

Irrera/Fatalski/Ray
Spång/Van Wallendael

Evolving

DEPENDENCY

relations.
Old and new approaches



Evolving *dependency relations.*

Old and new approaches

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Foreword

by the editors

In addition to publication of “R/evolutions Journal: Global Trends & Regional Issues” its Editorial Team proudly presents this special edition: “Evolving dependency relations. Old and new approaches.” This volume of papers presents the results of spirited, multi-perspectival and utterly up-to-date exchange of ideas during the International Conference: “Old and New forms of Dependency - Attempts at forecasting,” which was hosted at the Faculty of Political Science and Journalism of Adam Mickiewicz University in Poznań on March 20th-21st 2014. The conference was the outcome of a recently launched cooperation between a *R/evolutions Project* and the *SGroup European Universities’ Network* in cooperation with the Faculty of Political Science and Journalism, AMU related with the facilitation of academic mobility between SGroup member universities, co-development of research competences in the field of social sciences and establishment of long-term cooperation in this field among SGroup members.

Participants have presented a diverse range of papers, which have coalesced around six topic areas: world system & dependency theories; global norm diffusions; democratization and good governance; dependency in the Middle East & Asia; the post-colonial mind and dependency in the Slavic world. The panelists, together with Faculty’s students, participated in a workshop led by prof. Larry Ray on the topic of “Colonial Violence, Post-colonial Violations and the Global system.” In its course a wide range of questions has been raised concerning the state of the global system and the possibilities for alternative resolutions of present crises, especially how to avoid escalating violence across the world?

We would like to thank the Faculty of Political Science and Journalism (AMU) which hosted and supported our project and provided a friendly space for discussion and work. Moreover we would like to thank Wioletta Węgorowska, Executive Director of the SGroup European Universities’ Network who made the whole project possible. Furthermore we’re grateful to Anna Włodarska for language editing and to our volunteers Tatiana Andrusevych and Natalia Kusa for corrections.

Last but not least we would like to thank our Head Reviewer **prof. dr hab. Andrzej Gałganek** and other reviewers: **prof. UAM dr hab. Radosław Fiedler**, **dr hab. Przemysław Osiewicz**, **prof. UAM dr hab. Anna Potyrała**, **dr Remigiusz Rosicki** and **dr hab. Agnieszka Stępińska**, who supervised the quality of the papers.

In addition this project could not have been realized without our diligent authors, which we sincerely thank for the effort that they have put in this volume and their patience during the publication process. We look forward to work with you in the future, even beyond the framework of the SGroup.

The R/evolutions Editorial Team
Agnieszka Filipiak
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Introduction

Evolving dependency relations – old and new approaches

ANDRZEJ GAŁGANEK

A historical analysis of processes taking place in Latin America has been both a source and intention for dependency theorists. The essence of these processes has been framed as a fight between classes and groups, which defined their interests and values under conditions of expanding capitalist mode of production. The stake in this fight has been the control or reformulation of the existing order as its result could take the form of a historic legitimization or a transformation of the dominant structure.¹

The first theories of dependency, built by (among others) André Gunder Frank, Immanuel Wallerstein and Samir Amin, shared the thesis that dependency is a way to explain underdevelopment. Those approaches blamed capitalism as a world system for the underdevelopment of the so called Third

World countries and pointed out that international market relations are a mechanism for exploitation of underdeveloped countries. The peoples of underdeveloped countries will not be able to “eliminate the meager reality” – claimed A. G. Frank – by importing from the metropolis counter-productive stereotypes unfit for their economic reality; nor will they be able to effect political liberation. Thus, the dependency theory “(...) will help the peoples of underdeveloped countries to understand the causes of underdevelopment of development and development of underdevelopment and eliminate them from their reality.”²

Another group of dependency theorists, representatives of the French economic anthropology (Pierre-Philippe Rey, Georges Dupré, Emmanuel Terray, Claude Meillassoux), believed that capitalism should not be blamed for underdevelopment and capitalists should not be accused of bad will. They have stressed that the goal of capitalism is to destroy and replace historically older modes and relations of production. Under the influence of L. Althusser’s and E. Balibar’s theoretical analysis, they rejected the thesis that international market relations have been the mechanism for exploitation and highlighted that the mode of production is the crucial concept to analyze and explain underdevelopment.³ The key feature of this approach has been the combination of thesis on capitalism’s transformative dynamic in combination with other forms of production in specific societies, especially the underdeveloped ones. It has been stressed that capitalism requires those subsidiary forms of production, which lower the costs of reproducing the work force in the capitalist sector. It amounts to a transfer of value to capitalism as a dominant form of production. According to economic anthropology approach, what A. G. Frank saw as a transfer between regions, has been a transfer between forms of production. If capitalism does not develop fast enough, it is because historically earlier social and economic structures are to blame. Capitalism could develop fast only in places where it has been protected during its early stages by

² Frank 1987: 104.

³ Larrain 1989: 180-181.

¹ Cardoso 1977: 15-16.

feudalism.⁴ It means that in non-Western states the landlords played a different role, not conducive to the birth of capitalism. Rey called the contemporary version of this feudal form of production “neo-colonial.” The key difference between them is that the neo-colonial formation is dependent on foreign capital and the most important processes of this capital’s reproduction are controlled by the financial capital of the metropolis or (to a growing degree) by international financial capital. The essence of Rey’s analysis has been based on an assumption that no differences exist in the way capitalism works and the various positions of different underdeveloped countries can be traced back to the characteristics of their traditional forms of production and their specific patterns of capitalist transformation.

It seems that, while Rey correctly highlighted the characteristics of traditional forms of production, he missed the dependent nature of capitalism itself. Jorge Larrain reinforces this criticism by rejecting the thesis of a necessary connection between underdevelopment and the existence of traditional forms of production. After all, there are states in Latin America (Argentina, Chile, Uruguay), which remain underdeveloped despite the fact that it is difficult to find traditional forms of production there. However, if underdevelopment is being connected with the resistance of traditional forms of production, then underdevelopment in fully capitalist states has been overlooked.⁵

Criticism on dependency theories has also come from Marxist side, despite the fact that the roots of the theory’s different versions are predominantly Marxist. For some Marxists dependency theories are conceptually imprecise, theoretically underdeveloped and not rooted in any rigorously understood deductive theory (1). Dependency theories are being criticized as ideological concepts replicating the errors of modernization theory. Colin Leys highlighted that the presence of such notions as: developed/underdeveloped, core/periphery, dominating/dependent in dependency theory is not accidental. They

⁴ Rey 1978:11.

⁵ Larrain 1989: 186.

are similar to notions used by the liberal development theory: traditional/modern, rich/poor, advanced/backward. From this viewpoint, dependency theories constitute a critic of modernization theory but do not avoid its problems (2).⁶ Another objection to dependency theory is described by Leys as “economism.” It amounts to treatment of social classes, state, politics and ideology as exclusive derivatives of economic forces. For example, classes are being treated as categories emerging from structural evolution of undeveloped or dependent development. Thus the landlords are technologically backward; domestic bourgeoisie is weak and comprador; wage labor is small and highly diverse (3). Moreover, critical Marxists believe that dependency theories incorrectly assume that imperialism is a monolithic structure. Such an approach limits the options available to Latin American societies (4). Dependency theories are also being criticized for their stagnant character and under-appreciation of perspectives for capitalist development of the peripheries. Contrary to their expectations, empirical data point towards progress in industrialization and transformation of agriculture in the “Third World.” Dependency theories explain the exploitation and underdevelopment of the “Third World” through drain of surpluses (capital gains in the form of profits and dividends significantly higher than the inflow of foreign investment) and unequal exchange. However, for such a drain to lead towards underdevelopment, it would have to be an “absolute drain” and not only an unequal “transaction” which in fact improves the position of both participants (5). Other Marxists stress that the thesis on “exploitation” of poor countries by the rich ones masks the real exploitation of workers or diminishes its significance (6). Finally, Marxists believe that dependency theories play a negative ideological role in relation to Marxism (7).

In the context of this criticism it is worth remembering that dependency theories are theorizations in order to research capitalism in the peripheries. Their goal is not to replace Marxist analysis of class relations of production and produ-

⁶ Leys 1977: 95.

ctive forces, but only its contextualization. Such contextualization is necessary when one accepts the distinction between the core and periphery. Analyses of dependency are then based on the core-periphery concept, which is based on the assumption that peripheral capitalist economies are not identical with the economies of the capitalist core but remain in a relation of subordination to them.

This volume is composed of selected papers that were prepared for an International Conference: Old and New Forms of Dependency – Attempts at Forecasting, held on March 20th-21st, 2014 at the Faculty of Political Science and Journalism of the Adam Mickiewicz University in Poznań.

All chapters deal with evolving dependency relations (both old and new approaches). The chapters by Marcin Fatalski and Larry Ray deal with issues related to “old” dependency. Contributions of Kacper Van Wallendael, Daniela Irrera and Michael Spång explore what can be described as examples of “new” dependency.

Marcin Fatalski (*Paradoxes of a modernization theory in the US policy: petrifying the authoritarianism and building client states in the third world during the Cold War*) explores the issue of foreign investment in economic development. Referring to A. G. Frank’s analysis of relations between the United States and Latin American states in the years 1956-1961, the author proves that the inflow of capital from Latin America to the USA was 47% higher than the flow of American capital in the opposite direction. For the entire underdeveloped world this deficit amounted to 63%. **Larry Ray** (*Colonialism, neo-colonialism and globalism – reconfigurations of global/local inequalities*) contrasts world system theories with globalization theories. The author shows how postcolonial dominance incorporated the peripheries into a new division of labor. The structure of this new division of labor proved to be more fluid than expected on the grounds of dependency and world system theories. At the same time, neoliberal globalization questions the hegemony of United States and may lead to the birth

of a post-sovereign global order. **Kacper Van Wallendael** (*Legal transplants: profitable borrowing or harmful dependency?*) shows the essence of “new” dependency through analysis of borrowing and imitation of European Union law in the case of Croatia, while **Daniela Irrera** (*NGOs and EU humanitarian aid policy: continuity or change?*) does the same using the example of NGOs’ participation in the European Union’s humanitarian aid policy. **Mikael Spång** (*Hegel and Haiti: Three Interpretations*), referring to Susan Buck-Morss’s work, proves that Hegel created his master-slave dialectic in connection with the Haitian revolution. Buck-Morss recognizes the political action of slaves as the most important process aimed at abolition of colonial slavery. Mikael Spång argues in his chapter that Hegel did not stress that slaves rebelled against their masters. Thus he proposes to interpret Hegel’s attitude to slave revolt in other categories than political action, namely the meaning of work for the slaves and “unhappy consciousness.”

Dependency theories exerted the greatest influence on understanding of the world in the 1970s and 1980s. When development opportunities offered by capitalism are being highlighted, its particular form (present in the peripheries) is often omitted. At the same time, the “Third World” did not disappear and dependency theories (to a degree in which they constitute the application of K. Marx’s materialistic concept of history to analyze peripheral capitalist states) are not dead. Interdependence does not eliminate hegemony and dependency from international relations because power in global trade and financial markets is distributed very unevenly.⁷ That is the reason why dependency theories are still a strong tool for analysis of a world in which global inequalities are on the rise.

⁷ Burchil et al. 2005: 66.

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PART I

Evolution of dependency



Paradoxes

*of a modernization theory in the U.S.
policy: petrifying authoritarianism and
building client states in the third world
during the Cold War*

MARCIN FATALSKI

The questions of development and global inequality appear to be the crucial problems of modern world. These questions played significant role in the post-war world after 1945. One of the phenomena of the Cold War period was a decolonization in the then emerging Third World. After 1945 the world had entered into the phase of radical changes because of the fall of existing European powers' position. The colonial empires like Great Britain, France, the Netherlands, Belgium were unable to control their colonies anymore, however they made attempts to do it. The political elites of those colonial European countries were unable to accept the fact that the nations of Asia (later Africa) expected independence and the right to self-government.

The Colonial powers couldn't restrain the will of the peoples to gain control over the main assets of colonies and dependent territories. The process of decolonization was in fact inevitable as the position of the colonial states, especially France and the United Kingdom, became considerably undermined as a consequence of the Second World War. The international community led by the United States, the main founder of the United Nations, rejected the idea of maintaining colonial ties. This new approach, declared primarily by the Allies in the Atlantic Charter (however the British Prime Minister later distanced himself from the anticolonial meaning of this proclamation of war aims), found full expression in the UN Charter. Both documents expressed the anticolonial sentiment which started to prevail in the postwar world.¹

However the European states were unable to keep the colonies and territories under their sovereign power, they were able to secure their control over main economic assets of former colonies. In the next years and decades many nations of Asia and Africa gained independence. All them, with older Latin American nations, were depicted as Third World countries. All of them were extremely vulnerable for radical ideologies: communism and nationalism.²

The Third World played particularly important role in the Cold War era; it was in the center of US and Soviet policy. Both superpowers aimed to attract developing countries because the potential of Asian and African nations couldn't be neglected in the global rivalry of East and West. Latin America was a somewhat different case since historically it has always been in the US sphere of influence. However, this region became also vulnerable for the influence of communist ideology after the Second World War. The rise of communist sentiment in Latin America, as well as in Asia and Africa, should be ascribed to tremendous social inequality and tensions. The colonial rela-

¹ Latham 2011: 25-26; Judt 2008: 330-333.

² Hahn, Heiss 2001; See also: Kula 1991: 54-82.

tions were based on an idea of natural resources exploitation by European powers. That kind of development characterized also Latin America. Thus, the economic and social situation of developing countries was the infamous heritage of their colonial past and/or dependency. This has clear consequences for the political attitude of both nations and elites in developing countries (Third World). Since they rejected the idea of cooperation with former metropolises and looked for the ideological expression of their national and economic aspirations, the Soviet Union appeared “natural” ally of developing countries.

The USSR was determined to use the ideological “appeal” of international communism to spread Soviet influence over the Third World. In the 1960s Soviet determination to support revolutionary movements even grew. Soviet leader Nikita Khrushchev proclaimed aid for “wars of national liberation” and the USSR transferred ideas, money and advisors to Asian and Latin American states which were “infected” by a revolution.³ But it would be a mistake to attribute the development of revolutionary movements to the Soviet interference only. It was a mistake made by many leaders of the Western World, especially Americans, who falsely assumed that revolution is “exported” by their communist rival.⁴ It is true that Soviet leaders generously helped Castro’s Cuba, indirectly exporting revolution to other Latin American countries due to its alliance with Cuba (it is doubtful that the idea of a continental revolution could have been promoted by Castro without Soviet aid for his country). But in many areas of the world, revolution was a consequence of the local situation.

The United States have never been a colonial superpower. For that reason American political leaders believed that their country was not discredited in the emerging Third World and could attract new and old nations of Asia and Latin America. To some extent such views were justified. On the other hand, the United States were and still remain the leader of the West.

³ Zubok, Pleszakow 1999: 309-312.

⁴ US secretary of State John Foster Dulles is good example of such a false logic that Latin American revolution was “imported” from the Communist powers. See: Rabe 1988: 31.

In the perception of developing countries, this superpower was naturally inclined to economically and politically dominate the “peripheries.” The United States, as a homeland of modern capitalism was perceived as a power interested in expanding the export markets for American products and securing the access to natural resources. Thus, the elites of “emerging” nations were afraid that close relations with the USA would have petrified their underdevelopment. Anti-Western resentment was an additional factor, which discouraged the Third World from searching closer relations with the United States. In this situation, they were interested in an alliance with the Soviet Union – the anti-Western force which evoked the idea of racial equality and self-determination of oppressed peoples.

The United States’ post-war administrations intended to present an ideology alternative for the Soviet communism. American values and its model of development should attract emerging developing countries. The US concept was embodied in modernization theory, which was developed particularly in the 1950s and 1960s. This theory played a significant role in formulating US policy toward developing countries especially in that period, but also later. It is important to realize that the United States had always been prone to influence the world and aim to change it positively. Americans were (and still are) convinced about their exceptionalism and the superiority of their political system and economic model from the very beginning of their history as a nation. The opposition between “freedom” and “oppression” which was emphasized by the Founding Fathers and ideologists of American Revolution was also exploited by American anticommunism. The Americans envisioned themselves as the leader of the free world in the 20th century as they did in the past. Thus, the “Manifest Destiny” shouldn’t be treated only as a historical document. The idea, which was the fundament of the Manifest Destiny, dictated that the United States had an exceptional political system, distinct from any other in the world, influenced by the strong American conviction that the US was entitled to spread its values as morally superior. Moreover, this constantly influences US foreign policy.

It is a matter of dispute whether the Manifest Destiny was replaced by US imperialism or, rather the former influenced the latter.⁵

The United States as a growing power in the turn of nineteenth and twentieth century, began to exceed its influence over the foreign territories and nations, like the Philippines and Cuba. The motives which pushed the United States towards expansion were mainly economic and political, and imperialistic. The United States aimed to expand its markets and gain access to new sources. But in the same time US politicians coined the idea of civilizing the underdeveloped nations, they intended to bear a kind of American “white man’s burden.”⁶

The concept that the United States could be a civilizing force developed together with the position of states in the international system of the twentieth century. According to scholars on that subject, the myth of the chosen nation was reflected in the history of American foreign relations after the Second World War in the context of global revolution. The revolutionary nations expected to achieve the same material level and values that Americans had reached.⁷ US leaders sought for ways to allow them to achieve this aim without a Marxist revolution. The US political elite did this not only for idealistic reasons (described above) but also because of national security demands.

In this text the author tries to answer the question what was the nature of American involvement in the developing countries after the Second World War? How did the US administrations envisioned the process of progress in the countries that emerged or regained independence in the Third World? What elements constituted mutual relations between the American superpower and developing countries in the Cold War period?

The engagement of the United States in foreign countries in the 20th century, especially after the Second World War

5 Coles 2002: 403-404.

6 Latham 2011: 12-14.

7 Coles 2002: 406.

can be considered a fulfillment of the US mission in the world, a mission proclaimed as a consequence of their Manifest Destiny. It is a “mission by intervention,” justified by the nature of the goals, which the USA wants to realize. The belief that developing countries required American tutelage in the process of social and political modernization determined US policy from the beginning to expand it beyond the borders of the continent.

The position of the developing countries and their attitude towards the USA contributed to dependency theory, developed in the postwar economic sciences, particularly in the countries of the so-called global South.⁸ In the perspective of dependency theory, underdevelopment was not a stage of growth, nor a phase of development. It was a social and economic stagnation petrified both by developed countries and local elites, not interested in changing a situation, which was profitable for them. According to one of the most prominent postwar Latin American economists, Raul Prebisch, the inequality was frozen by the deteriorating terms of trade in the world. Developing countries had to export more products just to receive the assets for more expensive products imported from developed countries. The inequality of prices between mainly agricultural products of mono-export developing countries and advanced industrial products of developed ones created permanent trade deficit. The desperate need of capital in underdeveloped countries made them to take out loans in countries like the United States. It deepened the dependency of the South.⁹

The economists from the United Nations Economic Commission for Latin America (structuralists) looked for a solution to that Gordian knot. They believed that the developing countries should focus on building their own industry. The process of industrialization required the protection of developing economies by applying high tariffs and, at least in the beginning of this process – the growth of foreign debt. The dependency theorists and structuralists influenced a brand new

8 In opposition to the wealthy North, the underdeveloped, poor South seems to be the most popular depiction in modern development studies recently.

9 Franko 2003: 52-54.

economic policy in Latin America: import substitution and industrialization.¹⁰

This policy was not successful and contributed to the further decline of Latin American economies. The other path of development was worked out by American economists who perceived the deteriorating economic situation in the Third World as a main factor, which fueled revolutionary movements.

We can analyze the tools of US foreign policy in the dimension of economic aid on the basis of programs addressed to developing nations. Let's consider Alliance for Progress as an example of US economic but strictly politically motivated program. Alliance is one of the best examples of modernization theory which have played significant role in US foreign policy after the Second World War. The basic reason why the United States was interested in implementation of such a program was the Cuban revolution effect. Alliance for Progress was not the first, neither the biggest aid program offered by the United States after the Second World War. One should remember that the fear of Communism motivated also the European Recovery Plan, called the Marshall Plan. The United States was afraid that if living conditions in Europe were deteriorating, Communist parties in Western Europe would seize power in democratic elections. This scenario was not unrealistic since Communists received growing electoral support in leading western countries like France and Italy.¹¹ The economic motives of the Marshall Plan should not be neglected. The US economy, which productivity grew tremendously during the Second World War (effectively making an end to the Great Depression), needed the European market for its export. With an European economy in stagnation, the US economy would have faced recession.

The two factors of equal importance drove the United States to offer generous aid programs to European countries. Political developments in the next years confirmed the dia-

¹⁰ Franko 2003: 55-56.

¹¹ Krasuski 1988: 18-52; Janus 2001: 38-39.

gnosis of American policymakers that economic aid was the proper answer to the challenge of Marxist radicalism in Western Europe. Moreover, the Marshall Plan implementation made it possible to put nation-building ideas into operation in Germany. In fact, Germany and Japan are the only examples of successful nation-building in the post-war world.¹² Western Europe avoided the threat of spreading communist influence.

The same motives were behind the decision on delivering aid to developing countries during the Cold War. Primarily, the United States offered rather limited economic aid, focusing on military support. It was characteristic for the 1940s and 1950s. Moreover, in those decades, the United States policymakers rejected the repeating requests of Latin American countries which expected a kind of Marshall Plan for Latin America.¹³ However it was probably the first time when Latin America was ready to accept a dominating role of the USA in the hemisphere, Washington focused on other regions of the world.¹⁴ US administrations believed in the "depend on trade not aid" theory. It meant that growing trade relations should have been the best way to fuel economic development of Latin American countries.¹⁵

The situation changed radically after the Cuban revolution. Even before the Castro revolution a group of American politicians emphasized that focusing on military aid for developing countries was an insufficient tool. Without economic help the United States was unable to stop the growth of revolutionary sentiments in the Third World. Senator John F. Kennedy was among those politicians. The future US President believed that the United States had to diversify its political instruments toward developing countries. The successful containment of Communism required more sophisticated tools than just military aid and repression. Kennedy correctly assumed that deep social inequalities and poverty made the developing countries ripe for revolutions. The United States had to act to improve

¹² Dobbins et al. 2003: 3-51.

¹³ Smith 1994: 62-63.

¹⁴ Kissinger 2002: 487-510.

¹⁵ Schoultz 2003: 332-333. See also: Gildherus 2006: 8-9.

living conditions in Latin America and democracy promotion.¹⁶ The Cuban victory and the threat of a Castro-promoted revolution in the whole region made Latin America “the most dangerous area in the world” as Kennedy said. The postulate of democracy promotion came from a strong conviction that maintaining dictatorships with US support increased the danger of Marxist revolution.¹⁷ The US administrations’ attitude towards dictatorships in the beginning of the 1960s. was influenced not as much by moral outrage but by fear that if the dictatorships were not ousted under pressure of USA, they would have been destroyed by revolution. As Kennedy said “those who make peaceful revolution impossible, will make violent revolution inevitable.” But the idea of a peaceful revolution for Kennedy and his team meant an evolution leading to democracy and free market as the only option.

