICV and MpD were the only parties to dispute them, with the national territory divided into 22 constituencies with an extra 3 abroad (Africa, America, Europe and the rest of the world), seeking to elect 79 deputies (Évora, 2013b). The participation of the voters was around 76%, which was quite high and demonstrated the will of the Cape Verdean population to change the regime, since the MpD was able to elect 56 deputies, and the PAICV, 23 (Évora, 2013b). The MpD leader Carlos Veiga replaced Pedro Pires as prime minister and, in the presidential elections of February 1991, António Mascarenhas, who entered with an independent candidacy supported by MpD, replaced Aristides Pereira. In the municipal elections held on 15th December of the same year, the MpD candidates won 8 of the 14 city halls (Sanches, 2013).

Cape Verde began to present characteristics of a democratic country with rule of law and interdependence and respect for the separation of powers prevailed. This configuration occurs with the promulgation in 1992 of the new CRCV and of a voluminous set of laws covering social and economic areas that guaranteed “the transition from the single-party system to the multi-party system” (Silveira, 1998: 156). A system of semi-presidential government was also established in Cape Verde, which is still a subject of discussion among researchers. Similarly, there was the implementation of an electoral system following the D'Hondt method of proportional representation in legislative and municipal elections and a two-seat majority electoral system for presidential elections (Costa, 2009). The political system follows the multi-party CRCV, but despite the emergence of several political parties – the Democratic Convergence Party (PCD), Labour and Solidarity Party (PTS), Democratic Renewal Party (PRD) – electoral acts to date (1991-2016) eventually crystallised a system of bipartisanship with the MpD and PAICV.

Current Challenges to the Consolidation of Democracy in Cape Verde

Cape Verdean democracy is one of the youngest on the African continent (Évora, 2013a) and its consolidation depends on the efficiency of institutions, which must govern compliance with democratic rules, creating all the requirements that make democracy possible and functional (Rustow, 1970). From a brief ethno-sociological analysis, it can be seen that the atypical character of the Cape Verdean democracy is due to several factors, especially the fact that the construction of the nation was the result of historical processes, cultural movements and the formation of a national consciousness (Baleno 2001; Fonseca, 2012; Góis, 2006; Lopes, 2001; Madeira, 2016d; Pereira, 2011; Silveira, 2005) in a long-lasting movement that began with the settlement in the 15th century. The genesis of the Cape Verdean modern elite emerges from the second half of the 19th century, when the natives of the islands began to occupy positions in the administration, since they had higher levels of education in relation to the population of other Portuguese-speaking African countries. This phenomenon occurred thanks to the contribution of the Catholic Church and the presence of the colonial state, with the institutionalisation of primary education in 1817, namely with the creation of the first primary school in Vila da Praia and the appearance of the first classes in the Main School of Primary Education in 1848 on the island of Brava, as well as with the creation of the first National Lyceum in 1861 in the city of Praia. This aspect brought significant importance to the elite schooling that was,



however, used as a mediator in the management of the colonial administration (Barros, 2013; Fernandes, 2006).

Cape Verde has never been subject to the Statute of the Indigenous, which happened in other Portuguese-speaking African countries. The law, written on 4th November 1947, declares in its preamble the non-applicability of the Statute of the Indigenous to the natives of Cape Verde, considering that the populations of the archipelago are not subject even to the classification.

Cape Verde came to independence under the aegis of a unity project between Guinea-Bissau and Cape Verde, to fight for liberation against colonial oppression and social injustice. Although the basis of the formation of the Cape Verdean identity is intrinsically linked to the past of the social formation engendered in the islands, it has come to emerge with its uniqueness and correlative sociocultural patterns.⁴

Given the insularity and climatic conditions, the Cape Verdean population sought to survive and one of the key behaviours contributing to this survival was the hospitality and good coexistence of its inhabitants, which has also contributed to political stability. This pre-disposition is reflected in the way Cape Verdeans internalise democratic rules, which translates into democratic consolidation, since this is effectively a reality, especially in the post-conflict phase with the behaviour of its inhabitants constituting a reference in the African region (Madeira, 2016d: 55)

Democratic consolidation presupposes a process of conversion of weak and seemingly incomplete and unstable regimes into a stronger, cohesive and solid regime in which the democratic rules become reference for political behaviour (Schmitter, 1995). According to political transition theorists (Collier and Levitsky, 1997; Linz, 1990a, 1990b, 1994; Przeworski, Alvarez and Limongi, 1996; Schmitter, 1995), the change of political regime, with consequent institutional stabilisation, gradually settles democratic institutions. The new political configurations resulting from the regime change start to establish routines as democracy becomes the only possible setting for this society (Linz, 1990b).

