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## **DISCOURSE AND INTERNATIONAL RELATIONS: A THEORETICAL AND METHODOLOGICAL APPROACH**

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### **Abstract**

In this article, the relationship among international actors is understood as a communicative process in which discourse is a central instrument, a perspective that in recent decades has expanded remarkably in International Relations. This plethora has, however, been accompanied by frequent calls for greater methodological clarification in academic work. This article aims to contribute to this purpose, offering an integrated view of discursive approaches in International Relations and presenting an updated picture of context theory.

### **Keywords**

Language; Discourse; Constructivism; Context; Methodology

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## **DISCOURSE AND INTERNATIONAL RELATIONS: A THEORETICAL AND METHODOLOGICAL APPROACH<sup>1</sup>**

**Luísa Godinho**

Since the first half of the twentieth century, particularly from the 1940s onwards, the social sciences' interest in the meaning of language focused on the so-called *content analysis*, reproducing the dominant positivist paradigm and, in a way, demonstrating a significant aloofness regarding the intellectual legacy of Wilhelm Dilthey (Dilthey, 1883; 1900).

Dilthey had claimed, back in the nineteenth century, a scientificity specific to social sciences (Dilthey, 1883, 1900), based on the explanatory method, which opposed the traditional thinking of the natural sciences, grounded on the central paradigm of quantitative demonstration. Still, content analysis, which preceded the study of discourse, emerged precisely in Dilthey's opposite camp from techniques such as lexicography, believing in the possibility of the empirical study of the word.

Since the 1960s, due to the analytical deepening that the study of discourse has undergone (Van Dijk, 1972, 1977, 1988; Ducrot, 1972, 1980, 1984; Grimes, 1975; Hall et al, 1978), this positivist paradigm has been challenged by the need to explain the meaning of what was said, thus paving the way for qualitative analysis and the necessary interdisciplinarity between the two approaches. Accordingly, the text ceased to be considered a closed construction that statistical analysis allowed access to, and started to be understood as a structure of meanings, open and dependent on their context, which many disciplines such as sociology, history, psychology, anthropology, law, and international relations could aspire to unravel. The scientific potential of this new discursive approach would soon be demonstrated by a galloping number of studies in all areas of the humanities.

Also in the field of international relations, there was a growing interest in the study of world politics as a social construction and in the increasing use of discourse analysis as an analytical tool. According to Müller, this interest covered a wide range of topics, from "the rhetoric production of marginality, resistance and otherness" in International Relations to the "constitutive and disciplining power of geopolitical discourses as truth regimes. Similarly, discourse and discourse analysis have been among the most popular concepts to study the formation of geopolitical identities" (Müller, 2010: 1).

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Despite this growing interest in the discursive approach to international phenomena, calls for the need to use more systematic methodologies in the studies abound and include discourse analysis works produced in all fields of the social sciences.

As Müller noted, the methodological warning accompanied the emergence of the main publications in the area of discourse, and Van Dijk, one of the most prominent authors, in the first editorial he wrote for the *Discourse and Society* journal underlined the need for "explicit and systematic analysis based on serious methods and theories" (Van Dijk, 1990: 14). Over a decade after Van Dijk wrote these words, Antaki and Checkel identified, among the works written about discourse in International Relations, a descriptive and justifying gap in the "sources and techniques used to reconstruct discourses" (Checkel 2004: 7).

The need for methodological accuracy is imperative in an area that, like discourse analysis, can offer an invaluable contribution to International Relations. A discourse analysis of international practice combining textual analysis and contextual analysis allows making political and sociological inferences that can be of great use for the topic addressed here. According to Van Dijk "It is precisely this integrated analysis" that allows a better understanding of the complexity of the practices, institutions and political processes, precisely the kind of objects of analysis that interest political scientists" (Van Dijk, 1997: 41).

Van Dijk exemplifies the utility of the discursive approach in Political Science and International Relations with the study of topics such as the relationship between immigration and xenophobia, immigration policies and social integration, partisan positioning and propaganda, or how the mass media deals with ethnic affairs. According to the author,

*"What is at stake here (in the study of the discourse on immigration) is not only the socio-economic 'facts' of the immigration of others. In a symbolic perspective, what is at stake here is how politicians, journalists and the public think, speak and write about the topic and how this discourse and cognition influence political action and, consequently, the political structure. This is where the discourse analysis may allow explanations that otherwise would be absent".*  
(Van Dijk, 1997: 42)

### **The theoretical foundations of discourse analysis**

Discourse analysis has very deep intellectual roots in philosophy, linguistics and pragmatics.

In philosophy, the study of discourse arose from the intellectual movement that embodied the so-called interpretative shift in the social sciences. At the root of this shift lies, in turn, hermeneutics, which shares with analytic philosophy the emphasis on the linguistic nature of subjectivity. Authors like Heidegger, Ricoeur and Wittgenstein stressed the impossibility of studying reality without understanding the meaning (s) of the actions of social agents, which, in turn, can only be learned through the study of language. It is language that allows sharing concepts and the construction of social life, from which



important theories derive, such as Wittgenstein's, focused on language game, as well as the revolutionary schools of Heidegger and Gadamer, which underline the social and historical nature of subjectivity itself.

From a linguistic perspective, the origins of the study of discourse go back to classical rhetoric, which recognized, over 2000 years ago, that the quality of a text does not lie only in its formal correctness, but also in its "persuasive effectiveness" (Van Dijk, 1985: 1). According to Van Dijk, the success of the discipline continued even during the Middle Ages and the seventeenth and eighteenth centuries, but in the nineteenth and early twentieth centuries, the preponderance of rhetoric in the humanities was eventually supplanted by areas such as historical and comparative linguistics as well as by the structural analysis of language. The Russian formalism of the 1920s and 1930s fostered the study of narrative, hitherto confined to linguistics, in other disciplines such as psychology and anthropology, and the fruits of this interdisciplinarity would still be picked forty years later in the French structuralism, in works by authors like Levi-Strauss and Barthes, to name a few. Linguistics thus became a vehicle for the study of culture, myths and now discourse, a topic first published in 1964.

This was the collective work *Communications 4*, dedicated exclusively to discourse structure analysis, which included a revolutionary set of topics, including film analysis by Metz and Barthes' rhetorical analysis of advertising, who also signed the first introduction to the newly formed Semiology discipline. According to Van Dijk, "Despite the framework, guidelines, the research subjects and methods of all these authors being far from homogeneous, the common interest in discourse analysis within the broader framework of semiotics inspired by linguistics influenced and gave coherence to these first attempts" (Van Dijk, 1985: 3).

The French structuralism set the tone for the new area of discourse that would grow over the next decade in dozens of published works and applications to various disciplines. The next increase came in the 1970s, with linguistics' discovery of the philosophical work by Austin, Grice and Searle on *speech acts*. The book *How to do things with words* (Austin, 1962), demonstrated, for the first time, how and in what circumstances *to talk is to do*, opening the field of linguistics to pragmatics. With Austin, the speaker becomes a social actor and the understanding of life in society can no longer do without the study of language and its use.

In psychology, the study of discourse allowed developing cognitivism against the prevalence of the behavioural trend of previous decades; sociology, by the hand of authors like Goffman, focused on the analysis of social structure, studying the daily conversations of ordinary speakers; anthropology, for its part, took the first steps in the so-called *ethnography of communication*, taking an interest in language and its symbols; law also yielded to the study of discourse, after realizing that its object - laws, legal action, legal documents - had an eminently discursive nature; history, whose sources and work are mostly textual, saw a fundamental methodology in discourse analysis; in the same sense, the study of mass media found in discourse analysis a powerful tool for understanding phenomena, such as the conditions of message production and reception and the meaning of the actual published message.

Although deriving from linguistics, this expansion of the discursive approach was so significant that, today, a growing number of linguists even question the qualifications of discourse analysis as an area belonging to the language science.



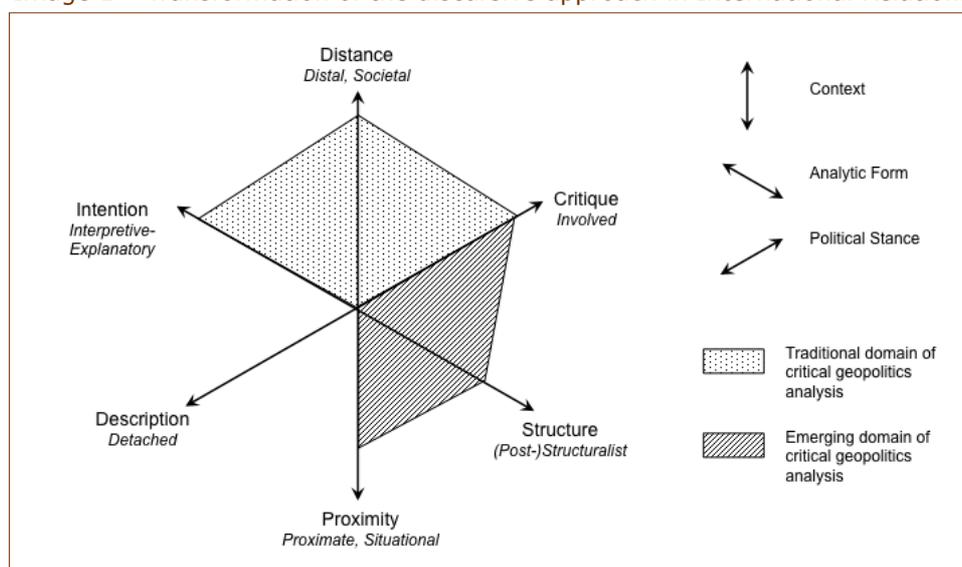
## 1. Discourse analysis in International Relations

It is in the light of the previous theoretical framework that the study of discourse in International Relations must be understood. This discipline received from pragmatics the concept of language as social action (Austin, 1962) and therefore the performative dimension of the word has become a key element to understand the relationship between international actors.

The so-called International Relations are, in essence, discursive interactions between peoples, i.e. texts that simultaneously reflect and produce a given context. The critical theory school pioneered this approach, based mainly on the study of actors and the effects that their discourse cause in international contexts (see image 1).

The critical discourse analysis is based on two fundamental assumptions: first, it indicates a particular positioning of the researcher, who leaves the distancing of conventional approaches and has a set of ideological assumptions in the way he studies reality. Second, it identifies a close relationship between social structure and language, tending to analyse political systems as linguistic systems and ideologies as texts aimed at creating a collective political will.

Image 1 – Transformation of the discursive approach in International Relations



Source: Müller, 2010.

In recent years, however, the traditional approach has been accompanied by situational and proximity analyses, interested in understanding "the micro contexts and daily practices as the focus of the discursive construction of identities" (Müller, 2010: 8). In parallel with this expansion of the object, there has also been an international "reconceptualization of discourse and identities" (Müller, 2010: 8) following a post-structuralist perspective, the latter being understood as the result of a discursive construction complex process and not as a natural attribute, which was the prevailing view in the interpretive and explanatory approaches. Therefore, it was a profound shift



in the object of analysis in International Relations. The *international actors* cease to be the central unit of analysis, with interest now shifting to the *identity* of these actors and the discursive processes that allowed its construction.

The discursive shift allowed the emergence of a wide range of topics and methodological approaches in International Relations (Müller, 2010). Wodak (Wodak, 1999) has focused on the construction of national identity, in particular studying the case of the European Union; Nonhoff (Nonhoff, 2006) investigated how the project of a social market economy in post-war Germany won such broad social support, and demonstrated the existence of a hegemonic strategy focused on the text and on the particular conditions under which it was produced. Glasze (Glasze, 2007), in turn, studied the construction process of the so-called *Francophonie* as a geo-cultural space, based on methods borrowed from linguistics, such as lexicometrics and narrative analysis. A group of authors, including Shapiro (Shapiro, 1992) also analysed the joint processes of articulating and contesting meaning in the formation of identities, concluding that these processes closely depend on the contexts in which they occur. In this sense, national identities consist of discourses in constant formation and reformulation, in permanent dialogue with the conditions of each historical moment.

Despite the primacy of the critical school in recognizing the contribution of discourse analysis to the field of International Relations, it was followed by constructivism and, more than claiming the importance of the meaning of international acts to understand the relationship between people, it was interested in demonstrating that international acts are in themselves socially constructed discursive practices, i.e., that "the objects of knowledge are not independent from interpretation or language" (Adler, 2002: 95). Thus, we can see how the constructivists incorporated areas like language, communication and discourse in the theoretical debate in International Relations, demonstrating, as Anna Holzscheiter notes, that international facts "are not natural, but rather the result" of a social building process (Holzscheiter, 2013: 4).

The volume and diversity of studies espousing the discursive constructivist approach in International Relations allow identifying different research strands, according to different criteria: the belief in the possibility of objectification of international facts, following the proposal advanced by Wendt and Kratochwil; the dimension of the analysis perspective and the identity of the power of discourse, according to the proposals of Anna Holzscheiter.

The proposal advanced by Wendt and Kratochwil divides discursive constructivist type of studies into two categories: thin constructivism and thick constructivism. The former believes in the possibility of the objective existence of international facts regardless of the existence of a subject that conceptualizes them. The latter is based on the discursive and linguistic concept of the actual international facts, whose existence results exclusively from their own inter-subjectivity.

The second typology, proposed by Anna Holzscheiter, organizes discursive constructivist studies according to the dimension of the adopted analysis perspective: macro-structural studies that view speech as a linguistic structure that determines the relationship between international actors, and micro-interactional studies, which are pragmatic approaches centred on real-time communication processes, in which the agents actively and inter-subjectively build, renegotiate, and transform shared interpretations of reality" (Holzscheiter, 2013: 6).



Image 2 – The discursive-constructivist approach in International Relations

Approach criteria	Possibility of objectification of international facts	<i>Thin constructivism</i>
		<i>Thick constructivism</i>
	Dimension of the analysis perspective	Macro-structural
		Micro-interactional
	Identity of the power of discourse	Intersubjective power
		Deliberative power
Type of methodological approach	Descriptive	Grammar
		Stylistic
		Cognitive
		Non-verbal
		Argumentation
	Functionalist	Text in context
	Autonomous approaches	Hermeneutics
		Ideological analysis
		Content analysis
		Experimental analysis

Source: author's own.

The third typology, identified by the same author, examines the relationship between power and discourse, a binomial whose modern parenthood belongs to Michel Foucault and Jurgen Habermas and which is still a reference among social scientists interested in understanding the role of language in the process of social construction. Each of these authors, however, is at the base of the two main lines of approach that can be identified in constructivist studies in International Relations: a first approach which, following the legacy of Foucault, perceives international events as discursive actions built intersubjectively and impossible to be objectified, the actors becoming hostages of their own subjectivity; and a second approach, based on Habermas, that believes in the possibility of a deliberative emancipation of the actors, guaranteed by the rational public debate. Studies inspired on Foucault's work are pessimistic, focusing on discourse as a form of structural and totalitarian power; those inspired by Habermas are idealistic and approach discourse as the international actors' power of liberation.

## 2. Types of discourse analysis in International Relations

From a methodological point of view, discourse analysis in International Relations has a set of approaches common to other social sciences and language at its disposal. Strictly speaking, due to the fact it is a recent analysis field, discourse does not yet have a specific and solid theoretical body, relying on techniques and concepts borrowed from linguistics, semantics, psychology, sociology, and any other discipline deemed useful to understand language in society. It is precisely in this interdisciplinary that its analytical richness lies.

The discursive approaches available today in the study of International Relations are considerable in number and variety, and are divided into three groups: descriptive

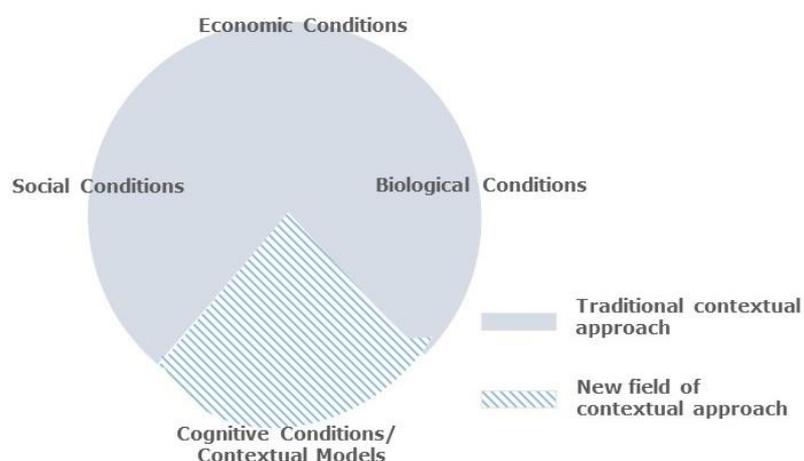


approaches, functionalist approaches and a number of other autonomous approaches that have no direct relationship with each other but offer important contributions to the study of discourse. The descriptive analyses are a set of interpretation perspectives grounded on language, an approach whose relevance stems from the fact that discourse is, first of all, a form of language. This group includes the grammar approach, concerned with understanding the formation of words and sentences, and subdivided into "structural, generative and functional" grammar and into sub-disciplines such as "phonology, morphology and syntax" (Van Dijk, 1985, 2); the stylistic approach, traditionally used in poetry, sociolinguistics, and ethnography, assists discourse analysis by indicating the "appropriateness of a particular discourse to a certain social situation" (Van Dijk, 1985: 2); the cognitive approach perceives discourse as a result of social interaction and, accordingly, the researcher should take into account the conditions under which this interaction occurs, including the psychological dimension of both parties; the study of nonverbal activity that accompanies the production of discourse, such as "intonation, gestures, facial expressions or body position" (Van Dijk, 1985: 3) and determines much of its interpretation; analysis of the existing narrative structure; the analysis of the arguments between both parties, in particular the *strategic argumentative movements* (Van Eemeren, 1999) they make.

While the descriptive approaches focus on the text, almost ignoring the semantic dimension that is beyond the word, the functionalist approach emphasises the relationship between text and its context, proposing, in Van Dijk's opinion, a "fuller characterization of discourse" (Van Dijk, 1985: 5).

The relationship between text and context is the central pillar of discourse analysis, which encouraged, moreover, abundant academic production in recent years. The study of context, in particular, attracted the attention of a large number of researchers interested in further defining the concept and in developing theories able to relate it to the linguistic dimension of discourse.

Image 3 – Transformation of the contextual approach to discourse study in International Relations



Source: author's own.



The traditional concept of *context* in discourse analysis was to see this concept as an objective social variable, such as gender, ethnicity or social class. According to this concept, all discourse is determined by the set of social, economic and biological conditions of the interlocutors and it was in this light that disciplines such as anthropology, sociology and psychology were worked upon, the first in the context of ethnography of communication, the second focusing mainly on conversation analysis and the third through discursive psychology, an area of social psychology (Van Dijk, 2008: 6-7) (see image 3).

Recently, however, a new perspective emerged from the work of Teun Van Dijk (Van Dijk, 2008) (see image 3). Rooted in what the author calls *cognitive theory of context*, this approach was the first multidisciplinary attempt to address a topic as central as this one. For the author, it is not the historical or social situation of the subject that *per se* determines the discourse, but rather how it perceives the communicative situation in question, the understanding it has of dimensions such as the relative position of the parties, the motives and purposes of the communication, the language negotiation involved.

In this cognitive process, the *subjective mental constructs* that make up true *contextual models* intervene decisively. They are responsible for how each participant understands the communicative situation and adapts his production of language to the situational environment that is presented to him. This adaptation process, in turn, involves selecting and using the language resources that each person has at his disposal during the dialogue and using them at the time each considers to be more appropriate. In this sense, *contextual models* are the key link that unites discourse, communicative situation and society.

Parallel to the descriptive and functionalist approaches, there are also various other autonomous approaches of great value to the study of discourse (image 2), such as hermeneutics, concerned with the subjective dimension of interpretation; ideological analysis, with Marxist roots, which sees discourse as an indicator of social conflicts; content analysis, focused on a highly quantitative approach to the text and used mainly in the study of very large works; and the so-called experimental analysis, widely used in psychology, focused on the procedural dimension of discourse, and interested in aspects such as discourse activation processes, the measurement of reaction and interpretation times or transition networks.

Despite the diversity of analytical perspectives examined in the preceding paragraphs, there are some common points in them, which Van Dijk summarized well: "First, they demonstrate an interest in the explicit content (and sometimes implicit or absent) of discourse" (Van Dijk, 1985: 12-13). Second, these analysis perspectives have always had an instrumental nature for the social sciences, allowing access to the meaning and the making of sociological inferences. Contrary to semantics and linguistics, whose ultimate goal is to capture the meaning of the text, for the social sciences the meaning interests in that it allows understanding the social phenomena under study.

In the same fashion, the interest of International Relations in discourse lies in the reflective nature it has, perceived as a sample of the social fabric that allows us to understand the international reality. In recent years, however, this instrumental perspective of discourse has been abandoned in favour of an autonomous understanding,



an understanding that rejects the study of the word as an expression of something else, preferring to see it as an autonomous form of action and interaction between people.

### 3. Conclusion

In recent years, the discursive approach to international phenomena has experienced a remarkable transformation that resulted in significant scientific broadening and deepening.

Traditionally, discourse analysis was based on a descriptive concept of the role of the word in life in society but since Austin's pragmatic approach, the text came to be perceived as a producer of reality, allowing a substantial change in the understanding of International Relations. This profound epistemological transformation enabled the development of a new discursive perspective of international phenomena, although recurrent appeals in the scientific literature denounce the need for greater methodological clarification in the studies carried out.

This article intends to contribute to filling this gap. Here we reconstituted the intellectual heritage of the study of discourse, examined the three research strands that can be identified in discourse-constructivist studies in International Relations and presented the main methodological approaches followed.

From different perspectives, all of these approaches acknowledge the importance of the text-context binomial to understand international phenomena. As we have seen, the latter can be understood distinctly according to the research interests and has recently seen its field extended.

In this article, three steps are fundamental in the search for greater methodological clarification in discourse-constructivist studies in International Relations. First, the explanation of the chosen analysis criteria – regarding the objectification of international facts, the dimension of the analysis perspective and the identity of the discursive power; second, the identification of the type of the chosen approach - descriptive, functionalist or autonomous; third, the position regarding what is meant by context, clearly identifying the chosen concept - economic, biological, social and/or cognitive. Adopting this methodological triad in discourse research in International Relations is a very important clarification factor that not only will give greater rigor and transparency to studies but also facilitate the replication exercise, which is a determining condition of what is called scientificity.

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## **IDEALISM AND REALISM IN INTERNATIONAL RELATIONS: AN ONTOLOGICAL DEBATE**

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### **Abstract**

The debate between realism and idealism continues to mark the discipline of International Relations. On the one hand, realism argues that international politics is a struggle for power and a quest for survival, which results in a condition of permanent conflict between States without any possibility of evolution or progress. On the other hand, idealism considers it possible to build a world of peaceful coexistence, prosperity and well-being, achieved through cooperation and based on values and aspirations shared by humans. The object of this article is to analyse the debate between idealism and realism, considering it as an ontological debate and taking into account the controversy it has generated. The argument presented here is that both realism and idealism are two responses to the creation and maintenance of international order, that is, how States relate in international society; however these responses are not mutually exclusive and can coexist in constant tension with one another. An analysis of internationalist thought of two authors, Hans Morgenthau and Raymond Aron, is also presented, which relates to how they are positioned in this debate as well as International Relations as a whole.

### **Keywords**

Idealism; Realism; Ontology; Power; Ethics.

### **How to cite this article**

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## **IDEALISM AND REALISM IN INTERNATIONAL RELATIONS: AN ONTOLOGICAL DEBATE<sup>1</sup>**

**Vitor Ramon Fernandes**

International Relations has been somewhat dominated by questions of an ideological nature associated with different currents of thought that gave rise to the so-called "great debates". These debates are part of the history of International Relations. Thus, with reference to Brian Schmidt (2005: 4) in his contribution to the well-known *Handbook of International Relations*, the history and evolution of International Relations have been counted as "starting with the 'great debate' between idealists and realists, defining the discipline", a debate that began between the two world wars, specifically in the 1920s and 1930s. Although there are numerous documents related to the study of international relations, among which is the more-cited *History of the Peloponnesian War*, written by historian and Athenian general Thucydides, the purpose of this analysis is to match the chronological framework of analysis with the university institutionalisation of the discipline, which occurred with the autonomous creation of International Relations at the University of Aberystwyth, UK, in 1919.

The argument presented here considers the debate between idealists and realists as opposing ontologies, that is, two different perspectives of the human being and human existence, the deepest two conceptions of the world, with different philosophical implications in relation to human activity and the elements that constitute the field of international relations. Idealists, whose thinking is linked to the ideas of liberal internationalist, consider that despite the international system being anarchic there is a communitarian consciousness, the possibility of progress in the international system, achieved through cooperation and progress towards a lasting peace, prosperity and social well-being, based on values and aspirations shared by humans. In contrast, realists have a negative opinion of human nature and consider international anarchy as being characterised by a struggle for State survival and vying national interests, where the conquest of power is of vital importance given the ever-present possibility of conflict. These ontological visions are not reconcilable, and can coexist in constant tension with each other.

### **The beginning of the debate**

In Hedley Bull's article entitled *The Theory of International Politics 1919-1969*, the author recorded the existence of a group of authors that he defines as "idealists". They are generally characterised as a set of theorists who believed in the idea of progress and the

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possibility of an evolution in international relations that would give rise to a more peaceful world (Bull 1972: 185). These predominantly European authors considered the creation of international organisations as a way to promote the ideal of peace and security among states, of which the League of Nations is highlighted – created following the signing of the Treaty of Versailles on 28<sup>th</sup> June 1919 at the end of the First World War – as well as the creation of international regimes with norms and rules accepted by States. The issue of moral nature also assumed considerable importance in the context of his thought, although the writings are somewhat scattered, and it is not evident that they were organised into a homogeneous theoretical body.

From the late 1930s of the twentieth century, a number of other theorists who became known as “realists” reacted against this view that the world could be governed based on idealist principles. According to realists, we live in a historical context that is characterised by conflict – which is completely contrary to the idea of harmony conveyed by idealists – and relations between States are governed by power. In the European context, the 1930s corresponds to the period when Adolf Hitler rose to power in Germany, in which Hannah Arendt's is in exile, specifically in August 1933 after leaving prison and crossing the Czech border, and in which a process begins that culminates in the start of the Second World War in 1939.

It is precisely on the eve of the Second World War that the first attempt to systematise the ideas then in circulating came in, which came about with the work of Carr's *The Twenty Years' Crisis* (1995). It was this author who summed up the opposition between realism and what he called a “utopia”; what differentiates the two perspectives are two contrasting views regarding the field of international relations. The perspective of utopianism features a proactive vision that believes in progress and evolution, while realists accept reality without the possibility of change or evolution, characterised by recurrent determinism (Carr, 1995: 12). In his words, his intention in writing the work resulted from a “passionate desire to avoid war”, a teleological aspect of the science of international politics from its conspicuous start that had arisen following a terrible war between 1914 and 1918. This international environment that lived very particularly in Europe is important because it allows us to contextualise the work in time and space, as these are the dimensions that allow the systematic characterisation of the utopian and idealist thought - as Carr called them - and realist thinking.

In the opinion of E. H. Carr, the evolution of international relations had been up until the utopian era, a fact that attributed a still poorly structured character to this new science. However, this did not mean that a complete departure from the utopianism of International Relations was defended, as he believed that utopia and realism were constant and necessary elements that should coexist in an essential and permanent tension. On the one hand, a utopian is seen as proactive, someone who believes in free will and the ability to reject the reality of their own volition, while the realist tends to be deterministic, accepting reality as it is presented without ever trying to change it. Citing Carr (1995: 10): “Utopia and reality are the two facets of political science. A solid political thought and sound political life can only be observed where both are present”.

### **Between distinct views and attempts to legitimate positions**

But the truth is that this work has been the subject of several controversies, related both to the general reading that is made of it as well as to its bias of utopian thought. In the



opinion of Peter Wilson (1998), a debate that had opposing idealist and realist views never came into being, and is even misleading as historical fact. The idealistic thinking of the period between the two world wars, featured in *The Twenty Years' Crisis*, was no more than a rhetorical invention by E. H. Carr to discredit a number of issues that were at odds (Wilson 1998: 13). Ashworth (2002: 34-35) has a similar opinion, believing that a proper debate between idealism and realism never existed, at least not in the way that it usually does in International Relations, and its construction was essentially intended to discredit normative thought in the discipline as well as international liberalism through the idea of a victory of realism over idealism.

Fundamentally for Wilson (1998: 14), what existed was a wide range of opinions and theories associated with various authors, where most were linked to liberal internationalist thought, namely authors such as Alfred Zimmern, Arnold Toynbee and Norman Angell. This is not forgetting the very US President Woodrow Wilson, whose writings are dispensed and whose thinking had few things in common.

The notion of legitimising some ideas over others is shared by several authors. As highlighted by Brian Schmidt (2005: 8), there is often a tendency to write history with the view of legitimising contemporary research programmes, which allows references to the field of study in a way that reveals authority. The problem is not only that historical analysis be used to enforce or corroborate an argument relating to this, but the fact that history itself is altered and distorted in order to legitimise a position *a priori* or to criticise another person's position.