Cuba was not the only subject of concern for the US administrations in the 1960s. American policymakers were also afraid of the developments in Indochina, where the French retreat created a kind of political vacuum. Both regions – Latin America and Indochina – became the areas of strong US involvement during the Cold War. The American intervention in Vietnam, which was disastrous for US foreign policy, ended in the 1970s but it was an equally important example of modernization attempts like US policy toward Latin America.¹⁸

Kennedy’s administration’s attitude and policy reflected the views of an influential group of American intellectuals. They were convinced that there was a way of development alternative for the Marxist ideology of revolution. The academics who studied development questions of underdeveloped countries intended to create a coherent concept, which could be offered

¹⁶ Kennedy 1957; Kennedy 1960: 132-133; Knothe 1976: 63-64.

¹⁷ This conviction led to the position that the Kennedy administration took vis-à-vis Rafael Leonidas Trujillo’s regime in the Dominican Republic in 1961. US policymakers were afraid that a continuation of the Trujillo regime would provoke a Castro-like revolution. For that reason the USA supported the assassination of this Dominican dictator. (Fatafski 2013: 7-18)

¹⁸ Latham 2006: 27-41.

to the nations of Latin America, Asia and – later – Africa. They coined or rather developed the modernization theory, which became the main inspiration for the new aid policy of the John F. Kennedy administration. The implementation of this modernization theory was not limited to Latin America in the 1960s, but US policy in this part of the world is a very illustrative example of that stream of American political thought and practice. It is also justified to assess that it was the first attempt of the USA to implement such a solution in order to make the world better.

The architects of this new approach to foreign aid were called the Charles River group. The leading modernization theorists, economists Walt Rostow and Max Millikan, worked at the Massachusetts Institute of technology. Their studies on modernization began in the beginning of the 1950s. The economists examined the role that foreign aid might play in US foreign policy. The main question they tried to answer was whether and in what circumstances US economic aid could stimulate and maintain economic growth in developing countries. The idea that the United States administrations were able to change the world through foreign aid was expressed in the study “A Proposal: Key to Effective Foreign Policy.” Rostow developed the concept of modernization in his later work “The Stages of Economic Growth: A Non-Communist Manifesto.” The basic assumption of that new philosophy was that the United States should help the underdeveloped countries to make economic and social progress and promote democracy.¹⁹ Among the academics who contributed considerably to development of the modernization theory Lucian Pye, Daniel Lerner, Gabriel Almond and James Coleman should also be mentioned.²⁰

Modernization theory was crucial for Millikan and Rostow’s concepts. This theory tries to answer the question how mechanisms of development work. In other words, what factors decided that some nations took a leading position in social and economic progress and whether the same factors could be adapted to other, underdeveloped countries. To express it

¹⁹ Taffet 2007: 20-21.

²⁰ Latham 2000: 3.

briefly, what is the mechanism which turns the traditional societies into modern ones.²¹ The title of Rostow's work "A Non-Communist Manifesto" was an expression of his presumption that modernization theory was an alternative to the ideology of communist revolution, which had started to spread in the developing countries of the Third World. Rostow defined several steps of the developmental evolution, from a traditional society to a society of mass consumption. The United States should help the nations in the phase preceding "take off" to development because the USA was able to help them to accelerate the process of moving to a more advanced phase.²²

Commonly accepted opinion indicates that foreign investment plays a significant role in economic development of a country. The process of modernization of underdeveloped economy is impossible without significant foreign investments since developing countries always suffer from lack of capital. An inflow of foreign capital is necessary to change the production structure of a developing country and stimulate its productivity. Otherwise it would be impossible to take the challenge of rivalry with developed economies.

One of the most prominent dependency theorists Andre Gunder Frank analyzed the flow of capital in and from Brazil on the basis of official data. The analyses were made in the 1960s. Frank questioned the popular conviction that the flow of investments and aid to developing countries was greater than the flow of capital from them. He stated that in fact, underdeveloped countries pay more to the rich ones than they receive from them. Frank quoted the data of the US Department of Commerce on US – Latin American economic relations to prove the statement. The data proved that in the period 1956-61 the ratio of inflow to the United States to outflow from the US was 147 percent for Latin America. The ratio for underdeveloped world as a whole was 164 percent and for the Western Europe 43 percent. In his opinion the quoted data proved that, at least in the analyzed period, the developing world re-

ceived less from the United States than the USA received from those countries. It is particularly visible when one compares the flows between the USA with developing countries and the USA with Western Europe.²³

Even though the US administrations stated that the capital flows from developing countries were profits earned from US capital invested there, the example of Brazil in the 1960s questioned such an opinion. The US corporations owned Brazilian corporations, but they were based on capital of Brazilian origin.²⁴ In other words, the US corporations used Brazilian capital to increase its profit. Other factors which boosted such an effect were government loans for US-Brazilian economic enterprises. This process can be exemplified by loans, which were given to two US cotton merchants by the Brazilian central bank. They received 47 percent of that bank's total loan portfolio for agriculture and industry. The companies re-loaned the money that they received at higher interest rates, bought up harvest stocks, kept them in silos provided by government and speculated the stocks later. This way the companies sized control over the Brazilian domestic cotton market and the export of that product. The profit was transferred to the United States of course.²⁵ The same process could be observed when we consider the public utility sector in Brazil. American and Canadian companies, which operated in that sector were based on governmental concessions and privileges provided by public authorities. In other words, they also used Brazilian capital and received profit this way.

The problem of creating new forms of dependency was not the only failure of the very promising modernization theory practiced by Kennedy and Johnson administration. Democratization, which was the second crucial aim of US administrations and the theorists was even more difficult than economic progress. The US policymakers declared the support for democratic process but quickly appeared that it was not unconditional.

21 Taffet 2007: 21.

22 Taffet 2007: 21.

23 Frank 1969: 163-164.

24 Frank 1969: 164.

25 Frank 1969: 164-165.

American leaders were afraid that suppressing Latin American right-wing dictatorships might open the way for the election of radical and Marxist leftists. Washington initially tried to support the reformist left but the growing electoral support for movements and politicians, usually incorrectly defined as “Communists,” made the US administrations to limit the promotion of democratic process. Moreover, the United States was involved in coup d'états which led to the overthrow of legal leaders (like in South Vietnam and the Dominican Republic).²⁶

The idea of civilizing the underdeveloped nations by Western powers embraced the use of force and maintenance of dictatorial, violent regimes. This presupposition was part of the very nature of imperialism, which also influenced US foreign policy mechanisms at the turn of the 19th and 20th century.²⁷

US leaders were determined to implement the modernization mechanisms in developing countries to avoid the risk of them falling in the communist trap. This determination caused that – however liberal the modernization theory was – the tools of US policy in many Third World Countries were far from liberal. The United States supported coercive, undemocratic regimes and believed that political stability was a *conditio sine qua non* to introduce all other necessary reforms. This approach towards Latin America was particularly evident when the L.B. Johnson administration adopted a policy which was called the Mann Doctrine (after Thomas C. Mann, Assistant Secretary of State for Inter-American Affairs). It guaranteed the acceptance of undemocratic regimes by the United States if they controlled the territory and were staunchly pro-American and anticommunist. The Doctrine assumed that the USA should focus on economic development of Latin American countries and protect US business there. Political stability should create conditions for development and allow local governments to achieve social progress.²⁸

26 Taffet 2007: 47-65; Klare, Arnson 1981: 138-168.

27 Latham 2011: 14.

28 Taffet 2007: 60-61.

There are more examples of such an approach adopted by US policymakers during the Cold War. Next to Latin American cases (like Guatemala after the overthrow of Jacobo Arbenz Guzman) and Chile (the Augusto Pinochet dictatorship), South Vietnam and Iran (Shah Reza Pahlavi) can be mentioned.

South Vietnam is one of the examples of nation-building policy. This ambitious US plan was based on the assumption that modernization would diminish the devastating consequences of colonial past and would make Vietnam less vulnerable to the communist ideology from the north. US policymakers believed in a new Vietnamese nationalism, which was to be one of the consequences of the modernization process. Vietnam was one of the biggest recipients of US aid until 1961, and after J. F. Kennedy became the president, political and military engagement even grew. The growing number of failures in the process of modernization in Vietnam led the United States to blame the Vietnamese authorities. Americans sought a way to create a more legitimate government in South Vietnam, which would be able to carry out its transformation to modern state under the US aegis.²⁹ As we know, the US policy of intervention in Vietnam failed. The USA was unable to create a Vietnamese government with actual popular support or the ability to perform necessary reforms.

The practices which are analyzed in this article are not historical. The context has changed after the Cold War, but the United States still try to implement economic solutions, which are considered the only way to achieve economic and social progress in developing countries. The Washington Consensus has been one of the most illustrious examples of that concept. American policymakers still face the same dilemma related to the limits of democracy promotion. Limits which are determined by the present definition of US national security.

Another weakness of the modernization theory has been theorists' belief that the rejection of traditions and culture of the underdeveloped country is natural and have to take place

29 Latham 2006: 33-38.

in countries in order to develop. American modernizers, both theorists and policymakers considered local political culture, traditions and economies as ineffective and doomed to disappear. The modern political and economic solutions, implemented by the United States (or by local governments with US support) should destroy old forms of governance and production, which blocked the development of Third World countries. Especially capitalism was considered the main modernizing force.³⁰

The source of the paradox of modernization promoted by the United States in the developing countries should be sought in the American attempt to tie together mechanisms that are in fact incompatible. The United States attempted to promote development and good governance and – at the same time – accepted dictatorial, repressive regimes. The idea that implementing solutions, worked out and promoted by US theorists, would inevitably bring social progress, failed. Moreover, the United States built new forms of dependency.

³⁰ Latham 2011: 16-17.

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Colonialism, neo-colonialism and globalism - reconfigurations of global/local inequalities

LARRY RAY

The post-2008 crisis has long historical origins that are discussed here with reference to theories of world systems and globalization – two bodies of literature that have only intermittently engaged with each other. The discussion addresses the transition from colonialism to post-colonialism as movements in the global system that is currently undergoing further restructuring, one feature of which is growing inequality both within and between developed and developing countries. Although not yet well articulated, this could require some rethinking of the global relations of ‘core’ and ‘periphery’.

The legacies of colonialism are complex and have been compounded by multiple transformations and crises in the past half century. But colonialism always involves the violent subjugation and dehumanization with long term traumatic consequences.¹ The end of colonialism was accompanied by rapid economic growth in the developed countries under US hegemony between 1945-70, which was followed by deindustrialisation in the developed world and the growth of industrial production in the developing world.

Meanwhile the end of the Cold War was met with widespread optimism that as capitalism now had access to the whole planet there would be rapid growth in world trade, prosperity for the poor, peaceful dialogue and progress to democracy.² This was expressed in early globalization theories and a brief resurgence of modernization approaches that Wallerstein³ had declared ‘dead’ a decade earlier.⁴ But the optimism of what Holmes called the ‘long post-communist decade 1989-2001’ that opened with the Fall of the Wall, dissipated with the fall of the Twin Towers.⁵ We now live in generally less optimistic times, or at least with foreboding about the future. The 2008 financial crisis has revealed and exacerbated structural problems of longue durée, which various periods of global restructuring have left unresolved. Wallerstein argues that the ‘bifurcating’

1 Rapadas 2007.

2 E.G.: Friedman 2000.

3 Wallerstein 1979.

4 Apter 1987:27; Outhwaite, Ray 2005: 90-95.

5 Holmes 2001.

world system is in terminal crisis and will tip into a different system in the next 20 years or so, the nature of which cannot be predicted.⁶ However, against this view others such as Norberg⁷ point to rising living standards for many millions, the spread of democracy and the decline in wars, conflict and violence towards the end of the twentieth century, particularly following the end of the Cold War. Anyway, declining US hegemony and a more fragmented uncertain pattern of global connectedness does not in itself entail a final crisis of the system, and while global capitalism is in crisis, it has historically restructured and emerged from crises in new forms.⁸ This paper discusses theoretical attempts to understand these processes, the long term consequences of colonialism, and the emergence of an uncertain world, noting the complexities of risks of crises in climate, food and fuel and finance.⁹

VICISSITUDES OF THE WORLD SYSTEM

The tendency of capitalism to create a world market, Marx argued, arises from the pursuit of capital accumulation, which “tears down all the barriers which hem in the development of the forces of production.”¹⁰ It ‘posits every such limit as a barrier and hence gets ideally beyond it’ (emphasis original). Capitalism then becomes a world system that creates, organizes and dominates global space as a system of complex inequalities. Combining world systems theory with global ecological history, Moore argues that the impetus to geographical expansion arises from a combination of limits to economic ex-

6 Wallerstein 2013. The world system is ‘all the people of the earth and all their cultural, economic and political institutions and interactions and connections among them.’ (Chase-Dunn 2007).

7 Norberg 2003.

8 ‘Crisis’ is a moment of decisive intervention or rupture (from *krisis*) in which the existing order cannot be preserved in its present form but does not necessarily precipitate the collapse of institutional structures, even though it will be perceived to threaten them. It is also a bifurcation point when intensification of process requires some resolution.

9 Urry 2003; Urry 2013; Wallenstein; et al. 2013.

10 Marx 1973:4 10.

pansion combined with ecological exhaustion.¹¹ Thus he says that the impetus to initial European colonization of the Caribbean and American continent came from the exhaustion of the growth potential in European feudalism. By the 14th century, soil fertility was exhausted, epidemic disease had wiped out the ‘reserve army’ of peasant labour, which shifted the balance of power away from landlords and prevented a reintroduction of serfdom in western Europe. Geographical expansion into the Americas was a response to this crisis and plundering of gold and silver protected capital accumulation against the devaluing effects of poor harvests. It also instituted an unequal transnational division of labour within Europe (between west and east) and across the Atlantic. The new capitalism racialized inequalities through the slave regime from which labour could be extracted without concern for its socio-ecological implications. In this way European colonization of the Americas and the slave plantations generalized commodity production, fuelled accumulation in Europe’s leading cities and locked peripheral monocultures into the new global division of labour.

This process of restless global expansion continued after European decolonization. Once capital accumulation and state geopolitics became dominant the sequence of rise and fall of territorial empires was replaced by a system of hegemonic core powers.¹² US hegemony was established after WWII in several ways – the 1944 Bretton Woods agreement that ensured western currencies were linked to the Dollar, political dominance over western allies and the Yalta agreement with the Soviets for separate spheres of domination, military expenditure¹³ and, during the 1950s at least, US global monopolies in key industries, such as automobiles.¹⁴ The heyday of this period lasted until the onset of economic crisis in the 1970s, signalled by the

11 Moore 2003.

12 Chase-Dunn 2001.

13 Military budgets are only one gauge of military power but do reveal something about a country’s capacity for coercion. US military spending rose from 5 to 15 percent of GDP 1948-56; Walker 2014.

14 Varoufakis 2013; Wallerstein 2011.

collapse of Bretton Woods in 1971, the US defeat in Vietnam and consequent indebtedness,¹⁵ the oil price shock, which was paralleled by growing turbulence in the Soviet sphere of influence too, notably in Poland.¹⁶

By the mid-1960s Britain and France had largely completed the process of decolonization prompted in part by wars of national liberation and partly by exhaustion of resources and political will to maintain an imperial role.¹⁷ However, the legacies of colonialism continued to be evident over the following decades and remained subject to controversy. Some such as Grier¹⁸ argue that there were developmental benefits from colonialism or that its negative effects had been exaggerated since ‘the huge variety and diversity of colonial experiences (...) is a challenge to all attempts at coding the factual impact of colonialism and (...) its legacy.’¹⁹ While this is true, there are many examples of the profound impact of colonialism on the post-colonial world. While initially supportive of decolonization, the US then combated Soviet-supported national liberation

15 The war cost the US USD 113 billion and US corporate profits declined 17 per cent in 1965-70, while South Korea, Thailand, Malaysia and Singapore ‘grew fast and in a manner that confounded the pessimism of those who predicted that underdeveloped nations would find it hard to embark upon the road of capital accumulation’; Varoufakis 2013: 91; See also Zimmerman 2003. That is, the war contributed to the fracturing of US hegemony and metropolitan power.

16 Varoufakis (Varoufakis 2013) argues that the US deficit ended its ability to manage a ‘surplus recycling mechanism.’ By this he means a mechanism for recycling surpluses from the surplus regions (e.g. London or California) to the deficit regions (e.g. Wales and Delaware). Such recycling can take the form of simple transfers (e.g. paying unemployment benefits in Yorkshire by taxes raised in Sussex) or of increasing productive and profitable investments in the deficit regions (e.g. directing business to build factories in North England or Ohio). He claims that from the late 1940s to 1971, the US actively recycled surpluses to Europe and Japan. No market mechanism could do this. It was a mechanism that was run and fine-tuned by skilled officials. By the 1960s it ran out of steam, as the USA turned into a deficit country, and from that point the Bretton Woods system could not work.

17 Adler, Pouwels 2014: 633-41. Wars of national liberation include the Indochina War 1946-54, the ‘Malayan Emergency’ 1948-1960, Mau Mau uprising in Kenya (1952-1960) and the Algerian War (1954-1962).

18 Grier 1999.

19 Ziltener, Küzler 2013.

movements, either directly or via proxies. The decisive event of this period, the Vietnam War, which in many ways prompted the decline of US hegemony, has been described as a ‘colonial war in a postcolonial era.’²⁰ This was a legacy of colonialism, its origins lying in the 1946-54 Indochina War of national liberation.²¹

Further, colonial structures and cultures were inscribed into both metropolitan societies and post-colonial nations. In metropolitan societies this is exemplified by marginalization of migrants from former colonies, and their spatial segregation into impoverished zones, such as North Africans in Paris banlieues. Postcolonial societies are inflected with legacies of colonization. For example, the dichotomy of ‘tradition vs modernity’ – the idea central to modernization theories – was embedded by colonial legacies. Rather than see ‘traditional’ practices and identities (such as ‘caste’ and ‘tribe’) as pre-colonial survivals, these were created or at least codified, reified and sustained by colonization itself. So ‘caste’ has been seen as ‘the sign of India’s fundamental religiosity, a marker of [its] essential difference from the West and modernity at large.’ But caste is not ‘some unchanged survival of ancient India’ but rather ‘a modern phenomenon’ constructed and strengthened by colonialism through ‘cultural technologies of rule’ especially in areas of indirect rule through Zamindari.²²

Again, while ‘tribalism’ in Africa promotes the myth of exotic primitive timelessness and savagery, it was colonialists who made linguistic and cultural groups rigid as forms of colonial rule. Berkeley says, ‘Gathering Africans into identifiable

20 Adas 2003.

21 The Vietnam War was one of the most violent post-War conflicts. The Hanoi government estimates that in 21 years of fighting, four million civilians were killed across North and South Vietnam, and 1.1 million communist fighters died. US figures covering the American phase record 200-250,000 South Vietnamese soldiers killed and 58,200 US soldiers dead or missing in action; BBC News.

22 Dirks 2001. Similar arguments have been made with reference to communalism in India which ‘stands for the puerile and the primitive – all that colonialism, in its own reckoning was not’ (Pandey 1990: 6) and that colonial policies facilitated the development of *ethnicized* religious communities divided into Hindus and Muslims (Shani 2005).

“tribes” (...) solved the colonial dilemma of how to dominate and exploit vast numbers of indigenous inhabitants with a limited number of colonial agents’ especially in Kenya, Uganda and South Africa.²³ So by the time of independence ‘tribalism’ had become encoded into political language and identities to become a technique again of both postcolonial political rule and potential conflict.²⁴ Thus the violence following the 2007 election in Kenya, in which around 1100 died, was widely attributed to ethnic conflict between opposing tribal factions of Kikuyu and Luo. But this had more complex origins and was mainly the result of weak institutions, a personalised and centralised presidency, an absence of checks and balances, and lack of transparency in the system.²⁵ Falola argues that the colonial state had no intrinsic legitimacy and ruled through fear rather than consent. In turn colonial rule was challenged through violence which ultimately drove late colonial political change and eventual independence.²⁶ Yet the cost of this was high in the legacies of violence in the post-colonial state, gendered violence and in the rhetoric of nationalism.²⁷

At the same time, as dependency and then world systems approaches argued, global inequalities were reproduced through unequal trading terms between developed and Third World countries, transnational corporations extracting profits based on exploitation of labour and resources to elites in the developed metropolitan countries. However, the thesis that dependency prevented local capital accumulation (except in a few enclaves) has not been entirely born out, although states that are dominant politically and militarily have the power to

23 Berkeley 2001.

24 E. G. Currie, Ray 1986a. Some however, such as Spear (Spear 2003) have argued that such claims for the ‘invention of tradition’ have been exaggerated.

25 Rutten, Owuor 2009.

26 Falola 2009.

27 Similarly, there were no specific laws against homosexuality in pre-colonial Africa. Now across Africa (and elsewhere, such as Russia) gay and lesbian identities are persecuted in the name of traditional values and fighting ‘imperialism’. But ‘sodomy’ laws in Africa and India – criminalizing consensual homosexual conduct – are relics of British colonial rule; Human Rights Watch 2008.

offload ecological and other risks. For example they can dump unsafe goods and toxic waste in peripheral nations, pay lower prices for raw materials than would be possible in a free market, exploit the periphery for cheap labour, erect trade barriers and quotas and enforce patents. Similarly, world systems approaches claim to show that there are time-bound repetitive cycles within the system that account for its structural transformation. Crucial to these is the Kondratieff cycle (K-wave), which identifies a series of long waves of economic activity and is associated with major social upheavals.²⁸

It is a paradox though that although capital abhors limits, world systems theory proposes that global capital in some ways inhibits and limits capitalist production. The international division of labour and dependence of non-capitalist social relations on exchange with capitalism define spatial boundaries within the world system of core, semi-periphery, and periphery. These structural components link characteristics of the system with outcomes at national, regional and local levels. For example, with reference to rural societies, modernization (and some Marxist) theories had predicted the disappearance of pre-capitalist forms of production with the global spread of transnational agribusiness and more efficient forms of cultivation. However, it is argued that capitalism encourages the survival of small-scale agriculture in parts of the world,²⁹ because global capitalism ‘fossilizes and insulates pre-capitalist modes.’³⁰ Similarly, Dunaway uses a household model in examining the mechanisms of labour exploitation in Africa, and concludes that colonial Africans should be regarded as having lived in mixed

28 Named after the Soviet economist, Nikolai Kondratieff who proposed the theory in 1926. Each cycle lasts 50-60 years and goes through development and boom to recession. The first cycle was based on steam power, the second on railways, the third on electricity and the motorcar, and the fourth on electronics and synthetic materials. Kondratieff argued that one of the forces that initiate long waves is a large number of discoveries and inventions that occur during a depression and are usually applied on a large scale at the beginning of the next upswing. The downswing of the cycle is likely to be accompanied by wars and violent reorganization of production; Chase-Dunn 1983: 132-3.