In the case of Cape Verde, democratic consolidation was based on an institutional system (Przeworski, Alvarez and Limongi, 1996), in which political actors put into practice the normative requirements necessary for the functioning of a democracy, including the institutional elements that allow one to understand the process of democratic consolidation in Cape Verde, which greatly contributed to the international credibility of the country⁵:

[i] Political transition: in comparison with some African countries, especially those with Portuguese as their official language, Cape Verde presents a model of consolidated political transition. First, the MpD won the first free and multi-party legislative elections, defeating the PAICV and, secondly, the new multi-party regime did not show

⁴ See in this regard see Madeira, João Paulo's (2015a) unpublished doctoral dissertation entitled *Nação e Identidade a Singularidade de Cabo Verde*. The formation of identity happened in a specifically Cape Verdean way, which has been the object of a recurrent debate, especially by the cultural elites, tendentially aggregated in Africanists, Europeanists, and singularists. If, on the one hand, after the settlement of the islands of the archipelago, one began to architect an identity even though in an incipient way, on the other hand, this same identity has allowed, over time, the construction of a nation state that is singular in the remaining postcolonial African states.

⁵ Regarding this, see the Communication from the Commission to the Council and the European Parliament on the future of relations between the European Union and the Republic of Cape Verde, which dates back to 2007.



any signs of political regression, which was the case in Angola, Guinea Bissau and Mozambique, where there was a climate of pessimism and uncertainty regarding the future of democracy (Évora, 2013a);

[ii] The government system and separation of powers: the institutionalisation of the post-transition government system, which is characterised at the theoretical, political and constitutional level as semi-presidentialism (Canas and Fonseca, 2007; Lima, 2004), allowed the various organs of the state to enjoy a new status, in the perspective that powers should be attributed to prevent their concentration, without impairing their operation.⁶ However, given the parliamentary majority, partisan discipline and legislative competence of the government over matters not reserved for parliament, there has been a supremacy of the executive over the legislative power (Madeira, 2015b). However, the current Cape Verdean semi-presidential system, which combines the virtues of pure systems (parliamentarianism and presidentialism), has presented positive results in terms of governance, efficiency and capacity to overcome political crises⁷ (Elgie, 2011).

[iii] Civil society and political culture: the absence of an active and participatory civil society has been, according to Bratton (1998), one of the obstacles to the consolidation of democracy on the African continent. In establishing the connection between the factors that should promote the consolidation of this regime, Linz and Stepan (1998) consider that, first, a free and active civil society must be created with the existence of self-organised groups such as civil associations, trade unions and social movements that defend their interests and opinions. In fact, consolidation requires that people place their trust in institutions and inter- and intra-institutional relations based "on the 'values of order' they recognise" (Monclaire, 2001: 69). A good government is one that can guarantee that the actions of private actors and citizens must be able to control the government through various instruments such as, for example, accountability (Przeworski, Alvarez and Limongi, 1996).

In the case of Cape Verde, although the ideology of good governance emphasised the strengthening of dialogue and civil society participation in the political life, Costa (2013) is of the opinion that, given the "omnipresence" of the state and electoral agendas, civil society has been atrophied, facing a scenario of "dominant civic lethargy" and the cultural and intellectual elites have not had spaces for autonomous action. The single-party regime prevented the Cape Verdean civil society from having access to a vast set of essential rights, particularly political participation.

The silence of civil society, as in authoritarian regimes, according to Mainwaring and Share (1989), is related to the fact that there are no legal and institutional channels for their expression and contestation. Therefore, the political leaders interpreted it as a

⁶ The political scientists mentioned here argue that the parliamentary system is the most adequate for democratic stability and, therefore, for its consolidation. For Linz (1990a), with the parliamentary system, countries live longer in democracy because the government is accountable to parliament because it is under threat of a possible censure motion. In Cape Verde, this theoretical model is not adequate, since the parliamentary system in the single-party regime proved to have failed, since there was an overlap of the Parliament, in which the interests of the hyper-represented party surpassed that of the deputies, and democratic rules almost were not applied at all.