This is also the opinion of C.G. Thies (2002), who argues that the most common way to assess progress in international relations theory has been through the construction of the history of the discipline by certain communities of researchers. When this exercise is fruitful, it serves to legitimise the position of this community of researchers against the positions of their opponents, creating an idea of progress in the discipline. In his view, the so-called "great debates" have marked progress in the discipline of International Relations, and have served to keep the identity of certain communities of researchers (Thies, 2002: 148). Underlying this argument is also, as stated by Peter Wilson (1998: 1), the fact that there is no unified body of texts and authors who call themselves "idealists", or one or more authors respected by the research community, which means that "realists" refer to them in a generic way, and only on occasions refer concretely to articles or authors connoted with idealism.

Other authors give greater relevance to the implications of the interpretation of E. H. Carr's work, and to the foundations of idealist and realist thought in international relations theory. According to the opinion of Ken Booth (1991), which can be characterised as deconstructivist, the work of Edward Carr suffers from some confusion regarding the way it is positioned relative to utopianism and realism. This relatively ambiguous position makes it especially remembered as he criticises the impossibility of reconciliation between utopia and reality. For Ken Booth, and as mentioned above, Edward Carr also identified the need to accept both utopia and reality as necessary, where power and morality coexist.

The ambiguity of Carr's language also led to a certain use by realists, in an attempt to hold the author to his thesis, when in fact Carr – at various points of his work – also criticised realism, considering that international order could not only be founded on power. In the opinion of some authors such as Molloy (2014: 460),



*"Carr's criticism of utopianism and realism are similar in tone and content".*

For Ken Booth (1996: 329), there is a simplification and tampering of the positions of key authors, in particular regarding the interpretation commonly made of the supposed idealist position of Davis and the mythologised realist position of Carr. What this also shows, from my point of view, is the existence of a quasi-Manichaeism in the field of International Relations since the institutionalisation of the discipline, which is characterised by confrontation between realist and idealist thinking.

### **Different philosophies of history**

Andreas Osiander (1998: 409) agrees with the idea that the debate between idealists and realists presented by E. H. Carr in *The Twenty Years' Crisis* reveals a distorted view of idealist thought. However, Osiander has a different view, in his revisionist opinion, on the thinking of idealist authors – which are fundamentally the same as those cited by Hedley Bull (1972) in *The Theory of International Politics, 1919-1969*. His view was interpreted from the work of E. H. Carr by realist authors in a way that supported their arguments in defence of realist thought.

These idealist authors were familiar with realist theses, but what distinguished them above all was a different way of looking at the history of philosophy. For idealists, we have a philosophy of directional history, while in the case of realists it is cyclical. Osiander (1998: 418-419) argues that much literature of idealists is based on false premises, and that while idealists adopted a directional interpretation of history, realists adopted a cyclical interpretation, combined with a vision of recurrence and repetition, as mentioned also by Martin Wight (1966: 25): "Why is there no international theory?". However, according to Osiander (1998), although the idea that realists and idealists are separate in their views of history, which was in circulation in the early twentieth century, many authors of International Relations argue that what actually occurred was a construction by realists to sustain their own position.

The opinion of Osiander resembles the idea defended by Robert Crawford (2000) about the existence of a dichotomy and a tension between idealist and realist thought, reflecting opposing views of reality. In the opinion of the latter author, the discipline of International Relations has been increasingly subjected to scientific methods, where realist thinking appears as a reference – a current standard against which all others are compared, leading to a monistic conception of discipline.

In reality International Relations as a disciplinary area is crossed by multiple and varied intellectual traditions, and it is not possible to choose any one as preferential. At the same time, it is also true that there has been a tendency to consider the debate between idealism and realism as a serious confrontation of ideas, but easily reconcilable in a unitary conception, through which a unified and consistent discipline can be built, based on a scientific methodology (Crawford, 2000: 4-5). However, for Robert Crawford, the idealism-realism debate is a debate of ideas that are in open opposition and cannot be reconciled, as they are based on different ontologies.



## **The English School as an attempt to reconcile extreme positions**

The English School is worth mentioning in this ontological debate between realism and idealism, which is commonly denominated as the *via media* in International Relations in the context of the Grotian tradition between realist and revolutionist traditions. The English School has undergone a major evolution over time, but in the version given by Hedley Bull and Martin Wight, essential discussion is centred on the existence of an international society and its nature in a Grotian sense, and more particularly the institutions that build this society, such as war, diplomacy and the balance of power.

The main argument of the English School is that sovereign states are part of a society. This society is anarchic in the sense that there is no authority above those states that can coerce or punish for the breach of established laws, but that does not mean it is a chaotic society. However, this also does not mean that violence is not recognised and taken into account, although the English school assign great importance to normative issues, in particular rules, laws, institutions, and moral, as important elements in the organisation of this international society.

In the opinion of Dunne (1998: 1), the English School has points of convergence with realism, though it should not be confused with it. For Dunne (1995: 128-129) English realism between the late 1930s and early 1950s is the starting point for understanding the evolution of the English School. Since the publication in 1939 of the book *The Twenty Years' Crisis* by E. H. Carr, several other authors have focused on realist thinking and idealist ideas in order to better understand the international context and the interaction among States.

According to this author, the positioning of Carr as a realist is, at the very least, controversial, but Dunne believes that in Carr's analysis of the antinomy between realism and idealism, there are commonalities with the English School. With regard to Booth (1991: 530-531), Carr did not consider realism a winning current over idealism, because that view does not take into account the antinomian view of the author. As stated by Dunne (1995: 129), Carr's relationship with the English School is ambiguous. It is from here that Hedley Bull criticises the lack of recognition of Carr in relation to the international society, and Martin Wight (2004) elaborates on international politics, referring to power politics as inevitable. The evolution seen from the early 1950s in the thought of authors like Martin Wight goes towards a concern for international norms and institutions, and the development of theory led to the creation of the British Committee, which meets for the first time 1959. The committee ended up not involving Carr, but the reasons for his non-inclusion seem to have had more to do with personal issues than anything scientific.

For the situations that occurred in an international context and that underlay different ontological perspectives, the analysis of Wight (1994) on international politics deserves recognition, which distinguishes three traditions: the realist, the rationalist and the revolutionary. In the same vein, although more attentive to notions of solidarity and community than Martin Wight, there is Hedley Bull's (2002) *The Anarchical Society*, where the author defines and elaborates on realist, Grotian and Kantian (or universalist) traditions. Hedley Bull's argument (2002: 39) is that the international community reflects the three traditions – but at certain times or geographies – and takes into account different policies adopted by States, with one of these elements being able to prevail



over the others. The fundamental idea behind this rationalist (or Grotian) perspective of Hedley Bull is that relations between States are conditioned by prudence, as well as moral imperatives and cooperation. Both Martin Wight and Hedley Bull consider that this perspective is between realist and Kantian perspectives, hence the designation *via media* between realist and idealist currents.

Hedley Bull (2002: 13) also distinguishes between the international system and international society, in that an international society implies the existence of an international system but not vice versa, since the existence of an international society requires that certain features are present in the international system. More specifically, international society exists through States' awareness of the existence of common interests and values that bind and unite them in some way, making them share their efforts in work developed through various international institutions. At heart, the thought of these authors includes the three concepts mentioned above.

Members of the English School seem always to oscillate between realism and idealism, a permanent tension between different ontologies, tending to one of these notions, or, as stated by Tim Dunne (1995: 126), combining the three traditions of Martin Wight, where the notion of international society derives from the rationalism of Vattel.

### **Morgenthau, power and ethics of responsibility**

For Hans Morgenthau (1985: 37), the struggle for power is always present in all politics, saying that

*"the desire for power is the distinctive element of international politics, like all politics, international politics is by necessity power politics".*

This author emphasises the power struggle but also the tragic nature of politics, which is attached to human nature, and that is defined by an unlimited desire to rule over other men (Morgenthau 1946: 193). He also believes that

*"it is this ubiquity of the desire for power that apart and beyond any selfishness or evil purpose, constitutes the ubiquity of evil in human action" (Morgenthau, 1946: 194).*

And that's what politics is, in essence, a struggle for power without limits or end (1946: 201).

The Morgenthau position denotes a certain tragic sense in the relationship that man has with power, from the tension within itself, as pointed out by Rengger (2007: 124), also reflecting his ontological position. But while the demand for power is the main ambition of man in politics, this does not mean that it is the only ambition (Cozette, 2008: 668). Moral concerns exist in Morgenthau's work, as he also states that



*"man is a political animal by nature, he is a political scientist by chance or choice, he is a moralist because he is a man"*  
(Morgenthau, 1946: 7).

That is, moral judgments are considered characteristics of the human being and that's what makes us truly human.

Contrary to what is usually considered, and despite his pessimistic view on international politics, the author has ethical and moral concerns beyond the question of the struggle for power. In the opinion of Molloy (2003: 82), although for Morgenthau all political decisions are due to abstract moral principles, the author considers a moral approach to politics possible if it is based on a morality of the lesser evil.

However, for Morgenthau, in essence international politics is not consistent with good intentions, which require an ethical responsibility, as what is at stake is the security of a State. Contrary to idealistic arguments, international politics involves difficult choices that are possibly painful. Morgenthau recognises the ethical need to justify actions and does so through a choice between the two antinomies of Max Weber (1963: 206), the ethics of responsibility and the ethics of conviction, with his preference clearly being the first. This concern with the state's survival, above all, and the choice of an ethic of responsibility are aspects that are close to Max Weber.

What is to be considered is that although there are ethical and moral values, political man has abstracted them onto his political decisions, which is a result of his ontological position. And for this reason, his position is not amoral or devoid of ethics, he just has abstracted morals in his actions and decisions, despite having to justify them in ethical terms, thereby justifying his realist position and rejection of idealism.

### **Aron: the tension between realism and idealism**

By analysing idealism and realism, Aron (2004: 567-596) puts us in a position of some tension between these two ontological positions.

For this author, it is an illusion to think that one can avoid conflicts, particularly war, and that lasting peace can be achieved through only a diplomacy based on normative considerations of good conduct and principled morals. Idealism is seen by some authors as a deep conviction in total compliance with the rules and legal norms set in conduct among states in order to avoid war. Moreover, this belief assumes that all states are interested in maintaining the law and that in the case of aggression against one of them, the others would volunteer to assist the attacked.

But these principles of collective security are difficult to implement, because they imply too, from the start, an agreement by States on the definition of who is the aggressor and a shared sentiment about the acts committed. Even if the aggressor State is easily identified, the formation of alliances or coalitions for defence of the attacked State is required, which presupposes that other states are indeed interested and engaged in the maintenance of international order and agree to act in order to punish the offender. In this type of process a whole range of situations can be seen, and depending on the relative strengths of the aggressor State and coalition several outcomes are possible, from capitulation to total war – results that turn out to be contrary to the objectives



intended. Idealist doctrine therefore becomes dangerous with respect to the conduct of foreign policy, to the extent that it closes in on itself through the adoption of normative principles. In this regard, Raymond Aron (2004: 572) states that:

*The critique of the "idealist illusion" is not only pragmatic, but also moral. Idealist diplomacy often becomes fanatical, it divides States into good and bad, into peace loving and belligerent, and imagines a definitive peace through the punishment of the first and the triumph of second.*

However, it is interesting that, when it comes to this issue of the "idealist illusion", Aron (2004: 578) compares the position of H. Von Treitschke and G. F. Kennan. Treitschke was a German nationalist historian who fully accepted power politics, including war, considering it as necessary and an exalting prudence from power politics and nationalism; and Kennan, who resignedly accepted power politics as a way to avoid other greater evils. Both Treitschke and Kennan make an apology for prudence and consider power important. But curiously – and Raymond Aron stresses this fact – Treitschke considered himself an idealist while G. F. Kennan was not opposed to being classified as a realist. What seems to be at stake is that the idealist, as well as the realist, must understand their era, not ignore the possibility of violence and accept that the resolution of conflict requires taking into account the balance of power among states, and that action should include prudence and diplomatic and strategic conduct. An incompatibility does not necessarily exist between being an idealist and recognising violence and war. What Raymond Aron truly opposes - referring to the "idealist illusion" – is the disregarding of war and violence to act in international relations, which most idealists of the time seemed to reveal. It is not, therefore, condemning idealism completely, but points out some weaknesses.

Beside this, Aron (2004: 581) considers that realism best takes into account and recognises what the selfishness of States and their interests are compared to idealism. However, when considering power as the ultimate objective of States, realists – particularly from North American – do not take into account the idea that although the States coexist without the existence of an arbitrator or a supranational politic, they limit their freedom of action through the obligations they incur, namely the signing of agreements and treaties, although they may also resort to armed force to resolve conflicts (Aron, 2004: 582). Thus, the absence of a sovereign power is not incompatible with the notion that international life cannot be contractually ruled (in the sense of political philosophy), with the existence of rules and norms of conduct, which, however, does not exclude or prevent the use of violence. And it stresses that the realist school is a little set back from traditional European thought, because the obsession of realists with power make them always see an alternative to law or morality, and ultimately define international politics by power and not by the absence of a arbiter or a politic above States. In reality, in the face of national egoism that prevails in between states in the "state of nature", the diplomatic and strategic conduct of States - to use the terminology of Raymond Aron, and that includes the exercise of diplomatic functions of diplomats themselves as well as strategy and war, which are duties of the soldier, taking one another as symbolic characters of the two types of conduct – should seek to conform to



normative principles and ideas, and not to what happens to animals in the jungle ( Aron, 2004: 568-569)

This position is in line with the fact that, through their leaders, States need and have the obligation to safeguard their vital interests, acting in accordance with norms and customs that may be more or less respected, but with the risk – always latent – that war is decreed by the leaders.

However, both idealist and realist thinking are considered extreme positions. The idealists, for reasons related to the occurrence of the atrocities of the First World War and its rejection of the importance of power in international relations; and realists, precisely because of their emphasis on power in opposition and reaction to this other school of thought. It is this need of reaction that explains, according to Aron (2004: 16), the extreme positioning of realism in relation to idealism, in his inadequate opinion.

The internationalist thought of Aron reflects numerous tensions and antinomies, among which it is worth pointing out idealism versus realism. For Aron, idealism and realism are not contradictory concepts, but complementary; this antagonism, at its core, is no more than a part of the “eternal debate” between Machiavellianism and moralism.

The debate between realism and idealism can be characterised by two extreme and opposite ontological views on international relations, which results from different considerations and actions in relation to how States relate in international society. Still, they are not mutually exclusive. In the context of the international politics of States, the question that arises is whether they, in their capacity as sovereigns, have the obligation to obey moral criteria or other interests, in particular legal or rules, or on the contrary, act in a way that best serves their purposes and interests, governed solely by the objective of maximising power. It is, of course, two different responses to the problem of order, which fall into a certain tradition of thought in the field of International Relations; they can, however, overlap.

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## **THE LIMITS OF FORGIVENESS IN INTERNATIONAL RELATIONS: GROUPS SUPPORTING THE YASUKUNI SHRINE IN JAPAN AND POLITICAL TENSIONS IN EAST ASIA**

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### **Abstract**

Visits (or attempts to visit) to the Yasukuni Shrine by Japanese officials have generated a series of controversies and tensions between the countries occupied by imperialist Japan during the Pacific War. The central dilemma is that Yasukuni, emblem of Japanese militarism, questions the coherence and consistency of the requests for forgiveness made by different Japanese prime ministers to countries in the region in repentance for atrocities and violations of human rights committed in the past.

The weakness of the apologies is not an exclusive problem of Japan. On the contrary, the official pardon granted by one state to another has become an increasingly common practice, but questioned in international relations. The limits of apologies in the process of reconciliation between states have led to a new research strand, aligned with the debates on transitional justice, which discusses dimensions of the level of forgiveness in terms of rectification processes. From this perspective, previous research shows that there is a tendency to analyse the case of Yasukuni without delving into the social groups that support the shrine and define the agenda of prominent personalities of local politics, especially linked to the ruling party, the Liberal Democratic Party (LDP), who claim Yasukuni. Faced with this gap, this article examines the characteristics and modes of action of the groups in favour of Yasukuni and the responses from China and South Korea to the visits to the shrine by officials, in order to understand the peculiarities and scope of forgiveness in East Asia.

### **Keywords**

Yasukuni; forgiveness in international relations; reconciliation; East Asia.

### **How to cite this article**

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## **THE LIMITS OF FORGIVENESS IN INTERNATIONAL RELATIONS: GROUPS SUPPORTING THE YASUKUNI SHRINE IN JAPAN AND POLITICAL TENSIONS IN EAST ASIA<sup>1 2</sup>**

**María del Pilar Álvarez  
María del Mar Lunaklick  
Tomás Muñoz**

### **Introduction**

Since the 1980s, a number of changes have taken place in East Asia (China, South Korea and Japan) that enabled the prominence of forgotten historical controversies. The end of the Cold War, historical revisionism driven by different academic sectors in the region, the democratization of South Korea, and the patriotic education of Deng Xiaoping (He, 2007; Pye, 1993) led to a renewed rapprochement between these countries. Since then, the strengthening of economic, social and cultural ties in the region has coexisted with rising political tensions related to the attacks and violations of human rights committed by Japan in the period of imperialist advance (from the incorporation of Taiwan as a colony in 1895 until the end of the Pacific war in 1945).

Beyond the reparations and apologies made by Japan in the context of the reestablishment of diplomatic relations with China (1972) and South Korea (1965), for years these countries have not demanded that Japan accounts exhaustively for atrocities committed in the past. This attitude was based on the need to establish economic agreements that facilitated development policies. In recent decades, this duality fell into crisis. The governments of China and South Korea demand consistent and credible apologies from Japan. Apologies are no longer understood as a simple diplomatic event, but mainly as the beginning of a reconciliation process with the countries in the region.

Several political controversies related to Japan's past as an aggressor in the region and to the peace treaties agreed after the war (Tokyo Trials and the Treaty of San Francisco) confluence in this new scenario. Among the main tensions, the dilemmas surrounding Japanese textbooks, the demands of former sex slaves of the imperial army of Japan (euphemistically called comfort women), the claims made by forced labourers during the Pacific War, the visits by government officials to Yasukuni, and territorial disputes (Dokdo/Takeshima and Sensaku/Diaoyu) stand out. The countries in the region perceive all these issues as an attempt to glorify Japanese imperialism. For example, the textbooks

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in question ignore the atrocities committed by Japan during the war (Bukh, 2007, Hundt and Bleiker, 2007).

Visits (or attempts to visit) to the Yasukuni Shrine by Japanese officials are also considered an act of provocation and contradiction regarding the apologies made. The governments of China and South Korea, as well as various social groups within Japan, have expressed their dissatisfaction, as they consider the shrine to be a symbol of Japanese militarism. Interestingly, increasing outrage among countries in the region has gone hand in hand with growth in the shaping and repositioning of groups and/or Japanese associations in defence of Yasukuni.

These have a high impact on the local political agenda given their close links with the ruling party, the Liberal Democratic Party (LDP). Prime ministers, senior officials, journalists, and teachers are active and visible members of these groups. Does the defence of Yasukuni by the same officials who have apologized for the atrocities committed in the past reflect a weakness in forgiveness? Does the existence of social groups that defend and promote visits to Yasukuni contradict the process of regional reconciliation?

This paper liaises the Yasukuni Shrine case with the academic debates about forgiveness in international relations in order to understand to what extent the groups in favour contradict the apologies made. Taking up Daase's proposal (2010), we analyse the role of groups supporting Yasukuni and the official reactions of the governments of China and South Korea to the visits of Japanese officials to Yasukuni, in an attempt to illustrate the singularities and scope of forgiveness in East Asia.

## **Forgiveness and international relations**

In 1990, Emperor Akihito apologized to the Koreans for the atrocities committed during colonization. In 1992, in a speech made at the Korean National Assembly<sup>3</sup>, the then Prime Minister of Japan, Kiichi Miyazawa, expressed his sincere apologies to the country's former colonies. Three years later, Tomiichi Murayama officially apologised for the attacks on the countries of the region during the war and urged the Asian Women's Fund to compensate former sex slaves of the imperial army of Japan. Despite his contradictions, Shinzo Abe also apologized for past mistakes in 2007 and 2015.

These repeated requests for forgiveness are not unique to Japan's reconciliation process with its neighbours. On the contrary, it is a widespread practice in the international community as evidenced by the Queen of England's apology to the Maori of New Zealand, the request for forgiveness for slavery of Ugandans made by Clinton on a visit to the country, the apologies expressed by Canada to its native peoples, the forgiveness request by John Paul II for the Inquisition (Cunningham, 1999: 287-288) and Pope Francis' apology for the persecution of the Catholic church evangelicals, among many other examples.

What is political guilt, and is collective repentance possible? What is the value of forgiveness in international relations? Why do some state representatives ask for forgiveness and not others? How does it impact on regional integration processes? These questions that arise within memory studies, transitional justice and human rights gave

<sup>3</sup> Korea will be used to refer to South Korea.



way to a new research strand in international relations that links forgiveness with repentance, accountability and reconciliation (Cohen, 2004; Lazare 2005; Lind, 2008; Smith, 2008; Thompson, 2002).

Lind (2008) notes that most countries achieve reconciliation without the need for an apology or repair. That is, reconciliation and apology are not necessarily part of the same political process. His paper discusses the existence of a positive link between recognizing the attacks of the past and improving international relations. To this end, the author compares the process of reconciliation between Germany and France with that of South Korea and Japan, and concludes that sometimes apologies can be counterproductive in diplomatic terms. His argument ignores, among other things, historical and cultural differences related to the characteristics of the idea of forgiveness in these societies and to the peculiarities of the process of rectifying the past conducted by Japan during the occupation and in the context of the Cold War. In any case, he introduces an interesting reflection on the limits of repentance in foreign policy in terms of the impact it has on domestic politics.

Another author who takes up the case of Japan to discuss forgiveness in international relations is Daase (2010). Unlike Lind, he builds analytical categories that define collective forgiveness and the reconciliation process. This author perceives the apology not as mere rhetoric but as an act loaded with content. That is, a paradigm shift in how to interpret and perpetuate the past. He highlights four categories that allow us to study the feasibility of a pardon to be accepted by the victims. First, the status and role of the person expressing the apology, who should represent the highest authority of the country found guilty, is vital.

Second, the level of credibility perceived as the material and political cost that the apologizing state should have. Third, the level of repentance measured in terms of consistency between forgiveness and the symbolic or memory policies that are enforced or not. The last aspect is the social approval or level of collective acceptance since the apology is requested on behalf of a group: the nation. Therefore, the state should prevent dissatisfied local groups from impacting on the political agenda and contradicting the official position.

While the categories are not necessarily mutually exclusive and, to some extent, the separation between the level of credibility and repentance, and between the implemented memory policies (political cost) and the level of social approval is blurred, this definition of forgiveness in broad sense allows us to operationalize the discussion about the Yasukuni Shrine.

After a brief historical review, we will analyse the level of social approval considering only the Japanese main social groups supporting Yasukuni: members, objectives, types of claims, channels of action, and achievements; and the level of credibility and repentance following the kind of apology made (what they are repenting about) by Japanese senior officials, their relationship with associations supporting the shrine and the impact on the governments of South Korea and China.



## The case of the Yasukuni Shrine

### Brief historical review

The Meiji Restoration (1868) modified the religious map of the country. Immediately after the renovation group got into power, the leaders of the imperial government started to deactivate Buddhist institutions with coercion and violence, while prohibiting other popular religious practices. Shintoism, an animist folk cult, was imposed as the state religion. To this end, it was stated that all the country's shrines were to become places to perform rites of state and the pastors were kept under strict government supervision (Breen, 2008: 12).

In this context, Yasukuni, which was built prior to the Meiji Restoration, was called "peaceful country" (*yasukuni*) in 1879, the date when it assumed the status of special shrine: the symbol of the new Japanese nation-state. A military site where the state was the benefactor that should celebrate those who sacrificed themselves for the nation. The spirits (*kami*) no longer belonged to the private sphere, they were souls of all Japanese and, in turn, responded to the greater deity (the emperor) who should honour them.

Despite the important role of Shintoism, the Meiji Constitution of 1889 established religious freedom (Article 28). Doak notes that until the beginning of the Pacific War, there were certain liberties. In fact, several Christians like Imanaka Tsugimaro and Professor Tanaka Kotaro participated in governmental activities without discrimination based on their religious choice (2008: 28).

The radical change dates from 1931 (Mudken Incident), when the political mobilization for war was imposed on Japan and its colonies. The ambitions of imperialist Japan were based on freeing countries in the region from Western domination and build the Greater East Asia Co-Prosperity Sphere under its rule. In the war years, especially since 1937 (occupation of Nanjing), Yasukuni<sup>4</sup> became the emblem of militarism and expansionism:

*"Dear Mother, I'm sorry I neglected you and have not written before. I hope everyone is safe. I joined the Special Attack Forces. I will not forget your kindness during my life. My final duty towards you as a mother is to fulfil my goal. In an attack on an enemy ship I will give my life. Mother, take care. Protect the family for me. Please send my greetings to all the villagers. Meet me at Yasukuni"* (Testimony of Kaneyuki Fukuda (kamikaze) extracted from: Kamikazeimages.net

As happened in the discussions prior to the Tokyo Trials about the need to grant amnesty to Emperor Hirohito, the permanence of Yasukuni was also a matter of debate. Jesuit Priest Bitter was one of the Vatican's representatives during the US occupation and advised MacArthur not to destroy the shrine:

<sup>4</sup> In 1943 the bronze torii located at the entrance to Yasukuni was removed by instruction of Prime Minister Tojo to use the material for the development of heavy industry. The current torii was built in 1978 (Breen, 2008: 18).



*"(...) his advice was that each person who had died for the nation was entitled to have his spirit memorialised at Yasukuni, regardless of his personal belief" (Doak: 2008, 51).*

The shrine not only was not destroyed, but to the nearly two and a half million soldiers remembered for having given their lives for the nation of Japan (1853-1945), a plaque in memory of the fourteen convicted Class-A criminals at the International Military Tribunal for the Far East was added later in 1978.

Japan's new constitution enacted in May 1947 established the separation between religion and politics. Therefore, the shrine was no longer in state hands, becoming financed and maintained by various non-governmental associations based in the newly created *Association of Devotees of Yasukuni (Yasukuni Jinja Hosankai)*. It was made up of personalities from the dome of power that the occupation regime sought to demonize: an imperial princess as president, a former foreign affairs minister as vice-president and a former prime minister as advisor (Breen, 2008: 20). As the occupation forces withdrew, Emperor Hirohito visited the shrine; and in 1953 the Japan War-Bereaved Families Association was formed to try to sensitize government authorities on the importance of the state to guarantee the nationalization of the shrine and grant public funds for the rites. These pressures did not prevail. Official attempts to subvert the peace order appeared in 1969 when the Liberal Democratic Party (LDP) submitted a bill calling for the state to protect the shrine, which was denied. Five years later, the then Prime Minister Takeo Miki visited Yasukuni and was forced to apologize.

The controversy became an international force from the 1980s. Prime Minister Nakasone Yasuhiro visited Yasukuni in 1982 and 1983, saying that it was the end of the war and that expressing gratitude for those who gave their lives for Japan was a state duty. At the same time, he authorized a study council to investigate official visits to the shrine. The research results were published in November 1984, leading to internal tensions and regional concern (Rose, 2008: 29).

Photo 1 – Japanese activists in favour and against the Yasukuni Shrine (May 2005)



Source: Capture of documentary *Annyeong Sayonara*



The tension reached its peak during the period 2001-2006 when Junichiro Koizumi repeatedly visited the shrine. Since then, Yasukuni has caused diplomatic discord between the countries of the region (He, 2007; Hei, 2008; Rose, 2008; Selden, 2008; Wang, 2008) and conflicts within Japanese society (pioneer in claims against the shrine).<sup>5</sup> In this scenario of memories in disputes, the local and transnational civil society has been very active organizing debates and imposing certain meanings of the past. Through the formation of groups for and against Yasukuni, they have given rise to different interpretations of what happened that pose limits to the pardons granted by the governments of Japan. As Lind (2008) argues, the official apology is not a necessary condition for reducing conflicts generated by past aggressions, nor a sign of internal ideological consensus.

### Groups in favour of Yasukuni

There are various social groups in favour and against the Yasukuni Shrine. Most groups or associations against Yasukuni not only demand the suspension of visits to the shrine by Japanese officials, but also a profound historical revisionism. They have a more transnational nature than the groups in favour, and act in cooperation with foreign governments to put pressure on Japan. They are also involved in lawsuits regarding other political tensions, like the textbooks and claims of the victims of sexual slavery.

*The Global Alliance for Preserving the History of WWII in Asia, Asia Victims of the Pacific War Family of the Deceased of Korea, Northeast Asian History Foundation (NEAHF), Center for Research and Documentation on Japan's War Responsibility, Institute of Research into Collaboratist Activities, the Korean Council for Redress and Reparations for the Victims of WWII Atrocities, stand out, among others. (Shin, 2008).*

While these organizations play a very important role in the internationalization of the problem and in putting pressure on the governments of Japan, in this paper we focus only on the groups in favour of the shrine, for two reasons. The first is that their analysis allows us to reflect on the limits of the level of collective repentance in Japanese society. The second is based on the close relationship between the Liberal Democratic Party and these associations, which leads us to deepen the analysis on the variables of forgiveness suggested by Daase: repentance level and coherence.