29 E.G.: Currie, Ray 1986b.

30 Sklair 1991.

livelihood households, in which non-waged labour forms (both free and not-free) predominated, with very little likelihood of future transition to household dependence on wages. Thus, wage earning is not the primary mechanism through which these households are integrated into the axial division of labour of the modern world-system. Rather, these households primarily provide non-waged labour to capitalist commodity chains through which surplus is extracted and costs of production are externalized to them. This was particularly the case in colonial and postcolonial Africa where capitalism has sustained itself on the basis of exploiting, and thereby undermining, a vast web of socio-ecological relations.³¹ Global capitalism is not then universally modernizing but preserves pre-capitalist forms where firms can harness cheaper inputs (such as family labour) by so doing.³²

This may, however, itself be a transitory phase in the development of the global system. While many scholars have been influenced by world systems theory the perspective also attracted a set of critiques from its inception.³³ First, world systems approaches have been challenged by a number of developments that suggest that powerful actors such as states exercise agency within the world system. The emergence during the 1970s and 80s of the newly industrialized countries of Singapore, Taiwan, South Korea and Malaysia, and their success in breaking through dependent development, appeared to strengthen the model of statist capitalist rather than socialist development and challenge the claim that entry into the developed core region of the world was virtually impossible. Subsequently the deindustrialization of the 'core' followed by the

31 Dunaway 2010.

32 There is an alternative argument here. Marx had imagined capitalism as a force for development - 'it compels all nations, on pain of extinction, to adopt the bourgeois mode of production.' Now Smith (Smith 2012: 107-8) argues that contrary to the claims of dependency theory, Marx was more concerned with the effects of underdevelopment in the rest of the world on the *capitalist* mode of production. Capitalism, Smith argues, failed to develop the rest of the world 'in its own image' because it was *itself* undeveloped by virtue of the greater vitality of merchant's capital than Marx had expected and underdeveloped by virtue of trade with the non-capitalist world.

33 For a review, consult Lee 2010.

rapid industrial growth of the BRIC countries confirmed that a major global relocation and fragmentation of production, a new transnational division of labour, was taking place.³⁴ From 2000 to 2008, the BRIC countries' combined share of total world economic output rose from 16 to 22 percent and they accounted for 30 percent of the increase in global output during the period. Among these countries China's development contributed more than half of the BRIC countries' share and over 15 percent of the growth in world economic output from 2000 to 2008. Further the BRIC countries are engaged in a new 'scramble for Africa', which is discussed below. This 'development' often involved low-wage growth in conditions of high exploitation with extensive use of child labour.³⁵ But BRIC countries also contain an expanding middle class, which is supporting local consumption, an increase that is forecasted to more than double that of the developed G7 economies.³⁶ Indeed, in his last work, Gunder Frank critiqued his own and Wallerstein's theories, claiming that the rise of the West was a blip in what was, and is again becoming, an Asia-centred world. European states, he says, used the silver extracted from the American colonies to buy entry into an expanding Asian market that already flourished in the global economy. Resorting to import substitution and export promotion in the world market, they became the 'Newly Industrializing Economies' of their time and tipped the global economic balance to the West, a process which East Asia is replicating today in the reversed direction.³⁷

World systems theory does not preclude such structural movement, particularly between the core and semi-periphery, although it does not seem to permit movement from the periphery. These movements are hegemonic sequences prompted

34 The BRIC countries' label refers to four large, developing countries (Brazil, Russia, India and China) distinguished from others by their demographic and economic potential to rank among the world's largest and most influential economies in the 21st century. Together, the four original BRIC countries comprise more than 2.8 billion people or 40 percent of the world's population, cover more than a quarter of the world's land area over three continents, and account for more than 25 percent of global GDP; Global Sherpa 2014.

35 Meyer 2010.

36 Global Sherpa 2014.

37 Frank 1998.

by the dislocation caused by K-waves. Chase-Dunn says 'all the countries that became hegemonic core states in the modern system had formerly been semi peripheral (the Dutch, the British, and the United States).'³⁸ However, much of the recent development has been directed by states that have commanded resources, acted as risk-bearer for local capital and provided protection against foreign competition. One example of this is the rise of the South Korean automobile industry in the last two decades of the twentieth century to become the fifth largest world producer. This indicates that states have agency and can 'buck the system.'

Secondly, world systems theory is heavily economic and was challenged by more culturally inflected theories of globalization and postmodernity. As Lee notes, the construction and reproduction of status categories (racial ethnic, gender, or national) and their inscription into the hierarchical world division of labour poses a problem for world-systems analysis, which just conceptualized cultural forms and their legitimation as part of the long-term process of historical capitalism.³⁹ Since every social act refers to a signifying cultural practice, culture involves practices to which meanings and symbols are crucial and cannot be straight-forwardly subsumed into the economic realm. Further, while racial, ethnic and gender structures intersect with capital and colonialism, they exist and are reproduced in their own right.

Third, despite being global in focus, world systems approaches remained within a territorial concept of the social contained within nation states, which were understood to form the relatively unalterable tri-partite hierarchy. Sklair concluded a while ago that there is 'no distinctively global dimension in the world-systems model: it appears locked into the inter-national focus that it has always emphasized.'⁴⁰ We increasingly live in a post-sovereign world in which threats such as terrorism and ecological risks, cross-national labour migration, and even mi-

litary interventions are less susceptible to hard sovereign power. By contrast, non-state corporations exercise extensive market domination and increasing global power often beyond the control of states. Barber says, with some simplification, that 'with all of the pathologies and problems troubling the modern state having fled across frontiers and gone global while citizens and democracy and the institutions of social justice remain trapped inside the sovereign nation-state box, there is a novel and dire asymmetry.' Thus the US is losing the war on illegal drugs but the pharmaceutical industries are winning the war on legal drugs and preventing the sale of generics in developing countries. The US can no longer win real wars but World of Warcraft dominates global video markets.⁴¹

Further, Wallerstein himself depicts his work as a 'non-theory' that resists the 'appellation of world-systems theory' preferring instead the term 'world-systems analysis' to 'explore empirical reality (...) informed by theoretical hunches but not bound to them.'⁴² While this might be reasonable, there are then problems with the concept of 'system,' which is under-theorized so that it is unclear what are its boundaries, the difference between change of and within the system and what is sufficient interconnectedness to stabilize a 'system'? Bruzt and Greshkovits argue that dependency does not preclude path dependent development nor is it inconsistent with democratic and internally sustained growth.⁴³ If this is so, and if there are high levels of uneven and combined development in the world, resulting in several varieties of capitalism⁴⁴ this suggests that 'system effects' are relatively weak. Indeed, the concept of system is both permissive and restrictive. It is open-ended and wisely does not claim to be able to predict future global formations, but at the same time, what happens in the world is only that which the system permits. This way it risks tautology in that whatever happens can be taken as evidence for system effects. Wallerstein's thesis assumes that economic

38 Chase-Dunn 2001.

39 Lee 2010.

40 Sklair 2002: 42.

41 Barber 2008.

42 Wallerstein; et al. 2013: 195.

43 Bruzt, Greshkovits 2009.

44 See McCann 2013.

crisis (Kondratiev-B waves) translate into political crises, such as the ‘world revolution of 1968,’ but suggests no process by which this happens – one might compare this for example with Habermas’ elaborate systemic articulation of crises on four dimensions – economic, administrative, legitimation and motivational.⁴⁵ World events even more than national ones require multidimensional explanations.

The collapse of post-War Bretton Woods regulatory order in the 1970s and then the collapse of communism in Europe a decade or so later, seemed to transform the contours of the global system. Globalization theories announced the appearance of a ‘borderless world,’ which in some ways was the ideal of neoliberal ideology and the ‘Washington consensus.’ The consequent requirement of this was structural adjustment, where lending programmes were tied to privatization, marketization and (trade) liberalization. This strategy (imposed too on post-communist countries) opened locales to the impact of global capital to an unprecedented extent and changed the terms of debate about global poverty. Underlying this strategy may well have been the Kondratiev B-wave, but the emerging configurations reflect more proximate processes such as financialization and geopolitical repositioning. The global recession of the 1970s crisis, prompted principally by the Vietnam War and oil price rises, was resolved through concerted global attacks on wage levels, trade union rights and employment, and post-Fordist flexibilization. However, declining or stagnant real wages risked realization problems for capitalism and there were few opportunities for capital accumulation in a stagnating global economy. This was one of the drivers of ‘financialization’ in the 1980s. As Harvey says, ‘the gap between what labour was earning and what it could spend was covered by the rise of the credit card industry and increased indebtedness.’⁴⁶

While these developments are also addressed by world systems theory, there is not much dialogue with globalization theories, with a few exceptions.⁴⁷ World systems exponents

45 Habermas 1973.

46 Harvey 2010: 17.

47 Such as such as Sklair 2002; and Lemert in Wallerstein; et al. 2013.

criticise globalization theories on several grounds. Wallerstein claims that the processes described are not new; that it is states and not markets alone that guide capitalism and cultural global developments; they are too culturally oriented, to the detriment of studying economic and institutional change; they assume that further global integration is inevitable. Chase-Dunn says:

*“The globalization discourse generally assumes that until recently there were separate national societies and economies, and that these have now been superseded by an expansion of international integration driven by information and transportation technologies. Rather than a wholly unique and new phenomenon, globalization is primarily international economic integration, and as such it is a feature of the world-system that has been oscillating as well as increasing for centuries.”*⁴⁸

Further, rather than represent the future, for Wallerstein, the world system has entered its final stage, evidenced by violence, ecological crisis, loss of purchasing power for working class wages, unemployment, migration and shanty towns.⁴⁹

There are many varieties of globalization approaches and full consideration of these is not possible here.⁵⁰ Clearly these criticisms might apply more to some versions than others. But globalization theories generally avoid structural system-theoretic approaches and portray a ‘liquid world’ in which established categories were blurred and confused and the metaphor of complexity rather than fixed structures seems more appropriate.⁵¹ While there is a risk here of exaggerating the mobility and fluidity of the global system⁵² this emphasis nonetheless has some advantages in theorising the fragmented and fluid world especially post-1998. The transgression of limits in pursuit of capital accumulation and its attendant time-space compression, as Harvey argues, exponentially increases the speed of geographic expansion in travel, tourism, terrorism,

48 Chase-Dunn 2001.

49 Wallerstein 2005: 76-90.

50 E.G. Held, McGrew 2000; Ray 2007; Martell 2010.

51 Vanolo 2010; Urry 2003.

52 Ray 2002.

commodities, migrants and financial crises.⁵³ Globalization approaches further grant cultural forces greater autonomy rather than Wallerstein, whose account of cultural movements is often unconvincing. The shrinking of space connects to the expanding scale, growing magnitude, speeding up and deepening effect of transcontinental flows and patterns of social interaction connecting distant communities. Further the decline in significance of the nation state compared with the formation of supra-national institutions combined with the increased importance of regions and locales indicates how capital is breaking free from many national institutional limits. In these terms, the decline in US hegemony may be a reflection of a more general decline in the sovereign power of states noted above and it cannot be assumed that another hegemon, such as China, is about to appear. Globalization theories also better grasp the multi-directional nature of global flows that are not always structured by the rigid core/semi-periphery/periphery schema. In that sense globalization approaches offer a better explanation of the BRIC's expansion and particularly the interpenetration of economic and social processes within the 'core' and 'periphery.' Let us turn to this.

INTERPENETRATION OF INEQUALITIES

Globalization theories address the interpenetration of regions, differentiation within societies and fragmentation of space in which global divisions are replicated within the metropolis. For example, global cities are strategic sites for the acceleration of capital and information flows and become increasingly independent from surrounding areas that experience under-development.⁵⁴ These tendencies intensified with the aftermath of the 2008 economic and financial crisis. The crisis itself was a global process of contagion of risk and failure but we should also keep in mind, as Harvey says, 'crises are (...) as necessary to the evolution of capitalism as money, labour po-

53 Harvey 1994; 2001; 2010.

54 Sassen 1996.

wer and capital itself.⁵⁵ So rather than imagine that capitalism has necessarily entered a terminal stage this discussion will identify some key trends in its restructuring.

First though, let us briefly examine explanations of the global financial crisis. There are many of these, including institutional and regulation failures,⁵⁶ false theories of neoliberalism and 'riskless risk',⁵⁷ financialization and income inequality.⁵⁸ Some claim the crisis was the result of excessive regulation and the US underwriting mortgage risk through the Federal Home Loan Mortgage Association.⁵⁹ It is important though to distinguish between proximate causes – like sub-prime lending and sales of RMBS⁶⁰ to enable lenders to grant bigger and riskier loans – and the structural roots of the crisis. The latter were bound up with the combination of financialization and globalization. When RMBSs were traded on local finance markets in New York or London they created world-wide vulnerability to financial risk. In turn financialization – the flow of capital into speculation and complex lending schemes – was a response to the long-term stagnation of capital accumulation and declining profitability.⁶¹ In this way profits and consumer demand were fuelled by the largely unrestricted growth of credit. In the UK for example house prices rose 65 percent in 2002-07, in Ireland 44 percent and between 30-40 percent in the US, Canada and Australia.⁶²

The crisis is a point of restructuring of global capital, one aspect of which is the intensification of inequalities not only globally but within 'core' societies as well as non-core. This is a longer-term process but one that the 2008 crisis and consequent austerity policies intensified. It is true that understanding the impact of globalization on inequalities is complex and

55 Harvey 2010: 117.

56 E.g. Born 2013.

57 E.g. Ciobotru 2013.

58 Tridico 2012.

59 Wallison 2011.

60 Residential Mortgage Backed Security – comprised of a pool of mortgage loans created by banks and other financial institutions.

61 Arrighi 1994; Harvey 2010: 29; Varoufakis 2013: 64-65.

62 Varoufakis 2013: 127.

depends in part on which measures are used – such as global flows of finance and trade, minimum living standards, use of specific measures such as the Gini Coefficient. Further, inequalities are not only economic but also ethnic, regional and crucially, gendered, in their effects.⁶³ The impact of globalization on inequalities is also controversial. Some argue that the effects are positive and that integration into the global economy increases economic activity and raises living standards. Legrain, for example, claims that in 2000 the per capita income of global citizens was four times greater than that in 1950. Between 1870 and 1979, production per worker became 26 times greater in Japan and 22 times greater in Sweden. In the whole world in 2000 it was double what it was in 1962. Further, he argues that those countries isolated from the global capitalist economy have done less well than those that have engaged with it. Poor countries that are open to international trade grew over six times faster in the 1970s and 1980s than those that shut themselves off from it: 4.5 percent a year, rather than 0.7 percent. He claims that cross-national data indicate how openness to international trade helps the poor by a magnitude roughly equal to each percentage increase in GDP.⁶⁴ By contrast though, it can be argued that global patterns of inequality have become increasingly polarized. The line in Figure 1, charting the growth of the global Gini, shows steeply rising inequality during the period of colonization, dipping slightly in the post-War years and then rising again through the neoliberal ascendancy in the 1970s and 80s. According to the Credit Suisse Research Institute the top 0.5 percent have net worth of over 1 million USD, the next 7.5 percent 100 thousand - 1 million USD, the next 23.5 percent between 10 thousand and 100 thousand USD, and the bottom 68.4 percent under 100 thousand USD.⁶⁵ In 1980 for every 100 USD of world growth the poorest 20 percent received 2.20 USD but by 2001 – only 0.60 USD.⁶⁶

63 See: Walby 2013.

64 Legrain 2002: 49-52.

65 Credit Suisse Research Institute 2010.

66 Varoufakis 2013: 125.

Further, even if developing countries integrate more closely into the global economy, deep seated imbalances mean not only that this growth is vulnerable to global recession but liberalization policies have brought sharp deteriorations in the conditions of labour, particularly among the unskilled.⁶⁷ There is a significant asymmetry in the impact of growth and crises on poverty in developing countries that have accentuated regional other differences. In China for example the Gini was 0.4774 in 2012, which about the same as Peru and the Philippines. These inequalities are to some extent embedded in an urban-rural divide – Chinese coastal provinces are relatively wealthier than inland areas but urban disposable incomes in coastal areas are much higher than in the interior and rural incomes too are higher along the coast than in the interior. So rural-urban divides intersect with coastal-interior divisions, both of which are compounded by migrations of over 100 million people a year largely from the rural interior to coastal urban areas, where they often form a largely invisible stratum of poor workers.⁶⁸

Liberalization and globalization of capital has driven costs down and flexible ordering systems require excess flexible labour in order to rapidly adjust labour supply. So according to Perrons the poor in both core and developing countries have experienced real reductions in living standards since 1980, as a result of changes in the organization of work, reductions in state welfare and falling public sector employment.⁶⁹ Social reproduction is increasingly hazardous and an increased burden falls on women because of the fragmentation of households as members migrate both within country and internationally to increase family earnings that become increasingly dependent on remittances, as agricultural incomes have fallen. In global migrant cites such as the Gulf States, in which nearly ten million migrants work, appalling conditions of work and high mortality rates have been highlighted by the scandal of the World Cup 2022 building site, on which at least 400 had died by early 2014. Migrant workers suffer discrimination, exploitation and abuse,

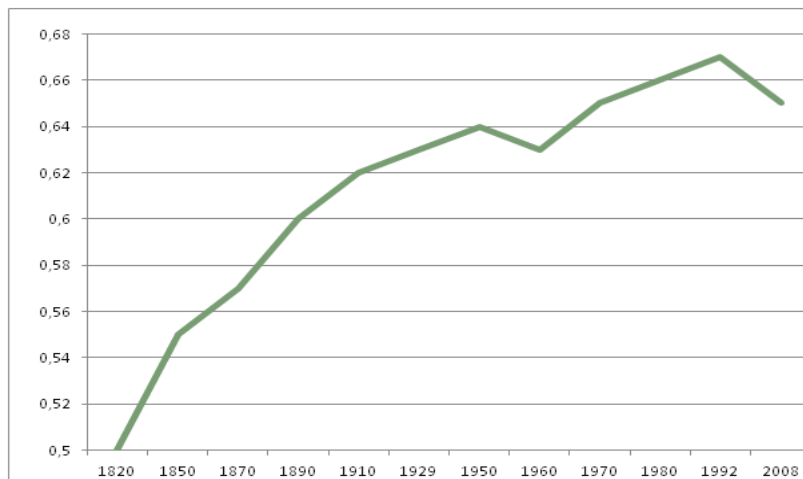
67 Akyuz et al. 2002.

68 Schiavenza 2013.

69 Perrons 2004: 166.

many of whom are women employed as domestic servants who risk intimidation and violence at the hands of employers, supervisors, sponsors and police and security forces.⁷⁰

Figure 1: Global Inequality, Gini Coefficient⁷¹



Further, Global Finance concludes that ‘over the last ten years, economic inequality has been growing, particularly in developed countries where, historically, it had been more contained’ (emphasis added).⁷² Similarly, Varoufakis suggests that Walmart as a corporation and model of business practice has ‘imported the Third world into American towns and regions and exported jobs to the Third World (...) causing the depletion of both the “human stock” and the natural environment.’⁷³ In the US in 1976 households with the top 10 percent of marketable wealth controlled 57 percent of income, but by 2003 this had risen to 71 percent, and the proportion of shares owned by the lower 50 percent had fallen from 12 to 1 percent. In the

⁷⁰ Gächter 2010.

⁷¹ Source: World Bank.

⁷² Global Finance 2013.

⁷³ Varoufakis 2013: 127.

UK income inequality increased by 32 percent 1960-2005 and in the USA by 23 percent, where it has returned to levels of the 1920s. This is being driven especially by the increase in the earnings of the top 1 percent whose income has increased especially since the 2008 crisis.⁷⁴ This is shown in Figure 2, which indicates a steep decline in top income shares during the War, a level that remained during the 1950s-70s but then rose strongly again during the neoliberal hegemony from the 1980s onwards and accelerated further with the 2008 crisis.⁷⁵ Similarly in the UK, Barclays Wealth reports that despite austerity and public spending cuts, ‘the overall tidal mark of wealth will continue to rise.’ It continues to say with some satisfaction that while wage inequality in the UK grew faster in 1980s than 2000s, the top 1 percent increased their share of income in 2000s; the number of millionaires increased 15 percent 2008-10 and number worth over 5million GBP increased by 19 percent; the number of properties worth over 1million GBP increased by 50 percent in 2010 alone, and by 60 percent in London. Further in 2010 ‘fine dining is enjoying resurgence in popularity’ especially in London.⁷⁶ Meanwhile, Save the Children’s report into child poverty in the UK in 2012 found that 3.5million children now lived in poverty, among whose families (two-thirds of whom are in paid work) 61 per cent of parents cut back on food and 26 per cent miss meals; 1:5 children go without new shoes and warm clothes, 40 percent avoid paying bills and borrow from payday loan companies that often charge 4000 per cent interest rates.⁷⁷ Further, homelessness is growing as the number of tenants in England and Wales forcibly evicted last year reached a record high with 37,739.⁷⁸

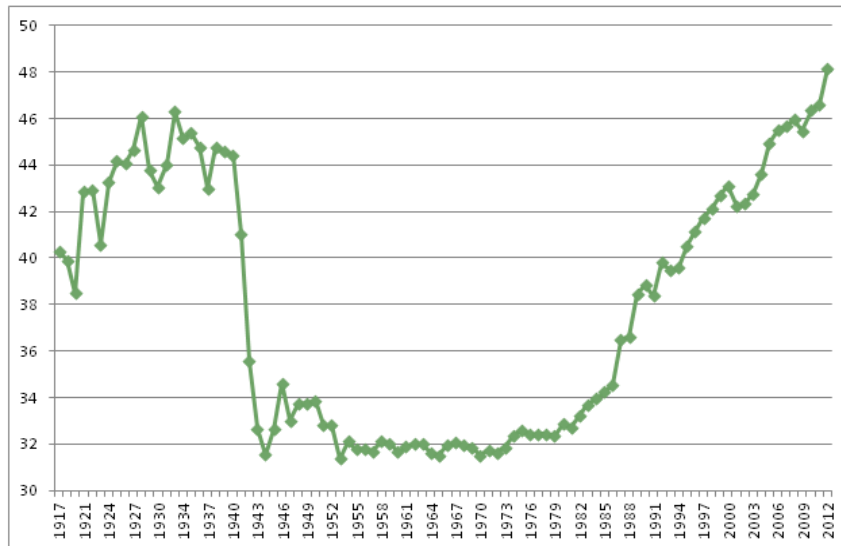
⁷⁴ Varoufakis 2013: 117.

⁷⁵ A remarkably similar pattern is found in other developed countries; Global Sherpa 2014.

⁷⁶ Barclays Wealth 2012.

⁷⁷ Save the Children 2012.

⁷⁸ Milligan 2014.

Figure 2: Top Income Share⁷⁹

In a further example of gendering inequalities, Ortiz and Cummins conclude that globally,

“The numbers of adult women and girls living in poverty are alarming. As of 2007, roughly 20 percent of women were below the USD1.25/day international poverty line, and 40 percent below the USD2/day mark. Girls and younger women also suffer disproportionately from poverty, as more than one-quarter of females under the age of 25 were below the USD1.25/day international poverty line, and about half on less than USD2/day.”⁸⁰

They found ‘extreme inequality in the distribution of income globally, regionally and nationally, coupled with the resounding negative effects associated with higher levels of income disparities.’⁸¹ Further, financial crisis causes a country’s average income to decline, a more-than-proportional fall in the income share of the lowest income quintiles of the population

⁷⁹ Source: The World Top Incomes Database.

⁸⁰ Ortiz, Cummins 2011: 23.