⁷ In the model of analysis proposed by the political transition theorists that we have mentioned, the party system, the configuration of constituencies, inter- and intra-party relations, the division of powers and the legal forms of the state (Monclaire, 2001) are issues that are left aside. In our view, and specifically looking at the process of democratic consolidation in Cape Verde, it is evident that the efficiency of democracy depends on inter- and intra-institutional relations.



sign of approval of the regime, many of them opting for political openness, believing that they would remain in power. In addition, a lack of interest in Cape Verdean civil society has its repercussions in the current political system, whose political culture still embodies an authoritarian political habit (Costa, 2013).

With the emergence of some civic movements in Cape Verde in the last three years (2012 to 2015), in particular the Civic Action Movement (MAC#114) in April 2015, the debate on political culture and the public sphere was reopened, considering that civil society has awakened, albeit timidly, and with resources at its disposal for a more active participation in political life.

[iv]Gender and political representation: even though in recent decades international organisations have been insisting on promoting gender equality in the political organisation, thus legitimising feminist struggles, the participation of women in political decision-making is still relatively low. One of the indicators for measuring and analysing the quality of democracies is the rate of women's participation in politics, especially in the organs of the state, and especially in parliament (Lijphart, 1999). To evaluate the comparative advantages of the democratic regime, one must insist on the fundamental centrality of the principle of political equality (Diamond and Morlino, 2005; O'Donnell, Culler and Iazzetta, 2004).

In Cape Verde, particularly after independence and political openness, women have gradually gained important positions in legal and professional terms, having for the first time attained gender parity in executive power, making the country the first and only on the African continent to share ministerial positions equally between men and women (Monteiro, 2013). While there have been some improvements in the promotion of gender equality and equity in Cape Verde, there is still a long way to go regarding the legislative power and elective bodies, in this case the political parties (Monteiro, 2013). To promote gender equality, further develop democracy and improve the accountability of the political actors, it is necessary to increase the presence of women in political organs, and some countries have a quota system. Accountability is the designation that translates the objective responsibility of a person or organisation to respond to other persons or organisations, involving two elements: the first delegates responsibility for the second to "manage the resources, generating the obligation for the manager to provide accounts of their management in a way that demonstrates the good use of these resources" (Campos, 1990: 33).

Pedro Borges Graça (2008: 418), from an afro-realist perspective, warns that the issue of transparency and accountability of individuals and institutions in Africa is complex, since generally we are presented with a personal framework of institutions, rather than an institutional framework of the population. Graça warns that there are no "shortcuts to the transparency and accountability of people and institutions in Africa. The road is long and generational. But the path begins with small steps, and it is done walking" (2008: 420).

Knowing that the political life of societies is dominated by political machines (Bessa, 2002), these are key elements for articulating women's political interests because of their power to recruit people into political life and to legitimise their leaders (Goetz and Sacchet, 2008). In Cape Verde, "women are directly or indirectly discriminated against in political recruitment processes and are rejected in favour of men by the party organs responsible for selecting candidates and ordering lists" (Monteiro 2008: 116).



Although special attention should be paid to some institutional elements, it is confirmed that Cape Verde is a reference case on the African continent, especially since the rules of democracy have been respected and the rule of law has worked in a normal way and with no worries of great concern (Évora, 2013b).

Final considerations: challenges for the Cape Verdean democracy

The democratic course of Cape Verde is somewhat atypical when compared to the African context, especially when one tries to analyse and understand the process of independence and democratic institutionalisation (Carriço Reis, 2016).

This article arises historically in the period of the colonial struggle, without which it is not possible to understand the process of political openness and the institutional configurations registered since the 1990s. Broad debate on this issue focuses on institutional and constitutional factors and understands the importance of political, social and cultural actors in building the nation state and consolidating democracy in Cape Verde.

These aspects reinforce the idea of a political consolidation carried out based on an emphasis on institutional elitism, an aspect that accentuates the lack of confidence of the Cape Verdean civil society regarding political institutions (Afrosondagem, 2015). In a society in an ascending process of intellectual qualification⁸ and technological modernisation,⁹ citizenship seems to require that democratic institutions present mechanisms that allow greater interaction between the representatives and the represented.

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⁸ To see the data corresponding to the literacy rate in Cape Verde: <http://www.indexmundi.com/g/g.aspx?c=cv&v=39&l=pt> [accessed on August 1, 2017].

⁹ <https://observalinguaportuguesa.org/cabo-verde-lidera-acesso-a-internet-na-africa-lusofona/> [accessed on August 1, 2017].



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