The associations in favour of the Yasukuni Shrine play an essential role in the appreciation of the Japanese imperialist past due to their close connection with the party that virtually dominates Japan's political life since the end of World War II: the Liberal Democratic Party (LDP). However, existing literature<sup>6</sup> shows there are few studies that take these groups or associations as key players in disputes generated around Yasukuni. Among the most significant contributions, the publications by Daiki Shibuichi (2005) and Yongwook Ryu (2007) stand out. Shibuichi explores the stances on the shrine expressed by the "right" and "left" factions in Japan. In this division of the somehow classic and not consistent political ideological spectrum, he incorporates social groups in favour of Yasukuni. While not delving into their actions and characteristics, he points out the

<sup>5</sup> The first lawsuit against the Japanese government demanding removal of the name of a former fighter from the commemorative plaques was filed in 1968 by relatives of a Japanese victim (Tsunoda Saburo).

<sup>6</sup> We have conducted an exhaustive search of works in English and Spanish.



connection between them and the LDP. He does not consider it to be a majority sector, but a very powerful one. Officials, teachers, journalists, and renowned politicians promote visits to Yasukuni, seeing it as a symbol of nationalism underpinning Japanese identity. On the other hand, Ryu says that support for the shrine is part of a growing conservatism in Japan that harms diplomatic relations with China and South Korea. Like Shibuichi, he stresses that the LDP is the only party that defends Yasukuni. Considering the major importance given to certain groups in favour of Yasukuni in previous works (Shibuichi, 2005; Tetsuya Takahashi, 2007; Ryu, 2007; Yuji, Keito and Kei, 2015), the impact of their activities on regional media (Japan Herald, Korea Herald, the Japan Times, the Korean Times, China Daily, Xinhuanet, Asahi Shimbun) and the level of accessibility to information, we selected the following organizations:

- Japan Conference (*Nippon Kaigi*)
- Japan War-Bereaved Families Association (*Nippon Izokukai*)
- Association of Members of Parliament Visiting the Yasukuni Shrine Together (*AMPVYST*).
- Association of Shinto Shrines. (*Jinja Honcho*)

*The Japan Conference* or *Nippon Kaigi* is the youngest group, formed in 1997. It arises from the union of two nationalist groups: the Society for the Defence of Japan (formed by religious organizations) and the National Association for the Defence of Japan (formed by several military leaders) (Kuji, Keita and Kei, 2015: 1). Under the slogan "let us build a country we are proud of", its main objective is to propagate a comprehensive historical revisionism of the imperialist past of Japan by promoting officials' visits to the shrine, the establishment of patriotic education and a Shinto monarchical state (which leads to a constitutional reform).

As Shibuichi noted (2005), this group maintains a very close relationship with senior government officials. For example, the current president of the organization, Miyoshi Toru, is the former president of the Supreme Court of Japan. The current Prime Minister Shinzo Abe, Aso Taro and Koizumi Junichiro, all members of the Liberal Democratic Party are also members of this group (Kim, 2014).

According to a report in the newspaper *Asahi Shimbun*, *Nippon Kaigi* has 250 offices in the country and in parliament and the representation of 289 members (40% of seats), almost all of the LDP, although the opposition party, the Democratic Party of Japan (DPJ) also has supporters within this group. In 2014, fifteen of the nineteen cabinet representatives were members of this organization (Kato, 2014). Currently, 80% of Shinzo Abe's cabinet and half of the parliamentarians belong to this group. According to the official website, among the different personalities of the Japanese public life, many prominent members of the LDP participate: Shinzo Abe, Junichiro Koizumi, Akira Amari, Haruko Arimura, Kazuhiro Haraguchi, Kunio Haraguchi, Bunmei Ibuki, Yoshio Mochizuki, Eisuke Mori, Satoichi Nakawa, Hiroshi Nakai, Gen Nakatani, Keinji, Kosaka, Yoshitaka Shindo, Yoshihide Suga, Sunichi Suzuki, Sanae Takaichi, Wataru Takeshita, among others; university lecturers: Tadae Takubo, Shiro Odamura, Keiichiro Kobori, Takemoto Tadao, Irie Takamori, Yoshio Keino (President of the Japan Teachers Association), Masayuki Shibuki (Kohken Co.), etc.; prominent businessmen and professionals: Keiichiro Uchino (director of a prestigious law firm), Kosaku Inaba (former president of a heavy industry), etc.; and other representatives of civil society, such as Sadanoyama



Shimatsu (director of the Japan Sumo Association), Yoshiko Sakurai (journalist and television presenter), Seiho Okano (leader of a religious cult called *Gedatsukai*).

Besides having prominent personalities of local politics who hold or have held important government positions among its members, Tomomi Yamaguchi highlights:

*"movements such as Nippon Kaigi that not only have the ability to mobilize members of the National Assembly but also parliamentarians from prefectures and religious groups have played a key role in the consolidation of a right-wing trend since the late 1990s that culminated in the Education Basic Law, visits by prime ministers to Yasukuni, etc."* (quoted in Kuji, Keita and Kei, 2015: 2).

Its clear and direct link in certain government decisions does not mean that there are no sectors within the LDP that dismiss *Nippon Kaigi*. However, they have managed to enact controversial bills, for example, the one establishing the old imperial flag of the Rising Sun as the national flag and the imperial anthem *Kimi ga yo* ("May his reign last forever") as the national anthem in 1999.

Another relevant group is the *Japan War-Bereaved Families Association* or *Nippon Izokukai* founded in 1947 with the aim of vindicating the interests of the descendants of veterans of the Pacific war. This group is more powerful and nationalist than *Nippon Kaigi*, but like it, it has broad support from the LDP and the positions in its organization are occupied by parliament members of the ruling party. At first, it struggled to obtain governmental financial assistance to the families who lost next of kin during the war. In 1957, it persuaded the Ministry of Welfare to cede one of its buildings for no rent. And in 1960, having reached its initial goal, it pressured the government to ensure that Yasukuni is protected by the state and officials, and that especially the Emperor and the Prime Minister support the shrine as they did before the war. Since then, the *Association* began to introduce bills (through the parliamentarians faithful to the group) to ensure state support of the shrine and establish official rites for those killed in combat. Indeed, they conducted another more visible type of action: street demonstrations, leafleting, collecting signatures and sitting in front of the prime minister's office. The bill was rejected five times during the period 1969-1974 (Daiki, 2005: 70-71).

Faced with these refusals, they defined a new strategy focused on encouraging public officials to visit Yasukuni. To force Yasuhiro Nakasone to officially support the shrine, several subgroups that make up the *Association* went on hunger strikes, even inside the shrine. Former Prime Minister Ryutaro Hashimoto (1996-1998) was a member of this group and visited the shrine during the first year of his administration (Pollack, 1996). Similarly, in 2000 the Mayor of Tokyo, Shintaro Ishihara, did the same, becoming the first governor to make an official visit (Tanaka, 2001). An interesting change in their demands occurred in 2014 when the *Association* passed a resolution supporting the removal of the plaques commemorating Class-A war criminals and their transfer to another place and thus avoid controversies around the shrine (Fackler, 2014). This new strategy seeks to eliminate the discussions around which fallen the state should commemorate and thus advance their nationalization project.



Besides these two groups, there are other smaller ones. Among them, *the Association of Parliamentarians visiting the Yasukuni Shrine Together* (AMPVYST) stands out for its advocacy capacity. This association was founded in 1981 and reflects the power achieved by the groups in favour of Yasukuni. It consists of LDP and DPJ parliamentarians who wish to visit and/or enable official visits to the shrine, especially every 15 August when the end of the war is commemorated. The AMPVYST considers that these visits will increase the national political consciousness. Between 2008 and 2013, about 40 or 50 parliamentarians visited the shrine to mark the end of the war.

Finally, it is important to mention the *Association of Shinto Shrines* or *Jinja Honcho*. According to its official website, it is a conglomerate of private religious institutions responsible for promoting the Shinto religion and enforce Japanese traditional and cultural values. Since the end of war and the consequent separation of state and religion, this *Association* aims to strengthen the revival of Shintoism as a folk religion that defines the Japanese national identity. In this sense, it advocates to resume pre-war values such as the divinity of the Emperor and respect for the imperial family. On the other hand, it is responsible for managing all national shrines and certify priestly promotions. Its main channel of action is the weekly *Jinja Shimpo*, responsible for the social and religious agenda of national Shinto shrines. It is closely linked to *Nippon Izokukai* and often collaborates in drawing up its agenda. For example, during 1969-1974, *Jinja Honcho* actively supported *Nippon Izokukai* and the LDP in the demand for the nationalization of the shrine. In terms of ideological foundation, it is more like *Nippon Kaigi* since it combines the defence of Yasukuni with the importance of restoring what they consider to be the "traditional values of Japanese society" (Sieg, 2014).

All these groups are civil associations. In no case were they created by political parties, although they are their main pressure actors. In order to increase the level of adherence to their demands, especially visits to Yasukuni, each organization distributes material (books and pamphlets) that reflects their revisionist perspective of the past. The groups also maintain relations with officials of some prefectures (usually belonging to the LDP) that are responsible for attracting new members and collect donations. The action channels they use to achieve their aims are peaceful: legal means (they push for new regulations), commemorations, social promotion activities and educational projects. They also have the implicit support of newspaper *Yumiuri Shimbun*, one with the largest circulation in the country, the daily *Sankei Shimbun* and the monthly magazine *Shokun!*

Pollmann (2016) emphasizes the importance of the media since they may favour the realization or not of a visit. Through public opinion polls, he notes that officials and prime ministers tend to do their visit if they feel supported by the population. This domestic consensus has negative international consequences in Korea and China, but if the official has broad support, they are overcome. If support for a prime minister turns out to be less than expected, the visit will be repudiated or even not made. When Koizumi visited Yasukuni, he did so being aware that the surveys favoured an eventual visit. The author explains that the greater the support, the visit will take place and support for the official in question will continue, although it will be reduced.

On the other hand, groups in favour of Yasukuni are connected to each other and also have various action and pressure channels. Their lobbying at political level has allowed them to consolidate their power of influence on the national and local government. Most of the representatives with leadership positions in these associations/groups are themselves members of the LDP and occupy important positions in government (prime



ministers, ministers, parliamentarians, and prefects). This does not mean that the groups are part of the LDP, but their members are simultaneously participating in party activities and in activities outside them. As mentioned in the case of groups against the shrine, in Japan there is not a single voice on the issue of Yasukuni. On the contrary, within it we can find a variety of positions that reflect the diversity of perspectives regarding the visits. Nor would it be correct to say that there is homogeneity within the LDP. Within it, there are those who oppose the prime minister visiting the shrine. One can also identify different perceptions about the meaning of this memory site, since for some it is a place to honour the fallen while for others it is a symbol of militarism (Ryu, 2007). The ideological pluralism prevails in the other political parties. According to data presented by Ryu (2007), LDP parliamentarians are generally more likely to visit the shrine and consider that by doing so they honour the fallen, and those who do not belong to this party are usually more prone to oppose the shrine and consider that it represents militarism. Interestingly, the groups against the shrine cross transversally the party logic. For example, the AMPVYST group is a partnership involving both LDP and the DPJ parliamentarians in favour of the shrine. In any case, the LDP, simply by having a liberal ideology regarding the economy and a conservative-nationalist one in politics is closer to these groups supporting the shrine and whose members are part of their ranks.

The scope of the groups in favour of the shrine and their intrinsic relationship with the leadership of the dominant power in Japan question the level and type of collective approval of the apologies made by Japanese officials for atrocities committed in the past. The support and legitimacy of visits to Yasukuni show the difficulty in reconciling national repentance with the appreciation of the national being. As discussed in the next section, this dilemma also raises other types of incompatibilities in Japan's reconciliation process with its neighbours.

### When forgiveness becomes inconsistent

Since the 1950s, several Japanese officials have apologized for the atrocities committed during the war to countries affected by the occupation [see Table 1]. However, forgiveness does not seem to have been accompanied by a policy of adequate memory to strengthen the mere rhetoric of the apology. Or perhaps, even more complex, the notion of forgiveness has not been agreed by the countries in the region, especially Korea and China. Thus, a series of questions related to the level of repentance and the level of collective acceptance of forgiveness arise: To what extent the demands of the Yasukuni advocacy groups oppose the apology requests? Who can and should the Japanese state commemorate?

Table 1. Apologies from the governments of Japan

Year	Authority	Recipient of the Apology
1957	Prime Minister Kishi Nobusuke	Republic of the Union of Myanmar
1957	Prime Minister Kishi Nobusuke	Australia
1965	Minister of Foreign Affairs Shiina Etsusaburo	South Korea (Treaty Restoring Diplomatic Relations)



1972	Prime Minister Kakuei Tanaka	People's Republic of China
1982	Prime Minister Zenko Suzuki	All Asian territories occupied by Japan during the war
1982	Director of the Cabinet Secretariat Kiichi Miyazawa	Korea
1984	Emperor Hirohito	Korea
1984	Prime Minister Yasuhiro Nakasone	Korea
1985	Prime Minister Yasuhiro Nakasone	All Asian territories occupied by Japan during the war in the United Nations
1989	Prime Minister Takeshita Noboru	Korea
1990	Minister of Foreign Affairs Taro Nakasone	Korea
1990	Emperor Akihito	Korea
1990	Prime Minister Toshiki Kaifu	Korea
1992	Prime Minister Kiichi Miyazawa	The former comfort women
1992	Prime Minister Kiichi Miyazawa	Korea
1992	Director of the Cabinet Secretariat Koichi Kato	The former comfort women
1993	Director of the Cabinet Secretariat Yohei Kono	The former comfort women
1993	Prime Minister Morihiro Hosokawa	All those affected by war
1993	Prime Minister Morihiro Hosokawa	All those affected by war
1993	Prime Minister Morihiro Hosokawa	For the aggressions committed during the war
1994	Prime Minister Tomiichi Murayama	All people of Asian territories occupied by Japan during the war
1995	Prime Minister Tomiichi Murayama	The former comfort women
1996	Prime Minister Ryutaro Hashimoto	South Korea (for colonization and former comfort women)
1996	Emperor Akihito	South Korea
1998	Prime Minister Ryutaro Hashimoto	Holland
1998	Prime Minister Keizo Obuchi	Korea
1998	Prime Minister Keizo Obuchi	People's Republic of China
2000	Consul General of Japan in Hong Kong, Itaru Umeza	All Asian territories occupied by Japan during the war
2000	Minister of Foreign Affairs Yohei Kono	People's Republic of China



2001	Minister of Foreign Affairs Makiko Tanaka	For the aggressions committed during the war
2001	Prime Minister Junichiro Koizumi	Korea for the colonization of the country
2001	Prime Minister Junichiro Koizumi	The former comfort women
2002	Prime Minister Junichiro Koizumi	Korea
2003	Prime Minister Junichiro Koizumi	All Asian territories occupied by Japan during the war
2005	Prime Minister Junichiro Koizumi	All Asian territories occupied by Japan during the war
2005	Prime Minister Junichiro Koizumi	All Asian territories occupied by Japan during the war
2007	Prime Minister Shinzo Abe	The former comfort women
2010	Minister of Foreign Affairs Katsuya Okada	Korea
2010	Prime Minister Naoto Kan	All Asian territories occupied by Japan during the war
2010	Minister of Foreign Affairs Katsuya Okada	United States for prisoners of war
2010	Prime Minister Naoto Kan	Korea
2011	Minister of Foreign Affairs Seiji Maehara	Australia for the mistreatment of prisoners of war
2011	Deputy Foreign Minister Toshiyuki Kat	Canada for the mistreatment of prisoners of war
2013	Prime Minister Shinzo Abe	All Asian territories occupied by Japan during the war
2014	Ambassador to the Philippines Toshinao Urabe	All Asian territories occupied by Japan during the war
2015	Prime Minister Shinzo Abe	All Asian territories occupied by Japan during the war
2015	Minister of Foreign Affairs Fumio Kishida	Agreement with the Minister of Foreign Affairs of South Korea: the former comfort women

Source: Own list based on data provided by the official website of the Ministry of Foreign Affairs and the House of Representatives of Japan

As shown in Table 1, in the 1990s the amount of apologies made by the prime ministers of Japan increased significantly, from 4 in the previous decade to 12. This increase marked a trend, with 7 apologies made in 2000. The apologies tend to emphasize the *responsibility* and deep *repentance* of Japan:



*"For a while, in a not too distant past, Japan followed a mistaken national policy, choosing to advance through war and leaving the people of Japan subsumed in a terrible crisis, and through aggression and colonial dominance, caused profound damage and great suffering to the peoples of many countries, particularly Asian nations (...) Allow me to also express my feelings of profound mourning for all victims (...)"* (Tomiichi Murayama in the speech about the 50 years of war, 15 August 1994)

*"In the past, Japan, through aggressions and colonial dominance, caused tremendous damage and suffering to the people of many countries, particularly those from Asian nations. Honestly, given these historical facts, I once again express my feelings of deep remorse and heartfelt apologies (...)"* (Junichiro Koizumi, 15 August 2015)

Ironically, one notes that while Junichiro Koizumi as prime minister apologized for the horrors of the past every year, he also visited the Yasukuni Shrine annually. Shinzo Abe had the same attitude, continuing to defend Yasukuni despite the pardon granted in 2007. Nakasone Yasuhiro and Koizumi Junichiro and Shinzo Abe, among other senior officials, are active members of the *Japan Conference* organization. Lai (2014: 84) points out that since the 1990s, a more articulated and ideological movement led by *Nippon Kaigi* emerged, reflecting the popular resentment toward what they perceived as using war files to permanently denigrate them and force them to maintain *an apology diplomacy*. Unlike other associations studied, this one has a broad political role and adherence. According to data collected in official websites, *Nippon Izokukai* aims to promote the socio-economic welfare of war victims (and their families) while seeking official support to care for memorials located outside Japan in Sakhalin, the Kuril islands, in Malaysia, and the Philippines, among others. *Nippon Kaigi*, however, has more controversial political objectives, for example, modify the constitution to allow the re-emergence of an independent Japanese army. It has a monthly publication that discusses how to interpret the history of the country, the need to restore "national pride", "respect and enhance the tradition and culture" and restore the "true identity of Japan". Regarding Yasukuni, recent statements emphasize the rejection of a proposal to convert the shrine into a public cemetery because "it tramples national history". They also have a YouTube channel with events, lectures, commemorations and other dissemination events. It is very striking, with a high number of statements made by public officials showcasing some state authorities doing their activities, such as Shinzo Abe. Visits to the shrine are usually made on specific days, such as during the Spring Festival (mid-April), the Autumn Festival (mid-October) and on 15 August, the Day of Surrender of Japan in World War II. According to Pollmann (2016), it is the most chosen date for visits of parliamentarians and cabinet members. That day marks the end of the war for Japan, while its neighbours celebrate the Japanese liberation. This is a sensitive date in the relations between Korea, China and Japan. Other dates chosen by prime ministers and officials for visits are the spring and autumn Festivals when religious services are conducted.



The prime ministers who visited Yasukuni were Nakasone, Hashimoto, Koizumi and Abe. Both Nakasone and Koizumi visited the shrine on 15 August, Hashimoto and Abe on other dates. According to data obtained by Pollmann, there have been constant visits of parliamentarians to the shrine since 2003, both during the festivals and on 15 August. The size of delegations at festivals seems to suggest that those days are more important than the commemoration of the end of the war. On the other hand, the cabinet members visited the shrine every 15 August in the periods 1999-2008 and 2012-2014. These data indicate that, despite the lack of prime ministerial visits between 2006 and 2013, both cabinet members and parliamentarians continued to go to Yasukuni during the festivals and on 15 August.

Between 2006 and 2013 the prime ministers decided not to attend. It is the case of Obuchi, Mori, Abe (during his first term, 2006-2007), Fukuda, Aso, Hatoyama, Kan, and Noda. However, Abe, in his two terms, and Aso, sent offerings. Abe did it once in his first term, Aso did it twice, once in each festival, and then Abe sent offerings in each festival, on 15 August, and personally visited the shrine in 2013. Sending gifts is a sign that despite not being able to make the visit, the prime minister is legitimizing the shrine.

This enhancement of the local meaning of Yasukuni in detriment of the impact on regional relations suggests that for several officials domestic policy seems to matter more than international policy. While visits earn support from broad sectors, they undermine relations with China and Korea. However, if they choose not to attend, there will be no international damage to repair. The period of non-visits by the prime ministers may indicate greater respect for Japan's neighbours, but this attitude did not prevent visits by other public servants, generating some incoherence and inconsistency in the apologies made.

On the other hand, combining the act of visiting Yasukuni with the apologies of prime ministers, one notes that, just like with the organizations in favour of the shrine (especially *Nippon Kaigi*), the act of honouring the fallen in the war is not synonymous with legitimizing human rights violations committed by imperialist Japan. The apologies emphasize repentance and responsibility for the damage caused and commemorations at Yasukuni are based on the need to dignify those who unjustly lost their lives for the Japanese nation. This dichotomy, discussed and criticized by the countries in the region (and even by large segments of Japanese society) shows the diversity of ways of interpreting the past that dominate the regional agenda and the consequent problem of absolutizing the value of forgiveness:

*"It is not my intention to hurt the feelings of the Chinese and Korean people. It is my desire to respect and protect freedom and democracy, and build a respectful friendship with China and Korea, as have all prime ministers who have visited Yasukuni"* (Shinzo Abe, 26 December 2013)

### **The regional impact: China and South Korea**

The governments of China and South Korea consider the visits to Yasukuni by Japanese government officials, especially the prime ministers, as a provocation that challenges the



level of repentance and collective acceptance of the "heartfelt" apologies made by the Governments Japan on several occasions.

South Korea is the most active country in its claims<sup>7</sup>. According to documents posted on the official website of the Ministry of Foreign Affairs (MOFAT) of this country, the first claims date back to the 1980s when Nakasone Yushihiko went to Yasukuni. During the period of Junichiro Koizumi (2001-2006) the statements of dissatisfaction increased. In 2001, during the 53rd meeting of the Sub-Commission on the Promotion and Protection of Human Rights of the United Nations, Koizumi's visit to the shrine was mentioned, among other issues. Also in the statement made on the 56<sup>th</sup> anniversary of the end of the war, Junichiro Koizumi referred to the visits to Yasukuni and asked for understanding for the feelings of the Japanese people for the shrine. In subsequent years, the Ministry of Foreign Affairs of Korea made several statements of rejection, emphasizing the militaristic nature of the matter and the existence of plaques commemorating war criminals. In August 2003, visits were one of the issues discussed by the foreign ministers during a meeting, without reaching consensus.

The documents examined (see Table 2) indicate criticism of the visits and of the misconception of history that Japan disseminates. Besides the "wrong" view of history, there are other conflicts between the two countries, such as the territorial dispute over the Dokdo/Takeshima Island and requests for Japan to modify a series of school textbooks that minimize its aggressor role in the past. Korea's indignation over the visits by prime ministers to Yasukuni continued. In April 2013, official meetings were cancelled after Shinzo Abe went to the shrine and in December the National Assembly issued a formal condemnation of the visits, and the meetings on defence and military exchanges were suspended. In this regard, the statement made by the Korean government spokesman stressed:

*"If Japan really wants to actively contribute to world peace, it is important to face its history and build trust by expressing deep regret and make apologies to the governments and peoples of neighbouring countries that suffered the pain of its colonial rule and militarist aggression"* (Statement by the Spokesman on Yasukuni, 26 December 2013, MOFAT).

In early 2014, the Permanent Representative of the Republic of Korea at the United Nations, Oh Joon, referred to the tension caused by visits to Yasukuni and condemned the leaders of Japan for maintaining a confrontational attitude. During that year the Korean government made several statements expressing its discontent after the visit of Shinzo Abe and cabinet members to Yasukuni. On 22 April 2015, the Korean government said:

*"(...) Japan should express its sincere repentance and apologize for the errors made in the past to meet the aspirations of both countries*

<sup>7</sup> It is also in other regional disputes regarding Japan's past as an aggressor in the region, as the case of former sex slaves of the imperial army of Japan and the tensions caused by the textbooks.



*to improve bilateral relations”* (Statement by the Spokesman on Yasukuni, 22 April 2015, MOFAT)

Like Korea, China has also repeatedly stated its concern about the visits of Japan’s prime ministers to the shrine (See Table 2). In its complaints it requests that they be stopped, arguing, like Korea, that the Japanese government is misreading history. The requests were made not only through statements, but also in meetings between officials. One of the major complaints made by China is that Japan's attitude precludes fluency in diplomatic relations between the two countries. For example, Hu Jintao declared in 2005 that Japan should consider the three documents that serve as the foundation of their relations: the Sino-Japanese Joint Statement, the Treaty of Peace and Friendship between China and Japan and the Sino-Japanese Joint Declaration. The following year, Takako Doi linked the impasse in Sino-Japanese relations to the sustained visits by Japanese leaders to the Yasukuni Shrine. In addition, he described the visit as an act that:

*“Challenges international justice and tramples the intuitive knowledge of mankind. It has had a strong impact on the process of improving relations between China and Japan and has also damaged the international image and national interests of Japan”* (Interview with Tang Jia Xuan, 20 August 2006, MOFAT of China).

The claims continued throughout the decades. In 2013, Qin Gang, spokesman of the MOFAT of China said that Shinzo Abe's visit to Yasukuni was outrageous:

*“unacceptably tramples on the feelings of the Chinese people and of other Asian people victims of the war and openly defies historical justice and human consciousness (...) we urge Japan to honour its commitment and reflect on its aggressive past, to take steps to correct its errors and eliminate adverse effects, and take concrete actions to regain the trust of its Asian neighbours and of the international community in general”* (Qin Gang, Declaration on Yasukuni, 26 December 2013).

Table 2. Regional Impact of visits to Yasukuni 2001-2015

<b>Period: 2001-2015</b>	<b>China</b>	<b>South Korea</b>	<b>Japan</b>
<b>Reason for protest</b>	- The Chinese MOFA accuses Yasukuni of being a symbol of expansionism and aggression, the way how the Japanese government understands and is approaching its history of aggression being the nodal point.	- The Korean Ministry stressed that the Yasukuni Shrine is a place where the wars of aggression of Japanese imperialism are justified and glorified.	