⁸¹ Ortiz, Cummins 2011: 38.

leads to higher income inequality, which is worsened if coupled with an increase in the income share of the richest quintile.⁸²

Inequalities are rooted in and perpetuate economic imbalances of power, in which decreasing amounts of value produced in developed capitalist and developing countries is returned to those who produce it, but rather go to companies and financial services. This impacts everyday life in many ways. Alongside sovereign debt crises, household debt has transformed over the past 30 years from low level borrowing, mostly securitized on housing assets, into wholesale credit in both developed and developing countries. Debt has risen significantly in developed countries over the past decade, but it is greater in the developing world, where almost every country has surpassed the global average of 45 percent growth in debt during 2000-12, especially Brazil, Chile and South Africa.⁸³

Given that all social systems require both resources and legitimacy, a central question here is what kind of medium or even short term stability these emerging global relations might have? Personal debt combined with generalized insecurity has many psychological and social consequences. The 1920s Depression prompted xenophobia, authoritarianism and nationalist protectionism. The current crisis has seen a rise in far-right populist parties in all major EU countries that was reflected in the 2014 elections could result in sizeable votes for anti-EU parties in the European Parliament especially from the most troubled economies.⁸⁴ Nationalist economic politics in developed countries will further reduce growth in developing countries where the number of people in extreme poverty will rise, the size of the new middle class will fall and governments will lose legitimacy and the world more prone to violent conflicts. At the same time though, the underlying global structural problems that created to context for the current crisis persist – notably declining profitability of capitalism in the core and the search for new sources of income especially in the financial sectors

⁸² Ortiz, Cummins 2011: 42.

⁸³ Money Week 6-04-13.

⁸⁴ BBC 2014.

and newly emerging economies. This includes renewed expansion into post-colonial countries, especially in Africa, which might be viewed as ‘post-colonial colonialism.’

METABOLIC RIFT AND VIOLENCE

In his analysis of capital, Marx developed a theory of a ‘rift’ in the ‘metabolic interaction between man and the earth,’ or in the ‘social metabolism prescribed by the natural laws of life.’ This has been elaborated in Foster’s influential article.⁸⁵ This metabolic rift between human beings and the soil indicated that basic conditions of sustainability had been violated. Capitalism’s current relentless intensification of exploitation in former colonized regions continues this process with violent consequences. Colonialism in its nineteenth and twentieth century phase, in addition to securing geo-strategic advantage, met the demands of the new electrical and motor industries as gold, diamonds, magnesium, and uranium were extracted from Africa by cheap labour to support super-profitable mining and diamond companies and to underwrite new financial systems. Further, new metropolitan tastes in mass consumption demanded cocoa, coffee, chocolate, soap, and vegetable oils from Africa. This though was only the latest stage of older colonial economies in which African slaves were organized on New World plantations cultivating sugar, tobacco, cotton, and indigo for Old World consumers.⁸⁶ Kerr-Ritchie refers to a new ‘scramble for Africa’ being driven by the needs of newly industrializing countries for raw materials and markets combined one might add with the fuel, energy and financial crises of the developed countries. This is not just a replication of an older, state-territorial, colonialism since it is being driven by new actors, especially from agribusiness. Countries involved in this investment do include post-colonial and BRIC economies as well as USA and EU and Saudi Arabia. Further, the end of the Cold War was important here since as Kerr-Ritchie argues, this

⁸⁵ Foster 1999.

⁸⁶ Moore 2007.

changed the relationship between former colonies and China, which had previously supported African national liberation movements but now is increasingly commercially involved in Africa.⁸⁷ In 1995 45 percent of sub-Saharan Africa’s trade was with the EU, but the role of China in trade and investment is increasing. Chinese investment in Africa was 5 billion USD by 2004 and 67.2 billion USD by 2011 compared with the World Bank’s 54.7 billion USD.⁸⁸

As an illustration of bifurcation of the system, Wallerstein asserts that ‘a high degree of violence is erupting everywhere in smaller and larger doses and over relatively long periods.’⁸⁹ Unfortunately, he does not produce evidence for this claim and that which is available is contradictory.⁹⁰ But the international articulation of neoliberal strategies has generated violent forms of dispossession and ecological harm. During the 20th century there developed what might be one of the most significant social changes of recent times – the ‘global growth of a vast informal proletariat (...) massively concentrated in a shanty-town world encircling the fortified enclaves of the urban rich.’⁹¹ The global movement of people from rural to urban areas involved, as did the growth of urban capitalism in Europe, dispossession of rural labour and the rapid extension of commercial relations into the countryside.⁹² However, whereas the framework of national capitalism provided a territorial space for the organization of social movements and a gradual mitigation of its effects, the global dislocation of the countryside

⁸⁷ Kerr-Ritchie 2007.

⁸⁸ Bloomberg 28-12-11.

⁸⁹ Wallerstein 2005: 87.

⁹⁰ E. G. Pinker’s (Pinker 2013: xix) claim that ‘the most important thing that has ever happened in human history’ is that ‘violence has declined over long stretches of time, and today we may be living in the most peaceable era in our species’ existence.’ The problem here is how violence is defined and what is included – there has been a decline in inter-state wars but the consequences of processes outlined in this section are harder to quantify.

⁹¹ Davis 2004.

⁹² Ray 2007: 157.

is both extremely rapid and largely unregulated.⁹³ At the same time structural adjustment conditions frequently removed labour protection, increased the wage gap between public and private employees and removed often only basic social welfare.⁹⁴ The consequent deep penetration of commodity relations into the countryside left small owners of land exposed to the world market so that, for example, regions that had once produced surplus grain became deficit regions and in the developing world as a whole the ratio of food imports to food exports increased from 50 percent in 1975 to 80 percent in 1995.⁹⁵

One manifestation of this processes is ‘land grabbing’ – essentially aggressive commercial seizure of land but often previously communal land that is appropriated by global corporations. This often invests in biofuels and extractive industries on the following scales:

Table 1⁹⁶

Country	Land allocated (HAs)	Projects approved (over 1000 HAs)	Largest land allocation (HAs)	Total investment ('000s USD)
Ethiopia	602,760	157	150,000	78.56
Ghana	452,000	3	400,000	30.00
Madagascar	162,850	7	100,000	291.98
Sudan	471,660	11	109,200	439.6

The primary motivation for this investment is high returns. Land sales are often not followed by productive investment, with only 20 percent of investments being followed through with agricultural production on the ground. So the same financial institutions that drove financialization and the credit bubble are now involved in speculation on the world's food supply.⁹⁷ Cotula et al. found that land grabbing is driven

93 See also Barber 2008.

94 Giroux 2005.

95 Araghi 2000.

96 Source: Prateek 2012.

97 Prateek 2012.

by global food security concerns, particularly in investor countries in the face of growing populations and global demand for non-food agricultural commodities such as biofuels, combined with expectations of rising rates of return in agriculture and land values.⁹⁸ One consequence of this is that local people can lose access to the resources on which they depend for their food security.⁹⁹ In particular where there are ‘insecure use rights on state-owned land, inaccessible registration procedures, vaguely defined productive use requirements, legislative gaps, and compensation limited to loss of improvements like crops and trees (thus excluding loss of land)’ the position of local people can be undermined.¹⁰⁰ Land grabs also further concentration of ownership – the average farm size in Mali for example is 4.7ha and one third of the 805,000 farms cultivate less than 1ha. The area covered by recent land deals could sustain 112,537 families and half a million people but will be concentrated among 22 investors and create at best a few thousand jobs that will employ children on wages as low as 70 cents a day.¹⁰¹

Land grabbing and violent conflict are often directly connected. In the copper mining Rio Blanco region of Peru a proposed mining concession to a Chinese consortium that will cover 6,473 hectares of deserts and cloud forests was opposed by local farmers. There were serious concerns about the environmental impact on fragile eco-systems and agricultural lands along with a legal battle over the mining company's entitlement to mine on the land. According to Oxfam America:

“The social conflict reached its most critical moments in 2004 and 2005, when two demonstrations of thousands of community members coming from several miles around confronted police forces. Several peasants were injured in violent confrontations—some of them severely. Two died and more than 200 had lawsuits brought against them for taking part in the protests.”¹⁰²

98 Cotula; et al. 2009: 100.

99 Cotula; et al. 2009: 5-6.

100 Cotula; et al. 2009: 7.

101 Prateek 2012.

102 Oxfam America 2007.

There were subsequent violent confrontations in October 2009 which resulted in one protestor being fatally shot and allegations that detained protestors were tortured.¹⁰³

One consequence of encroachment on local means of subsistence is economic informalization. Kudva describes violence in Indian cities arising from inequality, socio-spatial segregation and lack of governance. Thick rings of poverty on urban peripheries house a 'vast informal proletariat lacking the strategic economic power of socialized labour.' These informal residences include about half of Delhi's 13.8 million residents and feed factories of 1,200 enterprises. Segmentation generates violence – for example, the closure of mills in Ahmadabad during the 1980s forced workers into the informal sector which doubled in size by 1997. This also reduced interdependent networks since inter-communal institutions such as trade unions and representative political parties that had linked Hindus and Muslims collapsed. In 2002 there were communal riots in which 22 Muslims were burnt alive by Hindu mobs avenging an earlier attack on a train in which 58 Hindu activists died.¹⁰⁴

The world is facing risks of mass deforestation and habitat destruction, soil problems, water shortages, and energy crises, especially oil depletion.¹⁰⁵ The colonial division of labour created monocultures producing for the metropolitan industry and personal consumption and global uneven development engages the subordination of ecology to economic value and undermines sustainability. Again Marx's concept of 'metabolic rift', elaborated by McMachael, shows how climate change and energy exhaustion will further exacerbate the growth of inequalities and vulnerabilities. Through commodification of the 'ecological commons,' carbon trading, omissions effects and biofuels, he says, the North is responsible for 80 per cent of global CO2 build up. The shift of industrial production from the core to developing countries means that manufacturing unit values decline, the latter remain dependent on exports and

103 The Guardian 2009.

104 Kudva 2009.

105 Urry 2013.

will not follow the post-industrial trajectory of the core. All of this further fractures social and ecological sustainability.¹⁰⁶

Intensive land cultivation further exacerbates growing shortages of water as a result of climate change. Many of these land deals have been designated by local governments as being done on marginal land; so irrigating new large plantations will divert water from local users or environmental flows.¹⁰⁷ Some areas of the world are drying up in patterns that create new global structural divides so for example desertification is affecting both California, in the developed world and Iran in the developing world. Northern latitudes and tropics are getting wetter while water reserves in mid-latitudes are becoming scarce. Groundwater is depleting at a rapid rate in the Middle East, Africa and SE Asia. This increases the risk of potential conflicts over water access as major rivers such as the Nile, Tigris-Euphrates, Mekong, Jordan and Indus begin to fall, threatening local and global food production and energy supplies.¹⁰⁸ This '(...) scale and scope of environmental problems is larger than ever before in human history and the future relation of the global economy and the biosphere is deeply uncertain.'¹⁰⁹

CONCLUSION

Capitalist expansion both extensively and intensively entails creative destruction in which violence is often required to make new structures out of the wreckage of the old. European overseas colonialism was one phase of extensive territorial expansion from the 15th to 20th centuries that half way through the latter underwent a rapid shift to a postcolonial mode of domination. This locked peripheral economies into a new global division of labour but this structure proved more fluid than dependency and world systems theories had suggested. Moreover, the deindustrialization of the old 'core' econo-

106 McMachael 2009.

107 Prateek 2012.

108 Pacific Institute 2009.

109 Moore 2003.

mies, rise of BRIC countries and the end of the Cold War all significantly transformed the global system and the mode of integration of former colonial and colonizing nations. The notion of a system of nation states and sovereign powers was eroded by neoliberal globalization such that the end of US hegemony might not be the sign of the emergence of a new hegemon but the emergence of a post-sovereign global order. However, the underlying realization, problems of capital – to hold down labour costs to maximise profits while generating markets for goods and services – have not been resolved. Financialization and expansion of corporate and personal credit was the ‘solution’ but instead created the bubble and crash of 2008 which, with the globalization of finance and banking rapidly went world-wide. One consequence of this is increasing interpenetration of structures in core and semi-peripheral regions, which suggests a world of increasing fluidity and restructuring as globalisation theories suggested. Further its effects are compounded by the metabolic rift from capitalist (and state socialist) production that has created well-known ecological threats. Some of the ‘solutions’ to these, such as acquisition of land by biofuel corporations, which also offer the finance sector new sources of speculation, engender further ecological damage and potentially violent conflicts. One final consideration: in previous crises there were intellectual and social movements offering alternatives – socialism and communism in the 1930s and neoliberalism in the 1970s and 80s. In the present crisis there is an absence of a clearly articulated alternative which makes the future especially uncertain.

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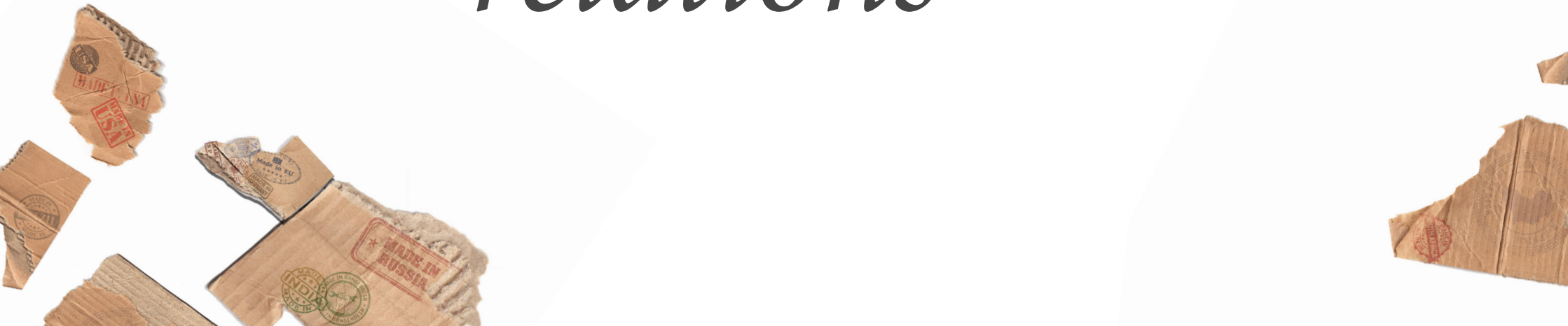
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PART II

Interdisciplinary approaches to dependency relations



Legal transplants:

profitable borrowing or harmful dependency? The use of the legal transplant framework for the Adoption of EU law: the case of Croatia

KACPER VAN WALLENDael

„Legal transplants,” a term coined by Alan Watson in his well-known book *Legal Transplants: An Approach to Comparative Law*,¹ have become an important matter of research interest in the 1970s, as a consequence the publication of A. Watson. Even if we can agree that it is possible to trace the analysis as far back as to 18th century, when Montesquieu described similarities in law as a pure coincidence, I would be rather doubtful if this were to be perceived as *ius gentium*, described in Justinian’s *Institutions*, as some kind of theoretical reflection in this field, as this has been proposed by some modern researchers.² But the phenomenon it-

self seems to be a deeply rooted, inevitable element of legal development. Despised by some theorist, mostly by Carl von Savigny’s historical school of jurisprudence and their intellectual heirs, the idea of legal transplants was described by Watson himself as „borrowing [that has been] the most fruitful source of legal change.”³

The first thought that comes to our minds when we hear about legal transplants is probably the post-colonial legislation in developing countries, copying entire codes or drafting constitutions based on the ex-metropolitan country’s legal system. Other associations may include, for example, countries with limited sovereignty due to quasi-colonial or dependency relations, e.g. countries of the Eastern Bloc since the end of World War II in 1945 until the collapse of USSR in 1991 (the example of Constitution of People’s Republic of Poland of 1952, described later in the typology of transplants, is very typical).

However, we should keep in mind that legal transplants are not just embodiments of mostly malicious dependency, but also examples of reverence for well-developed legal solutions that are worthy of being introduced in another country. No wonder that it was Watson, a Roman law specialist, who felt inspired to describe this phenomenon thanks to his examination of reception of *Corpus Juris Civilis* (collection of codes and jurisprudential works issued from 529 to 534 AC by the order of emperor Justinian, abbreviated as CJC) in several countries through many centuries. Although even today’s civil codifications share some of the basic rules and systematics with Justinian’s codification, we can point at some 19th century codifications that actually contained many elements transplanted directly from CJC, such as *Allgemeines Bürgerliches*

¹ Watson 1974.

² Chenguang Wang 2011.

³ Watson 1974: 95.

Gesetzbuch (Austrian civil code, abbreviated as ABGB).⁴ Fun- nily enough, abiding interest in several features of Roman law led to transplanting ancient Roman law of slavery into Louisiana, both during French (17-18th century) and American period (since 1803). Louisiana's law of slavery was very different from regulations in other American states, mostly due to long-lasting French domination, and its peculiarities are certainly derived from Roman tradition.⁵ Moreover, transplanting another country's codifications or constitutional solutions does not have to be connected with post-colonial dominance. For instance, Code civil des français (better known as the Napoleonic code) was a strong inspiration for later Romanian codification (1864) that remained in power until 2011, although Romania has never been a French colony.⁶ Also the Bürgerliches Gesetzbuch (German civil code, abbreviated as BGB) formed a basis for several further codifications, including civil codes of Brazil (1916), Peru (1936) or China (1929).⁷

The social and legal reality has changed significantly since the publication of Watson's book in 1974. The term "harmonization of law" appeared in the context of the European Union, but it could also apply to unification of legal regulations between countries in some areas as a part of increased global economic and legal integration. From the Convention on the Elimination of all Forms of Discrimination against Women to health and safety regulations, convergence of legal norms is a fact. In the 2000s, a few interesting attempts at analyzing, classifying and assessing legal transplants were made. I chose two of them, one more theoretical and rooted in socio-legal sciences, while the other more empirical, making use of the tools provided by law and economics. Although they are useful for further research, their understanding of legal transplants is somehow obsolete. This is why after theoretical introduction I am going to take a closer look at the case of a modern legal transplant – adoption of the EU law by a candidate state as one

⁴ Sójka-Zielińska 2000: 238.

⁵ Vetter 2005.

⁶ Sójka-Zielińska 2000: 241.

⁷ Sójka-Zielińska 2000: 246.

of membership requirements. Using the case of Croatia, mostly because of its recent relevance, I will try to draw some more general conclusions about the usefulness of theoretical tools outlined in this article.

MILLER'S TYPOLOGY OF LEGAL TRANSPLANTS

Although a comprehensive classification of legal transplants introduced in different parts of the world probably cannot be proposed, an interesting attempt to apply sociological tools for a useful typology was made by Jonathan M. Miller.⁸ Examining motivations on which a given legal transplant is founded, he identifies four types of transplants, indicating that a vast majority of examples represent a blend of more than one type. According to Miller's typology, the most important types are: 1) the Cost-Saving Transplant; 2) the Externally-Dictated Transplant; 3) the Entrepreneurial Transplant; 4) the Legitimacy-Generating Transplant.

For the purpose of analyzing advantages and disadvantages of such a typology, as well as its usefulness in legal and sociological research, I will describe each of the types briefly. Examining some of the examples referred to by Miller, as well as some similar ones from my own research, I will try to present some possible challenges that may occur as a result of using this typology for analytical purposes in lawmaking processes.

The Cost-Saving Transplant is a type of regulation that is borrowed from another country's legal system primarily to avoid an expensive process of developing an original solution. Miller points out that developing countries rarely make up their own regulations in terms of environmental law or health and safety provisions, mostly due to the lack of financial resources.⁹ It is possible, however, to cast doubt on this assumption, as many national environmental law regulations are virtually no more than implementing acts of some previous supranational

⁸ Miller 2003: 842.

⁹ Miller 2003: 846.

or international resolutions, which actually makes them similar to the Externally-Dictated Transplants.

Although it is the way of perceiving ‘cost-saving’ by Miller,¹⁰ it is crucial to emphasize that a much broader understanding of the type of transplant can be applied in a research, making the term encapsulate several legal transplants that would not be included according to the simplest definition. It means that not only saving money at the very moment of introducing legislation is important, but also possible future financial advantages for the national budget. Virtually any regulation that facilitates entrepreneurship, investment and simplifies tax procedures, can be perceived as an example of the Cost-Saving Transplant. China’s foreign investment law is cited as an example by Chenguang Wang.¹¹

The already mentioned Externally-Dictated Transplant is probably the most common motivation for implementation of foreign legal regulations throughout the history. It can easily be assumed that it can be dated back to the first moment when one tribe conquered another, inevitable leading to imposing some of its norms on the defeated enemy. But it is not as straightforward as it seems to be – introducing an entirely new legal system through military conquest is just one of the various forms of legal transplants that can be classified as Externally-Dictated Transplants. Probably due to this wide interpretation, this type of transplant can be easily mistaken with any of the other types. Or to be more precise – it easily blends with those other types. For example, if International Monetary Fund makes financial help conditional on necessary free-market and democratic reforms, it is definitely an example of the Externally-Dictated transplant. However, we can also easily notice that in most cases applying certain well-developed procedures from other countries or bodies (like the IMF) can just be cost-effective in comparison with equally acceptable procedures that are entirely made-up in the receiving country.

¹⁰ Miller 2003: 845.

¹¹ Chenguang Wang 2011.

What we have to agree with, however, is the fact that the common feature of Externally-Dictated Transplants is an actual relation of dependency between the donor and the recipient. This relation can take many forms, including, but not limited to: (1) relation between winners and losers of a military conflict; (2) relation between more and less powerful members of a political or military organization, or an area of one country’s political or military impact; (3) relation between a member state of an international or supranational organization and this organization itself; (4) relation between a provider and a receiver of financial support.

As for the forms (1) and (2), we can easily find examples from constitutional law. The Japanese post-World War II constitution, dictated by General Douglas McArthur,¹² can be an excellent example of legal changes that are forced on the defeated side of a military conflict by its winner. On the other hand, the façade Constitution of the People’s Republic of Poland, passed on in 1952, was personally corrected by Joseph Stalin and later translated from Russian to Polish.¹³ The final project was prepared by Bolesław Bierut, the first president of communist Poland, well-known for receiving directives from Moscow. Although USSR did not conquer Poland (these two countries were theoretically allies during World War II), the latter was definitely in Soviet orbit of military and political influence at that time. Therefore, we can classify this dependency, slightly less obvious than the previous one, as form (2).

Forms (3) and (4) are not strictly connected with relations between different countries; they are, however, indicators of country’s position within the frameworks of international organizations (such as the United Nations, Organization of Security and Cooperation in Europe, Organization for Economic Co-operation and Development) and supranational organizations (like the European Union), as well as in relation with specialized bodies founded by such organizations (IMF, World Bank). “Harmonization of law” is a key phrase for legal changes

¹² Miller 2003: 847.