	<ul style="list-style-type: none"> <li>- Presence of plaques commemorating Class A criminals being the main indicator of the misperception of the Japanese government.</li> </ul>	<ul style="list-style-type: none"> <li>- Presence of plaques commemorating Class A criminals</li> </ul>	
<p><b>Requests/ Answers</b></p>	<ul style="list-style-type: none"> <li>- "Draw lessons from history and look to the future to develop Sino-Japanese relations".</li> <li>- Develop relations considering the "spirit of taking history as a mirror and looking into the future" (coined by Hu Jintao).</li> <li>- Compliance with the four political documents established between China and Japan (the China-Japan Joint Declaration of 1972, the China-Japan Treaty of Peace and Friendship of 1978, the China-Japan Joint Declaration of 1998 and the joint declaration on advancing strategic relations and mutual benefits holistically of 2008), on which their relations should develop.</li> <li>- Request a correct understanding of history through actions enabling relationships to thrive.</li> <li>- Respect for the feelings of the Chinese people and victims of other Asian countries.</li> <li>- Any homage at Yasukuni is essentially an attempt to deny and cover up the history of the invasion of Japanese militarism, and to challenge the results of World War II and the post-war international order.</li> <li>- The Japanese side was urged to show remorse for the history of aggression and to make tangible efforts to win the trust of its Asian neighbours and the international community.</li> </ul>	<ul style="list-style-type: none"> <li>- Approval of the proposal by the "Advisory Group to consider a memorial facility for remembering the dead and Praying for Peace in Japan" to build a new memorial.</li> <li>- Discontent with a distorted interpretation of history by the Japanese government.</li> <li>- Request not to take any action that may hinder the normalization and the establishment of a constructive relationship oriented to the future, such as visiting the Yasukuni Shrine.</li> <li>- Request to "take a humble and sincere approach to the history of Japan to win the trust and play roles of responsibility within the international community"</li> <li>- The visits are qualified as irresponsible for ignoring the feelings of Japan's neighbouring peoples.</li> <li>- Questioning about the presence of plaques commemorating Koreans.</li> <li>- The rhetoric and actions carried out by Japan, including visits to Yasukuni, are identified as an impediment to the development and stabilization of bilateral relations.</li> <li>- Request for correspondence between Japan's actions and its apologies.</li> <li>- It is considered that the visits can only deny the international order and override the basis on which Japan returned to the international community after World War II (MOFAT Korea, 17/04/2014).</li> <li>- Complaints regarding the "anachronistic" behaviour that the Yasukuni visits represent for the Korean government.</li> </ul>	<ul style="list-style-type: none"> <li>- Prime Minister Taro Aso said he considered unnatural not to honour those who had died for Japan so it was necessary to visit the shrine. (MOFA China, 02/08/2013).</li> <li>- The Japanese government affirms that the Murayama, Koizumi and Abe statements express the way they understand the history, repeating the idea of a "deep remorse and heartfelt apology" about what happened in the past. The apology extends to other events such as the case of comfort women or the Nanjing massacre.</li> <li>- The Japanese government said the visits were made by citizens and were not official in nature.</li> <li>- The visits are justified claiming that they seek to honour those who sacrificed themselves to build the peace that Japan enjoys today.</li> </ul>



<p><b>Related topics</b> (mentioned as historical problems in statements made at Yasukuni)</p>	<ul style="list-style-type: none"> <li>- Conflict of Sovereignty over the Diaoyu/Senkaku Islands.</li> <li>- Controversy about how history is told in Japanese school textbooks.</li> <li>- Recognition of China over Taiwan.</li> <li>- Security cooperation between the US and Japan and future military orientation of the latter.</li> <li>- The issue of comfort women.</li> <li>- The Nanjing massacre.</li> <li>- Disputes arising in the East and South China Sea.</li> <li>- The nuclear issue of North Korea.</li> </ul>	<ul style="list-style-type: none"> <li>- Conflict of sovereignty over the Dokdo/Takeshina Island.</li> <li>- The issue of comfort women.</li> <li>- Protests over history school textbooks.</li> <li>- For the Korean government the visits reflect an erroneous look of history and began to be associated with intentions to revise the Constitution by the Abe Cabinet.</li> <li>- The nuclear issue of North Korea.</li> </ul>	
<p><b>Actual repercussions</b></p>	<ul style="list-style-type: none"> <li>- Statements of various Chinese officials and institutions condemning the acts.</li> <li>- Requests for emergency meetings with the Japanese ambassador and foreign minister to express discontent.</li> <li>- Refusal of Chinese officials to meet Abe because of the visits (MOFA China, 30/12/2013); (MOFA China, 9/1/2014).</li> <li>- Cancellation of talks with Prime Minister Koizumi that would take place within the Asia-Pacific Economic Cooperation (APEC) summit in Busan and the trilateral summit to be held in the Association of Southeast Asian Nations + 3 (ASEAN) after his visit to Yasukuni in 2005.</li> </ul>	<ul style="list-style-type: none"> <li>- Requests for meetings with the Japanese ambassador in Seoul and the Minister of Foreign Affairs of Japan, asking them not to hinder the development of friendly relations between Korea and Japan as well as the maintenance of peace and cooperation in Northeast Asia.</li> <li>- Cancellation in 2013 of the planned meeting between Minister Yun Byung-se and his Japanese counterpart.</li> <li>- Approval by the Korean National Assembly of a resolution denouncing official visits to Yasukuni and comments from Japanese politicians on historical topics.</li> <li>- Cancellation of talks with Prime Minister Koizumi that would take place within the Asia-Pacific Economic Cooperation (APEC) summit in Busan and the trilateral summit to be held in the Association of Southeast Asian Nations + 3 (ASEAN) after his visit to Yasukuni in 2005.</li> </ul>	

Source: Own information based on the statements and press conferences provided by the Ministries of Foreign Affairs of China, Japan and Korea (2001-2015)

The information gathered and analysed shows that both in Korea and China, the visits to Yasukuni create diplomatic tensions that do not seem to affect economic and trade commitments between these countries and Japan, although they hamper the possibilities of a deeper political rapprochement. In no event the groups that promote visits to Yasukuni and keep the memory alive within Japanese society are mentioned. The arguments used to reject visits to Yasukuni are often similar. These are based on the deepening of historical wounds, the misreading of the past and the unnecessary lock in diplomatic relations. Visits to the shrine reflect the paradoxes of forgiveness, an act that



far from representing consensual historical memories, is permanently reconstructed in many forms.

Accordingly, and considering the views expressed by the various ministries, the issue of the visits to Yasukuni is a subject that Korea and China cannot avoid ruling against given the symbolic and historical weight of the shrine. The criticism points to the presence of plaques commemorating Class A criminals as the key issue, but there is no substantive debate on the history told in the museum that adjoins the shrine. Despite the permanent manifestations of disagreement and the consequent cancellation of official visits of China and Korea to Japan, there have been no formal proposals<sup>8</sup> for dialogue between states that allow discussing and coordinating a peaceful resolution to this conflict.

## Conclusions

Based on the materials and the sources examined, we argue that the tensions surrounding the Yasukuni Shrine reflect a contradiction in the strategy of forgiveness as the way to reconciliation with South Korea and China. Mainly, the absence of a consensus on what kind of apology is required by the affected states stands out, as well as the lack of agreement on what the meaning or intent of the visits to Yasukuni is. The period of non-visits by prime ministers relatively reduced regional tensions, but it did not generate a significant change in the inconsistency of apology diplomacy. To a large extent, this is because during 2006-2013 the visits by other Japanese officials continued. Also, the policy of non-visits did not affect the activities of organizations in favour, especially *Nippon Kaigi*, which continued to encourage not only visits to Yasukuni but also, and primarily, a view of history that, according to statements repudiating the shrine, is considered to be controversial and provocative by neighbouring countries. Resorting to the categories that allow us to study the feasibility level of forgiveness in international relations proposed by Daase (2010), we find that the highest authorities in Japan have been responsible for making an apology, whether the emperor, prime ministers and other high rank officials. As for the other three categories, one notes that forgiveness requests have not been accompanied by memory policies that reinforce the value of the word.

As stressed, the increases in the number of apologies made by the prime ministers of Japan go hand in hand with a quantitative and qualitative growth of the power of groups supporting Yasukuni, especially *Japan Conference*, and the conduction of visits by public officials. The activities of these groups reflect a growing appreciation of Yasukuni as a symbol of the origin of the modern Japanese nation state that defies the notion of forgiveness. Thus the dichotomy of honouring the fallen versus legitimizing what happened poses serious constraints to regional political understanding that lead to the need to rethink the shrine as a place of memory.

Forgiveness does not necessarily imply a process of historical rectification by the repentant country. This incompatibility has its origins in the process of transitional justice experienced by Japan, the adversarial stage of the Cold War, the economic motivations

<sup>8</sup> It is important to remember that, compared to other dilemmas, such as the textbooks, the states created dialogue committees (e.g. the Joint Research Committee for Korea-Japan History 2001-2002 and 2007, and the Joint Research Committee for China-Japan History 2006-2010) that had the participation of officials and scholars from the three countries: Korea, China and Japan. Although they failed to resolve the conflict, they are an interesting antecedent of cooperation on memory issues (Nozaki, 2002, 2005 and 2007; Nozaki and Selden, 2009).



behind the restoration of diplomatic relations with its neighbours, the rise of China, and the change in the regional positioning of Japan.

Although the incorporation of these aspects exceeds this research, it is important to take them into account to avoid falling into a simplification of the current process of re-emergence of nationalist associations linked to high-ranking personalities of Japanese politics who defend Yasukuni. Other issues that impede reconciliation are: forced labourers during the Pacific War, the case of sex slaves of the imperial army of Japan, territorial disputes (Senkaku/Diaoyu and Dokdo/Takeshima islands), the issue of textbooks that causes very negative reactions in China and Korea for the justification of crimes such as the Nanjing Massacre, the colonization of Korea, the forced recruitment of comfort women, all issues grouped under the argument of freeing these nations from the European colonizing yoke.

Finally, it should be stressed that the extent of the practice of apologies in international relations does not mean that there is a monolithic and universal concept of forgiveness. In repentance, cultural, social, and political implications come together and should be considered in future research. If, as Lind argues (2008), the German case is an exception rather than the rule, we wonder why in the claims made by South Korea and China the exception has become the norm.

And if the exception becomes the norm, why continue demanding apologies in a sporadic way and not think about creating institutions of dialogue between the states involved to resolve the conflict? Faced with this limitation, forgiveness might be seen not only as part of a reconciliation process but also as a legitimate tool to negotiate political positioning at regional level. Therefore, the inability to advance the reconciliation process not only lies in the tensions over Japan's past as an aggressor that cut across Yasukuni, but also in the absence of joint action by the countries in the region.

Visits to Yasukuni by Japanese government officials, whether or not on behalf of the state, negatively impact on the maintenance of peace and regional stability. As long as this practice continues in the context of the significant growth of Ysukuni supporting groups and little conciliatory policy by its neighbours, the importance of forgiveness in the process of regional reconciliation must be rethought and re-evaluated.

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## **THE DEBATE ON THE RELATIONSHIP BETWEEN GLOBALIZATION, POVERTY AND INEQUALITY: A CRITICAL OVERVIEW**

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### **Abstract**

On this theoretical article, I critically present the ongoing debate on the relationship between globalization, poverty and inequality. To do so, I rely on the typology put forward by Held & McGrew (2007), which divides scholars between two main approaches: the globalists and the skeptics. Among the first approach, one can then distinguish between neoliberal globalists and transformationalist globalists. Among the second one, one can distinguish between realist skeptics and Marxist skeptics. I go through the most important thinkers of each of these four perspectives, summing up the most influential arguments put forward to support their view. By grouping the views of these scholars, I show similarities and differences between the four perspectives and thus contribute to making the debate more clear. In a further section, I critically assess these arguments, identifying some of their strengths and shortcomings.

### **Keywords**

Globalization; Inequality; Poverty; Globalism; Skepticism.

### **How to cite this article**

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## **THE DEBATE ON THE RELATIONSHIP BETWEEN GLOBALIZATION, POVERTY AND INEQUALITY: A CRITICAL OVERVIEW<sup>1</sup>**

**Vicente Valentim**

### **1. Introduction**

This theoretical article aims to introduce the core arguments that polarize the debate on the relationship between globalization, poverty and inequality, in a critical manner.

The aforementioned debate is a most important one. First of all, its importance relies on the fact that at its core lies a concern about human misery and the most effective way in which to tackle it. Furthermore, in recent years, disagreements concerning this issue have spurred an intense controversy, not only at the academic level, but also at the political level, with different sides advocate diverging sets of policy proposals to tackle poverty and inequality. This disagreement has triggered a large amount of literature being published on this topic over the last years.

Against this background, this article has two main objectives. The first is to present the main perspectives regarding this relationship, by referring to the thinking of some of its most influential authors. To do so, I will address the views held by the each of those perspectives concerning the following three points: whether or not globalization is an empirically verifiable phenomenon; in which way, if any, do globalization, poverty and inequality interact; and what kind of policies should be brought about as a ways of tackling poverty and inequality. The temporal focus of the article is on post-cold war developments, as this was the period in which the various debates concerning globalization became more intense, including the one with which this article is concerned. Nevertheless, occasional references will be made to earlier studies that are too influential to be left aside.

The second objective of the article is to critically review the responses given to these questions by the several perspectives presented, through a focus on some of their strengths and shortcomings.

I shall carry out these two objectives by dividing the views of different scholars according to two broad views, each of which is then subdivided into two perspectives. Such a division is extremely helpful, as it allows one to identify similarities and dissimilarities between the thinking of a great number of scholars, thus making the debate much more clear.

The criteria used for dividing scholars into different perspectives will take into account that the debate comprises two dimensions: one that is analytical, or empirical, and one that is normative (Gilpin, 2001). The empiric dimension concerns whether or not scholars

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perceive globalization as a real and powerful process. The normative dimension concerns whether or not scholars believe that the consequences of globalization over the overall levels of poverty and inequality are, all in all, positive.

The scholars presented in the article will be divided according to their stance on these two dimensions, following the typology put forward by Held & McGrew (2007). According to these authors, one can first of all identify an opposition along the empiric dimension, between globalist scholars – transformationalist and neoliberal –, who regard globalization as an observable phenomenon, and skeptic scholars –Marxist and realist –, who do not. Concerning the normative dimension, one can place neoliberal scholars in one end, being highly favorable to policy measures that bring about greater market integration. On the opposite pole stand Marxists, perceiving globalization as a normatively undesirable process. Transformationalists fall in the middle for, even though they believe globalization has brought about a great deal of negative consequences, their policy prescriptions are usually towards *changing* the way in which integration is made, not towards trying to *stop it*. Realists have a more ambiguous position on this issue, as they do not necessarily perceive the overall outcomes of the globalization process as being positive or negative. Instead, they argue that these outcomes are no more than reflexes of interactions between different states with unequal power relations, each pursuing its own national interests.

Before we come to the discussion itself, it is important to define the three main concepts upon which the article draws. The first one is that of globalization. On this article, I follow Steger's (2003: 13) definition of globalization

*"a multidimensional set of social processes that create, multiply, stretch, and intensify worldwide social interdependencies and exchanges while at the same time fostering in people a growing awareness of deepening connections between the local and the distant".*

Following the same author, I assume globalization to comprise four main dimensions: an economic, a political, a cultural and an ecological one. The debate with which I am concerned here relates to the first one, to which Steger (2003: 37) refers as

*"the intensification and stretching of economic interrelations across the globe".*

Central to this dimension is the extension of the reach of markets throughout the world, which creates new linkages between national economies.

The second core concept is that of inequality. There are several kinds of inequality: people can be unequal in terms of their access to health, power, security, or income, for example. This article is concerned with the latter kind. However, even when we focus exclusively on income, inequality can be measured according to different concepts. One needs to distinguish inequality between countries measured through the differences observed in the income of each of those countries; from inequality between countries



measured through the differences observed in their mean incomes, weighted by their population; and from inequality between the world individuals, regardless of the country they live in (Milanovic, 2006: 1).

In the third place, regarding poverty, I rely on the UNESCO (2016: 1) definition, according to which

*"income poverty is when a family's income fails to meet a federally established threshold that differs across countries".*

A commonly used standard for the definition of extreme poverty is the \$1 a day threshold (US purchasing power parity).

Once these three concepts have been defined, the remaining article will be structured as follows: the second and third sections will deal with the first objective of the article – that of presenting the four main perspectives that polarize the debate on globalization, poverty and inequality. I shall begin with the presentation of the two globalist perspectives, and then follow with the presentation of the skeptic approaches. For each perspective, I will address the three questions mentioned above: whether or not its scholars believe globalization to be an empirically observable phenomenon; what is the nature of the relationship between globalization, poverty and inequality, if there is indeed such relationship; and what policies should be prescribed in order to tackle poverty and inequality. After that, the fourth section will deal with the second objective: that of critically assessing the four perspectives presented in the previous sections. Finally, the fifth section concludes the article, by referring to its main contributions.

## **2. The globalists: transformationalists and neoliberals**

Regarding the first point that I am to address – whether or not globalization is an empirically observable phenomenon – there is an agreement between the two globalist perspectives under discussion. Both transformationalist and neoliberal authors regard the process of globalization as something significantly different from all other processes that mankind has witnessed. Therefore, the discussion between these perspectives focuses on the two remaining points under discussion here: the way in which globalization interacts with both poverty and inequality; and the kind of policies that should be followed in order to tackle poverty and inequality. Plainly put, their disagreements revolve around Gilpin's (2001) normative dimension.

Regarding whether or not globalization does have a relationship with poverty and inequality, neoliberals state that it does, and that the outcome of such relationship is mostly positive. According to this view, globalization leads to lower levels of poverty and inequality because it enables foreign companies to invest in poor countries, thus creating new jobs, and fostering economic growth that lifts people out of poverty (Stiglitz, 2001). Also, the removal of trade tariffs enables the creation of a world competitive market in which protectionism is discouraged, which means that poor countries have it easier to export their products (Martell, 2010). Again, this leads to enhanced business opportunities, job creation and economic growth, as well as to the creation of a world labor division, which enhances poor countries' chances of development (Held & McGrew,



2007). Furthermore, globalization brings about higher levels of knowledge sharing that can benefit the economic activities of poor countries (Friedman, 2005), as well as a liberalization of finance that encourages foreign investment in those nations (Martell, 2010). And the fact that countries are open to foreign aid has enabled a large number of development programs to cope with problems such as AIDS, education, and many more (Stiglitz, 2001).

On the other hand, transformationalists also see a relationship between globalization, poverty and inequality but, in sharp contrast with the neoliberal perspective, they regard the outcome of such relationship as a mostly negative one. According to this view, the contemporary process of globalization is rather pushing towards *higher* levels of poverty and inequality.

Transformationalist authors criticize several points of the neoliberal argument. Their first criticism is that there is a high level of hypocrisy on the part of developed states: even though they put pressure on poor countries to remove restrictions on trade, most of them do not remove *their own* restrictions (Held & McGrew, 2007). But even if there were no such hypocrisy, the liberalization of trade when countries are in such unequal development stages is bound to leave poor countries without a chance of competing with products from wealthier countries (Martell, 2010). Also, the new division of labor that neoliberals praise is not actually reducing the levels of inequality and poverty. Instead, it is just *reshaping* their pattern: instead of a North vs South divide, we now have a winners of globalization vs losers of globalization one (Hoogvelt, 2001). What is more, financial deregulation brings about abrupt outflows of money, which make the home economies of developing countries very unstable (Stiglitz, 2001). And, as far as foreign aid is regarded, it forces poor countries to carry structural adjustments that lead to greater levels of poverty and inequality (Martell, 2010). Because of that, even foreign assisted programs that did lead to positive outcomes ended up leaving the aided country with large debts to pay (Stiglitz, 2001).

The reasons mentioned above lead transformationalists to take issue with the neoliberal idea that globalization is the path towards lower levels of poverty and inequality. Whereas for neoliberals it is insufficient levels of trade and finance openness that are responsible for the persisting levels of inequality and poverty, for transformationalists it is the globalization process itself that should be seen as the main explanation for such levels.

It is important to illustrate this discussion on how globalization, poverty and inequality interact by looking at the findings of some influent empirical studies. Let us first address within-country inequality. One early famous study, published long before the ending of the cold war, is the one by Kuznet (1955). This author analyzed the economies of the United States, England and Germany, leading him to the conclusion that the evolution of within-country inequality follows what became known as the Kuznet's Curve: in a first period – the early days of industrialization and urbanization – income inequality tends to rise. But, in a second period,

*"a variety of forces converged to bolster the economic position of the lower-income groups"* (Kuznet, 1955: 17),

thus reducing inequality.



However, there have been some objections to this idea. One famous author to challenge it is Piketty's (2014). This author has studied the distribution of wealth in France, United States and Britain, through a long time range of one century – in the case of the two Anglo-Saxon countries – and of over two centuries – in the case of France. From this analysis, Piketty concludes that, historically, within-country inequality has taken the shape of a U-Curve: after the great levels of inequality that could be found before World War I, the post-war period witnessed a decrease in those levels. However, from the 1980's there has been a new rise in inequality levels, a discovery that led the author to argue that we could be entering a new *Belle Époque*.

These two studies are a first sign of how both globalists and neoliberals have empirical data that supports their claims. Such controversy can be found when we focus on between-country inequality, as well. For example, Milanovic's (2011: 4) data suggest that, in the mid 19<sup>th</sup> century,

*"the ratio between the top and the bottom (of country mean incomes) was less than 4 to 1".*

But that ratio has largely increased to 100 to 1 in 2007, thus meaning that most global income differences today are dependent on location.

On the other hand, neoliberal authors assume that growth is distribution neutral, meaning that changes in income inequality through time are uncorrelated to levels of economic growth. Therefore, if the level of economic growth does not, *in itself*, lead to higher income inequality, then higher levels of growth will, on average, lead to a decrease in absolute levels of poverty (Ravallion, 2004).

Dollar & Kraay's (2004) famous study makes a similar claim. Furthermore, these authors draw a causality nexus between trade openness and growth: the rising growth levels that accompany market integration translate in a proportional rise on the income of the poor, which explains the decreasing levels of absolute poverty that these authors have found among globalizing countries. Apart from that, they hold that the so-called "globalizers" (*i.e.* developing countries that opened their economies to world trade) are catching up to rich countries, while countries that did not open to the world economy are lagging behind. The authors do acknowledge, however, that globalization does produce winners and losers, especially in the short run, and thus call for the need to adopt welfare policies as a complement to market openness. Nevertheless, they hold that, because market integration produces wealth, globalizing states will be in a better position to pursue such policies.

Let us now concern the last definition of inequality, the one measured between individuals, without looking at the country they live in. Some authors (e.g., Fischer, 2003) argue that one cannot find a trend towards higher levels of this kind of inequality throughout the world. That is because countries with large populations, such as India and China, are getting better off. Similarly, Sala-i-Martin (2006) reports that, after a peak in the late 1970's, world inequality has decreased consistently throughout the 1980's and the 1990's – the period of greatest market integration.



However, there is some controversy concerning this point, as well. Some transformationalist scholars have taken issue with the view according to which the huge growth of China and India in the last decades proves how market integration should be prescript as a path towards economic expansion. Rather, according to authors such as Martell (2010), the success of these countries was due, in part, to the fact that they were sometimes able to *restrict* globalization, protecting their industries from the fierce competition of the global economy.

The cases of India and China also draw our attention to a methodological issue that could explain why the various studies produce different results: the need to take into account the specific characteristics of each country, in order to come to robust conclusions regarding the effects of globalization over levels of poverty and inequality. Some authors (e.g., Srinivasan & Bhagwati, 1999) argue that in-depth case studies should be followed, rather than regression-based cross-country studies, as the latter are unable to properly appreciate some relevant differences between cases. Otherwise, it might be the case that the results of one's study depend on the specific countries that are included in the sample.

Before we move into the last point to be discussed – the one concerning the policy prescriptions that are put forward by each perspective – a reference should be made to the fact that some neoliberal authors argue that the discussion in turn of inequality levels is actually irrelevant, as long as poverty in absolute terms is decreasing. If the poor are getting better off, does it really matter that differences between them and the richer are widening? This view is well expressed by authors like Lucas (2004) and Feldstein (1999). The former states that the potential for rising living standards of the poorest people in the world is much greater by focusing on an improvement of poverty levels than by focusing on promoting equality. The latter argues that focusing on inequality rather than on poverty is a violation of the Pareto principle, which states that all policies that bring about an improvement to some, without worsening the condition of any, should be put to practice.

Nevertheless, this view is also debated. For example, Milanovic (2007) argues that other people's income also enter one's personal utility function. Because everyone inevitably compares his or her income level to that of others, he or she will have a sense of injustice when facing the fact that the difference towards others is becoming larger.

Given the two diverging theoretical views and the contrasting results of the empirical studies mentioned so far lead, it should come as no surprise that scholars of these two perspectives also disagree with respect to the last point that I aim to discuss here: the one concerning which policy prescriptions have a better chance of reducing the levels of poverty and inequality. On the one hand, as mentioned above, the neoliberal view holds that the removal of barriers to international trade leads to greater levels of economic growth, which in turn improve the condition of the worst off. Therefore, according to this perspective globalization is a force pushing towards less poverty, and should thus be prescribed (e.g., Dollar and Kraay, 2004). The effect of globalization on poverty is regarded as benign, and therefore *more globalization*, through greater integration in the global market, is the way to the eradication of the poverty that still persists.

On the other hand, as also mentioned above, transformationalist scholars defend that globalization is leading to rising levels of inequality, and that measures should be taken in order to counteract such an effect. This school has put forward a number of ambitious models of world regulation, through the building of supra-national democratic political



bodies democratic, that would be both representative and accountable to the world's population (e.g., Held & McGrew 2007; Rodrik, 2011). Whichever the specific configuration of this world government, it would be able of implementing policies to tackle inequality and poverty. Some concrete examples of worldwide policies to tackle inequality are Piketty's (2014) defense of global progressive taxes on capital, combined with a high level of finance transparency; or Milanovic's (2006) proposal of income transfers at the national level, taking into account within-country, as well as between-country, inequality.

### 3. The skeptics: realists and Marxists

This third section aims at discussing two skeptic approaches to globalization: the realist and the Marxist one. Regarding the first point under analysis on this article, both realist and Marxist skeptics argue that globalists tend to exaggerate the empirical relevance of the globalization process, as well as its novel character. However, there are important differences between these two perspectives.

Let us start with the realist school, which focuses primarily on the relationship between states. For these scholars, one cannot speak of a real economic globalization process, as that would require a true integrated economy, something that does not truly exist. Instead, what we can find is *interdependence*: nothing more than a relation of mutualism between states (Waltz, 1999). Relations of power between states still matter, and without understanding them, one cannot fully appreciate the interactions that take place on a worldwide level (Wolf, 2002). The realist view of the international arena is that of anarchy, with each state trying to carry out its own interests. In the definition of those interests, sub state groups play a major role. Therefore, states behave in their *external* affairs in ways that are determined to a large extent by pressures exerted upon them by their *internal* groups (Gilpin, 2001).

Because of this view, realists are also skeptic towards the second issue under analysis here: the existence of a relationship between globalization, inequality and poverty. In fact, one of the most prominent realist thinkers, Krasner (1985), argues that most scholars tend to exaggerate the importance of economic issues, thus overlooking other important conditions, especially political ones. The division between powerful states in the North and less powerful states in the South is nothing new. In fact, it is

*"one of the defining characteristics of the present international system" (ibid: 267).*

On a slightly different view, Gilpin (2001) does acknowledge the fact that, since the end of the Cold War, economic issues have had an importance that they did not have before. Therefore, this realist author does call for the need to take economic issues into consideration when studying the current inequality situation. But he does stress that we should be careful not to focus *too much* on economy. Drawing too sharp a distinction between economic and security-related affairs can be misleading, because



*"the international political and security system provides the essential framework within which the international economy functions" (ibid: 22-23).*

The distinction between economics and politics should become clear by bearing in mind the different purposes of each of them. The former is supposed to shed some light on the way interactions between market and economic agents take place. But it is the task of the latter to decide *which policies* should be taken. Even to leave the market unregulated is a political choice – one that is made *by states*. Therefore, far from being truly global and ungovernable, realists hold that the contemporary world economy is actually dominated by the most powerful states:

*"the Triad of Europe, Japan and North America" (Hirst, 1997: 410).*

To sum up, realists hold that focusing on the relationship between globalization, poverty and inequality is to be missing the point. It is states, rather than the process of globalization, that are to blame for their success or failure underpinning such issues. Therefore, regarding the last point under analysis here – the one concerning which policies are best suited to cope with poverty and inequality, realists would argue for state-specific measures, ones that allow developing countries to catch up to the most economically developed ones. From their point of view, the fact that, even though some developing countries are lagging behind, some Latin American and East Asian countries are catching up to the most economically developed ones proves how differences between countries are a product of the different strategies pursued by each of them (Held & McGrew, 2007).

The second branch of skeptic thinkers to be presented here is the Marxist one. As mentioned above, Marxists and realists share the same point of view regarding the fact that globalists tend to overstate the empirical relevance of the process of globalization. The difference lies on the fact that, for Marxist globalization scholars (e.g., Cammack, 2014) the writings of Marx and Engels are the best way to understand the current globalization process. That is because the world of which those authors talked about – one in which capitalism would become a dominant force worldwide – did not come to being until the recent rise of the globalized economy.

However, it should be noted that there are some important differences between the thinking of Marx and the recent developments of the Marxism approach. Whereas the former argued that the expansion of capitalism to the whole world would lead to the formation of capitalist societies with characteristics similar to those of Western capitalist societies, the latter regard such globalization process as a process of imperialism driven by the West, more concretely the United States (e.g., Kumbamu, 2010). According to the contemporary view, globalization led to the creation of a relation of dependence of peripheral countries towards central ones, instead of pushing towards the development of Third World countries into advanced capitalist societies.

Marxist scholars are suspicious of the empirical verifiability of globalization mainly because they regard globalization as more of a rhetoric matter than an empiric one. By



associating globalization with imperialism, these authors argue that the hegemonic neoliberal discourse – according to which the outcomes of enhanced market integration for the material conditions of the world population are, all in all, benign – is nothing but to throw dust into the public eye, in order to keep it from realizing the growing levels of class inequality worldwide, thus making the neoliberal imperialist goal a more feasible one (Berberoglu, 2010). Because

*"overt imperial rule results in costly wars and disruption, especially among a broad array of classes adversely affected by the imperial presence"* (Petras & Veltmeyer, 2011: 136),

this sort of camouflage is necessary to win over the support of ruling classes, as well as that of mass population, in countries subdued by the imperialist forces.

Another major difference between this approach and that of realist scholars concerns the crucial role that the latter ascribe to the state in determining the current state of affairs. This is illustrated by the fact that one of the most famous Marxist globalization scholars, Wallerstein (2004), elaborated the well-known world-systems analysis largely because of his dissatisfaction with the centrality that debates concerning globalization ascribe to the state. According to this author, one should rather look at the world we live in as a single system, whose roots can be traced back to the 16<sup>th</sup> century and the development of capitalism. Since then, the growth of capitalism and the expansion of the modern world system have been concomitant, with the former acting as the unifying force of the latter, which lacks a political model or common culture capable of acting as such. Even if the state may have an important role in this process, it is not its main actor – neither is the individual. The main driving force of the imperialist nature of contemporary globalization is, instead, *the market* (Cammack, 2014).

From this angle, the Marxist perspective does align with the neoliberal one in its view of the economy as central to the process of globalization. However, the former draws a much darker picture of the consequences of economic forces, as well as the reasons underlying it, than the latter.

Given that the Marxist view of the globalization process is one in which peripheral states have a relationship of dependence towards central ones, it is hard to talk about policy prescriptions for coping with poverty and inequality. Globalization is regarded as a process in which new forms of division of labor arise, leading to the creation of a worldwide class struggle. Therefore, tackling the consequences of globalization is not something that can be done in a top-down manner at the state-level. This being said, Marxist authors do not think of globalization as something unstoppable. On the contrary, they hold that its development was triggered by conscious decisions made by human actors. Therefore, different decisions could have been made, and there is still time to change the current course of globalization. Hence, these scholars call for an organization of labor forces under competent leadership, thus allowing the working class to face capitalist forces, putting an end to its exploitation (e.g., Berberoglu, 2010). Without that kind of reaction, there can be no a way of stopping imperialism. And, as long as imperialism persists, so will global poverty and inequality.



#### **4. A critical discussion of the transformationalist, neoliberal, realist and Marxist perspective**

The last section has presented the main arguments put forward by the four theories under analysis on this article. By contrast, this section intends to briefly discuss them in a critical manner.

Regarding the empiric dimension, it seems to be getting harder and harder to argue that the process of contemporary globalization is not something fundamentally new, as the skeptics do. Certainly, it does have its antecedents. But few, if any, are the human phenomena whose beginning is so radical and unforeseen that no antecedents for can be traced for it. The majority of the time, phenomena develop as an accentuation of previous tendencies that, from a certain point on, become something new. That is, I would argue, what has happened with the process of globalization, as the last decades have witnessed a number of developments that constitute a qualitative leap into something that did not exist before.

Nevertheless, this should not get us to loose sight of some of the strengths of the skeptic perspectives. For example, the Marxist view according to which globalization has led to the building of unequal relations between countries is one that is to some extent shared by some non-Marxist scholars (e.g., Steger, 2003). Also, regarding the realist perspective, one should recognize that each state does still try to follow its own interests, and that its ability to do so to do is a function of its relative power towards others. Once again, this is a position that is held even by non-realist scholars. For example, Rodrik (2011) argues that, whenever there is conflict between national and supra-national interests, states tend to favor the former to the detriment of the latter. However, a state's prosecution of its own interests happens amidst a complex and ever-changing web of other relations that take place simultaneously. Very often, these relations have conflicting and unpredicted outcomes. The pursue of a state's own interests is therefore influenced by a number of factors that it does not control, most of which were brought about by contemporary globalization.

The reasons stated above lead me to align with the globalist perspective as far as the empiric dimension goes. Regarding the normative dimension, however, I am incapable of agreeing with the neoliberal perspective, because some of the evidence towards the increasing inequality levels bought about by unrestricted globalization is hard to refute. One should not overlook such fact even if the absolute levels of poverty are in fact decreasing. Because the benefits of globalization should be parted in an equitable manner, inequality is a problem in itself and should be tackled as such.

Apart from economic matters, one major concern regarding high levels of inequality is related to its political consequences. The neoliberal discourse tends to associate market freedom with benefits that go beyond the economic sphere, such as the promotion of democracy. However, even though capitalism and democracy can indeed live together, high levels of income inequality threaten some of the basic premises of democracy, such as that of equal political influence. Under highly unequal contexts, the better-off tend to have an ability to promote their agendas that may effectively block the potential of the remaining population to make their voice heard (for a classic study on this matter, see Schattschneider, 1960).



As successful as the neoliberal perspective may have been in its inevitability discourse, the truth is that globalization does not need to be accompanied by economic *laissez faire*. On this point, it is important to remember Steger's (2003) distinction between globalization and globalism: the former defining a processes of greater integration and interdependence between states worldwide, the latter referring to a specific discourse that makes globalization inevitably neoliberal in character. By bearing in mind the distinction between these two concepts, one is able to appreciate how the process of globalization that does not need to be accompanied of neoliberalism.

The points made so far would seem to push me towards the transformationalist approach. In fact, this perspective has made important criticism to the contemporary process of globalization. Nevertheless, the reform policies proposed by its scholars certainly lack some realisticness. Proposals concerning the building of a kind of world government seem very unlikely in a time when confidence in supranational bodies is tainted by the democratic deficit of those bodies. It is true that the danger of such a deficit is one for which transformationalists themselves have alerted. Still, it becomes harder and harder to believe that these bodies can be reshaped in a way allows the public to regarded them as fully legitimate, not least because these bodies themselves seem to resist reform. Also, it seems as unlikely to conceive such a building in a period when electoral support to nationalist discourses throughout the world is on the rise.

The points made above make it hard to envision how one can push towards a kind of globalization that is conducive to lower levels of inequality and poverty. However, in the light of recent developments, it would seem that the nation state may still have a role to play, one that is probably more important than many of us would have envisioned some years ago. As more and more electors adhere to the nationalist rhetoric, it is important to recognize how important it is for each state to be capable of choosing its own level of openness to foreign trade and investment, as well as its own policies to tackle poverty and inequality.

## 5. Conclusion

This article has set out to introduce and critically review the main perspectives regarding the relationship between globalization, poverty and inequality. In order to do so, the most important authors concerned with this issue were divided according to their views on two dimensions (an empiric and a normative one). Their positions were later discussed in a critical fashion, by referring to some of the most important strengths and shortfalls of each of them.

By doing so, this article has had a twofold contribution for our understanding and thinking of this relationship. On the one hand, it has synthetized a very intense debate, one that has witnessed a great number of publications in recent years. Such has been accomplished by the presentation of a number of influential studies inserted in the broader perspective to which they can be ascribed, thus making the debate much more clear, and thus allowing for a better understanding of the main issues at stake.

On the other hand, by critically assessing the four perspectives presented here, the article has contributed to the identification of some of the strengths of the several approaches, while at the same time calling for the need to take several arguments into consideration, even if these are originally from different perspectives.



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## ON THE CONSTITUTIONAL ORDER IN/OF ITALIAN FASCISM

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Law degree from the Law Faculty of the University Nova de Lisboa/FDUNL. Doctorate in Law from the FDUNL (Portugal), specialising in Political Science (thesis title: *Constitution and transcendence: the case of communitarian regimes of the interwar*). In recent years, he has been dedicated to research and the teaching of public law disciplines (Introduction to Public Law, Constitutional Law, Constitutional Portuguese Law, Administrative Law) at the Law School of the Catholic University of Porto-Portugal, the FDUNL and the European University. He has also taught (FDUNL) historical-juridical disciplines – History of (Portuguese) Institutions; History of the State – in co-regency with Professor Diogo Freitas do Amaral. Areas of interest include: historical types of State, political forms, political regimes/forms of government and systems of government, constitutionalism and relations between the politico-constitutional and religious.

### Abstract

In this article we will analyse the fascist regime as a politico-constitutional reality. From a new way of looking at politico-constitutional phenomena, we will interpret them as inscribed on religious grounds.

We seek to show that the fascist regime was characterised as having identified the political community as Absolute. It suggests that it appears to constitute a different case in a generic politico-constitutional family of regimes that are characterised as making the political community a supreme good.

### Keywords

Fascism; Constitution; Religion; Authoritarianism; Totalitarianism

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## ON THE CONSTITUTIONAL ORDER IN/OF ITALIAN FASCISM<sup>1</sup>

Pedro Velez

In this article, we examine the fascist regime as a politico-constitutional phenomenon<sup>2</sup>. We will do it from a new way of looking at the politico-constitutional, a way that not only sticks to forms or institutions, or is limited only to probing a favourable or decisive socio-political occasion; or is the "capture" of a "founding" axiological materiality of low intensity ("too human", so to speak) – the certainly "real" and important moments of the constitutional. We seek to reattach the theoretical and constitutional project of the famous German constitutionalist Carl Schmitt through research on identities, parallels and cross-fertilisation between the "politico-juridical" – or, more specifically, "the politico-constitutional" – and the "religious"<sup>3</sup>.

### Conjecture about "the politico-constitutional" as an axiophanic reality; from the *Summum Bonum* as an invariant of the politico-constitutional

In this study we take as a starting point a concrete hypothesis for the reading of politico-constitutional phenomena. It would also be illusory, as has been stressed by phenomenology in general, to pretend that such a thing as a pure constitutional description from a "given" can exist.

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<sup>2</sup> About fascist regime, see in the most recent national literature: António Costa Pinto *O Regime Fascista Italiano*, in Fernando Rosas and Pedro Aires Oliveira (coord.), *As Ditaduras Contemporâneas*, Colibri editions, 2006, pp. 27 to 36; Diogo Freitas do Amaral, *História do Pensamento Político Ocidental*, Almedina, Coimbra, 2011, pp. 499 ff. ( *anti-communist and fascist state dictatorship* ), and *Uma Introdução à Política* Bertrand Editora, Lisboa, 2014, 83-85; Jaime Nogueira Pinto, *Ideologia e Razão de Estado: uma história do poder*, Civilization Publisher, 3rd ed., Porto, 2012, chapter xi *o Fascismo: Ideologia e Conquista do Estado*). In the jus-constitutionalist doctrine, see Jorge Bacelar Gouveia, *Constitutional Law Manual - Volume I*, Almedina, Coimbra, 5th Edition, 2013, pp. 204-207 and Jorge Miranda, *Manual de Direito Constitucional - Tomo I - Preliminares - O Estado e os Sistemas Constitucionais*, 7th edition, Coimbra Editora, Coimbra, 2003, pp. 213 ff. On the judico-constitutional systems of the interwar usually categorised as "right-wing non-democratic regimes", especially Brazil's regime post-1937, see Pedro Velez, *Constituição e Transcendência: os casos dos regimes comunitários do entre-guerras*, doctoral thesis, Lisbon, FDUNL, 2013. For this politico-constitutional temporality, see: António Manuel Spain in *Os modelos jurídicos do liberalismo, do fascismo e do Estado social: Continuidades e rupturas*, in *Análise Social*, Vol. XXXVII, No. 165, 2003, pp. 1285-1302 and Diogo Freitas do Amaral *Corporativismo, Fascismos e Constituição* in Fernando Rosas, Álvaro Garrido (Coord.) *Corporativismos, Fascismos, Estado Novo*, Almedina, Coimbra, 2012, pp. 81-98.

<sup>3</sup> Vide Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, MIT Press, Cambridge, Massachusetts/London, England, 1985 (1922/1934) and Carl Schmitt, *Political Theology II, The Myth of the Closure of any Political Theology*, Polity, Cambridge, 2008 (1970).



In the interpretation of constitutional forms of existence, we will assume that such forms are structured as identifications of something supremely/maximally valuable/normative, of a *Summum Bonum* (a supreme good); or, in more a subjectivist way, we will suppose that constitutional thought or imagination direct an axiological/normative intentionality to a *quid* taken as a supreme good. This means that we interpret the politico-constitutional phenomena ultimately as religious "choices" or "decisions", given the common belief that the "election" of a *Summum Bonum* is a characteristic of religious behaviour<sup>4</sup>.

The formulation of such a possibility of politico-constitutional reading has not appeared, as to its fundamental orientation, *ex nihilo*.

Re-viewing as extracting new developments of usual ways of looking at the constitutional order is the *maxime* of modes that comprise a form of public things and material-axiological realities: who says form can mean the end (and, therefore, the identification of a good)? Who says axiology can say axiophany (identification of a supreme good)<sup>5</sup>? It does indeed, following seminal attempts of (politico-)juridical and juridical-constitutional interpretation that seem to go in this direction<sup>6</sup>.

In the chalk of this possibility of reading the classic understanding of the politico-constitutional classic separates, in which political "phenomena" are precisely identified, compared and differentiated as interpretations of the Supreme Good. In the frameworks of classical philosophy, human behaviour is, in fact, generally seen as a behaviour that seeks the highest good for humans – *Summum Bonum*<sup>7</sup>.

The idea that individual and collective human "behaviour" always expresses an intentionality from religious order directed to a Supreme Good has been explicitly thematised in the universe of contemporary philosophy. We especially present the thought of Max Scheler and Eric Voegelin.

In Max Scheler we find a description of human action as informed by a fundamental valuation directed to a supreme good/value that is intrinsically religious<sup>8</sup>. In *The Political Religions* (1938/1939), but also in later writings, Eric Voegelin suggests that personal and socio-political existence – philosophico-political or theologico-political thought systems – are organised in light of something (religiously) "experienced" as highly real and valuable (*Realissimum/Summum Bonum*)<sup>9</sup>. These authors took up the thoughts of

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<sup>4</sup> On identification of a centre of axiological superlativity, separating the "sacred" from the "profane" as characteristic of religious behaviour, *vide* Mircea Eliade, *The Sacred and the Profane: The Nature of Religion*, A Harvest Book, Harcourt Brace & World, Inc., New York, 1987.

<sup>5</sup> We are thinking, above all, about the theory of the «constitution in a material sense» drawn up by Costantino Mortati in *La Costituzione in Sense Materiale*, Giuffrè Editore, Milan, 1940.

<sup>6</sup> *vide* Eric Voegelin, *A Natureza do Direito e outros textos jurídicos*, Portuguese version with a foreword by Adelino Maltez, Veja, Lisbon, 1998.

<sup>7</sup> Varro (116 BC - 27 BC), in *De Philosophia*, would classify the various philosophical schools according to the conceptions of the Supreme Good for human beings by those conveyed - *vide* Alasdair MacIntyre, *God, Philosophy, Universities, A Selective History of the Catholic Philosophical Tradition*, Rowman & Littlefield Publishers, Inc., Lanham, Boulder, New York, 2009, p. 30. In our times, some contemporary authors have sought to recalculate the classical heritage. One can observe a revival of the idea that human worlds are like determinations of the Good (think, for example, in Leo Strauss, Alasdair MacIntyre and Charles Taylor).

<sup>8</sup> Max Scheler, *On the Eternal in Man, with an Introduction by Graham McAleer* Transaction Publishers, New Brunswick, NJ, 2009.

<sup>9</sup> Cf. Eric Voegelin, *The Political Religions*, in Eric Voegelin, *Collected Works, vol. 5, Modernity without Restraint: The Political Religions, the New Science of Politics, and Science, Politics, and Gnosticism*, University of Missouri Press, Columbia, MO, 2000, p. 32. See also, for example: *The New Science of Politics* in Eric Voegelin, *Collected Works, vol. 5., Modernity without Restraint...* Cit., *maxime* p. 235, 236;



Augustine, whereby human behaviour would always be informed by a love or fundamental desire directed to a certain *quid*, God or an idol<sup>10</sup>.

Note, however, that the use of the *Summum Bonum* concept does not necessarily refer here to something more than a formal existential and phenomenological "structural place" (a soft ontological dimension, if you want) – and is susceptible to obtaining different directions. Reaping inspiration elsewhere, we admit that the "politico-constitutional transcendental" Supreme Good can be differently determined in terms of "axiophanic" intensity and comprehensiveness. Therefore: the Supreme Good can or cannot be interpreted as the sole, exclusive, unlimited, unconditional source of all normativity/ values/axiological and normative authority, like an Absolute<sup>11</sup>.

This form of politico-constitutional forms could eventually be erected as the substance of a form of life or a universal and civilizational order. It has been present here at the opening of this sub-hypothesis, the fact that the capacity/potential to generate a way of life, or at least a comprehensive axiology, is, often, considered a characteristic of the religious. According to Habermas, for example:

*"[A]ll religion is originally a 'world view' or a 'comprehensive doctrine' in the sense that it arrogates to itself the authority to structure a way of life in its totality"<sup>12</sup>.*

J. Rawls pointed out that

*"many religious and philosophical doctrines aspire to be both general and comprehensive"<sup>13</sup>.*

### **Additional "paths" of the politico-constitutional**

In addition to the hypothesis and conjecture that have just been substantiated, this work further explores – prolonging the fundamental analytical record that underlies such a hypothesis – certain paths where the politico-constitutional inscribes itself.

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*Necessary Moral Bases for Communication in a Democracy (1956)*, in *Collected Works*, vol. 7, *Published Essays, 1953-1965*, University of Missouri Press, Columbia, MO/London, 2000, pp. 55-57.

<sup>10</sup> James Smith KA, *Introducing Radical Orthodoxy, Mapping the Post-Secular Theology* Baker Academic, Grand Rapids, Michigan/Paternoster Press, Milton Keynes, UK: 2004, pp. 113 to 116. S. Augustine, *Of True Religion* in JHS Burleigh (ed. and trans.) *Saint Augustine Earlier Writings*, Westminster John Knox Press, Louisville, Kentucky, 2006. On the influence of St. Augustine in Scheler and Voegelin (and the influence of Scheler on Voegelin) see William Petropoulos, *The Person as Imago Dei: Augustine and Max Scheler in Eric Voegelin's Herrschaftslehre and The Political Religions*, in "Glenn Hughes (ed.), *The Politics of the Soul: Eric Voegelin on Religious Experience*, Rowman & Littlefield, Lanham, MD, 1999, pp. 87-114.

<sup>11</sup> The idealist philosopher José Antonio de Brito could suggest that political regimes, or at least some of them, are declensions of what is seen by its founders and protagonists as an Absolute. The question of whether modernity can truly do without the Absolute "category" was put together by Hannah Arendt; see: Hannah Arendt, *Authority in the Twentieth Century*, in *The Review of Politics*, Vol. 18, No. 4, 1956, pp. 403-417 and Samuel Moyn, *Hannah Arendt on the Secular*, in *New German Critique*, Vol 35, No 3105, 2008, pp. 71-96.

<sup>12</sup> Jürgen Habermas, *On the Relations Between the Liberal Secular State and Religion*, in Vries Hent, *Political theologies, Public Religions in a Post-Secular World* Fordham University Press, New York, 2006, p. 259.

<sup>13</sup> John Rawls, *Political Liberalism*, Columbia University Press, New York, Chichester, West Sussex, 1996: 13.



In the work of Schmitt we find the idea that the modern "construction of order" is done by lifting immanent/inner-worldly/earthly objects to "idol" status<sup>14</sup>. In this study, beyond this, we will not forget another intuition of Schmitt, according to which the modern politico-constitutional can only be understood as a place of *res mixtae* – i.e. of mixed things – like a decision ("negotiation") on the borders between modern politics and the "traditional-religious"<sup>15</sup>.

The German jurist also noted that what is usually considered the religious discourse par excellence (and in particular Christianity), as a phenomenon in the world, could not fail to have a politico-constitutional translation. In today's science of constitutional law – we think, for example, of the work of Spanish constitutionalist and political philosopher Miguel Ayuso – going beyond this intuition, Christianity, *maxime* Catholicism, has been "rediscovered" as a politico-constitutional tradition; a politico-constitutional tradition that "postulates" a transcendent axiology and normativity, previous, exterior and superior to the politico-constitutional (and more specifically the definition of an order that recognises a specific Catholic foundation and is structured as a non-monistic order respectful of "social sovereignties")<sup>16</sup>. We will consider in the analysis a *maxime* element when we ascertain nature and "measure" the intensity of "axiophanic investments" underling the politico-constitutional phenomena. Here we consider whether the politico-constitutional understanding conveyed by this tradition will qualify some of these investments.

## Object and method

It is having in mind the abovementioned way of seeing the essence of the politico-constitutional, that we will *in concreto* identify and differentiate forms of political existence.

In the wake of theories of material constitution, the juridical-constitutional in the conventional sense, the juridical-constitutional instruments in one (conventionally regarded) strict sense (formal constitutions) or equivalent realities (fundamental laws, for example), as well as their genetic processes – processes of constitutionalisation, fundamental processes – forms of public things that renew will be considered as instances of fundamental "axiophanic" decisions, or more specifically, *Summa Bona* choices.

In this work, the use of historical background will be instrumental and ancillary in relation to the interpretation or the theoretical-juridical and constitutional reconstruction that we propose to undertake. The use of history will help the development of a legal method with a special teleological and theologico-political orientation, which will be dictated by this same development.

We adopt an advanced analytical framework not only because it seems the most apt method to capture the "deep structure" of the constitutional phenomena in general, but because looking at "right-wing non-democratic regimes" of the inter-war period from a form that will increase the analytical capacity available for them to come to light.

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<sup>14</sup> Carl Schmitt, *Politische Romantik*, Dunker & Humblot, Berlin, 1968, p. 23.

<sup>15</sup> *vide* the aforementioned *Political Theology II* Cit.

<sup>16</sup> About this politico-constitutional issue and theologico-political view, see: Miguel Ayuso, *La constitución cristiana de los Estados*, Ediciones Scire, Barcelona, 2008.



We then begin our journey through the fascist "ventennio" (its twenty years of rule) and its terminal Republican sequel.

### **Favourable occasion**

In the post-First World War era, Italy was defined as a Nation-State, but organisationally, legally and "spiritually" it seemed incomplete.

The liberal order, an order that lacked support in a parliamentary tradition or even a true governing class, was in a process of democratisation. Under the political activation of the masses and their management (i.e. state institutions), state institutions, *maxime* the parliamentary institution, were blocked, generating a crisis of governability<sup>17</sup>. According to much of the coeval Italian publicists, the State was unable to cope with the explosion of alternative private political and power centres, centrifugal and dissolving of the social order, and Italy had become no State. The "modern state crisis", coined by the jurist Santi Romano, was a widespread expression in the inter-wars period<sup>18</sup>.

In such a scenario, a new mass movement emerges that evokes the "New State", constructed from the idea of Nation - the fascist movement<sup>19</sup>.

The fascist movement was co-opted by a part of the establishment as "a new state to sustain the State"<sup>20</sup>. On 31<sup>st</sup> October 1922, the leader of the fascist movement Benito Mussolini is made President of the Council of Ministers. This was the fascist "National Revolution"<sup>21</sup>.

### **Reconstitution and hypostatisation of the State. The cancellation of social sovereignty and building an integrated/integrating mono-archival political organisation**

The so-called fascist *ventennio* was increasingly seen as a "*sperimento costituzionale*"<sup>22</sup>. Following the interpretation of the architect of its fundamental matrix, the "*Guardasigilli*

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<sup>17</sup> A law of June 30, 1912 would institute an almost universal suffrage. In 1919, the electoral system would be based on a proportional representation principle.

<sup>18</sup> View Aldo Sandulli, *Santi Romano, Orlando, Ranelletti and Donati sull' "eclissi dello Stato". Sei Scritti di inizio secolo XX*, in *Rivista di diritto pubblico trimestrale* No. 1, 2006, pp. 77-97. E. Laclau and Zac did not fail to point out social disorganisation in Italy during the 1920s in *et pour cause*. Fascism presented and established itself as embodying "the abstract principle of the social order as such" - *apud* Benjamin Arditi, *Politics on the edges of liberalism: difference, populism, revolution, agitation*, Edinburgh University Press, Edinburgh, 2007, p. 27.

<sup>19</sup> See Emilio Gentile, *Il mito dello Stato nuovo*, Editori Laterza, Rome-Bari 1999.

<sup>20</sup> To use formulations from a contemporary description of Eric Voegelin.

<sup>21</sup> Regarding the *occasio do regime fascista vide*: Alexander De Grand, *The Hunchback's Tailor Giovanni Giolitti and Liberal Italy from the Challenge of Mass Politics to the Rise of Fascism, 1882-1922*, Praeger, Westport, Connecticut / London, 2001; Marco Tarchi, *Italy: Early Crisis and Fascist Takeover*, in Dirk Berg-Schlosser and Jeremy Mitchell (eds.), *Conditions of Democracy in Europe 1919-39, Systematic Case Studies*, Palgrave Macmillan, Houndmills / London, 2000, pp. 294-320.

<sup>22</sup> *vide* Enzo Fimiani, *Fascism and tra regime Meccanismi statutari and "costituzione materiale"* in M. Palla (dir.) *Lo Stato fascista*, La Nuova Italia-Rcs, Firenze, 2001, p. 79-176. About the institutions of the fascist "regime", *maxime* on the constitutional transformation processes that took place in the *ventennio*, *vide*: Livio Paladin, *Fascism (diritto costituzionale)*, in *Encyclopaedia del Diritto*, vol. XVI, Giuffrè Editore, Milan, 1967, pp. 887-901; S. Labriola, *la costituzione authoritarian* in S. Labriola, *Storia della Italian costituzione*, Esi, Napoli 1995, pp. 203-274; Alberto Aquarone, *L'organizzazione dello Stato totalitario*, 2nd ed., Einaudi, Torino 2002. Also, see Renzo de Felice, *Brève histoire du fascisme*, trad. Éditions Audibert, Paris, 2002; Philip Morgan, *Italian Fascism 1915-1945*, 2nd ed., Palgrave Macmillan, Houndmills / New York, 2004, chap. 3; John Pollard, *The Fascist Experience in Italy*, Routledge, London / New York 1998/2005, chaps.



[Minister of Justice] *del la Rivoluzione*" and jurist of fascism Alfredo Rocco, interpretation developed by the so-called *fascistissimi* constitutionalists (Sergio Panunzio and Carlo Costamagna), this process can be seen as an attempt to build an order that, while integrating a mono-archival organisation of the social in the political, could update the idea of State<sup>23</sup>.

In January 1925 in parliament Mussolini announced the opening of a new politico-constitutional era. From that time, the fascist government effectively ceased to be a "normal government" and became the director-agent of a sovereign dictatorship (to use Schmittian's terminology), defining a new (formal and material) constitutionality<sup>24</sup>. Most notably with the global and systematic "constitutional engineering" designed and actuated by Rocco until 1928, the contours of a new politico-constitutional order were being set.

In the first moments of constitutional transformation, a strengthening of the power that in the eyes of the chief protagonist of this transformation (Rocco) constituted the "most genuine expression of the state", of the executive branch, took place. Law No. 2263 of 24<sup>th</sup> December 1925 and Law No. 100 of 31<sup>st</sup> January 1926 strengthened the structural seat of government and its head in the governance system. With the first of these statutes, the political responsibility of the Government to Parliament ends, and a new institutional figure is created *Capo del Governo, Primo Ministro Segretario di Stato*, replacing the *Presidente del Consiglio* figure (Repealing and emptying the principles of ministerial collegiality and solidarity, with the new figure no longer being a mere *primus inter pares*). These were assigned to the determining Government powers in relation to

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3 and 4. For a consultation with legal and formal instruments which established a fascist constitutional building *vide* Alberto Aquirone, *L'organizzazione dello Stato totalitario* Cit., Pp. 315 ff. ["appendice"]; also see *Italie* In B. Mirkine-Guetzévitch, *Les Constitutions de l'Europe Nouvelle avec les textes constitutionnels* Part II.<sup>a</sup>, Librairie Delagrave, Dixième édition, Paris, 1938, pp. 371-427.

<sup>23</sup> Alfredo Rocco, *La trasformazione dello Stato: dallo Stato liberale allo Stato fascist*, La Voce, Rome, 1927 (the writings of Rocco, namely the relations preceding the so-called *fascistissime* laws. They were considered in fascist *pubblicistica* as canonical writings, and the source of authentic interpretation of state doctrine and the fascist constitutional law); Sergio Panunzio, *generale theory dello Stato fascist*, 2nd ed, Cedam, Padova, 1937.; Carlo Costamagna, *Storia del fascismo and Dottrina*, Editrice Torinese, Turin, 1938. *vide* Pietro Costa, *Lo 'Stato Totalitarian': un field semantic nella giuspubblicistica del Fascism*, in *Quaderni fiorentini per la storia del pensiero modern giuridico*, No. 28, Volume I, Giuffrè, Milano, 1999, pp. 61-174. In our times, here and there, it seems to be pointed out, more or less explicitly, to a characterization of the experience of the Italian fascist regime as superlative update project the idea of State - *vide* above: Marcel Gauchet, *À l'épreuve des totalitarismes, L'avènement de la démocratie III*, Bibliothèque des sciences humaines, Gallimard, Paris, 2010, pp. 348 ff. (Chapter VIII, « *Le fascisme en lui-même of quête* » ); David D. Roberts, *The totalitarian experiment in twentieth-century Europe: Understanding the poverty of great politics*, Routledge, London / New York, 2006, pp.271 ff. . It is also thought in the interwar literature: *vide* Rudolf Smend, *Constitucion y Derecho Constitucional*, Centro de Estudios Constitucionales, Madrid, 1985. For a topography of views about Italian fascism, for all to see Emilio Gentile, *Qu'est-ce que le fascisme? Histoire et interpretation*, French version, Gallimard, Paris, 2004 *maxime* p. 67 ff.

<sup>24</sup> Certain legislative changes initially operated by the new fascist direction of government seemed to already announce the overcoming of forms of the liberal democratic state: The Royal Decree No. 31 of 14<sup>th</sup> January 1923 would create a military body to defend public order directly under the Chairman of the Board of the Volunteer Militia for National Security (*Milizia Voluntary per la Nazionale Sicurezza*, MVSN). By a further Decree of 4<sup>th</sup> August 1924, No. 1292, the Militia become would an integral part of the armed forces, and its members swore an oath to the king. The famous Acerbo Law, Law No. 2444 of 18<sup>th</sup> November 1923 would operate the first bottom transformation of electoral legislation, ensuring two-thirds of parliamentary seats to the list supported by 25 percent of the vote. The RDL No 3288 of 15<sup>th</sup> July 1923, published only on 8<sup>th</sup> July 1924, would restrict the freedom of the Press. Several party-based committees had been constituted in 1923 and 1924 to "work" the issue of constitutional reform. *Commissione dei Diciotto or dei Soloni* would be constituted by decree of the President of the Council of 31<sup>th</sup> January 1925, chaired by Giovanni Gentile, and was mandated to meditate and present conclusions on the subject of constitutional reform. The composition of the "mestizo" commission will not have come to fully express purely fascist constitutional reform trends, but "debugged liberal" conclusions, to use the language of the *fascistissimo* constitutionalist Carlo Costamagna. *Vide* Alberto Aquirone, *L'organizzazione dello Stato totalitario* Cit., Pp. 51 ff.



the direction of the inner life of parliamentary chambers (such as institutions failing to enjoy freedom of provision on agendas). These laws regulate with great latitude the use of normative acts issued by the executive branch, departing from the separation of powers principle<sup>25</sup>. In subsequent constitutional changes, which would add to the power of the Head of Government – particularly its legal capacity to act on the composition and the internal life of the new institutions – one centre of direction would crystallise and unify the internal life of the State and its action on "society"<sup>26</sup>.