¹³ Polskie Radio 2012.

introduced in some areas, such as human rights, intellectual property protection or free-market economy. It is mostly due to the fact that either some more important members of international organizations condition their support on the introduction of some reforms by the candidate country, or the organization itself imposes such conditions. For example, Turkey, as a country applying for EU accession, decided to change the controversial Article 301 of its penal code. Prior to the changes, the article, introduced in 2005, made it a crime to “insult Turkishness,” which was punishable by imprisonment from 6 months to 3 years. However, several controversial suits, mostly filed by a Turkish lawyer Kemal Kerinçsiz and directed towards popular writers (the most notable one being Orhan Pamuk, a Nobel Prize laureate) and journalists, made the law to be a source of conflict between Turkey and EU, eventually leading to a reform of the article in 2008.¹⁴

The third type – and the one most thoroughly described by Miller¹⁵ – is the Entrepreneurial Transplant. The theory about a class of transplants that appear due to effort of individuals or groups (mostly NGOs, but also companies) to introduce and encourage some foreign regulations, was adapted by Miller from Yves M. Dezalay and Bryant Garth.¹⁶ These individuals or groups can be people from developing countries who obtained their degrees abroad and later came back to their homeland. They are perceived as experts and as such, they can therefore influence legal changes, in spite of the fact that they do not possess any formal power. Their incentive might be very different – from a very sincere conviction that some legal solutions adopted from abroad are necessary for better development of the country, to the less disinterested ones, such as creating a niche – a branch of law in which there will be very few educated lawyers at the time of its introduction. If this branch is entirely adopted from another country’s legal system, in which the ‘entrepreneur’ was educated, it gives him an edge over competitors.

14 Today’s Zaman 2008.

15 Miller 2003: 849-854.

16 Dezalay, Garth 2002.

The Legitimacy-Generating Transplant is described by Miller as a separate type and probably most of researchers would agree on the existence of such a category. There are, however, theorists of law and economics, like Ugo Mattei,¹⁷ that disagree on the prestige of a legal system as a category separated from the system’s economic efficacy. However, the situation we encounter in most cases is a transplant from a developed country to a developing one, sometimes even one with rudimentary legal institutions. Mattei lists several examples of influence between legal systems of developed countries, asking about a criterion for choosing a donor country, taking into account that there are several equally prestigious legal cultures.¹⁸

But, as Miller points out, Mattei’s theory could be plausible if there were proofs of existence of a free flow of legal norms, a specific sort of market of legal solutions, from which any country could choose the most economically efficient measures. Moreover, predictions of economic efficiency of a certain model cannot be based only on another country’s experience, as legal solutions that lack their foundations in a given society or given country’s legal culture, prove to be less effective in a recipient country than in donor country. We are going to discuss this issue in the next section of this article.

BERKOWITZ, PISTOR AND RICHARD’S ATTEMPTS AT ANALYZING EFFICIENCY OF LEGAL TRANSPLANTS

Although most scientific analysis of legal transplant focuses on motivations for their introduction, there are some examples of research focusing on economic efficiency of such borrowing. Using methods provided by law and economics, Daniel Berkowitz, Katharina Pistor and Jean-Francois Richard¹⁹ conducted an analysis of 49 legal systems, 10 of them being so-called “origins” (i.e. they developed internally, which

17 Mattei 1994.

18 Mattei 1994: 7.

19 Berkowitz, Pistor, Richard 2003.

can be measured either by their idiosyncratic features or by their ability to found a new legal family) and the other 39 being “transplants” (i.e. they were borrowed from another legal systems, belonging to one of the most prominent legal families).²⁰ Legal families included in the research were as follows: the English legal family (common law), the German legal family (civil law), the French legal family (civil law), and the Scandinavian legal family (civil law).

Their choice of legal families to be analyzed was determined by a previous research done by La Porta, Lopez-de-Silanes et al., which helped them to make some general assumptions about the efficiency of different legal families in terms of attracting investors. The English legal family turned out to be the most successful both in terms of friendliness toward investors and regarding the enforcement of law. The Scandinavian legal family, whereas being nearly equally successful in enforcing law, came second after the English when it comes to the presence of investor-friendly regulations. German and French legal families were placed on the other side of the scale, not only providing prospective investors with an unfriendly legal environment, but also – probably as a result of the former – being unable to enforce these regulations. What is important about the previous research by La Porta, Lopez-de-Silanes et al.²¹ is the fact that it did not attempt to differentiate “origins” from “transplants,” somehow assuming that the way of acquiring certain legal environment, rooted in a given legal culture, is not important for its economic effectiveness. Berkowitz, Pistor and Richard were therefore encouraged to transform the research in order to answer two questions: 1) do legal transplants always work? and 2) if sometimes they work and sometimes they do not, what is the factor that makes the difference between these two cases?

In fact, it would be possible to classify any existing legal system as a legal transplant (e.g. most of European legal systems share some major features of private law with Roman tra-

ditions), but what the authors of the study focused on was the transplantation that happened in 19th or 20th century, taking into account that three legal families – English, German and French – were the ones that dominated implementation of entire codifications in other countries. Another important factor that was taken into account was the fact that transplants can be classified as receptive or unreceptive transplants.²² The classification can be presented as a scale, on which more receptive transplants are characterized by two features: adaptation and familiarity.

Adaptation can be measured as a degree to which social idiosyncrasies of the receiving country were taken into account in the process of implementing foreign legal regulations. Colombia, blindly transplanting the Spanish commercial code of 1829, can be cited as an example of an unadapted transplant, while Japan, where introduction of German-based codes were preceded by lengthy debates about the advantages and disadvantages of other models, took on mostly English and French codes.²³ Thoughtful adaptation requires legislators not only to contemplate about the choice of model, but also about possible changes to some regulations or about introducing exemptions in order to mirror the needs of a given society.

Familiarity is strictly connected with taking into account the legal heritage of a country. Of course, virtually all European legal systems can be traced back to ancient Roman law, just as the Middle Eastern legal tradition is deeply rooted in sharia law, but this kind of historical analysis does not provide us with extensive data, as the entire world can be divided into very few big legal families, but it is a matter of common knowledge that most of the modern solutions in different branches of law (commercial, constitutional) are borrowed from Western legal family, having its deepest roots in ancient Rome. It is far more important, however, to notice, that a former French colony, with a considerable number of regulations rooted in French legal culture, lacks familiarity with German tradition.

²⁰ Berkowitz, Pistor, Richard 2003: 171-172.

²¹ La Porta, Lopez-de-Silanes 1998, 1999.

²² Berkowitz, Pistor, Richard 2003: 179-183.

²³ Berkowitz, Pistor, Richard 2003: 179-180.

LESSONS FOR THE FUTURE

Although my brief summary of two independent pieces of research might not seem very innovative, I believe that this combination and comparison is crucial for providing us with some novel ideas for the future. Two attempts at analyzing and understanding legal transplants that happened in the past give us a different perspective. The first one, derived from Miller's typology of legal transplants, is mostly theoretical. It exposes the use of sociological methods and is entirely focused on motivation for legal transplant. The second one, proposed by Berkowitz, Pistor and Richard, makes use of tools provided by law and economics, to come up with conclusions about implications of legal transplants, but with strong connection with the analysis of their sources and the ways of introducing transplant regulations in certain countries. This thorough examination, however, lacks any reference to the typology proposed by Miller. The aim of my reflection is to fill the void by combining results of these efforts.

Although both pieces of research discuss sources and causes of legal transplants, they differ substantially in methodology. More empirical analysis by Berkowitz, Pistor and Richard take into account several objective factors, such as: a legal culture from which a transplant is taken, legal heritage of a recipient, or general efficiency of a model. On the other hand, Miller's analysis is much more subjective, focusing on motivation. Probably it could serve as a sufficient explanation of why the two scientific approaches, both published in the same year, have not been combined in a comprehensive research until now. Another justification can be derived from the fact that Miller's analysis is rather general, using examples from different times and branches of law, supported by a more detailed analysis of Argentinian examples (I purposefully avoided referring to them in my summary, replacing them with other cases to show the universal value of Miller's reflections), while the second analysis is based on efficiency of transplanting foreign codifications, mostly in terms of commercial and civil codes

Therefore, introducing a single codification transplanted from Germany will be characterized with little receptiveness. Moreover, former colonies and dependent territories can be divided to "settled" and "conquered." The former were intended to be inhabited by the population of metropolis, while the latter were meant to be controlled by the metropolitan state, but without the purpose of extensive settlement. Therefore "settled" territories were inhabited by people with a previous intuitive understanding of the metropolis' legal culture, and therefore an increased familiarity with norms transplanted from the metropolis' legal system.²⁴

The conclusions of the aforesaid research strongly support initial hypothesis that the way of acquiring regulations coming from a certain legal family is much more important than the choice of the donor legal culture itself. Although previous assumptions about lower efficiency of regulations rooted in French legal culture turned out to be true, differences between countries with receptive and unreceptive transplants were definitely bigger than between the least efficient legal culture (French) and the most efficient one (English). A comparison of receptive transplants with "origins" proves that there is no considerable difference in efficiency of a given legal culture. We can therefore claim that a well-prepared, thoughtful transplantation of less efficient legal solutions, done with respect for previous social conditions and legal heritage, as well as supplemented with sufficient education of lawyers, other experts and citizens in general – will be actually more beneficial than naive, blind promulgation of solutions based in a more efficient legal culture.

The experiences of countries, in which legal transplants proved to be economically and legally inefficient, authors of the article labeled as "the Transplant Effect" – the lack of socio-legal order provided by regulations and of good prospects for socio-economic growth within the framework of the transplanted provisions.

²⁴ Berkowitz, Pistor, Richard 2003: 181-182.

and their reception in a receiving country. Moreover, by focusing on economically measured efficiency, Berkowitz, Pistor and Richard seem to assume that all transplants – at least all of those found worthy of analysis by them – are the Cost-Saving Transplants, according to Miller’s typology. Even if we accepted such an assumption about the examples discussed in their research, it does not mean that their conclusions cannot be applied to other types of legal transplantations throughout the history, including the ones that are yet to happen. Last but not least, the phenomenon of “harmonization of laws,” mostly dictated by international and supranational organizations, does not fit the traditional understanding of a legal transplant as a promulgation of codification or particular solutions created in a given legal culture (e.g. French, German, English) to another country’s reality.

I would like my paper to be a useful contribution both to the theory of legal transplants and – what seems to be more important – to its applications in the world of converging legal systems and harmonizing regulations. To achieve this aim, it is important to acknowledge that the very traditional perspective presented in the basic assumptions made by Berkowitz, Pistor and Richard already seems to be a relic of the past. Although analysis of transplanted codifications from one country to another and its further consequences can be beneficial for historical clarity, the vast majority of examples we are dealing with today have entirely different construction. To avoid further generalities, I will discuss the entire process in which a new member state of the EU receives legal transplants based on European legislation. To make my case-study analysis up-to-date, I will outline current EU Enlargement Policy (as of the beginning of 2014) and provide examples based on experiences of the newest EU member state, Croatia, which eventually joined the EU in July 2013.

A MODERN LEGAL TRANSPLANT CASE-STUDY: CROATIA’S PATH TO THE EU

The European Union, which can be perceived as the most prominent supranational organization, has developed its own accumulated legislation, called the *acquis communautaire* (shortened as “the *acquis*”) and now requires achieving certain level of conformity of the legal system of a candidate country to the *acquis*. Contrary to a popular belief that once admitted to the EU, a member state suddenly becomes obliged to accept all the previous and future legislation enacted by EU institutions, the process begins much earlier, as “adoption of the entire body of European legislation and its effective implementation through appropriate administrative and judicial structures”²⁵ is one of four major requirements for accession to the EU, the other three being economic and political criteria, as well as country’s capacity to take on the obligations of a member. Currently, the *acquis* is divided into 35 chapters, covering different branches of law, from free movement of goods and intellectual property law, through energy and fisheries regulations, to education and culture or science and research.²⁶

Croatia’s process of joining the EU started in 2001, when the Stabilization and Association Agreement was signed. This document provided the first framework for examining the *acquis*.²⁷ After Croatia’s application for membership in 2003, a positive opinion was issued by the European Commission, leading to acceptance of Croatia as a candidate country in 2004. In 2005, the Stabilization and Association Agreement came into force and the negotiations were to start on 17 March 2005, but they were postponed upon the previous condition that the negotiation process will not begin without Croatia’s full commitment to collaborate with the International Criminal Tribunal for the former Yugoslavia (ICTY). A Negotiation Framework, however, was accepted by the EU, and the negotiation process finally began in October 2005.²⁸

²⁵ European Commission 2007b: 6.

²⁶ European Commission 2007b: 10.

²⁷ Council of the EU, 2004: 7.

²⁸ Delhrv.ec.europa.eu.

The negotiation process begins with Screening, which is followed by Screening Reports, consisting of separate reports on each of the chapters of the *acquis*. The Negotiating Team is later asked to demonstrate that their country has either already adopted EU regulations in a given area or is willing and able to translate them to the national legal system within a declared time. On the other hand, a candidate country is provided with necessary financial resources by the European Union that have since 2007 been integrated in one program, called the Instrument for Pre-accession Assistance (IPA).²⁹

At this point I will stop the descriptive part and ponder for a moment over theoretical framework in which the pre-accession negotiation process between a country and the EU can be placed. From the point of view of Miller's typology, translation of the *acquis* to the national legal system can be primarily described as the Externally-Dictated Transplant. The most important point to be made is that the label "negotiations" is delusive, as the adoption of the *acquis* is not negotiable.³⁰ The only thing that is subject to negotiations, is the schedule of translation. For example, in the Screening Report issued on 1 February 2007 on the translation of Chapter 27 of the *acquis*, "Environment," the Croatian declaration to ratify the Kyoto Protocol in the first half of 2007 was confirmed.³¹ However, although at the beginning of the negotiations, the reason for implementation was an external obligation, there were certainly several other motivations to take on the transplant, which can be derived from Croatia's motivation to join the European Union. In most cases, countries want to become member states of the EU in order to facilitate their economic development and increase their international importance through development of intensive cooperation with other European countries within the EU. The process of adoption of the *acquis* can be therefore characterized by some features of the Cost-Saving Transplant and the Legitimacy-Generating Transplant.

²⁹ Delhrv.ec.europa.eu.

³⁰ European Commission 2007b: 9.

³¹ European Commission 2007a: 4.

The cost-saving effect comes from introduction of several well-developed regulations that facilitate free trade and that proved to be efficient in current member states. Legitimacy of regulations and, as a result, increased prestige of the country, come from the fact that the EU is a reputable union of developed states. At this point Ugo Mattei would probably argue that "prestige" is actually synonymous with "economic efficiency." I will not, however, further elaborate on this issue. In terms of facilitation of free trade within the EU, the accession process is in most cases strongly supported by private businesses, which consider the EU free market regulations to be profitable for export. It was certainly the case of Croatia, as the trade exchange with the EU made up 62% of Croatia's external trade in 2012.³² This fact supports the thesis that Croatia's adoption of the *acquis* had also some features of the Entrepreneurial Transplant.

Back to the facts, negotiations between the EU and Croatia were successfully closed on 30 June 2011,³³ which finally led, through signing the Accession Treaty and its ratification by Croatia and the 27 member states, to the full membership of Croatia in the European Union that started on 1 July 2013.³⁴ I will now make use of the measures provided by Berkowitz, Pistor and Richard in their research to determine the nature of Croatian legal transplant, i.e. translation of the *acquis* to the national legal system, and subsequently predict the success or failure of prospective, continuous harmonization of laws between Croatia and the EU.

As I mentioned before, Berkowitz, Pistor and Richard proposed division of transplants to receptive and unreceptive ones. The receptiveness should be measured by two factors: adaptation and familiarity. At the moment of accession, the level of adaptation of the *acquis* to the reality and needs of the candidate country is extremely low, as the provisions of the *acquis* are not negotiable. This level increases significantly after joining the EU, as the country is entitled to take part in lawma-

³² European Commission 2013.

³³ European Commission 2011.

³⁴ Delhrv.ec.europa.eu.

king procedures. The burden of accepting unmodified *acquis* at the moment of accession should not, however, be underestimated, as the *acquis* amounted to 90.000 pages, as of 2007.³⁵ It obviously indicates that the process of adoption of the *acquis* does not meet the criterion of adaptation. Although the word “adaptation” is widely used in the context of EU enlargement, but it has quite the opposite meaning – the EU provides the candidate country with time and necessary financial and institutional resources in order to adapt national law to the *acquis*, which is the process of introducing the transplant itself, but not of adaptation of the transplanted provisions to the country’s social reality.

When it comes to familiarity, the issue becomes much more complex. Although I previously labeled 2001 as the beginning of the candidacy and accession process, the Ministry of European Integration was formed in Croatian government as early as in 1998 when Ljerka Mintas Hodak was appointed to the office,³⁶ which means that even before the very first agreements were made between Croatia and the EU, the internal part of preparation for prospective integration had already started. The entire process of negotiations (and gradual introduction of the *acquis*) took many years, which allowed both the policymakers and the society as a whole to become more familiar about the nature of the EU. The *acquis*, consisting of both primary and secondary sources, constitutes a very complex legal reality. Although it is rooted in common European legal traditions, which can be traced back to Roman law, it is a blend of different smaller traditions, mostly from civil law culture, but with strong influence of Anglo-Saxon common law. Therefore, it is hard to determine how different the *acquis* is from the previous Croatian legal reality. But what seems to be crucial is the fact that there was no definite moment in which all the 90.000 pages of the *acquis* were transplanted to Croatian legal system. From this point of view, the EU enlargement procedure is an excellent example of gradual increase of the familiarity with EU legal reality so that the day

³⁵ European Commission 2007b: 9.

³⁶ Vecernji.hr.

of accession and formal beginning of a fully harmonized legal system would cause no major disturbance in the national economy and social reality.

Croatian GDP per capita nearly doubled between 2000 and 2010³⁷ and we can assume that the subjective prestige of the country – if we refuse to accept Mattei’s theory – has risen since the first milestone which started with the negotiations in 2005 and will continue to rise as a result of Croatia accession to the EU in 2013. Thanks to the familiarity with the EU that was gained by Croatian society during the negotiation period, Croatia should not experience “the Transplant Effect” and any disturbances that might be caused by an unreceptive transplant.

CONCLUSIONS

Alan Watson published *Legal Transplants* in 1974, when there were three separate European Communities instead of the European Union, common law countries (United Kingdom, Ireland) have just joined the ECs, there was no elected European Parliament, and nobody would even come up with an insane idea that countries like Croatia, Latvia or Slovakia could become member states, mostly because none of them existed at the time. In today’s reflection on his theory, deeply rooted in European history, we seem to focus on transplants that occur in different parts of the world, explaining them according to post-colonialism and convergence, but we certainly believe that European countries ceased to experience major legal transplants ages ago. Although my primary aim is not to overestimate the importance of the European Union as a mechanism of continuous legal transplantation, I believe that what happens in the EU will soon emerge in other parts of the world. Despite all the complaints about inefficiency of EU institutions, they are incomparably more operative than UN agencies. Although we can see several Externally-Dictated Transplants coming from UN agencies, their efficiency, especially in countries with

³⁷ European Commission 2011: 66.

a non-Western legal culture, is not satisfactory. The answer for the problem can be found in a study by Berkowitz, Pistor and Richard, but while the perspective of the paper is useful for historical purposes, it has already proved to be defunct. The importance of separate European legal families (French, German etc.) has probably decreased, although general prevalence of Western legal culture has increased, mostly through domination of Western ideas in international organizations. On the other hand, the acknowledgment of existence and comparable status of sharia as a legal culture is higher than ever.

Miller's typology of legal transplants remains as useful as his own remark that virtually all transplants are actually blends of more than one type. Motivation for legal transplants is ever harder to explain, mostly because some degree of harmonization became *conditio sine qua non* of being a member state of international and supranational organizations. The methodological approach developed by Berkowitz, Pistor and Richard is extremely valuable for the purpose of further research, in spite of the fact that differences between legal families in European civil law culture become less distinct than they used to be, and mutual interference between them and Anglo-Saxon common law has become much more evident.

As the summarizing paragraph, I will attempt at answering the question included in the title of this paper, which I purposefully did not refer to before. From today's perspective, legal transplants are neither "profitable borrowing," nor "harmful dependency." It is because the word "borrowing" presupposes that a transplant is an independent decision to transplant a given foreign legal act to national legal system, while most transplants occur in a much different way. That level of consciousness in adopting foreign regulations took place in China in the 1980s in terms of foreign investment laws³⁸ but since then the vast majority of transplants has not been characterized by similar independence. Therefore, we have to accept that countries negotiating accession to the EU, just as those wishing for financial help from the IMF, or post-Soviet states

³⁸ Chenguang Wang 2011.

in early 1990s – partly lose their independence, even though they did not relinquish it to a foreign government. In terms of imposing new legal regulations, 'invaders' were replaced by 'international officers,' 'independent experts' and other sources of new legal order, making an impression that all transplants are Entrepreneurial ones, which is not true. But hopefully, modern legal transplants will prove to be efficient, which requires them to be well-prepared, receptive transplants according to the theory by Berkowitz, Pistor and Richard.

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NGOs

and EU humanitarian aid policy: continuity or change?

DANIELA IRRERA

The context of global emergency actions consists of different types of actors, institutions, agencies, procedures, norms, decisions and practices. This condition makes the study of global relief and reconstruction policies also important to understand the current change in global politics.

The interaction between state governments, international organisations and non-state actors is more balanced in the formation of these than of any other policies and is based on declared goals and principles.¹

Among the non-state actors, NGOs are a relevant player in emergency policy-making and implementation, they are able to deploy a wide range of materials and logistics and to make use of apposite capabilities while acting in peace building and reconstruction missions. NGOs have their own approach to reconstruction and services provided to people affected by natural disasters and conflicts. In principle, this approach is complementary with the states' and International Governmental organisations' (IGOs) approach. Practice can however considerably differ from it. Consequently, NGOs' actions often clash with the programmes states and IGOs develop on the site of humanitarian interventions.

In case of the EU humanitarian aid policies, the relations with institutions and the NGOs influence have been strongly developed over the years through aid programmes and within the European Community Humanitarian Office (ECHO) activities. At the same time they have developed and strengthened direct relations with member states, that, in other policy areas like civil protection services, have nonetheless produced some interesting results and contributed to shaping the EU humanitarian aid policy.

Based on the assumption that in the current phase of world politics the global institutions are undergoing a process of change and the promotion of good relations in humanitarian policies needs to be strengthened, this paper aims at analysing trends and changes in the EU humanitarian aid policy – in terms of dependency or development promotion – by focusing in particular on NGOs' performances.

The article aims at replying to the following research questions: How is the EU humanitarian aid policy changing and what are the current trends? Are NGOs playing a role in shaping the relations with developing countries? Does the EU policy fit into the global changing process affecting humanitarian aid?

¹ Attinà 2013.

The article is divided into three main parts. The first part discusses the literature on humanitarian action and raises the question of how and to what extent do humanitarian NGOs play certain roles relevant to international interventions. The second part analyses the relations NGOs have developed with EU institutions in the framework of the EU humanitarian aid policy. The third part offers a preliminary analysis of NGOs funding in order to see whether there are new and old trends in the geographic regions which are at the core of aid policy. Data has been taken from EDRIS (European Disaster Response Information System), which contains real-time information on contributions to humanitarian aid by the European Commission's Directorate General for Humanitarian Aid and Civil Protection and the EU Member State. Data is used for making analytical reflections on the policy itself.