It would project a complex of juridico-political institutional forms of permanent, objective and subjective "incorporation", from the socio-economic into the political; the call in the fascist semantics: "union-corporate planning". Law No. 563 of 3<sup>rd</sup> April 1926, providing discipline for labour relations, prohibiting and incriminating strikes and lockouts, creating legally recognised unions that were comprised of workers and employers – which were granted the right to conclude valid collective agreements *erga omnes* – and would structure a judiciary of work<sup>27</sup>. With the executive regulation of this law – Royal Decree No. 1130 of 1<sup>st</sup> July 1926 – corporate reform would begin in a strict sense. The regulation provided for the establishment of institutional mechanisms that would connect symmetrical unions of each productive sector, terming such mechanisms as corporations. The self-named *Carta del Lavoro* of 1927 (see below) in declaration VI doctrinally enshrined the national-state character of corporations as the basis of the corporate project:

*The corporations constitute the unitary organisation of the forces of production and integrally represent their interests. By virtue of this integral representation, and in view of the fact that the interests of production are the interests of the Nation, the law recognises the corporations as State organisations<sup>28</sup>.*

Royal Decree No. 1131 of 2<sup>nd</sup> July 1926 would create a Ministry of Corporations. Law No. 206 of 20<sup>th</sup> March 1930 structured an apex body of corporate planning, the National Council of Corporations (*Consiglio Nazionale delle corporazione*)<sup>29</sup>; based on Law No. 163 of 5<sup>th</sup> February 1934, the creation of corporations would be progressively

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<sup>25</sup> Although also shown to serve a *telos* of the rationalising ordering of power and its constitutional practices, the new constitutional engineering was consecrated, however, there was a clear predominance of executive power in the face of legislative power: the organisational regulations of public services can now counteract pre-existing laws, thus constituting a kind of reserve decree, antithetical in relation to the classical law of reserves; decree-laws became provisional laws, able to last for a period of two years – this time renewable for successive decrees – producing permanent effects considering that the cameras do not need to confirm such decrees.

<sup>26</sup> Also the local government would be redesigned in an eminently national-state sense, with personal organ directors of communes and provinces – *Podesta* and *Preside* – to be appointed by the government, and auxiliary collegiate bodies of a corporate base to replace the local "parliamentary" organs previously elected (Law of 4<sup>th</sup> February 1926, No. 237 and Law of 2<sup>nd</sup> June, 1927, No. 957; Law No. 2962, 27<sup>th</sup> December 1928 and Law No. 383 of 3<sup>rd</sup> March 1934).

<sup>27</sup> Enrolment in the union was optional; professional associations' existence was not ruled out; in addition to the contracts of employment, the labour share and certain special rates were mandatory for all who belong to a given category.

<sup>28</sup> Corporations were conceived as unitary organisations of productive forces and integral representatives of interests - objectives and stakeholders in the production process - from production, and as producers of mandatory standards on labour relations and the coordination of production.

<sup>29</sup> Having also predicted the existence, in the bosom of this body, from a more restricted body: The Corporatist Central Committee (*Comitato corporativo central*).



implemented, although the corporate reform had not come to be fully actuated<sup>30</sup>. The corporate project would generate lively debate on fascist "public and political space" – a debate whose fault lines did not fail to reveal a shared basic assumption: the functionality of the corporate project for (objective and subjective) "production" of the political community. In the guidance of Rocco, the corporate project appeared to be understood in an "imperial", "bureaucratic" and "centralist" sense as a reconstruction technique in complex times of society, and the re-emergence of groups of a fully sovereign State that could integrate and unify, from top to bottom, the "social magma" so that the "political" coincides (or returns to coincide) with the "State", which is an imperial scheme of the political community for society itself<sup>31</sup>. They could also crystallise nuanced centralist guidelines in which the state – whose reconstruction, strengthening and power increase continued to be the main goal – arising from the structure of societal institutions, from whose intrinsic relatively autonomous dynamism, the state political process would receive a minimally influential impulse – from the bottom up. In the doctrinaire record of Giuseppe Bottai, one of the great architects of the Fascist State, corporatism was conceived as a means of restructuring the State and controlling social magma, but was also a scheme of self-government of the economy. Corporatism was presented as a system eminently governed by a "bottom up" logic, but a system of realities based on the community, of learning places of a civil-community form – proprietary corporations (Ugo Spirito) and large public limited companies (Volpicelli)<sup>32</sup>. A register of control by the State apparatus, *maxime* of the management centre of State life, training, internal life, and normative will of the institutions of the corporate-union, planning would prevail. The Fascist State was structured "corporately" but "society" could still express itself in terms of a minimal influence, with corporatism being intrinsically a final dimension of recognition of a certain irreducible social pluralism<sup>33</sup>.

In another politico-constitutional transformation, the National Fascist Party (NFP) and the State would be institutionally jointed. Law No. 2693 of 9<sup>th</sup> December 1928 would

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<sup>30</sup> According to Mussolini (14<sup>th</sup> November 1933): "to apply full, complete, integral and revolutionary corporatism, three conditions must occur: A single party, to allow the action of political discipline along with the action of economic discipline, which is above the interests at stake, and that is a bond that unites all in the same faith. This however is not enough. In addition to the one-party, a totalitarian State is necessary, i.e. a State that transforms and strengthens all energies, all interests, all the hopes of a people. But still this is not enough. Third, the final and most important condition: we must live an ideal period of high tension, like the one we are currently experiencing" – Benito Mussolini, *O Estado Corporativo*, Vallecchi Editore, Firenze, 1938, pp. 34-35.

<sup>31</sup> In a sector of the fascist intelligentsia, there was even a project "of corporatism without corporations", an ordering scheme in which the State was conceived as an integral and supreme corporation and "corporations" as mere state bodies of magma formatting social. Toraldo M. di Francia, *Per un corporatism senza corporazione: "Lo Stato" di Carlo Costamagna*, in *Quaderni fiorentini XVIII*, Giuffrè Editore, Milan, 1989, pp. 267-327.

<sup>32</sup> On the subject of corporatism(s) in fascism see: Gianpasquale Santomassimo, *La terza via fascista: il mito del corporatism*, Carocci editore, Rome, 2006; Lorenzo Ornaghi, *Stato and Corporazione, Storia di una dottrina nella crisi sistema politico contemporaneo*, Giuffrè Editore, Milano, 1984; Bernardo Sordi, *Corporativismo e dottrina dello stato in Italia: incidenza costituzionali e amministrative* in Aldo Mazzacane / Alessandro / Sum Michael Stolleis (eds.), *Korporativismus in den südeuropäischen Diktaturen / Il corporatism nelle dittature sudeuropee, Das Europa der Diktatur 6* Vittorio Klostermann, Frankfurt am Main, 2005, pp. 129-145; Paolo Grossi, *Scienza Italiana giuridica. Un profilo storico 1860-1950*, Giuffrè, Milano, 2000, p. 171 ff; cfr. furthermore A. Aquarone, *op. cit.*, Pp. 122 ff. vide Pietro Costa, *Lo 'Stato Totalitario': un field semantic nella giuspubblicistica del Fascism* Cit.

<sup>33</sup> See Sabino Cassese, *Lo Stato fascista*, Il Mulino, Bologna 2010. The desired unification of the social would be operated via *ad hoc* institutional arrangements and with the outline of the creation of a "managerial" social state. vide: S. Lupo, *Il fascismo: La politica in un regime totalitario*, Donzelli Editore, Rome Editore, 2000; Maria Sophia Quine, *Italy's Social Revolution: Charity and Welfare from Liberalism to Fascism*, Palgrave Macmillan, Houndmills/New York, 2002; Guido Melis, *Fascismo (ordinamento costituzionale)*, in *Digesto delle Discipline Pubblicistiche*, vol. VI, Reprinting, Turin, 1999 (1st ed. 1991), pp. 259-273.



erect the Grand Council of Fascism (*Gran Consiglio del Fascism*) party institution, a "supreme body that coordinates and integrates all activities of the regime", reproducing the terms in Article I<sup>34</sup>. This organ, the composition and discipline of internal life directly or indirectly by the Head of Government would have to be consulted in the emanation procedure of constitutional norms. It was also invested with the power to propose to the Crown a list of three potential names of incumbents from the Head of the Government in the event of vacancy. With this latest attribution (in favour of *in fieri* fascist monarchy), the structural place of the monarchical institution in the governance system changed, reducing the possibilities of its intervention through appointment and dismissal of the Head of Government. Through Law No. 2099 of 14<sup>th</sup> December 1929 the National Fascist Party became a full institution in the State. According to this legal instrument, the NFP's statutes would have to be approved by royal decree on the proposal of the Head of Government, after hearing the opinions of the *Gran Consiglio* and the Council of Ministers; and the most important leaders of the Party should be appointed by decree through the Head of Government under the Party Secretary-General's proposal. The "*fascio littorio*" was put on par with the national emblem (12<sup>th</sup> December 1926, Decree No. 2061), and subsequently introduced in it (Decree No. 504 of 11<sup>th</sup> April 1929). Later, through Decree-Law No. 4 of 11<sup>th</sup> January 1937, the Secretary-General of the NFP would be granted the function of Secretary Minister of State<sup>35</sup>. The political order was based on a new device assigned to the creation of a governing class of a national-state form, and a national community subjectivity for the members of the political community.

Classical parliamentary political representation would also be "re-institutionalised". At first, with Law No. 1019 of 17<sup>th</sup> May 1928, it was established that the Fascist Grand Council (used in the internal life of the State), based on suggestions of names submitted by the fascist unions and other associations, would select (with full decisional freedom) a list of 400 deputies that the electorate could support or reject as a whole. With Law No. 129 of 19<sup>th</sup> January 1939, the House of Representatives would become extinct through the creation of the "*Camera dei Fasci e delle Corporazioni*". Such an institution distinguished itself from liberal-democratic legal mechanisms of political representation. The new chamber would not be separated (through elections) from the traditional, individualistic and abstractly determined "people"; however, it would be separate from any organised and political public. It would bring together the Head of Government and, based on the NFP and corporate-union planning, members of the Fascist Grand Council, of the National Council of Corporations (National Advisers) and of the National Fascist Party National Council. The new institution was to work with the Government in the formation of laws, where, according to Article 2, "[the Senate and] the Camera of Fasces and Corporations collaborate with the Government in the formation of laws". The Head of Government shall appoint directly or indirectly members of this institution; it acquired the ability to affect the power to approve bills between the House and the various committees.<sup>36</sup>

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<sup>34</sup> Created on 15<sup>th</sup> December 1922; the first official meeting would be announced to the people of Italy on 11<sup>th</sup> January stating that the "meetings shall be convened and chaired by the Head of Government".

<sup>35</sup> In 1937 a single youth party organisation – *a Gioventu Italiana del Littorio* – also crystallises

<sup>36</sup> The issue of political representation reform was a highly debated topic in fascism (having been resistant towards the abandonment of traditional electoral principles). Within the legal doctrine of public law, the use of the concept of representation was maintained in the characterisation of the Fascist State. The concept might, however, be reformulated: for example, with the construction of the "institutional representation" (Esposito) concept in the characterisation of the Fascist State – being an institution and based on institutions – the Fascist State could not fail to be, in many respects, representative. Certain voices – Spirito and



In the final days of the regime, the politico-constitutional situation pre-announced the achievement of a fully fascist politico-constitutional order, with the "re-institutionalisation" of institutions that had thus far been less "redefined" by processes of constitutional transformation – of the Crown and Senate – or they were simply suppressed<sup>37</sup>. It would be the successful implementation – or at least the perfecting – of a monarchical political organisation dedicated to "absorbing", organising and fully unifying "the social" in the political.

### **The fascist public orthodoxy: The Political Community as an Absolute**

In addition to an overhaul of the institutions, the sovereign fascist dictatorship also sought to solemnly and codify the radical ethics. The instances manifested in a constant axiological regard addressed to the *quid* political community, interpreting it as emptying itself in the universe of the valuable, and even explicitly as an absolute.

Alfredo Rocco was one of the first to synthesize the fascist creed. The author would "immanentistically" decline a classic communal conception of the politico-community without reference to a *telos* above or a trans-political. According to Rocco, fascism would constitute a new and more perfect interpretation of the politico-corporate community. The political society would be understood as a reality for an age – a potentially encompassing unity of an infinite number of generations – with a "structure" of purposes coinciding with the ends of the human species, and so a concrete undertaking for humanity. Fascism would thus differentiate itself from other modern political phenomena – liberalism, democracy, socialism – all perceived as sharing the conception of the political society as a sum of individuals, as *quid* that lives for individuals whose ends are but the "particularistic" ends of individuals<sup>38</sup>.

Giovanni Gentile would see the (better) concept of the regime in the idea of the "Ethical State" (in turn, the essence of the idea of the State):

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Volpicelli – would argue, however, about the non-applicability of the concept to the State Fascist: for such voices, the distinction between society and people and State, that would presuppose representation, would make sense ("ontologically" and in the specific fascist universe). *Vide* Pietro Costa, *Lo 'Stato Totalitario': un campo semantico nella giuspubblicistica del Fascismo* Cit., Pp. 97 to 101.

<sup>37</sup> Note that the celebrated speech by Udine on 20<sup>th</sup> September 1922 (the institutions "could not be approved or disapproved *sotto la specie dell'eternità*"; fascism accepted a "*monarca sufficientemente monarca*") having put an end to the "Republican trend" that manifested itself in the generic period of fascism. In a famous private conversation with Ciano, Mussolini expressed, however, several times, the intention of eliminating the monarchy.

<sup>38</sup> Alfredo Rocco, *A doutrina política do Fascismo* (Portuguese version), in Antonio José de Brito (ed.), *Para a Compreensão do Fascismo*, Nova Arrancada, Lisbon, 1999, pp. 51-74. Behind the formulation and design of its "State doctrine" was a certain "jurist mental path"; now, for example, by finding that the construction of the State adopted by the school of German public law and by the Italian law school (the so-called legal State theory, a "jurist's" theory of the State, whose *telos* – at least in the Italian version – was to expunge the discourse of legal knowledge of political and axiological moments), conveyed an implicit idea of the strong and mono-archical State, counteracting (in the author's view) the entire individualist ideology of the French Revolution (e.g., with the concept of self-limitation of the State – such as the concepts of sovereignty and the legal personality of the State, (legal) dogma of such legal-formal approaches to State – to serve as the basis for individual rights, individual liberties left to be seen as pre-positive rights of the individual becoming represented as concessions made by the State in their interest, thus enshrining the full subordination of individual interests to collective interests and the derivation of the citizen of the State). *Vide* Paolo Ungari, *Alfredo Rocco and l'Ideology giuridica del Fascism*, Morcelliana, Brescia, reimp. 1974 (1st ed. 1963).



*"[S]o the ethical State, not in the sense of a reality that made one think of a reality superimposed on the will of individuals, but that represents the very essence of the individuality of the individual, who only manifests himself as the universal will."*

The fascist State – *maxime* for the corporate project overcoming abstract class divisions in a real national "like-mindedness" – would "reflect" and "express" the moral-universal moment of individuals, a moment directed to the political community, i.e. the State "*in interiore hominem*"<sup>39</sup>. Hence the philosopher, finding objectivity in subjectivity (our words), had been able to sustain that

*"fascism is this affirmation of identity between genuine liberalism and the morality of the State"*<sup>40</sup>.

The *Carta del Lavoro* (Charter of Labour) was the writing to help form public fascist ethics. In the fascist world, the Charter was not assimilated into the Declaration of the Human Rights of the French Revolution. Emanated as a political or extra-judicial document in 1927 by the *Gran Consiglio del Fascismo*, the Government would be legislatively authorised to give actuation to it (law of 18<sup>th</sup> December 1928), having finally been elevated to a source (in a technical sense) of positive law with a legal instrument on 30<sup>th</sup> January 1941 recognising to its dispositions the value of general declarations of law and governing criteria for the interpretation and application of the law; a certain sector of the doctrine even understood the Charter as belonging to the existing positive and juridical order with a real value of a constitutional act<sup>41</sup>. Article I of the Charter read:

*The Italian nation is an organism that has its ends, life and means of superior action for the individuals that compose it. It is a political and economic unit that is fully realised in the Fascist State. The production, taken as a whole, is unitary in the national point of view; its objectives are unitary and are summarised in the wellbeing of individuals and the development of national power*<sup>42</sup>.

A principle of the "internal finality of the State" – to use the interpretative of the Costamagna fascist constitutionalist formula – translated into the State prioritising the personal interests of the political community as a whole (maximising its power and potency), giving substance to the legal system.

<sup>39</sup> See Giovanni Gentile, *Philosophy of Fascism* (1937/1941), in Antonio José de Brito (ed.), *Para a Compreensão do Fascismo* Nova Arrancada, Lisbon, 1999 pp. 35 ff.

<sup>40</sup> About the continuity between fascism and liberalism according to Gentile *vide*: Augusto del Noce, *Giovanni Gentile. Per una storia della interpretazione filosofica contemporanea*, Il Mulino, Bologna, 1990, p. 393-4; cfr. Also, Richard Bellamy, *Idealism and Liberalism in an Italian 'New Liberal Theorist': Guido Ruggiero's History of European Liberalism*, in *The History Journal*, vol. 30, No. 1, 1987 P. 198.

<sup>41</sup> Costamagna and its magazine *Lo Stato* - *vide* Toraldo M. di Francia, op. cit., P. 309.

<sup>42</sup> Point II reads "work in all its intellectual, technical or manual forms, whether in organisation or execution, it is a social duty. Only this concept is under state protection".



An "official" self-interpretation – or quasi-official, from a formal-legal point of view – finally crystallised with the publication of the text *Dottrina del Fascismo* written by Mussolini and Giovanni Gentile<sup>43</sup>. This text evoked and theorised about the State and the individual as Absolutes. Human action was understood as something that runs throughout political society; political society not appearing clearly ordered to a *summum bonum* meta-political:

*The man of Fascism is an individual who is nation and fatherland, which is a moral law, binding together individuals and the generations into a tradition and a mission, suppressing the instinct for a life enclosed within the brief round of pleasure in order to restore within duty a higher life free from the limits of time and space; a life in which the individual, through the denial of himself, through the sacrifice of his own private interests, through death itself, realizes that completely spiritual existence in which his value as a man lies... Fascism is a religious conception in which man is seen in his immanent relationship with a superior law and with an objective Will that transcends the particular individual and raises him to conscious membership in a spiritual society... Against individualism, the Fascist conception is for the State; and it is for the individual in so far as he coincides with the State, which is the conscience and universal will of man in his historical existence... For the Fascist, everything is in the State, and nothing human or spiritual exists, much less has value, outside the State. In this sense Fascism is totalitarian, and the Fascist State, the synthesis and unity of all values, interprets, develops and gives strength to the whole life of the people<sup>44</sup>. The "base of fascist doctrine" – to quote a paragraph from one part of the text (entitled Political and social doctrine), established by the founder of the fascist order – "is the conception of the State, of its essence, its obligations and purposes. For Fascism the State is absolute, before which individuals and groups represent the relative. Individuals and groups are conceivable only if they belong to the State"<sup>45</sup>.*

### **Fascism as a comprehensive doctrine and civilizational project**

According to Article 147, the new fascist Civil Code, "Education and instruction shall conform to the principles of morality and the fascist national sentiment". Giovanni Gentile famously highlighted that:

*One cannot be fascist in politics and not fascist... in school, not fascist in one's family, not fascist in one's work. Like a Catholic, if*

<sup>43</sup> Benito Mussolini, *Doutrina do Fascismo* (Portuguese vers.), in Antonio José de Brito (ed.), *Para a Compreensão do Fascismo*, Nova Arrancada, Lisbon, 1999, pp. to 13-34.

<sup>44</sup> Cf. Paragraphs 2, 5 and 7 from Benito Mussolini, *Doctrine of Fascism*, cit., pp. 16, 17 and 18.

<sup>45</sup> Benito Mussolini, *Doctrine of Fascism*, cit., p. 27 (beginning of paragraph 10 of section the "Doctrine of Fascism" mentioned in the text).



*one is a Catholic, one invests his whole life with religious sentiment... if he is truly Catholic, and has religious sense, one remember always in the highest part of one's mind to work and think and pray and meditate and feel Catholic; so too a fascist, who goes to parliament, or to the fascist house, writes in the newspapers or reads them, follows his private life or converses with others, looks to his future or thinks of his past and the past of his people, ought always to think of himself as a fascist!<sup>46</sup> .*

The comprehensive nature of fascism does not suffer doubt. All "realities" of existence were potentially references to the City (a city to itself) – realities such as family, marriage and the "feminine" constituted potentially reconceptualisable and reconstructable realities essentially as public goods.

Illustrating the comprehensive vocation of fascism, the fascist constitutionalist Costamagna, for example, drafted a new normative general director of human sciences, with an architectural and structural place in the system of knowledge equivalent to ancient theology, a State science understood as a science of the common good of a particular community organised in the State<sup>47</sup>.

Mussolini would mark a universal vocation to the fascist idea and fascist regime:

*Today I hold that Fascism as an idea, a doctrine, a realisation, is universal; it is Italian in its particular institutions, but it is universal in the spirit, nor could it be otherwise. The spirit is universal by reason of its nature. Therefore anyone may foresee a Fascist Europe. Drawing inspiration for her institutions from the doctrine and practice of Fascism; Europe, in other words, giving a Fascist turn to the solution of problems which beset the modern State, the Twentieth Century State which is very different from the States existing before 1789, and the States formed immediately after. Today Fascism fills universal requirements; Fascism solves the threefold problem of relations between State and individual, between State and associations, between associations and organized associations<sup>48</sup>.*

During the *ventennio*, political symbols such as the "New Age", the "New Civilization" and "Young Man" were often evoked in public and political spaces, revealing the will of global reinstitution of order of human affairs<sup>49</sup>. The fascist regime was defining itself as a carrier regime of a universalist, ethico-political ideal of a new civilization, an ideal and project centred around a new subjectivity consistent with man's identification with the political

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<sup>46</sup> Cf. Giovanni Gentile, *Che cosa è il fascismo?* In Giovanni Gentile, *Politics and culture* Herve Cavallera A. (ed.), Vol. 2, Le Lettere, Florence, 1991, p 86, cited in Mabel Berezin, *op. cit.*, P. 51.

<sup>47</sup> Carlo Costamagna, *Storia del fascismo and Dottrina* cit.

<sup>48</sup> Benito Mussolini, *Doctrine of Fascism*, cit., p. 30, note 2 (reproducing the "year IX message to federal directories convened in Venezia Palace on 27<sup>th</sup> October 1930").

<sup>49</sup> Dante Germino, *Italian Fascism in the History of Political Thought*, in *Midwest Journal of Political Science*, Vol. 8, No. 2, 1964 pp. 119 ff.



community, the idea life in a civil and political context, like the alpha and omega of civilization<sup>50</sup>. As pointed out by some, fascism was to constitute a universal ideology; hence the decoupling of Nation in the sense of community with an inherited historical structure and its own mandatory and autonomous order.

The development of Ideas of Empire and Universal *Ecumene* with a sense of life extension in the *polis* occupied the politico-constitutional imagination of the intellectual fascist stratum. Already consolidated, the fascist regime could, for example, suggested that the *telos* of the fascist project would consist of a world order based on the principle of universalisation of a regime of communitarian civility. According to A. Volpicelli, ethics - the incessant overcoming of separations and antagonisms - would be the substance and the internal norm of the Political; the human need to include men in the circle of humanity would lead to a common spiritual life and a regime of peace. The *telos* of politics would not be nationalism, but the articulation of people in an organic unit<sup>51</sup>.

### **Fascism and Catholicism: The Ethical State and the "transcendentist virtuality "**

In a speech in 1930, Giuseppe Bottai defines Fascism as

*"a political and civil religion... the religion of Italy"*<sup>52</sup>.

Nevertheless, as the basis of the nationalist "idealistic" and "spiritualist" revolution, fascism claimed to be favourable to "traditional religious fact", namely the Catholic religious dimension of the Italian national tradition. The *Doctrine of Fascism* explicitly codified such an idea:

*The State is not indifferent to religious phenomena in general nor does it maintain an attitude of indifference to Roman Catholicism, the special, positive religion of Italians. The State has not got a theology but it has a moral code. The Fascist State sees in religion one of the deepest of spiritual manifestations and for this reason it not only respects religion but defends and protects it. The Fascist State does not attempt, as did Robespierre at the height of the revolutionary delirium of the Convention, to set up a "god" of its own; nor does it vainly seek, as does Bolshevism, to efface God from the soul of man Fascism respects the God of ascetics, saints, and*

<sup>50</sup> Emilio Gentile, *Qu'est-ce que le fascisme? Histoire et interpretation*, cit, p. 122.

<sup>51</sup> Cf. David D. Roberts, *Myth, Style, Substance and the Totalitarian Dynamic in Fascist Italy*, in *Contemporary European History*, Vol. 16, No. 1, 2007, p 31, referring to Arnold Volpicelli, preface to Carl Schmitt, *principii politici*, Ed. Delio Cantimori, GC Sansoni, Florence 1935 vii. About corporatism as a universal grammar (likely to build a European and universal order) conveyed by the fascist regime, cfr. also: A. Volpicelli, *Corporazione and ordinamento internazionale*, in *Archivio of Studi Corporative*, Vol. V n °S III-IV, 1934, pp. 329-339; Luca Nogler, *Corporatiste Doctrine and the "New European Order"* In Christian Joerges / Navraj Singh Ghaleigh (dir.), *Darker Legacies of Law in Europe* Hart Publishing, Oxford, 2003, pp. 275-304.

<sup>52</sup> *Apud* Emilio Gentile, *Qu'est-ce que le fascisme? Histoire et interpretation*, cit, p. 255.



*heroes, and it also respects God as conceived by the ingenuous and primitive heart of the people*<sup>53</sup>.

On 9<sup>th</sup> January 1938 at the Palazzo Venezia before more than 60 bishops and 2,000 priests, the *Duce* portrayed the fascist order as based on the principle of "friendly cooperation" between the State and the Church and fascist Italy, as well as being a "stronghold of Christian civilization" and a "Catholic nation" <sup>54</sup> .

With the signing on 11<sup>th</sup> February 1929 of the Lateran Treaty between Italy and the Holy See, the fascist regime co-opted Catholic Christianity as part of the order, and a time would even come when a public Christian paradigm would be adopted<sup>55</sup>. A concordat would regulate relations between Church and State in the country. The teaching of Christian doctrine was the foundation and crowning of public instruction taught in elementary schools and secondary schools, according to agreed programmes between the State and the Catholic Church, and marital canon law was received by through ordering of the State<sup>56</sup>. A treaty consecrated the foundation of the Vatican City State under the sovereignty of the Supreme Pontiff and the recognition by the Holy See of the Kingdom of Italy "under the dynasty of Savoy, with Rome as capital of the Italian State". Whether the Concordat or the Lateran Treaty, in the first article of each of these documents, the principle of a confessional State was reaffirmed, with the Catholic religion being the only official State religion<sup>57</sup> .

The fascist regime would be established, however, explicitly as an order founded on a moral basis independent of religion (the Ethical State). A "novation" of "tradition", Catholic Christianity was consciously and theoretically received as ordering content from a self-referential exterior (sovereignty), by a State which interpreted itself as *Norma Normarum*, thus repeating the original formula of the modern State.

There was another thought of the chief negotiator from the redefinition of the relationship between the State and the Church, a thought that was indeed formed early. From the words of Alfredo Rocco in 1914:

*Nationalists do not believe that the State should be an instrument of the Church; they believe, instead, that the State must also assert its sovereignty in relation to the Church. Since, however, they recognise that religion and the Catholic Church are very important factors of national life, they wish to watch over Catholic interests as far as possible, always safeguarding State Sovereignty. And at this*

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<sup>53</sup> This is paragraph 12 of the aforementioned part of this "coding" text prepared by the *Duce* - Cfr. Benito Mussolini, *Doctrine of Fascism*, cit., p. 29.

<sup>54</sup> Cf. Emilio Gentile, *New idols: Catholicism in the face of Fascist totalitarianism*, in *Journal of Modern Italian Studies*, vol. 11, No. 2, 2006, p. 161.

<sup>55</sup> On the relations between the fascist regime, the Catholic Church and Catholicism, see: John Pollard, *Catholicism in Modern Italy, Religion, Society and, since 1861 Politics* , Routledge, London / New York, 2008, pp. 69-107; John Pollard, *The Vatican and Italian Fascism, 1929-32, A study in conflict*, Cambridge University Press, Cambridge/New York, 1985; Alice A. Kelikian, *The Church and Catholicism* , in Adrian Lyttelton, *Liberal and Fascist Italy*, Oxford University Press, Oxford/New York, 2002, p. 44-61.

<sup>56</sup> A Financial Agreement still made up the Church by the loss of the Papal States.

<sup>57</sup> The Lateran Treaty are available at: [http://www.vatican.va/roman\\_curia/secretariat\\_state/archivio/documents/rc\\_seg-st\\_19290211\\_patti-lateranensi\\_it.html](http://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19290211_patti-lateranensi_it.html).



*stage of Italian life, this protection should take the form of respect for freedom of conscience of Italian Catholics, against the anti-religious persecution of anticlerical democrats. In the future, it may be possible to go further and establish an agreement with the Catholic Church, even if only tacit, by which the Catholic organisation could serve the Italian nation's expansion in the world*<sup>58</sup>.

On 13<sup>th</sup> May 1929 at the presentation of the Lateran Pacts to the Chamber of Deputies, Mussolini thus describes the essence of the Fascist State:

*The fully fascist State proclaims in its full ethical character; it is Catholic, but it is fascist, it is above all, exclusively, essentially Fascist. Catholicism integrates it, we declare it openly, but no-one dreams of us changing the cards on the table with philosophy and metaphysical claims. It is useless to deny the moral character of the fascist State, because it embarrasses me to speak from this rostrum if I did not feel the representative of the moral and spiritual strength of the State. What would the State be if it did not have a spirit, its own morality, which is what gives strength to its laws and makes citizens obey them?*<sup>59</sup>

Under the doctrine of the Ethical State, as a man expresses his duty in full in the political community, religion should be integrated in the space of the *polis* as an "internal" component. According to Giovanni Gentile:

*The fascist State is an ethical State, since strict, complete and concrete human will cannot not be ethical. It is also a religious State. This does not mean that it is a confessional State, even if it is connected with treaties and concordats of a particular Church, as it is connected to the Italian State. The limitation that such treaties and concordats bring to the freedom of the State (that in the modern State, i.e. according to modern consciousness, cannot fail to be an absolute freedom) is a self-limitation similar to the human spirit practised to set a concrete form; similar to the one that makes the Italian not surrender their freedom when speaking, and is forced to speak a language to which he should be subject to possess a grammar. In the historical reality of the nation, Fascism felt that being religious is equivalent to being Catholic. To adapt the State to*

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<sup>58</sup> *Apud* Michael Burleigh, *Sacred Causes: The Clash of Religion and Politics, from the Great War to the War on Terror*, HarperCollins, New York, 2007, p. 66.

<sup>59</sup> This excerpt of Mussolini's speech can be seen in Benito Mussolini, *Doutrina do Fascismo*, cit., pp. 32-33, note 12. "A holy war in Italy, never; the priests never mobilise the peasants against the State"; the *Duce* would say the same thing. On Mussolini's thought on religious themes, *vide* Didier Musiedlak, *Religion and Political Culture in the Thought of Mussolini*, in *Totalitarian Movements and Political Religions*, Vol. 6, No. 3, 2005, pp. 395-406.



*the Italian personality, it went against the Catholic Church, ended the old labour agreement and pacified the homeland tempers and religion never ceased to keep intact and intangible their autonomy from the Church. For this reason, the right to education of the new generations that the Church, curator of souls, saved for you as a matter of their exclusive competence has been reclaimed*<sup>60</sup>.

The position towards Catholicism was, therefore, not a subject of substantive order, but of historical accident. Being that the State was the "place" of the ethical, its ultimate character could never be called into question:

*The State contains and ensures all spiritual values, including religion; it cannot be admitted without depriving the whole principle of sovereignty, supreme power to which this should subject itself in some part from the content understood in its ethical field*<sup>61</sup>.

An atmosphere of tension between State and Church erupted at the very moment in which the concordat was signed with Mussolini to make declarations about Christianity that the pope would consider heretical and threatening to the ratification of the concordat. Later, in 1931 and 1938, concrete conflicts occurred around the issue (the monopoly issue) of the education of new generations and the limits of social action of the Catholic lay apostolate framed by the Hierarchical Church (Catholic Action).<sup>62</sup> Although the explicitly intense tension had been punctual, and the said conflicts were *in extremis* and always "pragmatically" composed, the contradiction became apparent between principled fascist doctrine of the State (and its placement in relation to the Church) on the one hand, and Catholic doctrine on the other<sup>63</sup>. In the encyclical *Non abbiamo bisogno* promulgated on 29<sup>th</sup> June 1931, for example, the fascist regime was represented (against the backdrop of what was seen as its attempt to "completely monopolise the young people from their young age") as "a regime based on an ideology which clearly resolves a real pagan worship of the State as "a statolatry", which is no less in contrast to the natural rights of the family that is in contradiction with the supernatural rights of the Church"<sup>64</sup>. In a declaration issued on 18<sup>th</sup> September 1938 by Castel Gandolfo, Pius XI would state:

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<sup>60</sup> Giovanni Gentile, *Philosophy of Fascism* Cit., P. 47.

<sup>61</sup> Giovanni Gentile *Fascism and Coltura*, Treves, Milan, 1928, pp. 173 ff. The writings of the philosopher, because of its immanent character (religion, for example, was "resolved" or "overcome" in philosophy, defined as human-spiritual immanentism), would appear in the *Index* prepared by the Congregation of the Holy Office. Having in mind the celebration of the Concordat, Gentile defines "the *Duce* of Fascism" as "the most vigilant sentinel of the essence and of the inalienable characteristic of the modern State" – *apud* H.S. Harris, *The Social Philosophy of Giovanni Gentile*, University of Illinois Press, Urbana, 1960, p. 199.

<sup>62</sup> In 1931, the government would sponsor the dissolution of the Catholic Youth Clubs (though in 1927 a political orientation in the same direction related to Catholic sports organisations had already been undertaken). In 1938, the opposition of the Catholic Action in relation to racial doctrines adopted by the Fascist Power was at play (*vide infra*). [Built by Benedict XV in 1915 from the Italian Catholic lay movement, Pius XI confirmed and universalised it, trying to secure it in the concordats celebrated during his pontificate.]

<sup>63</sup> Note also that Catholic culture has continued to fear the creation of a national Church with the subordination of Church to State.

<sup>64</sup> And also like a "species of religion" and the "farce of religion" irreconcilable and contrary to "Catholic doctrine and practice". The encyclical can be found at



*If there is a totalitarian regime – de facto and de jure [emphasis added] – it is the Church of the regime, because man belongs entirely to the Church, and must belong to it, because man is a creature of the Lord* <sup>65</sup>.

Regardless of whether and to what extent there has been an attempt, not without nostalgia of the "pure" unity of the "old city", to superimpose a new liturgy to daily Italy or a fascisation of Catholicism – Catholicism as a product of Romanism – , to the fascist order was indeed innate, by the same scope of its idea, the possibility or virtuality of a community ethos replacing Christianity as an existential paradigm, as grammar of the collective existence<sup>66</sup>.

Conversely, however, perhaps it may be said, following the philosopher Augusto Del Noce, that ultimately a Christian transcendent virtuality was present in the fascist regime, a virtuality of reinterpretation of the regime by the transformation of the *modus vivendi* that came to be established with the Catholic Church in a truly normative reality – a hypothesis that would not be able to pass the act from the entry into the war alongside the National Socialist Reich. In 1938, the fascist constitutionalist Panunzio, for example, in his general theory of the Fascist State (a work that referred everything to the State) could suggest the idea, although without abandoning an idealistic perspective and without adopting (implicitly or explicitly) a Christian point of view, that the State would constitute in the fascist vision (in contrast to the Hegelian State) an axiological penultimate:

*While for Mussolini, everything exists in the State; nothing outside the State; nothing against the State; but it is not true that nothing, not the political side, but the philosophical and moral other, is above the State; for Hegel, instead, nothing is above the State, for the simple reason that the State is everything and is what God himself performed in the world... It can and should be said, rather, that the fascist State belongs to the cycle of transcendental idealist philosophy, while the Hegelian State is based on immanence, from there it is God Himself... Oriented towards the transcendence is the very recent phase of the Italian idealist thought, hence the "internal" dissolution of the current idealistic position visible in the representatives of this school descendants of Gentile. The current idealism, reversing Gioberti's position, that of transcendence*

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[http://www.vatican.va/holy\\_father/pius\\_xi/encyclicals/documents/hf\\_p-xi\\_enc\\_19310629\\_non-abbiamo-bisogno\\_it.html](http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310629_non-abbiamo-bisogno_it.html) .

<sup>65</sup> Cf. Emilio Gentile, *New idols: Catholicism in the face of Fascist totalitarianism* Cit., P. 163. A similar concept can be found in other universes of Christian confession: *vide* Graeme Smith, *Christian totalitarianism*, in *Political Theology*, vol. 3 No 1, 2001 pp 32-46.

<sup>66</sup> The regime would erect a Fascist Mystique school in 1930 (and Julius Evola, also the Fascist universe would know their explicitly neo-pagan minority niche). The fascist regime may perhaps say what has been said about the nature of the Machiavellian theologico-political project: "[F]or one side generally supports a 'civil religion' – Christian or otherwise – that promotes a 'functionally' civic solidarity. Moreover, attempts to revive an old sanctity, producing a new *mythos* of heroes without gods" - *vide* John Milbank, *Theology and Social Theory: Beyond Secular Reason*, 2nd ed., Blackwell Publishing, Oxford, 2006, p. 25.



*moving towards the immanence, from God to history, today is the inverse path from the human to the divine, from History to the Idea*<sup>67</sup>.

The historic compromise with the representative forces of Tradition, always reaffirmed *in extremis*, did not exceed, however, a level of *modus vivendi*, revealing itself as intrinsically precarious. The regime did not bring the "Christian restoration of Italian society in a Catholic sense", as desired by Pius XI in 1929.

### **Terminal times of the fascist experience: *mimesis* in relation to the National Socialist politico-constitutional paradigm.**

So far we have been studying the so-called *ventennio*. Now a few words must be said about the last days of the fascist politico-constitutional experience, thematising the problem of whether the axiophanic constitutional paradigm that was defined suffered or trans-mutated, in particular due to the mimicry of politico-constitutional formula that crystallised in the National Socialist Reich – one formula based on the absolute elevation of a race-based political community that identified with a concrete historical person (an community-individual), as there will be occasion to prove in the next chapter.

Fascism was a juridical construction and perhaps constitutionalist in its own way. The progressive changes to the Albertino Statute – changed mainly as a "full constitution" and not so much as a set of literal linguistic statements – did not fail to observe the rules of constitutional transformation by that initially planned or the rules of constitutional transformation of every consolidated moment (formalist constitutional transformation)<sup>68</sup>. During the *ventennio*, and for the first time in Italian constitutional history, distinction – in terms of formal identity and strength – between constitutional law and common law would be made, with a true (formal) constitutional law emerging. By Law No. 2693 of 9<sup>th</sup> December 1928 – one of the great reform laws of the *Statuto Albertino* – constitutional law acquired (*ex vi* Article 12) a formal identity as opposed to ordinary law, establishing a specially qualified procedure for its emanation. The dynamic (and meaning) of constitutional transformation and the proper political environment at the end of the regime tended to point to "political status" being defined, according to the constitutionalism of the canon, in a originally fascist written constitution, or included a fully fascist *Statuto Albertino*. The order of the Grand Fascist Council approved on 14<sup>th</sup> March 1938, after deliberation on the constitution of the House of Fasci and Corporations,

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<sup>67</sup> Cf. Sergio Panunzio *Teoria generale dello Stato fascista*, Cit. p. 18 ff., Footnote 2, referring to the interpretations of idealism of Balbino Giuliano (Minister of Education from 1929 to 1932) and philosopher Ruggero Rinaldi.

<sup>68</sup> According to overwhelming legal and constitutional doctrine and the dominant representation adopted by the political class of liberalism (and fascism), *Statuto Albertino*, a Constitution that framed the "political game" since the founding of the Kingdom of Italy, was considered a flexible constitution having a formal force that was not distinct from the formal power of ordinary legislation.



*"decides whether to proceed to completion/conclusion of the constitutional reform with the updating of the Status of the Kingdom"*<sup>69</sup>.

The constitutional law seemed to be (re)imagined as maximising state power (from the power of the Government) and integrating "society" through and into the State. Law No. 2693 of 9<sup>th</sup> December 1928 establishing a new reinforced place for formal constitutional law did not fail to reveal the its new essential allocations, so "unhidding" the deep standard guiding constitutional changes actuated by the fascist political class. In the circle of subjects now defined as constitutional, fundamental rights were not included (therefore they were not part of the positive constitutional law of the fascist Revolution), subjects related to State organisation acquired constitutional status and in the process of emanation of constitutional laws a key institution of the State Party started to intervene - the Gran Consiglio del Fascism, made a constitutional body through the above-mentioned law.

As the *fascistissimi* constitutionalists noted, the Fascist State, constituting a more perfect historical achievement and finishing the concept of State, was and should be, in the superlative, a "Legal State" (State as a "domain" governed by an order of written positive norms establishing the processes of its own change). Given the body - like any other realisation of the idea of State - as a central integrator of the political Community, the fascist State also needed like any other state political community a "formal architecture" (an order of legal rules) for organisation (given the unprecedented levels of the concentration of power, the greater complexity of its organisation and the extent of its functional allocations)<sup>70</sup>. These authors did not fail to formulate suggestions to maximise the Juridical State dimension of the Fascist State. In addition to strengthening the power of the judiciary in general, both proposed the establishment of judicial control mechanisms of the constitutionality of laws as a way to ensure consistency in the legal system (which can be called into question by the growing pluralism of normative sources) and protect the objective "values" of the political community in constitutional law<sup>71</sup>.

With the benefit of hindsight, it can be said that the *in fieri* fascist order seemed to materialise in a centre of personal power surrounded by subordinate institutions. The end of the regime recorded the flowering of a bio-political conception of order where the

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<sup>69</sup> Attesting to the constitutional vocation of fascism, the last days of the *ventennio* were dominated by the debate among political elites and the legal community (linked to the fascist political class) on the question of codification of the fundamental principles of fascist law in a document provided with special formal value - a hypothesis seen and felt as compensation for a politically (still) unfeasible constitutionalisation (complete and true). Furthermore, in this debate, the famous and paradigmatic *Carta del Lavoro* (a document declaring large fascist material principles of ordering the coexistence in the *Polis*) would be explicitly made, by legislative process (Decree of 30<sup>th</sup> January 1941), legally binding.

<sup>70</sup> According to what Costamagna detailed, "the comprehensive and totalitarian nature" of the "*Nuovo Stato*" postulated a legal order (a formal normative order), quantitatively and qualitatively more legal, because it was more complete and more intense (relative to typical state orders). Such an order would tend to be omni-comprehensive (that would be a more concrete and complete normative order - with the existence of systemic responses for the regulatory issues that fit within the potential regulative system - only in the abstract could it be singled out as an intrinsic property of any law). In that order, formal mandatory regulations issued by power would multiply and the legislative activity would follow superlatively a principle of specialisation (due to distribution and tiering inherent to the task of building a new political power incorporating the "society"). In addition, in the new constitutional ecology the idea of duty of obedience to positive law would be restored (in the context of the power promoted action of ideological integration and as a result of the reconstruction of the State). *Vide* - Carlo Costamagna, *Storia...*, op. cit., p. 163-165 and 323. Cf. Also Sergio Panunzio, *Teoria...*, op.cit. P. 49.

<sup>71</sup> *Vide* L. Paladin, op. cit., P. 900.



influence of German ideas of the *Führerstaat* could be felt. Within the legal community, at the end of the regime, certain representative legal operators tended to "describe" the powers of central management of State life – of Benito Mussolini – in not particularly legal-rational terms, as powers not strictly internal to a legal and formal order. From Law No. 129 of 19<sup>th</sup> January 1939 – the normative provisions in which the Head of Government appeared designated as the *Duce del Fascism* – power would draw normative support for the idea that the "deputies" were linked to demonstrations of the "extra-juridical and formal" will of Benito Mussolini<sup>72</sup>.

Over the time of the *ventennio* one quintessentially "mono-archival" State crystallises, but it was not exactly similar to the constitutional German doctrine of the *Führerstaat*. Unlike its success in Hitler Germany, the constitutional was not, however, identified with a concrete historical person<sup>73</sup>. In legal doctrine, the *Duce* symbol referred to the exceptional role of the constituent taken by Mussolini – a constituent of an eminently formal legal order – and was a figure set up as an institution provisionally occupied by a historically exceptional incumbent. In the words of Carlo Costamagna:

*The problem of the "Leader" is the most delicate of all the problems posed by the organisation of the New State. We should not confuse it with the problem of Duce, i.e. the founder of the regime, nor let itself be confused by the fact that the New State, born from revolution still in progress, is updated yet in a constituent process that implies the dictatorship of that man of exception, through which the story has fulfilled its task: the creation of the new order. And, in fact, once the reasons for dictatorship disappeared, so the reasons for unity left too. If the new State is obliged to become a way of being permanent, i.e. a way of life, it cannot, given its hierarchical structure, dismiss the function of chief; even the latter does not have the extraordinary proportions from that which promoted the revolution (1938)<sup>74</sup>.*

On the other hand, in the ending times of the *ventennio*, the politico-constitutional existence begins to be constructed according to a racial idea. A resolution of the Grand Fascist Council on 6<sup>th</sup> October 1938 proclaiming a "*carta della razza*" would constitute the starting point. Next would be the emanation of a racial legislation that deviate totally and definitively from the liberal idea of equality in the *Statuto Albertino*. Specific prohibitions

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<sup>72</sup> Armando Jamalio, L. "*interpretazione autentica*" del Duce, in *Rivista di Diritto Pubblico. La Giustizia amministrativa* Part I, No. 22, 1939 pp. 302-325.

<sup>73</sup> Despite the disclosure of the maximum known as "Mussolini is always right" (*vide* paragraph VIII of the Decalogue of Militiaman Fascist; in paragraph X of this book read "One thing is to be above all else to you: the life of the *Duce*"). One might argue that the *ventennio* tended to crystallise an autonomous myth about Mussolini beyond the fascist idea, an emerging "*bottom-up*" myth of popular Messianic "creation" that was not fascist.

<sup>74</sup> Carlo Costamagna, *Storia...*, *op. cit.*, P. 419. The leading position of fascism first appeared formally enshrined in the Statute of the Fascist Party in 1926: according to its 1st Rule: "The hierarchies of the NFP are: 1. the *Duce* ..." Law No. 240 of 2<sup>nd</sup> April 1938 underlined in a particularly symbolic form the centrality of the *Duce* figure in the order *in fieri*: The dignity of Marshal of the Empire would be granted by it, in accordance with article 2, on an equal footing to "S.M. the Emperor and King and Benito Mussolini, *Duce* of Fascism".



were imposed on "citizens" of the "Jewish race", squashing their legal capacity<sup>75</sup>. Then the marriage celebrations between a "pure" Italian citizen and a person belonging to another race came prohibited (Royal Decree No. 1728 of 17<sup>th</sup> November 1938). Additionally, in exemption to the concordat regime, the celebration of Catholic marriages would not receive civil effects and were not transcribed. Marriage between an Italian citizen and a foreign national – who is subject to authorisation by the Minister of the Interior – was forbidden along with civil servants, the military, the NFP, as well as any other administration. Despite the legislative use of categories like the Aryan and Jewish race<sup>76</sup>, a forum for debate would also open up about the meaning and scope of racism, specifically regarding Italian cultural and its spiritual or "blood". Underlying this specific line of final politico-constitutional transformation – at least in terms of Mussolini's strategy – was the development and declination of new *mythos* of national mobilisation, from *mythos* of an elevated self-image (from the consciousness) of the Italian national<sup>77</sup>. The terminal times of the *ventennio* would indeed be marked by a moment of intensification of production of a communal subjectivity, when it was part and parcel of the famous anti-bourgeois campaign<sup>78</sup>.

In any case, the declination of a racial idea, notwithstanding the previous shiver and famous Mussolinian proclamations of "sovereign contempt" for "certain doctrines coming from beyond the Alps", can be interpreted as proving the intuition of the German constitutionalist H. Heller, according to which fascist politico-constitutional grammar is characterised by the absence of "static dogmatic values" (impossible to secure without an principled anchor in Catholicism; the concentration of value in the political community considered in and of itself and disconnected from a transcendent and unmodifiable standard, could not but lead to the granting to political power of an unconditional ordering freedom)<sup>79</sup>.

## The Italian Social Republic (Saló)

Apart from the *ventennio*, Italian fascism still would know another politico-constitutional incarnation: the so-called Italian Social Republic. Before we close this first chapter on the fascist "constitutional", it is appropriate to consider the Saló Republic in order to ascertain

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<sup>75</sup> For example, no longer would they be able to be custodians or guardians of minors or disabled people who were not Jewish; to be proprietors or exercise management companies declared of interest to the nation's defence, or that had more than one hundred employees; be owners of land exceeding a certain value; have domestic citizens of the Aryan race as employees; attend school in any order and degree (textbooks whose authors were Jewish were also banned). They would be excluded from the armed forces, public administration, the exercise of activities related to representations, trading in antiquities and art, the printing industry, street trading; they were also prevented from publishing obituaries and entering names in the phone book. Specific limits were established for their university tests. The possibility of revoking citizenship granted to them after 1<sup>st</sup> January 1919 was admitted. In the context of Italian involvement in the Second World War, from 1940, several provisions of the government would establish internment measures for the expulsion of foreign Jews object.

<sup>76</sup> Under the R.D.L. of 5<sup>th</sup> September 1938, No. 1390, people with Jewish parents were considered Jewish along with those who professed to be part of the religion. Subsequently, the R.D.L. No. 1728, 1938, would consider people Jewish if they were born from couples of mixed religions along with those belonging to the Jewish religion on 1<sup>st</sup> October 1938. For this dimension of "constitutional fascist revolution" see S. Labriola, *la costituzione autoritaria* Cit., pp. 269-271.

<sup>77</sup> Aaron Gillette, *Racial Theories in Fascist Italy*, Routledge, London/New York, 2002.

<sup>78</sup> The context in which they signed up included *mores* (abandonment of treatment in the second person plural) and military-choreography (adoption of the Roman step) changes. Other changes were made to the emanation of a new NFP status, a reordering of the youth organisation and education reform drafted by Giuseppe Bottai (with the new *Carta della Scuola* of 1939).

<sup>79</sup> Vide Hermann Heller, *Europa y el Fascism*, vers. Castilian Editorial España, Madrid, 1931.



to what extent it introduced continuity in relation to the constitutional-axiophanic patterns we emphasised before.

On 29<sup>th</sup> September 1943, "the operation of the new republican fascist State has been initiated" (quoting the exact terms of an official communication of the day). Until its final constitutional form was approved in a 'Constituent', the *Duce* would assume "the chief functions of the new republican Fascist State"<sup>80</sup>. The fascist project should now take on a new concrete form – a "National State of work" – but a fundamental axiophanic decision by an integral and integrating (mono-archy) State continued to be at stake<sup>81</sup>. A look at the constitutional project entitled the "Constitution of the Italian Social Republic", the document destined to become the Constitution of the new Republic (but that did not come into force) reveals it<sup>82</sup>.

The first two articles "recounted" the fascist idea of political community (a political community taken as monistic and absorbent, and an end in itself). According to Article 1:

[T]he Italian nation is a political and economic organism in which its strain of civilian, religious, linguistic, legal, ethical and cultural characteristics are fully realised. It has life, will and superior ends in power and durability to individuals, isolated or grouped, that at any time are part of it.

Art. 2 specified:

*[T]he Italian State is a social Republic. It is the full legal organisation of the nation. The Italian Social Republic has as its supreme purpose: the conquest and preservation of Italian freedom in the world, as it unfolds and develops all of its powers and performs in the international consortium, founded on justice, the civil mission entrusted by God, marked by 27 centuries of its history and living in the national consciousness of the well-being of working people, through their moral and intellectual elevation, increasing the country's wealth and its equitable distribution, due to the income of each of the national community<sup>83</sup>.*

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<sup>80</sup> About the Republic of Salò, see: Giorgio Bocca, *La Repubblica di Mussolini* Oscar Storia Mondadori, Milano 1994 reimp. 2009 pp 211-213; 155-170 and Guglielmo Negri, *Il Quadro Costituzionale, Tempi and Istituti della Libertà*, Seconda edizione, Giuffrè, 1995, pp. 66 ff.

<sup>81</sup> To use the expression - "*Stato nazionale del lavoro*" - from the post-fascist Italian Social Movement.

<sup>82</sup> This project can be viewed in G. Negri and S. Simoni, *Le Costituzioni inattuato*, Editore Colombo, Rome 1990. The manifesto, adopted by the first national congress of the Fascist Republican Party held in Castelveccchio in Verona (the famous Verona Manifesto 17<sup>th</sup> November 1943), also contained indications of constitutional politics.

<sup>83</sup> The so-called Manifesto of Verona states – paragraph 9 – that the "base of the Social Republic and its main object is manual, technical and intellectual work in all its manifestations". "Profit-sharing by workers" was suggested in paragraph 6. Subsequently, Decree No. 375 of 12th February 1944 would give concrete steps towards the socialisation of enterprises.



In it, a declaration of rights and duties (Articles 89-101) was consecrated in which individual rights were paradoxically given a genetic matrix, bidding an "objective" national teleology. In fact, in the terms of Article 93:

*Civil and political rights are granted to all citizens. All subjective rights, public and private, involve the exercise of duty in accordance with the national purpose from which they were granted. In this respect the State guarantees and protects the exercise*<sup>84</sup>.

Not missing the repetition of the "ingredient" of the religion and State: under Article 6

*"the apostolic Roman Catholic religion is the only religion of the Italian Social Republic"*<sup>85</sup>.

The political order was now directly and immediately constructed from the figure of the *Duce*, but in terms of its institutionalisation. The *Duce* institution was configured as the central director of the State (*vide* Articles. 35 and SS), keeping, however, an organic pluralism in the structuring of the powers and functions of the State. The *Duce* would exercise executive power directly and through government (which was an autonomous body, but with the Ministers and the Head of Government being appointed by it (*vide* Articles 45 and 49-56)). The legislature power would exercise it in collaboration with a "Chamber of Labour Representatives" (*Camera dei Rappresentanti del Lavoro*), elected through universal suffrage and representing working people (*vide* Articles 17-34); and also with the Government – Article 40 <sup>86</sup>. Interestingly, the "symbolic" power of the constitutionally consecrated *Duce* even included the power to grant titles of nobility (Article 48), which seems unique from the point of view of constitutional history. The existence of a Constituent Assembly was also envisaged, defined as the representative of the "living forces of the Nation", and built as an expression of state institutions and societal organisations recognised by the State. This Assembly would elect the *Duce* every seven years (the *Duce* could only be re-elected once – this was an express will of Mussolini, it seems), change constitutional law and pronounce on great issues of national interest at the request of *Duce* or (by a two-thirds majority) the House of Representatives (Articles 14-16).

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<sup>84</sup> Point 10 of the Verona Manifesto read: "private property, the fruits of labour, individual savings and the integration of the human personality are guaranteed by the State. It should not become a physical and moral disintegration of the personality of other men through labour exploitation".

<sup>85</sup> In accordance with Articles 7 and 8 other religions were allowed, since they do not observe principles and rites contrary to "public order and morality"; public worship would be allowed, except limitations and responsibilities established by law. The Manifesto of Verona stated that the "religion of the Republic is the Roman Catholic. Any other worship that does not contrast with the law is respected".

<sup>86</sup> It is responsible for the power to appoint judges, and the law to organise judicial organisation (*giurisdizione*) – *vide* art. 61 ff.



## Conclusions

Interwar regimes usually classified as "right-wing and non-democratic" stand out on the map of modern politics, more precisely on the map of major politico-constitutional (and religious) forms, by their identification of the political community, considered in and of itself, as the supreme good. In all these regimes the political community enjoyed the founding and ordering status of eminent good, though not in all, however, was an absolute good constructed (think, for example, in certain "authoritarian constitutionalisms" still carrying an ingredient of liberal "political metaphysics"), and some politico-constitutional orders were structured or limited by reference to a Christian-Catholic rule beyond the political (the so-called Austrian State or the second Francoism, for example)<sup>87</sup>.

The fascist regime can be said to have raised the political community to a true *absolutum*, having been considered as something unconditionally valuable and an omnicomprehensive ordering reference. As seen before, the process of fundamental (re)institutionalisation of the fascist regime defined and followed an eminently national-state idea; moreover, it built a public orthodoxy in which the State figured as an absolute principle; in the field of negotiations between the political and the (traditional) religious – vital for the crystallisation of the regime – the self-referentiality of the fascist principology, its *ultima ratio* character became clear<sup>88</sup>. It was as if the theme that was behind the new constitutional experiences of the interwar period had been stated here, nakedly, as the absolute and sole rector.

Given its universal-civilizational character, it is possible to speculate whether Italian fascism would have not built, at least virtually or vocationally, one of the new grammars of the collective existence of a more or less pure type that tended to crystallise in modernity, one of the projects of

*"new consensus on the good to replace the medieval consensus on the good"*<sup>89</sup>.

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<sup>87</sup> On this see also, in addition to our doctoral dissertation (Pedro Velez, *Constitution and Transcendence: the case of community regimes of the interwar period*), Pedro Velez, *On the modern secular-religious City: theologico-political mapping and prospective*, in *Foreign affairs*, No. 18, 2010, pp. 217-238 - [http://idi.mne.pt/images/rev\\_ne/2010\\_12\\_n\\_18.pdf](http://idi.mne.pt/images/rev_ne/2010_12_n_18.pdf) .