THE ROLE OF NGOs WITHIN THE "HUMANITARIAN SYSTEM"

The International Relations literature has comprehensively debated on the ways through which the world governmental system has tried to provide security by solving conflicts and assisting people in need. The set of tools and mechanisms which have been developed is quite far from ideal. It is rather pervaded by the main contrast between the responsibility to deal with human suffering and the need to safeguard state interests and priorities. The end of World War II and the beginning of the Cold War saw an enormous proliferation of actors in the humanitarian movement. After the end of the Cold War the persistence of a big 'community' in which thousands of individuals work around the world for a wide variety of organisations required also some definitional efforts.² The more diffuse definitions stress, on the one hand, the 'environment,' that is to say, the framework of competences and rules which govern relief activities. In this case scholars use the concept of a humanitarian space, as "an environment where humanitarians can work

² Irrera 2013.

without hindrance and follow the humanitarian principles of neutrality, impartiality and humanity."³ It is also a conducive operating environment, in which a clear distinction between civilian and military actors should be maintained in terms of competencies. On the other hand, definitions focus on the nature of involved actors and the amount of interactions among them. Here, scholars prefer the term 'network,' particularly a 'network of actors' namely an "amalgam of non-binding contacts, sustained by various channels of communication and by awareness of who is around."⁴ Additionally some practitioners started to discuss the 'humanitarian enterprise' for describing a multi-layered machine in which different actors encounter the approach to face current challenges and some of them strive to maintain fidelity to their ideals.⁵ The debate is contentious and the peculiarity of this topic contributes to further divide the scholars. Even though there is no universal consensus, the constant interactions between academics and practitioners are conveying interest in the term 'humanitarian system.'

Given the fact that the environment is more than its technical set of competencies and it is shaped by its actors, and that the level of relationship between NGOs and IGOs cannot be easily summarised only through the network structure, 'humanitarian system' is considered a more effective and comprehensive label. In this article, the term is used to indicate the set of principles, actors, policies, practices, rules and procedures which are shaping interventions as a result of recent global trends.⁶ This term does not avoid criticisms, but it helps in operationalising them. It is appropriate, for instance, to affirm that it refers to a system as a 'set of parts coordinated to accomplish a set of goals.'⁷ This instantaneously reminds one of the challenges in the coordination between different humanitarian actors and the unclarity of goals due to the diversity of priorities. Nevertheless testing the system through its components (prin-

³ Spearin 2001: 22.

⁴ Kent 1987: 69.

⁵ Minear 2002; Donini 2002.

⁶ Irrera 2013.

⁷ Kent 1987: 68.

ciples, actors, policies) may highlight the fact that, despite all, consensus is prevalent over fragmentation.⁸

The principles of the ‘classical humanitarianism’ are based on Henry Dunant, who in his book *Memory of Solferino* described the violence and suffering inflicted on soldiers and civilians. After his experience he decided to promote the provision of aid through neutral civilian agencies. This approach was developed through the Red Cross Movement and humanitarian law and was officially declared in the UN General assembly Resolution 46/182, which contributed to starting a harmonisation process in the ways various actors manage crises. According to this Resolution humanitarian assistance should be provided in accordance with the principles of humanity (to be addressed to the most vulnerable, wherever they are), neutrality (without engaging in hostilities or taking sides) and impartiality (without discrimination). The IR literature has discussed the ways such principles have been applied and interpreted. The majority of international humanitarian organisations espouse them as fundamental principles that underpin their activities. However, the need for humanitarian action to be as independent from political processes as possible posits an implicit dichotomy between politics and humanitarianism. Realists do not deny the intergovernmental nature of collective intervention, but they emphasize the fact that it reflects national interests and the settlement of security goals. Constructivists and neo-institutionalists, on the contrary, discuss the rationale of cooperation, stressing the role of norms and practices and the processes through which new norms are implemented.⁹ Actors’ reactions to world events continued to affirm and consolidate principles, making them universally accepted. However, the constant recourse to interventions exhibited some of the most glaring problems and failures, in addition to the realization that principles can contradict each other in practice. Therefore, the humanitarian system started to be characterised – especially since the end of the Cold War – by a process of re-definition which, although faithful to its principles, tries to manage the

⁸ Irrera 2013.

⁹ Crawford 2002; Finnemore 2003.

most salient political aspects, namely power relations, the questions of response effectiveness, and the ethical, legal, and moral consequences and challenges of humanitarian crisis response. This ongoing process may produce new norms (the Responsibility to Protect is probably the most famous and striking example) and is strictly linked to actors’ interactions and, as a consequence, to practical interventions.¹⁰

The first definitions of humanitarian interventions have been shaped by state-centric realist doctrine. According to this doctrine, states are the most important actors since intervention is the threat of use of force across state borders by a state (or a group of states) aimed at preventing or ending widespread and grave violations of individuals’ fundamental rights without asking for the permission of the state within whose territory force is applied.¹¹ Other approaches introduced additional actors and engage new debates on the roles different kinds of organisations can play within the ‘humanitarian system.’ The relevance of IGO is at the core of significant literature on the UN as the formal peace provider, as officially stated in the Charter, but the interest towards regional organisations and their ability to promote stabilisation is increasing.¹² The Dunant’s call “to form relief societies for the purpose of having care given to the wounded in wartime by zealous, devoted and thoroughly qualified volunteers” is at the basis of the ‘special identity’ of the International Committee of the Red Cross (ICRC), which is not an IGOs nor a non-state actor, but derives its legitimacy from international law. Even humanitarian NGOs have shown to be able to occupy a specific place within the system thanks to their own organisational capacities.

The humanitarian system recognizes at least six international categories of actors which can be listed as follows:

- UN agencies, the United Nations High Commissioner for Refugees (UNHCR), the World Health Organisation (WHO), the UN Children’s Fund (UNICEF), the World

¹⁰ ICISS 2001.

¹¹ Holzgrefe 2003: 18.

¹² Attinà 2012.

Food Program (WFP), OCHA (Office for Coordination of Humanitarian Affairs).

- Regional organisations, like the EU, the Organisation for Security and Co-operation in Europe (OSCE), the African Union, etc.
- Governments of states other than those affected by crisis.
- International Red Cross actors, national Red Cross and Red Crescent societies.
- International NGOs.
- Local NGOs and civil society organisations in affected countries, working in cooperation with the UN or international NGOs.

This part of the article focuses on international NGOs. Since they are mainly and traditionally involved in relief assistance and in human rights' and minorities' protection, they have also developed and professionalised their tasks, enlarging their areas of expertise and the impact of their action.

According to mainstream literature, NGOs participate in humanitarian intervention as moderate actors and specialised groups of experts, they believe that the system must be reformed from the roots and accuse capitalism and globalization for fomenting civil conflicts.¹³

However, there are also various nuances through which NGOs interact with the humanitarian system. Operational and campaigning NGOs exercise actions through different methods. Operational NGOs work directly on the site of the crises by mobilizing human, financial and material resources; carrying out projects and programs and offering expertise and advice. Campaigning NGOs participate indirectly by seeking wider public support for direct operations and also by fundraising on a smaller scale.¹⁴ A better typology of NGOs, however, is needed to aptly analyse the NGOs' approach to conflict management and humanitarian intervention. To this end,

¹³ Rucht 2006.

¹⁴ Willetts 2001.

a typology has been created by merging two NGO attributes.¹⁵ These are:

- The NGO's identity and principles of action.
- The NGO's concept of conflict management and humanitarian intervention.

According to Stoddard,¹⁶ three types of NGOs can be distinguished by identity attributes. The Wilsonian organisation, so named after the American President Woodrow Wilson's ideas, accepts the principles of cooperation and multilateralism as practised by governments and international institutions. The Dunantist Organisation, so named after the social activist Henry Dunant, adheres to the principles of impartiality, neutrality and independence. The faith-based organisation acts in harmony with religious principles.

By distinguishing NGOs along with their approach towards crisis management, including willingness to work with local partners and/or international institutions, the following typology is created and applied here below to the analysis of NGOs roles in peace and humanitarian operations:

- The pragmatist Wilsonian NGOs: these organisations are familiar with multilateral approach as applied through highly-politicized missions.
- The principle-centred Dunantist NGOs: these organisations participate on condition that conflict management will respect the basic principles of humanitarianism.
- The solidarist NGOs: these organisations are more focused on the root causes of conflict.
- The faith-based NGOs: these organisations participate responding to charity and compassion values.

These NGOs' attributes translate into a richness of roles which mark the whole humanitarian process before, during and after the crisis. Thus preventive action and mediation, tradi-

¹⁵ Irrera 2011.

¹⁶ Stoddard 2003.

tional relief and assistance and the increasing long-term peace builder capacity serve drive to several specific roles. The NGOs may develop and divulge skills and expertise; deal with the innovations of crises management, the increasing of complex emergencies and the strengthening of civilian dimension of intergovernmental intervention and finally they may perform on the field, showing a good ability to obtain the confidence of the local population.

Within the humanitarian system the roles played by NGOs have, therefore, increased in number and developed in parallel with other relevant actors. Their performances should be analysed in the broader framework of relations with international and regional organisations and states. The EU example is particularly interesting and constitutes the subject of the next part.

NGOs AND EU HUMANITARIAN AID POLICIES

Within the humanitarian system, the EU has developed its peculiar role (based on a dominantly civilian approach to conflicts) as well as a set of structured policies towards natural emergency and crises response.

In the field of security and humanitarian intervention the EU considerably increased its support to NGOs, especially during the 1980s and 1990s. It started to provide foreign assistance through funding NGOs in the mid-1970s. The EU co-financing program and the humanitarian aid program played a pivotal role in its development. The funds for these two programs largely grew in the late 1980s and 1990s. The work done by ECHO and most of the refugee work done by other Directorate-Generals was essentially implemented by NGOs.¹⁷ As Manners claims, the EU conflict prevention policy had been radically changed during 1995 as a result of the constant dialogue between the Commission and NGOs with respect to some crucial areas, namely Africa for development policy, south-eastern

Europe and post-conflict rebuilding in Bosnia after Dayton Accords.¹⁸ The dialogue between the Commission and the NGOs, in particular, contributed to the development of some of the conflict prevention norms and schemes that explicitly strengthened the relationships between the structural causes of instability and violence and the need to link aid and foreign policy.

The relationship between NGOs and the EU Commission has been significantly shaped and strengthened through the aid policy and humanitarian assistance in developing countries, especially on the African continent. By participating in official programmes, European NGOs have promoted many initiatives in humanitarian aid, especially in Africa.¹⁹ These efforts achieved concrete results by creating, in 1976, the Liaison Committee (Comité de Liaison), the representative body of all European NGOs engaged in cooperation actions in collaboration with the Community institutions. The pressure exerted by NGOs working on cooperation has swayed the EU towards strengthening humanitarian aid, pushing to develop specific policies and programs, and creating an important standard of consultation.

Funding NGOs' initiatives and projects directly to promote and implement policy in communities in need has, therefore, become the privileged method for transferring competences from the top and bringing knowledge to non-state actors. ECHO was established in 1992 to handle the EU's evolution of relief operations (Council Regulation No. 1257/96). In 2004 it was upgraded to a Directorate-General for Humanitarian Aid with the annual budget of over 500 million Euros and fortified with the inclusion of specific responsibilities in the field of civil protection services in 2010.²⁰ ECHO should first of all monitor the application and compliance with the universally accepted humanitarian principles of neutrality, impartiality and independence in the deployment of any EU intervention. Secondly, it has to manage a wide range of practical tasks, such

¹⁸ Manners 2004.

¹⁹ Ryelandt 1995.

²⁰ EU Commission 2003.

¹⁷ Reinmann 2006.

as the mobilisation of resources on the scale required to deliver emergency relief supplies and to provision rescue teams, setting up emergency measures and the installation of temporary communication systems. The delivery of emergency supplies – including tents, food, medical equipment, water purification systems – requires not only the selection of partners able to rapidly provide logistics and skill, but also huge coordination efforts to bring very different actors together. Thus, ECHO relies on several humanitarian partners including NGOs, the ICRC and UN agencies, like UNHCR and WFP.²¹

Since its creation in 1992 ECHO has always worked on the basis of the Framework Partnership Agreements (FPA) as the instrument which sets the principles of partnership between ECHO and humanitarian organisations, defines the respective roles, rights and obligations of partners and contains the legal provisions applicable to humanitarian operations. Agreements are concluded both with humanitarian NGOs and with international organisations having a humanitarian mission, including UN agencies to which the FAFA (EC/UN Financial Administrative Framework Agreement) is applied. The first ECHO FPA was adopted in 1993, the second in 1998, the third in 2003. Under the current FPA (2008) 203 partners are associated and actively involved.

As Fig. 1 demonstrates, about half of the EU's relief aid has been channelled through ECHO to NGOs, together with UN agencies and other organisations, like the ICRC and national Red Cross and Red Crescent Societies.

If obtaining EU funds is important for the NGOs' work in the field, so the roles that civil society can exert are strongly requested and often claimed to be crucial as well. Roles played by NGOs can often serve as a bridge between the EU interventions and the local communities, especially in countries with low levels of trust in national authorities. Cooperation with civil society can provide an important mechanism for increasing public trust and even legitimating any EU external interven-

tions and, as a consequence, for enhancing their effectiveness. Thus, in the recent years, NGOs have gradually but intensely conquered a privileged place on the ECHO agenda.

Figure 1: ECHO Funding Recipients²²

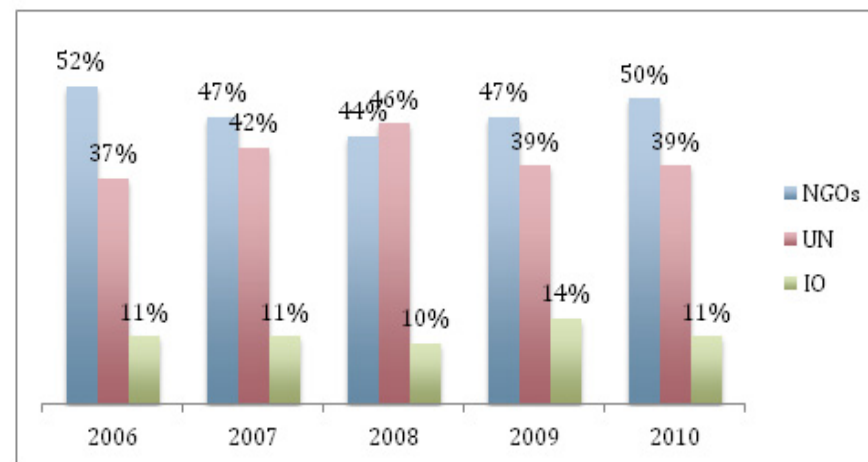
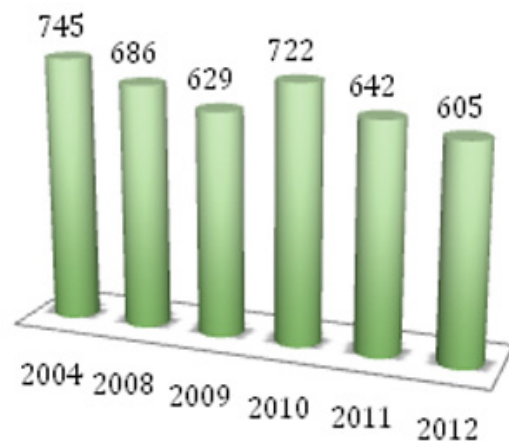


Figure 2 presents data on the number of accepted applications made by NGOs and it appears that, despite the effects of the financial crisis and an increasing involvement of UN agencies, they had been more or less constantly growing. According to scholars, the support to NGOs and NGO programmes on crucial aspects such as community policing, mediation, and peacebuilding constitutes the real strength of ECHO activities.²³ Where concerted action in monitoring or capacity-building was required, NGOs may be constructive during the comprehensive planning processes to ensure the complementary application of EC funding instruments.

²¹ Irrera 2013.

²² Source: Echo, 2012

²³ Gourlay 2006.

Figure 2: Number of NGOs projects supported by ECHO under FPA²⁴

ECHO constitutes one of the most useful instruments within the EU humanitarian aid policy to the NGOs' purpose. The new mechanism created in 2004 was also the channel through which the long and established experience already collected by NGOs in developing countries was conveyed.

Therefore, in order to measure trends and perspectives in the NGOs actions within the EU humanitarian aid policy, this analysis makes use of more recent data contained in EDRIS dataset and differentiated by region.

EDRIS (European Disaster Response Information System) contains real-time information on contributions to humanitarian aid by the European Commission' Directorate General for Humanitarian Aid and Civil Protection and the EU Member State. Its core objective is to capture all humanitarian aid contributions, according to the definitions provided by the Council Regulation (EC) No. 1257/96. Humanitarian aid is here intended as a comprehensive concept which:

“shall comprise assistance, relief and protection, operations on a non-discriminatory basis to help people in third countries, particularly the most vulnerable among them, and as a priority those in developing countries, victims of natural disasters, man-made crises, such as wars and outbreaks of fighting, or exceptional situations or circumstances comparable to natural or man-made disasters.”²⁵

Thus EDRIS offers all information related to aid provided by EU member states and ECHO to a wide range of crisis and countries, confirming and deepening traditional practices, but also, opening to new trends in humanitarian aid.

In this paper, analysis is made on aggregate data, i.e. at the level of international regions and focus on the number of projects funded by ECHO and EU member states and implemented in the field by NGOs. It aims at understanding firstly whether there is a difference between the support provided by ECHO and the one given by states; secondly, which member states are more active in humanitarian aid and acting through NGOs; thirdly, whether the recipient regions confirm traditional trends in EU policy or rather raise a change.

ECHO, NGOs AND MEMBER STATES: COMPETITION OR CONVERGENCE?

As already seen, ECHO constitutes one of the preferred channels for NGOs to access EU funds and develop their projects on site. At the same time, the activities NGOs have developed over the decades fit into the overall policy framework shaped by EU institutions and member states. As stated by Article 214 of the TFEU,²⁶ the EU's actions in the field of hu-

²⁴ Source: ECHO, 2012

²⁵ EU Council 1992: 2.

²⁶ Part Five Title III Cooperation with Third Countries and Humanitarian Aid, Chapter 3 Humanitarian Aid; Treaty of Lisbon.

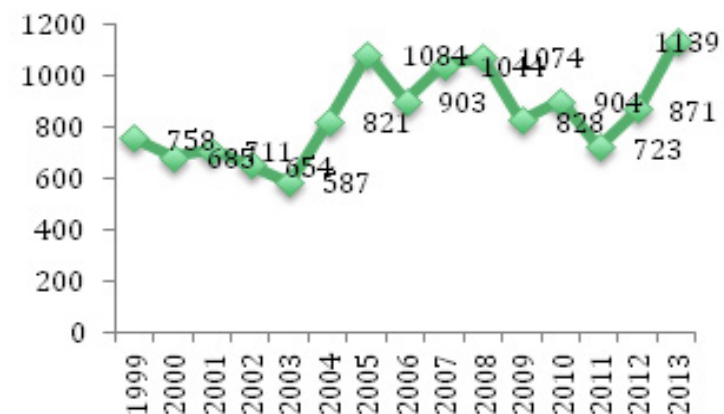
humanitarian aid aim at matching the humanitarian needs of people in third countries who are victims of natural or man-made disasters. Such interventions should be complemented and reinforced with those of the Member States, and within the framework of the humanitarian principles, international law and the common EU objectives. Thus, humanitarian policy has been built through common efforts and attempts to identify shared ideas and practices. Some emergencies, in particular, have a long tradition of common policy-making and a rich set of programmes and resources, which add to the national ones.²⁷ Member states have extensively exploited the expertise of NGOs – either national or international ones – to implement projects and execute humanitarian policies.

By using data from EDRIS, it is possible to name the number of projects supported by member states and implemented on site by NGOs in the period 1999-2013. They are compared to the ones directly supported by ECHO, but limited to the period starting since 2005 (after the new mechanisms came into effect).

Since the majority of internal civil conflicts is characterized by civilian population being increasingly exposed to violence and suffering, the need to employ NGOs' help and expertise stems from the fact that, most of the times, they can deliver aid even in situations in which access to beneficiaries is difficult due to logistical or security constraints. The increasing use of military actors – on the part of the EU – for providing relief assistance increases the need for more civil-military coordination. These factors may explain the reasons why member states support projects which are implemented on site by NGOs.

Direct funding from ECHO constitutes, as already seen, the improvement of an already established tradition of cooperation between the EU and NGOs within the framework of humanitarian policy. According to Fig. 3 the support by member states follows constant and stable trends. A general up and-

Figure 3: No. of NGOs projects supported by MS²⁸



down trend can be observed, which makes 2005 a crucial year for the establishment of new mechanisms. Even before that year, in the period 1999-2004, support is moderately constant, even though it appears more limited in quantitative terms.

Compared to ECHO, in quantitative terms, member states are significantly more generous and persistent (Fig. 4). At the same time, the up and down lines are not very different and reflect similar trends. The financial crisis and its various impacts on states have surely had implications to state performances, but it has not limited the constant adherence to humanitarian aid policy, nor the support for the ECHO mechanism. The consolidated relationship with NGOs and the preference for their employ as executive players constitute additional factors of convergence.

Data on direct support for the NGOs also add some additional features to the nature of member states as donors, to their level of commitment and availability to work through NGOs. Figure 5 presents data on the number of projects directly supported by states and implemented through NGOs in the period 1999-2013. A group of major donors can be observed,

²⁷ Attinà 2013.

²⁸ EDRIS 2014.

which includes the first eleven countries of the chart, supporting a similar amount of projects (within a decreasing range of 2,000-150). Germany is undoubtedly the most supportive, followed by a group of Northern countries (Denmark, Sweden, Ireland, Netherlands) which support a similar range of projects (1,000-700). The UK, France and Luxembourg share very similar figures (ca. 400) and lastly, Belgium, Finland and Spain. A large gap presents itself between the most supportive states and these placed at the end of the chart.

Fig. 4 No. of NGOs projects supported by MS and ECHO (2005-2013)²⁹

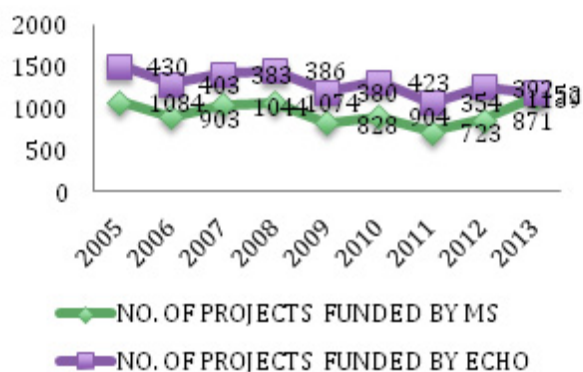
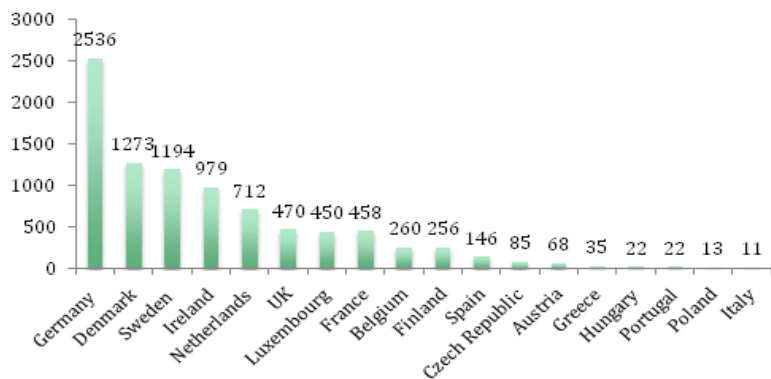


Fig. 5 No. of EU member states funded projects implemented through NGOs (1999-2013)³⁰



29 EDRIS 2014.
30 EDRIS 2014.

The group of major donors includes very different countries in terms of economic conditions, size and tradition of cooperation with NGOs. In terms of economic conditions, the major contributors are included (with the only exception of Italy) but the smallest states (Ireland, Netherlands, Luxembourg) show an increasing propensity to support projects, and as a consequence, a more consolidated partnership with NGOs. While Germany and the Nordic countries have a longer tradition of cooperation with civil society organisations (through national partnerships or in sustaining EU mechanisms), the rising involvement of Luxembourg constitutes an innovation.

Thus, economic conditions and traditional trends are relevant factors which mark the propensity of states to support NGOs in the EU aid policy. However, political preferences can still play a role in shaping the identity of donors.

Scholars have stressed the fact that European aid policy has been moulded by post-colonial legacies. Thus, member states are pushed to provide help to those countries with which they maintain some sort of relationship. This has produced several implications. On one hand, only countries to which member states had colonial ties were included in the EU framework; on the other, aid policy tended to be defined by economic issues such as reducing barriers to trade and distributing aid packages.³¹ Lastly, others coined the term “Pyramid of Privilege” as a method of prioritising who gets most from Europe, placing the African Caribbean and Pacific countries at the top, Mediterranean states below, and the rest of the developing world at the bottom.³²

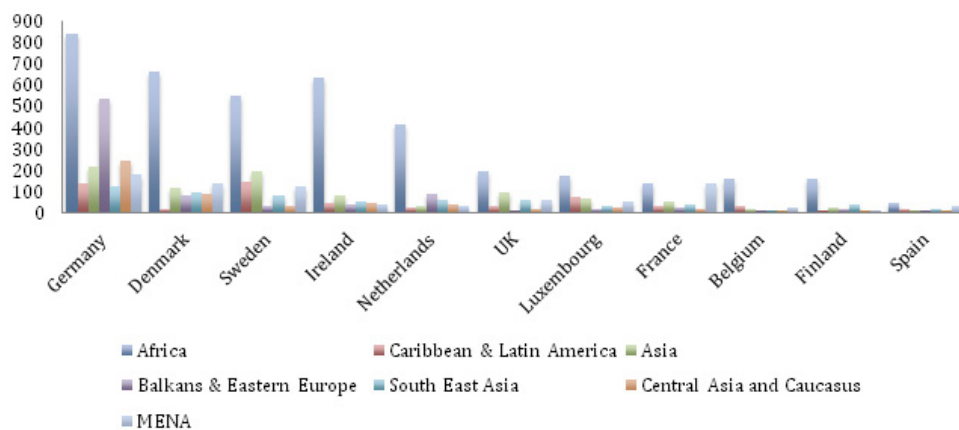
This may contrast with the motivation of NGOs’ action, which is firstly based on humanitarian principles of impartiality, neutrality and humanity. Data from EDRIS confirms some forms of special relationships with former colonies but also demonstrates certain new trends (Tab. 1 - Fig. 6).

31 Chikeka 1993; Farrell 2005; Nugent 2006.
32 Mayall 2005.

Table 1 - No. of projects supported by major donors to projects implemented through NGOs per regions (1999-2013)³³

	Africa	Caribbean & Latin America	Asia	Balkans & Eastern Europe	South East Asia	Central Asia and Caucasus	MENA	Total
Germany	841	134	216	538	125	246	177	2277
Denmark	660	13	117	78	93	83	133	1177
Sweden	549	145	192	27	82	30	122	1147
Ireland	636	45	78	38	51	46	38	932
Netherlands	414	21	32	89	56	34	31	677
UK	196	26	91	3	57	18	61	452
Luxembourg	173	75	65	12	30	21	51	427
France	137	31	48	19	35	16	139	425
Belgium	160	29	13	11	5	6	25	249
Finland	154	3	22	15	37	8	9	248
Spain	42	18	4	5	16	4	31	120

Fig. 6 - No. of projects supported by major donors to projects implemented through NGOs per regions (1999-2013)³⁴

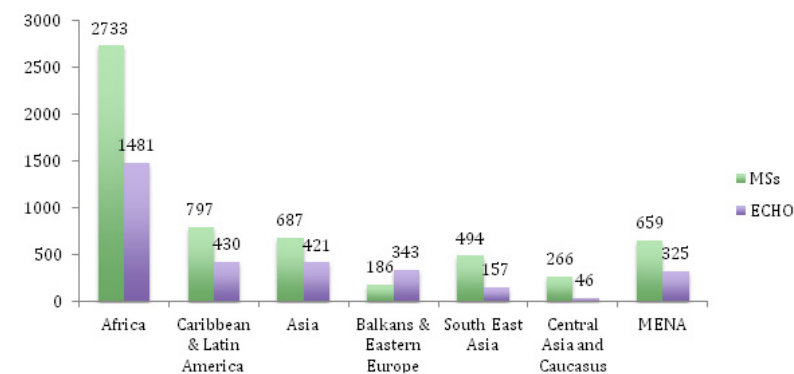


33 EDRIS 2014.
34 EDRIS 2014.

The data summarised in Tab. 1 and then presented in the Fig. 6 affirm that the African states are still the most affected by conflicts. The European neighbours remain important to long-term peace-building initiatives, either in the Balkans, Central Asia or the Caucasus. Asia – as a whole – emerges as one of the areas in which international intervention should be, in the near future, more concentrated. It was already at the core of humanitarian action because of the enduring turbulence in Afghanistan, Iraq, Israel and Palestine. More recently, South-Eastern countries started to receive a consistent amount of aid, due to the presence of both political conflicts and disasters like tsunami and floods. MENA³⁵ countries commenced to receive more support especially after the Arab Spring in 2011 and they are currently the less sustained. It is worth to mention the fact that almost all regions are provided with aid even through other policies and programmes, like the European Neighbourhood Policy.

If compared to data concerning the number of NGOs' projects directly funded by ECHO these observations appear more coherent.

Fig. 7 - Number of ECHO and MSs funded projects implemented by NGOs per region (2005-2013)



35 Middle Eastern & North African (Editor's note – JvDB).

According to Figure 7, major donors and ECHO tend to be active in all regions in a parallel way, except the Balkans in which there are more NGOs involved on the implementation of projects of field, on their own, than sustained by states.

Africa is the continent in which the majority of funds are allocated but no region is truly underestimated. In sum, convergence can be registered even for the selection of recipient countries. Many things have changed since the first aid programmes have been uniquely shaped by Member States according to their political preferences and colonial past. The issue of who should be responsible for interacting with former colonies – the EU itself, or the Member States to which those colonies once owed their allegiance – is no more at the top of the agenda.

The changes in the humanitarian crises and emergencies, the need to develop a more coherent and common aid policy, the necessity to fulfil the commitment to multilateral rules and procedures, are gradually transforming the whole system.

On one hand, budgetary powers and mechanisms are both managed by member states (and mainly by major donors), but in a more concerted way, involving the EU itself and non-state actors. On the other hand, funds allocation has gained a worldwide dimension, which maintains and protects special relationships, but opens up to all regions in need.

CONTINUITY OR CHANGE?

The main assumption of this article is that, in the current phase of world politics, global emergencies are imposing on the global institutions a process of change which is demanding and producing rules and policies. A humanitarian set of actors, institutions, rules and practices is undoubtedly appearing and strengthening.

The growing participation of NGOs in conflict management and humanitarian intervention is part of the NGOs'

struggle for effective international actorness in world politics and, at the same time, a significant political innovation. They have developed a wide range of approaches, but they managed to preserve – during the years and until today – their independence and neutrality. At the same time, these approaches are tightly connected to the NGOs individual identity and their specific approach to conflict management and humanitarian intervention and easily fit into the governments and international organisations practice, even though they may, sometimes, differ.

In the specific case of the EU, the relations with NGOs have been strongly developed over the years through the aid programmes and within ECHO activities. Additionally, they have developed and strengthened direct relations with member states, that, in other policy areas, like civil protection services, have nonetheless produced some interesting results and contributed to shape the EU humanitarian aid policy.

Data provided by EDRIS concerning the number of projects directly funded by ECHO and supported through member states in the period 1999-2013 – and on a geographical basis – offer the chance to understand those trends which are currently modelling EU humanitarian policy.

It appears that firstly, no significant difference exists between the amount of support provided by ECHO and the one given by individual states. Secondly, there is a smaller group of major donors which do not always overlap with the list of richest and biggest countries. And thirdly, colonial legacies are no more the most striking aspect of the relationship between donors and recipient.

On the contrary, continuity and change mark a coherent framework, in which current emergencies are at the core of the agenda and in which states, EU institutions and NGOs interact, according to different competences and resources. This happens within a complex humanitarian system which is destined to develop.

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Hegel and Haiti: *three interpretations*

MIKAEL SPÅNG

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Frantz Fanon argued that unless liberation from slavery and colonialism is the work of the oppressed themselves, it does not lead to another life (a life in freedom); instead, it is only a transformation from one way of living to another.¹ A key idea in modernity is that freedom is based on liberation, shaping the political landscape since the early modern revolutions.²

Furthermore, it is an idea linked to the ancient view that political life rises above “mere” life; political freedom is about the good life, not the life that humans share with animals (bios as opposed to zoe).³

1 Fanon 1967: 220.

2 Noting that revolution in the modern age has always been concerned with both liberation and freedom, Arendt argued that “liberation...is indeed a condition of freedom” but that it is “frequently very difficult to say where the mere desire for liberation, to be free from oppression, ends, and the desire for freedom as the political way of life begins” (Arendt 1990: 32f). Political freedom requires the constitution of the republic and revolution, in order to be true to its concept, must aim to the constitution of freedom and not only the liberation from oppression, according to Arendt (Arendt 1990: chapter 1).

3 Arendt 1958; Agamben 1998.

Both conceptions of political freedom are central when considering liberation and freedom in the context of colonial slavery. Among the several events that have shaped conceptions of this interrelationship over the past two hundred years, the Haitian Revolution stands out as a particularly important one. The revolution is currently seen as the most radical of the revolutions in the late eighteenth century.⁴ Recently, Susan Buck-Morss has argued that Hegel’s master-slave dialectic was developed in the context of the revolution in Saint Domingue, thereby highlighting one of the ways in which the revolution can be theorized within modernity.⁵ Others have contested Buck-Morss’ interpretation of Hegel and Haiti; however, they have also emphasized the centrality of the political action of Haitian slaves in this regard.⁶

The political role of slaves in overthrowing colonial slavery in Saint Domingue is stressed by Buck-Morss when she elaborates on how to read Hegel’s dialectic of master and slave in conjunction with the Haitian Revolution; however, Hegel did not argue that the dialectic is resolved by slaves rising up against their masters. For this reason, it is important both to reassess the argument concerning the political action of slaves and to suggest other interpretations which can highlight the relation between Hegel and Haiti. I will stress the labor of slaves, in the context of the fear of death, and point to the argument Hegel made regarding the unhappy consciousness. Hegel’s chapter on the master-slave dialectic is not the end of the story but it leads to the consideration of the unhappy consciousness. In this article, I attempt both to reassess Buck-Morss’ claim regarding the political role played by slaves and to contrast it with two other interpretations: the focus on the labor of the slave and the unhappy consciousness.

When discussing the master-slave dialectic, the labor of the slave is less often emphasized now than it was at the time when Marxian accounts of revolutionary action were politi-

4 Dubois 2004; Fick 1990; Fischer 2004; Nesbitt 2008; Trouillot 1995.

5 Buck-Morss 2000: 821-65; Buck-Morss 2009.

6 Nesbitt 2008.

cally significant. The most famous Marxian interpretation of revolutionary action is likely Alexandre Kojève's argument that the slave comes to understand his/her capacity to transform outer and inner nature, which involves his/her ability to rise above mere life, through labor.⁷ However, rising above natural existence requires facing death. As Hegel makes clear, the slave does face death (and does not simply choose life instead of risking it); this gives labor a specific meaning. Death shows the instability of the master-slave relation and, in Kojève's view, this makes the slave aware of the possibility of change. The slave then brings this out through labor and, as such, points toward the realization of freedom.⁸

The unresolved tensions of the master-slave dialectic lead over to Hegel's account of freedom in terms of stoicism, skepticism, and the unhappy consciousness. Several scholars, such as Jean Hyppolite, have argued that the unhappy consciousness is the basic theme of *The Phenomenology* since it concerns the diremption of the world.⁹ The crystallization of the unhappy consciousness in the concept of the person is of particular interest with regard to interpreting the Haitian Revolution. Several scholars have argued that the radical nature of the Haitian Revolution lies in its emphasis on realizing rights for human beings. Unlike the French Revolution, in which the human being (man) is subordinated to the citizen, the Haitian Revolution is both a singular event and "universal in its address to all human beings."¹⁰ However, when looking more closely at the notion of person, not least in contrast with the slave, it is revealed that this, too, is a dirempted concept, expressing the separation of natural and political existence rather than their bridging and bringing them together.¹¹

The three suggested readings of Hegel and Haiti – political action by slaves, labor and the development of freedom, and the unhappy consciousness – will now be discussed. The

⁷ Kojève 1980.

⁸ Kojève 1980: chapters 1 and 2.

⁹ Hyppolite 1974.

¹⁰ Nesbitt 2008: 20.

¹¹ Esposito 2012.

readings of Hegel's dialectic will be related to the Haitian Revolution and to reflections on its importance for understanding modernity. By outlining these interpretations in relation to the Haitian Revolution and, more generally, to colonial slavery, it is assumed that it makes sense to interpret the Hegelian dialectic in relation to colonial slavery. It should be noted, though, that several scholars argue that the dialectic does not have any direct social importance or, in case it has, that it is properly analyzed in the feudal context of struggles over honor.¹²

LIBERATION AND POLITICAL ACTION

The first interpretation of Hegel and Haiti stresses the revolutionary political action of slaves in overthrowing slavery and colonialism. The Haitian Revolution demonstrated how slaves were capable of political action, contrary to the common view of them as docile, irrational, and ignorant persons. Not only did they engage in politics but they also showed themselves capable of the most emblematic form of action at the time:¹³ revolutionary transformation of the *ancien régime*.¹⁴

¹² Cole 2004: 577-610; Gadamer 1973; Siep 2000: 101ff.

¹³ Geggus 2002; Fick 1990; Nesbitt 2008.

¹⁴ The view that slaves were not capable of political action was not only an argument made by the proponents of slavery but also common among several of its opponents. Brissot, Condorcet, Lafayette and Mirabeau, who were engaged in the club *Société des Amis des Noirs* (established in 1788), thought that emancipation must be a gradual process. The immediate abolishment of slavery would lead to economic and political chaos because the slaves did not possess the required knowledge, habits, and predispositions (Sala-Molins 2006). Because abolishment of slavery was very unlikely, *Amis des Noirs* initially focused on enfranchising the already free persons of African ancestry (mulattoes) and giving them the same rights as white colonists (Geggus 2002: chapter 10). Just how deep this perception of slaves ran is shown by the difficulty also among critics of slavery to comprehend what was happening in Haiti. Brissot, who was among the founding members of *Amis des Noirs*, said in the French National Assembly, when the events in Saint Domingue were discussed, that everyone that had knowledge about the slaves must recognize that it was impossible for them to conceive of rebellion, get together, and act politically and that even if it was true that they had rebelled, they would be put down by the

Buck-Morss proposes this interpretation of the revolution in relation to Hegel.¹⁵ She argues that Hegel was acquainted with the revolution through the reporting of events in newspapers and periodicals and that “given the historical events that provided the context for *The Phenomenology of Mind*, the inference is clear. Those who once acquiesced to slavery demonstrate their humanity when they are willing to risk death rather than remain subjugated.”¹⁶ In relation to the Marxian criticism that Hegel never took the step to revolutionary practice, Buck-Morss argues that “the slaves of Saint-Domingue were, as Hegel knew, taking that step for him.”¹⁷

This interpretation anchors the Haitian Revolution in the context of the late eighteenth century revolutions and stresses its radicalism. Slaves engaged in revolutionary political action, not mere rebellion against slave owners, aimed at liberation from slavery.¹⁸ Through this action, they rose above mere life and they enabled political freedom: the constituting of free life together as citizens. The Haitian Revolution, which in Michel-Rolph Trouillot’s words was unthinkable even when it happened, shows the possibility of freedom.¹⁹ In many ways similar to how Kant interpreted the world-historical meaning of the French Revolution,²⁰ the Haitian Revolution is a sign for future politics as it shows the possibility of freedom in the context of colonial slavery. Several of the leading actors of the revolution, such as Toussaint L’Ouverture, articulated their conception of it in these terms. In a letter to the colonial assembly in Saint Domingue in 1792, L’Ouverture and other leaders argued both that “we have borne your chains without thinking of shaking them off” for too long and that the time had come to abolish slavery; slavery “must come to an end, and that end is yours.”²¹ They continued the letter by reminding the assembly not only

superior French forces (Trouillot 1995: 90f).

15 Buck-Morss 2000; Buck-Morss 2009.

16 Buck-Morss 2009.

17 Buck-Morss 2009: 54f.

18 Nesbitt 2008: chapter 2.

19 Trouillot 1995: 73.

20 Kant 2005: 95ff.

21 L’Ouverture 2008b: 7.

that it was bound by the French revolutionary declaration of the rights of man and citizen but also that, therefore, “we are within our rights” to demand and struggle for the abolishment of slavery.²²

The view that the revolutionary events in Saint Domingue showed the possibility of freedom was also emphasized by several people engaged in the overthrow of slavery in other places from the 1790s and onwards.²³ Fredrick Douglass argued in the late nineteenth century that the freedom he and others enjoyed was largely due to the Haitian Revolution: “When they [slaves in Saint Domingue] struck for freedom (...) they struck for the freedom of every black man in the world.”²⁴ Later, writers such as C.L.R. James, who wrote *The Black Jacobins*,²⁵ argued that the revolution pointed toward anti-imperialist and anti-colonial struggles. In other texts, James also emphasized the revolutionary role of slaves and colonized Africans in shaping the modern world, connecting the Haitian Revolution to several other events in which slaves had rebelled and in which liberation from colonialism and the fight against racism was central.²⁶

There is much to be said for interpreting the revolution in terms of political action by slaves. Nevertheless, problems arise when this is related to Hegel’s dialectic of master and slave. There is little textual support for Buck-Morss’ interpretation; even though she argues that Hegel’s text becomes obscure at the end of the chapter on the master-slave dialectic, there is little in what Hegel says that suggests he is thinking that slaves actually rebel against masters. Critics, such as Nick Nesbitt, point to this problem, arguing that Hegel did not think that the master-slave relation is “undone by the autonomous activity of a revolution.”²⁷ Nesbitt goes on to argue that Hegel’s proposal was gradualist and that emancipation for Hegel takes place through servitude rather than by rebelling against servitude.

22 L’Ouverture 2008b: 7.

23 West, Martin 2009: 72-104.

24 Davis 2001: 3.

25 James 1989.

26 James 1939: 339-343.

27 Nesbitt 2008: 115.

However, Nesbitt arrives to a similar conclusion as Buck-Morss regarding political action.²⁸

Nesbitt argues that Hegel (in *The Philosophy of Right*, unlike in *The Phenomenology*) addresses slavery explicitly and that he discards two traditional positions on slavery.²⁹ Hegel rejects both the view of proponents of slavery that Africans lack the reason, spirituality, and subjectivity that defines humanity as well as the argument of critics of slavery that it is contrary to natural right. Hegel does not think that taking a position against slavery in terms of an ought, supplied by natural law, is adequate; instead, he advocates, on the basis of his analysis of the Idea of freedom being its actualization, that power and right are interconnected. Hegel and Spinoza share the insight that as long as the slaves cannot overthrow slavery, they do not have the right to do it; however, when they show they can, they also have the right to do so.³⁰ Thus, even though Nesbitt bases his arguments about Hegel and the revolution on a different set of texts than Buck-Morss, he arrives at a similar conclusion: “The Haitian Revolution was, according to Hegel, a struggle for the realization of the Idea of freedom neither as mere empty concept (abstract, ahistorical natural right), nor as a limited, local event devoid of relation to the universal (rebellion).”³¹

When looking at the textual support in Hegel’s writings for the interpretation of the Haitian Revolution and the dialectic of master and slave, it matters how to make sense of revolutionary action qua political action. Nesbitt’s argument that we do not deal with rebellion is important in this respect. There is, as mentioned, little to suggest that Hegel had in mind that the master-slave dialectic is undone by the uprising of slaves against masters. Hegel did not think that there is a reversal of the master-slave relation by a new fight between slaves and masters. Emphasizing the physical struggle between master and slave would entail a reconsideration of the master-slave dialectic, for

instance, as it was suggested by Fanon in his contrasting of the emancipation of slaves by others³² and the fight for freedom.³³ Another scholar making a similar argument is Paul Gilroy, who elaborates upon the argument with respect to Fredrick Douglass and his fight with slave owner Edward Covey. The latter was a known slave breaker, and Douglass had been hired to work on Covey’s farm. After being beaten, Douglass ran away but returned to fight against Covey.³⁴

However, even if Hegel did not think that slaves become free through rebelling against their masters, it can still be concluded that the master-slave dialectic can be interpreted through the lens of political action by slaves. This is the case when we conceive of the Haitian Revolution as a set of events that undermined the socio-economic and legal-political system of slavery. In developing his/her independence, the slave undermines the presuppositions of the slavery system. In particular, the slave transforms the master’s point of view of him/her as a thing that mediates between master and life. By turning the thingish character of him/her into an active shaping of the world, the slave undermines the basis of the relationship. As a result, not only does this show how the master is dependent on the slave but it also shows that the slave possesses the truth of self-consciousness.³⁵ There is thus a reversal of sorts through this development, which turns the tables on the initial relationship between master and slave; however, this does not happen through a new fight against the masters. Rather, the new relationship undermines the presuppositions of slavery as a societal system.

Even though the initial establishment of the master-slave relationship suggests that independence comes from the

28 Nesbitt 2008: chapter 3.

29 Nesbitt 2008: 120f.

30 Nesbitt 2008: 123.

31 Nesbitt 2008: 122.

32 Fanon 1967: 216ff; Gibson 2002: 30-45.

33 Fanon distinguishes between emancipation by others, which is a recognition “without conflict” (Fanon 1967: 217) and the struggle for freedom by the oppressed themselves. It is interesting that Fanon does not draw on the Haitian Revolution but rather seems to have the 1794 French emancipation declaration in mind when arguing that blacks in the French Empire were granted emancipation without a fight and contrasts this with the US case in which fighting has been central (Fanon 1967: 221).

34 Gilroy 1993: 62ff; Kohn 2005: 497-514.

35 Hegel 1988: 134.

willingness to risk one's life, Hegel remarks that the parties to the struggle for recognition in which they stake their life also learn that "life is as essential to it as pure self-consciousness."³⁶ It is this experience of life and self-consciousness being equally important that is central to the argument regarding the master's independence being undermined and the slave turning out to be the truth of self-consciousness. This truth is expressed not in rebellion but in the combination of life and self-consciousness that develops on the basis of shaping the world through labor. To understand the slave's role in undermining the slavery system, one needs to take into account the argument concerning labor—something Buck-Morss does not do. I will elaborate on this understanding in the next section, but before that, it is important to take a closer look at the element of physical violence alluded to above.

Like several other interpreters, Gilroy suggests that Hegel did not take the violent character of slavery seriously enough and that he underestimated slaves' risking their lives in struggles with their masters.³⁷ This is as much a problematic interpretation as is the argument proposed by Buck-Morss and others that Hegel had the rebelling of slaves against masters in mind when writing the dialectic. In the beginning of the dialectic, Hegel is quite clear that the struggle that establishes the master-slave relation is a struggle over life and death. It is through this struggle that the experience of life being equally important to self-consciousness is formed. Rather than not risking their lives, those who become slaves fail to win or die, and instead go on living – as slaves.³⁸ This does not mean that the slaves do not face death in the struggle; it is important for the development of Hegel's argument regarding the slave that slaves have faced death. By having faced death, the slave can develop a sense of self-consciousness through work in ways that allow a conception of freedom which is different from the master's idea of freedom. The master has a conception of freedom qua independence that entails the subordination of the slave

and the treatment of him/her as a thing. For the slave it is different, but not because he/she has not faced death; rather, it is the experience of having struggled over life and death that allows the slave to develop the knowledge of life and self-consciousness being equally important. This experience is the basis for the slave expressing the truth of self-consciousness.³⁹

Even though the Haitian Revolution started as a rebellion (a revolt against the masters) in the northern provinces of the colony, it soon developed into a revolution in which the system of slavery was destroyed.⁴⁰ This development can be understood through the lens of Hegel's dialectic in spite of (or perhaps because of) him not indicating that the slaves rebel against the masters. If the revolution was only a matter of fighting back against the masters, it would revert to where the dialectic started: with the impossibility of a mutual recognition between equal and free beings. As Hegel makes clear, if both die in the struggle, they show that they had the courage to risk their lives; however, the end-result is mutual destruction.⁴¹ The important theme in the dialectic is not the risking of life or the failure to do so, but the acquired knowledge from the experience that life and self-consciousness are equally important for a life in freedom.

Therefore, the task of the slave is to bring to life that thingish middle that the struggle in terms of life and death had given rise to. This bringing to life – in freedom – of the middle is a key element for Hegel because what is learned from the struggle is that life matters as much as self-consciousness. This is not postulated by Hegel; instead, it is shown in the dialectic in which independence and life are initially posed in contrast to each other. What the slaves show is something much more profound than the reversal of who is slave and who is master; theirs is not a revolution through which they become masters. Rather, they show the possibility of freedom being borne out of the dual elements of action and labor.

36 Hegel 1977: 115.

37 Gilroy 1993: 62f.

38 Hegel 1988: 132.

39 Hegel 1988: 134.

40 Fick 1990; Geggus 2002; Nesbitt 2008.

41 Hegel 1988: 131.

LIBERATION AND LABOR

The second interpretation of Hegel and Haiti focuses on how slaves establish their independence through labor and thereby undermine the hierarchical relation between master and slave. The slave turns out to be independent in ways that the master cannot become, but it is not labor, as such, that enables freedom – only labor which takes place in the context of the fear of death does so. Labor enables the slave who has faced death to express the truth of self-consciousness.⁴²

I argued above that the Haitian Revolution, when viewed through the lens of Hegel's dialectic, can be interpreted as a form of action that undermines slavery. Since this is not primarily the rising-up against the masters, it is important to look at this action within the context of labor. This is the meaning of Hegel's argument that the slave expresses the truth of self-consciousness. Buck-Morss does not consider this connection between action and labor; consequently, she cannot adequately identify the implications of the slave expressing the truth of self-consciousness.

Among the interpreters of Hegel, Kojève most consistently argued the case that labor provides the basis of a progressive history.⁴³ Kojève interpreted the dialectic in terms of desire; he emphasized that “human reality can be formed and maintained only within a biological reality,” which makes “animal life” a necessary condition.⁴⁴ However, this is not a sufficient condition for self-consciousness. It is not labor, as such, that accounts for the possibility of transformation but labor in the context of the experience of facing death. The fear of death clarifies that the hierarchical relation between master and slave

does not “exhaust the possibilities of human existence.”⁴⁵ The master thinks that this relation is the only one possible, but the slave arrives at the knowledge that this is not the case. The slave's fear makes him/her understand that the master-slave relation is neither fixed nor stable. This severing of the slave from the worldview of slavery is central to his/her realization of the possibility of freedom.⁴⁶ In Kojève's words, the slave understands the “‘vanity’ of the given conditions of existence.”⁴⁷

Thus, Kojève's view is that when the slave understands that there are other possibilities than the slave-master relationship, he/she is ready for change. For the slave, nothing is fixed, and everything can be altered. This change is not only the metabolic exchange of inner and outer nature through labor, which would remain within natural existence, but it is also the historical possibility of transformation that is the outcome of labor in the context of experiencing a life and death struggle. This entails that the slave is history, a historical possibility, and is no longer only nature. The slave overcomes the attachment to natural existence through work. In the beginning, the slave was tied to nature and to his/her nature; however, through labor, the ties to nature are unleashed and, by this, the slave also “frees himself from his own nature.”⁴⁸ The historical possibility embodied in the slave makes clear that the struggle expresses the requirement that the pure consciousness (the highest good) and the sustaining of biological life are both presuppositions for freedom.⁴⁹

45 Kojève 1980: 22.

46 Kohn discusses this element in relation to Fredrick Douglass and suggests that the central element in him becoming “free” is not so much the fight with Covey but the experiences leading up to that fight. Douglass' resolve to fight Covey follows from his facing death (or, rather, contemplating death) while being a runaway: death of starvation or death by Covey's whip. Douglass emerged out of this experience as the very opposite of the docile and faithful slave he had been. The fear of death “severed his lingering connection to the worldview of slavery” (Kohn 2005: 511). Instead of becoming more attached to life through this, it stripped away the “unessential elements” (Kohn 2005: 511) of his life and revealed a universality which consists of rising above mere life.

47 Kojève 1980: 22.

48 Kojève 1980: 23.

49 Siep 2000: 103.

42 Hegel 1988: 134f.

43 Kojève 1980; Kojève's interpretation has been widely criticized (Kelly 1966: 780-802); my point in addressing his interpretation is not to restore his views regarding labor and progressive history but to illuminate how labor does play a role in elaborating the inter-relationship between natural and political existence.

44 Kojève 1980: 4.

It is now important to highlight another significant element concerning the Haitian Revolution: the problem of reconstructing the economy. By the mid-1790s, most of the colony was controlled by ex-slaves and others opposed to slavery; the French authorities followed the emancipation policy adopted in 1793.⁵⁰ The question of how to successfully rebuild the colony became important; some propagated establishing small-scale subsistence farming, whereas others argued in favor of re-establishing the plantation system. The French authorities were in favor of the latter, and L'Ouverture and other members of the Creole elite shared this view. In 1796, L'Ouverture argued that if the liberated slaves wanted to remain free, they needed to "submit to the laws of the Republic, and be docile and work."⁵¹ The reasons for preferring the plantation system have been widely discussed, but whatever these reasons were, they show how liberation from slavery became disconnected from a life in freedom.⁵²

Against the reconstruction of the plantation economy stood the preference for small-scale farming, especially propagated by the Bossale community. Many ex-slaves refused to return to the plantations and, already at an early stage of the revolution, it became common to establish subsistence-based farming on former plantations. In making use of plantation land for subsistence farming and in selling the surplus at local markets, former slaves established a way of laboring that, intentionally or not, was a major break with the old regime. Several scholars stress this contrast between the more egalitarian Bossale society and the hierarchical, plantation-centered economy proposals of L'Ouverture and other members of the Creole elite.⁵³

50 The local French commander, Léger-Félicité Sonthonax, had in 1793 declared slavery abolished in the colony in order to muster support against the British. Sonthonax' declaration was followed by the general French declaration of emancipation in 1794 (Geggus 2002; Dubois 2004: chapter 7).

51 L'Ouverture 2008a: 22; The 1801 Constitution confirmed the importance of the plantation system (The Haitian Constitution of 1801: 45-61; Gaffield 2007: 81-103).

52 Dubois 2004: chapter 7; Nesbitt 2008: chapter 5.

53 Fick 1990: chapter 7; Nesbitt 2008: chapter 5.

Carolyn Fick suggests that the attitudes regarding farming and the widespread refusal to comply with the work-codes imposed in the post-emancipation context can be seen not only as an extension of the small measure of autonomy that kitchen gardens had enabled slaves to enjoy during the slavery regime, but also as an understanding that small-scale farming was the "very antithesis of the plantation regime and its requisite organization of labor."⁵⁴ Fick's way of stressing what is both a continuity and break with slavery through small-scale subsistence farming is interesting in the context of Hegel's dialectic. Labor enables the slave to develop a sense of independence that is not only manifested through labor, such as toiling and cultivating the land, but is also seen in the ability to thereby raise him/her above mere life. Labor is no longer tied to natural existence, but is an example of free practices. This freedom is a break from slavery, a refusal to go back to the plantations, yet it builds on practices established prior to the liberation from slavery. Being acquainted with the practices that form their understanding of a life in freedom, the ex-slaves created a context in which freedom could be realized. However, the conflict regarding the organization of the economic system, the system of needs, points to another interpretation of the relation between Hegel and Haiti: the interpretation of the unhappy consciousness.

LIBERATION AND UNHAPPY CONSCIOUSNESS

The third interpretation of Hegel and Haiti focuses on understanding the Haitian Revolution in terms of the unhappy consciousness. This is one of the key concepts in *The Phenomenology* because it expresses and reflects how modern society is dirempted. There are, in particular, two dimensions of the unhappy consciousness that make it interesting in theorizing the revolution in Saint Domingue.

First, the unhappy consciousness refers to the experience of oscillating between actively shaping the world and be-

54 Fick 1990: 180.

ing passively shaped by it and, importantly, being aware of this oscillation.⁵⁵ Revolutions accentuate this experience because of the attempts to radically refashion state and society and the difficulties in this task. Second, this experience of oscillation is reflected in how the unhappy consciousness designates that consciousness is divided against itself. An interesting example of the latter concerns the notion of the person. This concept is intended to combine the notions of rights relating to human beings and citizens, but following Hegel's analysis, the concept instead reflects the diremption characteristic of modern society.⁵⁶ The concept of the person is bifurcated in the animalistic and rational self, thereby showing the separation between natural and political existence. This analysis is of interest to the Haitian Revolution as several scholars interpret it through the lens of human rights.⁵⁷

I will elaborate on both of these dimensions of the unhappy consciousness in the following, showing how they depend on each other. In his analysis of the revolution in Saint Domingue, and James' account of it, David Scott has pointed out the importance of this kind of reflection, in the context of what he calls the tragedy of colonial enlightenment.⁵⁸ Scott draws attention to how James, in the latest edition of *The Black Jacobins*, published in early 1960s, reflected on the tragic character of the Haitian Revolution in ways that he had not in the first edition, published in the 1930s.⁵⁹ The first edition was written in the light of anticolonial struggles, while the second edition drew attention to the tragic dilemmas L'Ouverture faced. L'Ouverture's dilemmas concerned questions about the plantation system and freedom of ex-slaves, the incorporation of Saint Domingue in the colonial economic system, and especially the relation to

55 Hegel 1988: IV B; Hyppolite 1974: 194ff.

56 Hegel 1988: 316ff.

57 Nesbitt 2008; The interest in this interpretation concerns that feature of modern politics which Judith Butler brings out in her consideration of the Hegelian unhappy consciousness: the problematization of radical action when "liberation" from external authorities does not suffice to initiate a subject into freedom" (Butler 1997: 33).

58 Scott 2004.

59 Scott 2004: chapters 4-5.

France. L'Ouverture did not want to declare independence vis-à-vis France, both for pragmatic reasons (hoping that France would help in rebuilding Saint Domingue) and because of the ties to the revolutionary ideals that France symbolized. Scott argues that what James articulated in the second edition of *The Black Jacobins* was less hopes of anticolonial overcoming than how L'Ouverture was caught in the "colliding historical forces" of colonial modernity.⁶⁰ The tragedy of L'Ouverture consists of that "he must seek his freedom in the very technologies, conceptual languages, and institutional formations in which modernity's rationality has sought his enslavement."⁶¹

The chapter on the master-slave dialectic is followed by the chapter on stoicism, skepticism, and the unhappy consciousness.⁶² These shapes of freedom are all concerned with the freedom that stems from the dialectic of slave and master. Their common characteristic is a freedom that is neither that of the master nor that of the slave, but that of the person.⁶³ The shapes of freedom are understood by Hegel in terms of the development from the Hellenic Empire over the Roman Empire to Christianity; it leads from Athens to the unhappy consciousness of Christianity. The tragedy in ethical life that entails the dissolution of the Greek polis is resolved in Rome by the establishment of law centered in the concept of the person.⁶⁴

The notion of person, which is central to Roman law, expresses an equality of individuals in terms of their subjective freedom.⁶⁵ This freedom is no longer tied to ethical life and, thus, is not grounded in the substantial freedom of the polis but built on the idea that freedom crystalizes in the indi-

60 Scott 2004: 167.

61 Scott 2004: 168.

62 Hegel 1988: IV B.

63 Hegel 1988: VI C; Kojève related the unhappy consciousness explicitly to the lack of rebellion on the part of the slave. The slave comes to realize an idea of freedom through his/her work that raises the slave above nature, but he does not dare to act and fight against the master. Instead, the slave constructs ideologies of freedom: stoicism, skepticism, and the unhappy consciousness (Kojève 1980: 53f).

64 Bernasconi 1991: 78-93; Hyppolite 1974: chapters 2-3.

65 Hegel 1988: 316ff.

vidual person. The key element in this story is the freedom of the “I” who is neither master nor slave, but person. The reality of the individual subject (or self) appears by the emergence of the concept of the person in a “developed form,” Hegel argues, but it is also “alienated from itself.”⁶⁶ The concept of the person is bifurcated, expressing rather than resolving the diremption that is produced by the tragedy in ethical life. In the chapter on the master-slave dialectic, Hegel emphasizes that it is possible, without engaging in the struggle over life and death, to be recognized as a person. However, the concept of a person is faulty as it lacks in the truth of self-consciousness.⁶⁷ There are several reasons why Hegel thinks that recognition as a person is problematic, but—concerning political action and labor, life, and the rising above mere life to attain political existence—it is particularly interesting to examine both how the concept of the person is intended to bridge natural and political existence, and how, ultimately, it fails to do so.⁶⁸

Roberto Esposito has recently dealt with this question when asking why human rights and the concept of the person, which is thought to unite law and life and to extend the protection of life to all human beings, fail to protect the right to life.⁶⁹ Esposito argues that this failure is not explained by a lack of extension of the concept, as is commonly argued, but that it is implicated in the concept of person itself. The problem of human rights, “their inability to restore the broken connection between rights and life, does not take place in spite of the affirmation of the ideology of the person but rather because of it.”⁷⁰ The reason for this is found in the separation between “artificial entity” and “natural being” that characterizes the concept of the person;⁷¹ this separation is traceable to the elaboration of the notion during Roman times. The slave expresses the problems of this concept in pertinent ways: the slave is situated between person and thing, between political-legal existence and natural

66 Hegel 1977: 294.
 67 Hegel 1988: 131.
 68 Hegel 1988: 318ff.
 69 Esposito 2012.
 70 Esposito 2012: 5.
 71 Esposito 2012: 9.

existence, and between law and life. These distinctions seem to be clear-cut because slavery is thought to be the very opposite of freedom. As pointed out by several scholars, the contrast between freedom and slavery has, for a long time, been central to conceptions of freedom.⁷² During the eighteenth century revolutions, it was common among revolutionaries to describe what they fought against in terms of slavery but, most often, not to challenge chattel slavery.⁷³ Nevertheless, when looking more closely at this contrast, it is obvious, as Esposito points out, that there are several intermediary stages between slavery and freedom which are expressed through the possibility of passage (manumissions) from the status of slave to the status of free.⁷⁴

The several stages between slavery and freedom entail that this relation, when addressed in the context of Hegel’s dialectic, corresponds to the movement of self-consciousness in inverted form. The intermediary stages between freedom and slavery, crystallized in the concept of person, express the inversion of the development of self-consciousness. This follows from Hegel arguing that recognition as a person is not achieving the truth of self-consciousness. The concept of person does not move through the process by which the truth of self-consciousness is clarified; it arrests this movement. By arresting the movement, the passages and intermediary stages between slavery and freedom can be understood as expressing an inverted form.⁷⁵ Accordingly, the concept of the person does not resolve how modernity is dirempted – it merely expresses this diremption.

72 Davis 1966.

73 Dorsey 2003: 353-386; As Buck-Morss notes, the contrast between freedom and slavery had, by the eighteenth century, become a “root-metaphor” where slavery connoted “everything that was evil about power relations” (Buck-Morss 2009: 21).

74 Esposito 2012: 76ff.

75 That Hegel talks about the person as an abstract individual indicates that this arresting of movement of self-consciousness is a problem of abstraction. However, it is only partly that; it is an abstraction from the actual movement of self-consciousness, but this does not mean it is a stable category. Instead, the intermediary stages between slavery and freedom, which the concept of freedom is implicated in, show that both concepts are thought of in terms of transition from one status to the other.

The concept of the person reflects the division and disreption that characterizes the modern world, and the dispositive of the person works “at the same time toward personalization (in the rational part) and toward depersonalization (in the animal or bodily part).”⁷⁶ This oscillation between rational and animal parts is the unhappy consciousness; it shows the difficulty of combining action and labor, or law and life, in ways that lead to freedom. The concept of person appears as that which, on the one hand, promises a unified basis for status and rights and, on the other hand, expresses the limitations of this project of freedom. Liberation from external authority does not necessarily lead to freedom, and, as Esposito clarifies, the reason for this does not lie in the lack of extension of the concept of the person – in the lack of interpenetration of human being, rights, and reality – but in the way freedom is thought to be expressed through the concept of the person.⁷⁷

The bifurcation of the person highlights some of the problems in interpreting the Haitian Revolution as a matter of extending and radicalizing human rights.⁷⁸ Nesbitt argues that the revolution in Saint Domingue can be interpreted as a resolution of the conflict between the rights of human beings (man) and the rights of citizens, which the French Revolution did not accomplish.⁷⁹ The Haitian Revolution was a radical realization of human rights: it was singular in how it related to specific power structures in the colony of Saint Domingue, and it was universal since liberation was extended to all human beings. The latter entails that the revolution moved beyond the French Revolution and that, while the French Revolution influenced the revolution in Saint Domingue, there was a “radical discontinuity” between them.⁸⁰ The Haitian Revolution “exploded into an Occidental consciousness unprepared to address, and even to comprehend, the sweeping claims of its transformation of the concept of human freedom.”⁸¹ Even though this in-

terpretation places the Haitian Revolution at the center of the age of revolution – and, as such, provides a counter-history to the relegation of the revolution to the periphery (or the simple forgetting and silencing of it) – it does not question some of the problems involved in interpreting it in terms of human rights. The unhappy consciousness can provide important insights regarding the problems of thinking about freedom in terms of the concept of the person.

It may be argued that the problems related to the concept of the person only concern situations where freedom is granted by others; Fanon’s focus on emancipation without conflict suggests this, as does Nesbitt’s argument that the struggle for rights is what matters in the extension of human rights through the revolution in Saint Domingue. Nesbitt explicitly contrasts an understanding of human rights built on natural law, which issues in the condemnation of slavery – the mere ought, in Hegel’s terms – with the struggles against slavery that show the coincidence of power and right. Certainly, given the contrast between freedom achieved through liberation and freedom achieved through emancipation by others, this is central. However, the problem of the concept of the person, illustrated through the unhappy consciousness, is not addressed by Nesbitt. He overlooks that the idea of person is implicated in the relationship between slavery and freedom, which expresses the inversion of the development of self-consciousness. The Haitian Revolution can be seen as a radical actualization of rights not as based on natural law but as part of a political struggle. Simultaneously, it provides valuable insights into how human rights, however radical they seem, do not provide a self-evident solution to the problems of freedom. From Hegel’s point of view, the concept of the person does not provide the resolution of the disreption of the modern world. Pointing to this problem entails the relevance of the unhappy consciousness in interpreting the Haitian Revolution through the lens of Hegel’s philosophy.

76 Esposito 2012: 92.

77 Esposito 2012: chapter 2.

78 Knight 2005: 391-416; Nesbitt 2008.

79 Nesbitt 2008: chapters 1-2.

80 Nesbitt 2008: 64.

81 Nesbitt 2008.

CONCLUSION

Buck-Morss' interpretation of Hegel and Haiti is important both for theorizing the revolution in Saint Domingue and for re-conceptualizing Hegel's master-slave dialectic. It highlights the importance of the political action of slaves in overthrowing colonial slavery and makes this into a central theme in the consideration of Hegel's philosophy and, more generally, in the philosophical reflection on the age of revolution. The Haitian Revolution plays a central role in shaping modernity, and it brings out, as Nesbitt has argued, a radicalized understanding of freedom that also exposes some of the contradictions of the American and French revolutions.

This interpretation has several merits but, as an elaboration that is fitted into Hegel's account of the master-slave dialectic, it also runs into problems. The major problem is that Hegel did not suggest that slaves rise up against masters; he did not think that the dialectic is resolved by slaves fighting (again) against their masters. However, this does not mean that we cannot interpret Hegel's dialectic in terms of political action, but doing so requires that we consider the labor of the slave. Labor allows the slave to develop a sense of independence, but it is not labor, as such, that matters but, rather, labor conceived in the context of the slave having faced death. The life or death struggle teaches the slave, in a more profound way than the master does, the equal importance of life and self-consciousness. This experience is the reason why Hegel argued that the slave expresses the truth of self-consciousness. This understanding highlights the connection between labor and political action, life and the rising above mere life, which Hegel, following the received tradition, argues is central for political freedom. It is necessary to think of political freedom in both terms; to emphasize only one dimension would fail to understand what freedom involves.

The Haitian Revolution can be interpreted through the Hegelian framework along the suggested lines as interconnecting political action and labor, showing that both are required for liberation and freedom. However, this is not the end of the

story; by addressing Hegel's conception of the unhappy consciousness, we increase our understanding of the problems involved in achieving freedom. The unhappy consciousness crystallizes in the concept of the person. The concept of the person is a central concept for interpretations of the Haitian Revolution which stress how it radically developed the promise of human rights. Even though it did this in ways which were not accomplished in the American and French revolutions, it also highlights the problems in bridging natural and political existence through the notion of the person. The notion of the person does not overcome the diremption of the modern world in the ways it sets out to do as the person, in an inverted form, reflect the movement of self-consciousness. Interpreting the revolution in Saint Domingue in terms of the unhappy consciousness allows us to place it not only in an age attempting to accomplish freedom through action and labor but also in an age in which the methods of undertaking this proved problematic, and the Haitian Revolution belongs to the age of revolutions in that respect as well.

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