<sup>88</sup> Here and there, one seems to point, more or less explicitly, to a characterisation of the essence of the Italian fascist regime as a superlative updating the project of the idea of State - vide above: Marcel Gauchet, *À l'épreuve des totalitarismes...* Cit., Pp. 348 ff. (Chapter VIII, «*Le fascisme en lui-même of quête*»); David D. Roberts, *The totalitarian experiment in twentieth-century Europe*, op. cit., pp. 271 ff. Also in the interwar literature: vide Rudolf Smend, *Constitucion y Derecho Constitucional*, Centro de Estudios Constitucionales, Madrid, 1985. For a topography of views about Italian fascism, see Emilio Gentile, *Qu'est-ce que le fascisme? Histoire et interpretation*, French version, Gallimard, Paris, 2004 *maxime* p. 67 ff.

<sup>89</sup> In order to use expressions and intuitions from William T. Cavanaugh in *Killing For The Telephone Company: Why The Nation-State Is Not The Keeper Of The Common Good*, in *Modern Theology*, vol. 20, No. 2, 2004, p. 418, note 59.

## **THE SOCIAL PRODUCTION OF COMMUNICATION WHEN THE WORLD BECOMES GLOBALIZED**

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### **Abstract**

This work is framed within the context of the researches and papers on the changes arising from the convergence of globalization and the ICTs that enable globalization. It resumes the theoretical approaches of Manuel Martín Serrano to study some of the transformations in the mediating function of the public communication linked to the technology advancements introduced in the Communication System. It tackles the technical developments that enable the access to more information – in many cases immediately, which does not necessarily imply that users have a better understanding of what is happening in the world. The current use of ICTs may lead to a reproduction of stereotypes within affinity groups – making each group more closed rather than opening them to different groups with whom they may discuss or share interpretations of the change in the environment.

### **Keywords**

Globalization; Knowledge; Representations; Humanization; Use of ICTs

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## **THE SOCIAL PRODUCTION OF COMMUNICATION WHEN THE WORLD BECOMES GLOBALIZED<sup>1</sup>**

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### **Introduction**

In 1986, it was published *The Social Production of Communication*, in which Manuel Martín Serrano develops the Social Theory of Communication, the foundations of which are to remodel the communicative analysis from a socio-historic and macro-sociological approach. These analyses are based on the existing links between the historical changes of societies and the modalities of public communication that have appeared and disappeared, from assembly communication to communication through computer-communicative networks (Bernete, 2011).

The work abovementioned introduces the successive transformations of public communication in the field of technologies, the organizations in charge of providing communities with information, and its use in each community as a necessary component to analyse the historical changes in societies. The scenario in which the list of adjustments and imbalances between what happens to communities and the news about what has happened is opened with the first social organizations, in which the social production of communication is institutionalized when the agrarian and militaristic societies stabilize; and has remained open for four thousand years until our times. Now, it is necessary to understand the ongoing historical transformation related to the computer-communicative revolution, which will eventually reshape the different forms of social action at a global level, as well as the role of information and organizations (see Bernete, 2011).

In the third edition of *The Social Production of Communication*, published in 2004, the author incorporates the results of the successive researches specifically designed to verify the theory, following the dramatic changes in communication and information mentioned above. In the text, it is provided an interpretation of the leap from the audiovisual era to a computer-virtual era. The collective representations are related to the current ways to obtain, distribute and use the information; and both, with their order and disorder, find and confront groups and societies. This socio-historical mark – which distinguishes the author of *The Social Mediation* demonstrates once again its theoretical and clarifying power. Especially when it integrates the systematic study of the social and communicative changes in predicting alternative scenarios that may arise from the current computer-communicative abilities. Therefore, we deem it relevant to review some of the key ideas used to plan the analysis of the existing relations between the

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<sup>1</sup> The translation of the article is the responsibility of their authors.



production and the reproduction of public communication and the production and reproduction of social communication (see Bernete, 2011). We start this presentation by referring to the construction processes of the social representations required for the social reproduction.

As is known, social subjects create representations of the world on the basis of beliefs, principles and values. Such beliefs are not only valid for the groups to give meaning to their past and build a future, but also to understand their present. The collective imaginations embrace the continuous and endless change of the social, material or ideal environment to assume any novelty. In every society, incorporating in a cognitive manner what erupts in reality or understanding what disappears is an institutional task aimed at social control. The meaning of such intervention is contained in the following quote:

*"With the recourse to mediation, the community tries to achieve a certain degree of consensus in the representations of the world made by the different members of the group. Here is the reason why all societies need subjects (such as the shaman) or institutions (such as informative companies) specialized in the production and reproduction of collective representations – a certain event occurring and affecting all members of a group does not have one single representation, nor the consequent agreement to severally react to the event". (Martín Serrano, 2004: 142).*

The production and transmission of public information plays a mediating role when it establishes a link between the transformations of the world and the knowledge of the changes by the recipients of the information. This function involves the selection of reference objects<sup>2</sup> and the provision of a number of data and assessments about such objects; all this represents a representation of what is being communicated. By offering the community representations of what already exists and occurs, the public communication contributes – along with other mediating instances – to a proper adequacy between the changes of the environment, behaviour patterns supported by shared beliefs, and the institutions of the Social System. The public communication may offer this congruence by either suggesting the reprocessing of collective representations, or by providing an interpretation of the event to replenish the representations and legitimize the existing order. In any case, the adjustment is aimed at stopping the social action from exceeding the frameworks established.

The public communication influences the social action inasmuch as it allows members to share a vision of what occurs; or, if preferred, as it exercises control over the social representations shared by a collective. If it provides an acceptable interpretation for the group, it favours a certain vision of reality and of what is more convenient to do in the face of a created new situation. That is to say, it proposes a certain social action and gives sense for the members of the collective.

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<sup>2</sup> The term *reference objects* refers to what two or more living beings communicate about – a provision, a need, a hazard or a sports event may be considered reference objects if communicators exchange data about them.



As is well known, the communicative mediations carried out in this historical moment differ from the ones used just some decades ago. The following paragraphs set forth some of the transformations occurring in public communication (its production, distribution, reception and use) and the way such transformations affect the cognitive representations of citizens in an era of transition between institutional communication systems; nowadays, together with the "Mass Communication System" operate other systems of information exchange through techno-computer networks.

This article deals with the ways to provide indications on what occurs – and its impact in our perception of reality – which are characteristics of the current networks of exchange of information. We will do so by recalling that some of the features of their ways to produce and distribute information have not emerged with the new ICTs – they have accelerated certain lines of the "communicative progress" that were born long before the advent of the internet.

The goal of this analysis is to prove that some of the technological developments of modernity – which may confer advantages to recipients (for instance, more information about more things, higher reliability or more possibilities to react in less time), started to give rise to contradictions with certain mediating functions, such as providing interpretations of the events narrated. And such contradictions have grown more acute over the last decades.

We refer below to what Professor Martín Serrano (2004) described as "great conquests by the Capitalist Social Structure in the development of referential communication" (synchrony, iconicity, extension of the referential universe) and the way in which their development hinders the function to offer representations of the event that are compatible with the principles and values shared.

### **1. The function to provide interpretation of the event when it is synchronically transmitted**

The time between the communicative product is produced and its reception by part of the recipients was being reduced until the synchronic dissemination of the information was achieved.

*"The conquest of communicative synchrony has made it possible that more people are potentially concerned by public events in a useful period of time" (Martín Serrano, 2004: 112).*

In fact, it represents a benefit for recipients since knowing beforehand about the event may imply advance in their decision about the facts. If they receive the information at the time the narrated facts are occurring, their reaction capacity would be as immediate as the eyewitnesses' of the event.

However, this technological development may hamper the mediating function of providing an interpretation of the event, since the mediator, in this circumstance, essentially works to give an immediate account of what is observed in the place and present moment. (Many times, it is not about what is observed, but about the expressions



of other mediators). Other tasks, such as selecting pertinent data, check them, or finding different points of view for the building of a narration that makes it possible to relate the facts if this present with previous ones, are subordinated to the goal of providing information as soon as possible. Usually the narrator accompanies the listener or the viewer in their access to the events, when they may be seen.

The story is believed to have a culturizing character, since it contributes to “introducing new generations in the cultural patters of society and prepare them for their recreation” (Echevarría, 2003), but the fact of transmitting the information of the event in real time makes this function extremely difficult.

## **2. The function to provide interpretations of the event when pictures of the reference objects are shown**

Technical developments resulted in a constant increase in the number of images, in the genesis of which participates the same object of the communication. From the recipient’s point of view, knowing that the image directly comes from the object confers a degree of reliability, regardless of the sender’s reliability. When means of iconic or synchronic information are used, the possibilities to avoid mediators are greater for the benefit of the autonomous interpretation of users. Recipients may configure a representation of the event transmitted by themselves if they have the cognitive capacity to process the iconic narration. However,

*“the ability to express in images everything that has a shape confronts the need that every interpretation must respond to a particular rule or code, only shared by the members of a same group” (Martín Serrano, 2004: 128).*

The contradiction pointed out in the quote leads to the following thought – either verbal indications are introduced (necessarily in a particular code) to channel the wide repertoire of individual interpretations towards the interpretative framework of the mediator, or they relinquish to the control over the interpretation of what was shown and it is allowed that the meaning given to the information depends on the perceptive and cognitive capacities of recipients.

The reception and recognition of images (fixed and in motion) require different information processing habits from the ones required to process oral expressions, aligned in a space or time sequence and more monosemic than images. If our culturization is based on particular codes (languages learnt), the narrated descriptions and assessments of the event in those same expressive models will be better understood than those narrated with iconic codes. Working with these codes would mean a new way of learning for a vast part of the population.

Only when recipients may unequivocally identify the object and the context in which the images are taken, the iconic narration can be sufficient to recognize the status or the activity of a reference object (for instance, a sports competition with which recipients are familiar), with no written or oral presence of a mediator.



Additionally, even when it is recognized what the images show, showing does not mean explaining the sense of what happens; many times it just means a way of constructing a show with that event. The mere vision of things may produce a feeling of knowledge, but the iconicity that supposedly makes facts transparent, usually produces the effect of making them more opaque<sup>3</sup>.

### **3. The function of providing interpretations of the event when the information is overabundant**

One of the conquests inherited from current technological systems is that the information about the events concerning to a specific community are made permanently available to all member of such community. The features of ICTs have accelerated the dynamics to expand the universe of reference objects – any emerging object may become a public event and any assessment may be part of a point of view about what is occurring, the manifestation of which is deemed legitimate (Martín Serrano, 2004: 127).

Theoretically, this expansion of what is referentially controlled may help to learn more data about more objects, more different perspectives, expressed with more freedom. If the increase of the information available was in accordance with what is more convenient for users to know, they would be able to improve their understanding of the changes occurring in their environment, and to know with stronger foundations what is possible and impossible to do to adapt to changes, to push to make what they consider desirable thrive, and to avoid what they consider undesirable.

As is known, the information overload of our times is incomparably greater than the one announced by Alvin Toffler in his book *Future shock* (1970)<sup>4</sup>, but the effect is not necessarily having more true information that could allow us to assess the facts and participate in the public sphere with a great deal of information. The increase of communicative interactions does not change one bit its character of “process that may be used to tell the truth or to lie, to construct or destroy, to unite or separate, to educate or diseducate” (Díaz Bordenave, 2012).

The amount of information accessible to user citizens to ICTs is not offered to meet their needs for knowledge and is not the result of a so-called equality of opportunities to publish on the internet their personal narrations and participate in the public sphere. Indeed, the technical features make it possible that every user of networks may offer reference data and assessments about any matter of interest. But not all users have the same economic and technical capacities. Therefore, they do not have the same possibilities to appear in networks or to influence in the social representations of the collective with their personal view of things. Social, economic, political, etc. inequalities are also taken into consideration in the order of the communicative production.

The applications allowing current ICTs have accelerated the elimination of two dividing lines: a) the one distinguishing between agents and communicants, and b) the one distinguishing between senders and recipients within the Communication System.

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<sup>3</sup> Please refer to *La sociedad de la transparencia* [The Society of Transparency] (Han, 2013) to find out more on the sense of “more exposure” in contemporary societies.

<sup>4</sup> Toffler perceived “too many changes in a too short period of time”.



- a) Among the actors of the Social System, the functional separation between *social agents* (those who produce, sell or buy things) and *communicants* (those that exchange information about things) still exists, although the information and the knowledge (resources for social reproduction) have become resources of the productive system and have strengthened ties between production and communication. Public and private interactions are organized from the information and the knowledge.

One of the consequences that all agents (political, economic, etc.) are communicants is reflected in the informative overflow of the internet. Large corporations have the ability to plan it in a way that the information provided in the technological networks (all of them equally legitimate) hampers the access to knowledge.

This new form of opacity has been observed as "information intoxication", which hides truth under the excess of narrations. This is another way to censor – instead of (in addition to) silencing or prohibiting, words, images, sounds and number are provided. This is how the so-called "knowledge-based society" also becomes the "uncertainty-based society", since –paradoxically– it hinders knowledge by providing a flood of information.

- b) The separation between *senders* and *recipients* in mass communication was functional; on the one hand, the subjects authorized to perform the role of informant –to produce and distribute the communicative products to the mass – and, on the other hand, the potential recipients of such products (for instance, according to their age, working spaces or times and leisure). This distinction has been blurred. Although the institutional communication has not been diminished, many other informative exchanges are produced alongside – comments about news or opinion columns, or sometimes just isolated words, photographs, emoticons or directions that refer to another informative space. The subjects that publicly interpret the event have multiplied and, consequently, the views of the world.

#### **4. The function to provide interpretations of the event with fragmented narrations**

The increase of information abovementioned is linked to certain innovations in the format and in the use of communicative practices. In the past decades, there have been changes in the way we see (for instance, zapping or narrative grammar that mix genders), the way we write (for instance, hypertexts) or the way we read (for instance, instant messaging or microblogging short stories).

In the new narrative formats communication modalities proliferate (or simply, connection modalities). They tend to reduce narration as much as possible. There are more exchanges of images and short-length texts. After micro-stories and blogs, "social networks" emerged, where anything is said or shown with no connection to other things. Later, microblogging services, such as Twitter, through which users exchange texts that are obligatorily short, frequently used to announce the existence of more informative load in other internet space.

Although there are still large narrations, (for instance, some very successful TV series), micro-stories have multiplied, with almost no narrative structure at all (except from advertisements). Given their nature, they are not ordered narrations that offer a certain



representation of a reference object, but pieces of narratives, flows of images, sounds and words that leave the mental construction of references to each user.

Inasmuch as current ICTs are applied to the educational system, especially in online courses, it is evidenced a break in the sequentiality that has characterised the structure and the use of textbooks. Instead, fragments from different texts are introduced with links to others. This composition seems to avoid a closing of the narration. Regarding their use, the discontinuity of reading, exercises, etc. is facilitated in different times and places. As we say, the effect is to leave knowledge structuring in the hands of students – by using their many and portable technical devices they must decide where and when to do each thing.

### **5. The absence of collective representation provided by mediators and the difficulty to build up consensus on the basis of shared knowledge**

Between producing and disseminating narrations, and doing so with fragments, headings, tweets or simple emoticons, there is something else than a difference of length – the first ones are elaborated by knowledge mediators (for instance, writers, teachers or journalists) that choose the references, data and the order to build a product for their community. The second ones are usually disseminated with no order, so the members of the receiving community must assess their informative value and create some representation. It seems clear that in this way the existence of shared representations is difficult.

Here is the following paradox – on the one hand, globalization is supposed to lie on the use of shared information and knowledge at a global level; on the other hand, there are more and more ICT applications aimed at offering informative fragments instead of providing structured representations that contribute to diminish the level of lack of knowledge of what happens in the world.

Uncertainty grows while the information dumped in the net by the marked increase of communicative mediations that, instead of improving our knowledge of the world, our own and others' life, feeds prejudices and misunderstanding, they create confusion and promote endless conflicts.

Nevertheless, it may not be inferred from the points above that the social reproduction is at risk due to a decline of consensus. In fact, consensus is promoted, but not from all citizens and, surely, not at a global scale. "Theoretically, globalization and the ICTs that make it possible provide a possibility to know more about the culture of other countries and regions of the world; which theoretically may also extend the possibilities to reach better understanding between people from different parts of the planet" (Bernete, 2010).

The consensus based on the control of networks may reach unprecedented levels. Because the consensus based on obedience to the own group is being promoted, strengthening some identities before others, the consensus of the local or nationalist glorification; the consensus based on the reproduction of stereotypes of any nature that networks quickly and easily amplify – national and local stereotypes, gender or sexual orientation, Jews, Muslims or Christians, just like hundreds of years ago.

The same technologies that allow the dismantling of knowledge, also allow a use aimed at prioritizing certain stereotyped representations of reality and their reproduction with



redundant "information". The dominant views of the world in quantitative terms eventually become dominant in qualitative terms. Just like in previous times, but now with more reasons – a minority of subjects are able to distinguish true information from false.

Distinguishing true information from false information has had the greatest importance in the prevention and solution of social conflicts. In the same way that confusing what is false with what is true may lead and exacerbate confrontation.

In social communication truth has been used to deactivate conflicts, while lies have created and intensified them. And this is how it happens nowadays. For instance, lies legitimate aggressions to other countries, when mass media exacerbate warmongering or when a military invasion is planned.

According to Prof. Martín Serrano (2007: 252-262), a piece of information is truthful if the data provided about the reference object are

- *objective* (they correspond to the object's characteristics)
- *significant* (necessary to inform about this object from a specific point of view) and
- All data are *valid* or complete to provide users of the communication with a certain view of the object.

The overload of information citizens have nowadays forces them not only to have technical capacities to make the most of the IT applications, but also, and especially, cognitive capacities that they will hardly get by themselves. Please consider if each computer, Smartphone, internet, etc. user, just for the simple fact of having an access device and being connected can search, compare, assess, and relate information to produce his/her own knowledge. Or if he/she may distinguish objective and significant data from those that only seem so; or if they have criteria to assess the validity of the data offered in each case, analyse their structure and take into account other data or alternative structures. All in all, to distinguish between truth and a lie.

Learning to relate, assess, etc. to convert the information into knowledge depends on the fact the models, the organization and the resources of the educational system are oriented in such direction and that everybody have the chance to benefit from such learning.<sup>5</sup>

Until users do not acquire such capacities, it is possible that most of them will have to understand that they are "a mass living in their lack of knowledge, fascinated by technology and more and more alienated" (Brey, 2009: 38). If this is the scenario, probably individuals will not be the ones benefiting the most from ICTs, but large corporations able to correlate huge amounts of data, according to this author.

*"The centre of gravity of the commercialized knowledge-based society gradually moves from the individual to the collective structures (...). Increasingly, there is more knowledge in*

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<sup>5</sup> In the past decades, political and academic authorities promote with their guidelines that students have competences in the management of information and the acquisition of an applicable knowledge with a change value. This does not necessarily mean they are trained to manage assessment criteria on the veracity of the information.



*organizations, but less knowledge in individuals, more information in the silicon memories and less in human brains. Individuals progressively leave their central position, which becomes diluted, and from the periphery they are weaker and more expendable than ever". (Brey, 2009: 40-41).*

In general terms, the duality predicted by Castells (1995 b:11) seems to be consolidated unless technical innovations are used in a different way:

*"(information society) is the society of the technological and medical feats as well as the society of the marginalization of a large sector of the population, irrelevant for the new system".*

## **6. The social use of technical innovations defines the sense of mediations**

If the technical capacities of the informative instruments are known as well as the options of their potential uses, it is understood that, up until now, advanced capitalist societies have defended themselves from the undesired transforming effects of the technological innovations by restricting their social uses.

The Capitalist Social Formation has used Mass Media with the goal of providing information and training based on domain ethics. Technology has changed, but the management of current ICTs favours the same ethics and the domain has been strengthened, since the capitalist production method has not changed.

Manuel Martín Serrano describes the "communication production method" as *the way each Social Formation takes control over the public information.*

*"The information owned is different in each Social Formation, not only for its utility, but also for its ownership:*

- *The use of the information may refer to different use criteria. But the information required for the reproduction of the Social System will be owned when it contributes to the creation, or at least the recreation of the conditions (material, institutional, cultural) that are crucial for the functioning of the Social Formation.*
- *The ownership of the information may be assigned to specific users, namely institutions, groups or individuals; or remain seemingly inexistent. But the information useful for the maintenance of the social structure, or the information that may eventually be used to transform the organization (hierarchical, stratum, classes) will be owned by dominant groups. This ownership is not judicially recognized, and not even at a functional level in all cases. However, it is always identifiable at a structural level by defining who are the ones to decide what is*



*the value of use of the public information". (Martín Serrano, 2004: 101-102).*

The innovations in the infrastructures of the Communication System have been incorporated to keep a production and reproduction model, but not for other uses that render less benefits or that would weaken the political or economic domain.

The maintenance of the productive and reproductive models allow current ICTs to offer the possibility to participate in an endless number of recreational, educational, relational or political activities, among others. This does not mean that the political participation, education, social relations, services or benefits to citizens are promoted, since they are only allowed in the new techno-informative space. While certain activities are allowed in the so-called "cyberspace", there is more instability and insecurity in the material dimension of daily life – employment, income, housing, health, etc.

We find ourselves facing a technological revolution of enormous significance since it will probably result in irreversible changes for the human condition. And in the time in which a historical process of such a magnitude is started, there is a renewal of hope for humanity to have the control of their future using the technical inventions to improve the nature of people, their life conditions and the organization of societies. Therefore, the determination to put technical innovations at the service of humanizing objectives has been reborn and makes new sense with the existence of ICTs. These are the initiatives that try to use these technologies to gradually introduce methods of communication social production that are not conditioned by the logics of control and of the economic benefit (see Martín Serrano, 2014a).

Mediators are required to walk towards a more human future, based on precise information and shared knowledge. Instead of being driven by the principle of competitiveness among groups or States, mediators are supposed to be moved by solidarity and brotherhood in a single universal community. The ethnocentrism marking our relations has caused so many divisions – gender, generations, religions, nations, etc. – that this horizon is seen as utopian.

## **Conclusion**

The professionals of public communication are not the only interpreters of the event. They also interpret what there is and what happens to other socializing agents such as friends, relatives or teachers. These agents and the professional informants themselves are obliged to be familiar with the transformations in the communication methods.

The processes of social communication are transformed when the world globalizes. And it had to be this way, because the largest material interactivity (transport, commercial exchanges, etc.) is necessarily linked to greater information flows, favoured by current ICTs. A dimension of such transformations is related to the nature of the mediations that the communication introduces to orient social action. The communicative actions performed in this historical moment differ from the ones used just a couple of decades ago.



This work is focused on the communicative mediations, which aim to establish a link between what changes in the environment and the knowledge of the changes by the recipients of the information.

The previous paragraphs state that the function to provide the community with representation of what occurs in the environment is changing –in some cases, minimizing – because the technological developments, together with institutional communication, fosters the prosperity of other communication practices, where the narrative made with complete and ordered information (following whatever criteria) is not valid.

We also referred to the difficulties to provide recipients with an interpretation of the event when it is synchronically transmitted, when iconic codes prevail over oral, when the information is excessive, and when predominant formats are extremely reduced in extension and scarcely narrative (headlines, tweets, emoticons, etc.).

If public communication does not provide collective representations, the construction of consensus on the basis of shared knowledge is more difficult, as it entrusts the recipient community with the task to assess the information and make it fit in their view of the world. This does not put social cohesion at risk because there are other mediators, in addition to the ones that work in the communication system, and because consensus may lie on the basis of stereotyped representations that are easily disseminated and reproduced, and that feed the prejudices of each collective before the rest. Group cohesion is strengthened as well as consensus about its own culture within collectives, when, in theory, there are more chances to discuss and to know about who is different (given the technical resources and scale economy).

The result of this use of the information and the knowledge is and increase of ignorance about what exists and what does not exist, and an increase of uncertainty about what may occur and what can be done. Ignorance and confusion emerge when the wealth of information dumped in the public space is so great that it becomes a torrent from which we have to defend. In these circumstances, mediation is open to mystification and dehumanization, which in fact is exercised by institutions created to this end to control the representations shared about what occurs:

*"Experts in mystification disguise the geopolitical interests of dominant nations with noble principles. These manipulators are key pieces in the planning of design wars around the planet (...). During war actions, experts in dehumanization will turn barbarity of bombing into spectacles. They are professionals serving the current warlords that will schedule disinformation to ensure the suffering and outrages are not visible for media chroniclers or audiences (Martín Serrano, 2006).*

In this context, today more than ever, citizens need mediators to help them to interpret the facts:

*"In the emerging globalized world, professionals, teacher, and communication researchers, take increasing social responsibilities.*



*Few fields can prove certain – as much as communication does – that expert knowledge does not legitimate control and makes it more efficient, but to unveil it” (Martín Serrano, 2006).*

The representations that will bring the real globalization of humanity, with no reduction of their identities or cultures, will be the ones to link technology revolutions to the liberation of peoples, those protracting the progress in humanization. Views of the future that direct the applications of the new technologies to share their knowledge and information, to globalize the solidarity that humanizes. This was the use programme of the knowledge and information technologies designed by the enlightened.

They applied the sociologic perspective to find out if it would be possible to reach another time when history would have reached its zenith, removing power from the symbols and lowering the symbolic value of power. That time when there is a single human community, enriched by any possible diversity, with all its cohesion, because, finally, solidarity ties would have tied the whole species (see Martín Serrano, 2014b).

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## LUSOPHONE INTERFACES: THE LUSOPHONE NETWORK ON FACEBOOK

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### Abstract

This article examines the new digital landscape postulated in the network society theory advocated by Castells (2000), as well as a contextual framework. Assuming the virtual exists and produces effects (Lévy, 2001), we consider that we are witnessing a change of paradigm in social communication. If from a Communication point of view we are facing individualisation, the social paradigm shift is evident. The new perspective inculcated by digital tools is the socialisation and the maximisation of the collective.

In this article, we assume that the relational ties in asymmetric social networks (which do not involve reciprocity between nodes) that take place in social media platforms is content. In this sense, and taking a multidisciplinary perspective, we consider that the technique of appropriation shows a mapping of structures that are technically mediated interactions and enhanced by technology. We present an empirical study based on the method of triangulation, crossing document analysis with netnography. Analysing groups and Facebook pages as supports, where communication is recontextualised through disaggregated distribution and different types of interaction, we aim to categorise and understand the social representations of the Lusophone. The main objective of this paper is to examine whether Facebook, as an area of digitally mediated interactions and disaggregate content sharing, can induce a reconstruction of the significance of social networks and representations of the Lusophone, promoting the creation of a single social group, or at least a grouping with some homogeneity.

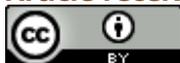
### Keywords

Lusophone, cyberspace, social networks, social representations, social interaction

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## **LUSOPHONE INTERFACES: THE LUSOPHONE NETWORK ON FACEBOOK<sup>1</sup>**

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### **For an introduction: narratives of Lusophone and identities**

Understanding the Lusophone as a fragmented space full of multiple meanings, it is clear that its discourses, practices and social relations circulate in different conceptual logics. In this sense, we interpret the Lusophone as being built through a shared social construction with elements of communication systems that enhance networks of meaning within its very own subjectivity, which is dependent on a multiplicity of culture meanings. Notwithstanding, political discourse, like the media, hides asymmetries and presents a homogeneous perspective of Lusophones as a single unity.

As written by Eduardo Lourenço,

*"the Lusosphere is no kingdom, nor even folkloric. It is only – and it is not little, nor simple - that sphere of communication and understanding determined by the use of the Portuguese language with a genealogy that distinguishes it from other Romance languages and cultural memory that, consciously or unconsciously, binds itself" (1999: 81).*

The essayist also stresses that

*"If everyone came to the capital of our North called the Lusophone, it is because this lady must have other mysteries and other charms or perplexities, beyond the scientific. Or we attribute her to that object of mere historical-linguistic curiosity, or even historical-cultural, which has been turned into a theme where we invest passion and interests that have to do not only with what we are as language and culture in the past, but with the present and the destiny of this continent that is immaterial, or we want more clearly to become the Lusophone world. However, neither here nor anywhere else, we pretend, we Portuguese, that the content and,*

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<sup>1</sup> The translation of this article was funded by national funds through FCT - Fundação para a Ciência e a Tecnologia - as part of OBSERVARE project with the reference UID/CPO/04155/2013, with the aim of publishing Janus.net. Text translated by Thomas Rickard.



*above all, the echo of the concept of appearing so innocent drags with it the same images, the same procession of ghosts, the same implicits or misunderstandings, in the different spaces that we attribute without an ounce of perplexity, the ideal and idealised Lusophone sphere" (1999: 81).*

Martins argues that

*"What is in play in this symbolic struggle between cosmopolitan and multicultural globalisation is the power to define reality, as well as the power to impose internationally this definition, I mean, this di/vision. In this understanding, the Lusophone figure is not a different thing from the social reality of the distinct national communities where this symbolic battle is processed. And it is because of the social representations of reality not being foreign to their own social reality of the countries that they shape that, in my view, they must be reevaluated formulations which tend to deny the Lusophone figure not only symbolic efficacy, but political effectiveness as well" (2004: 8).*

The multiplicity of narratives and social representations, while resulting from the socialisation process and directly associated with the collective identity (Daniel Antunes and Amaral, 2015), are fragmented and occupy the minds of the Lusophone (one meaning remains to be seen, and with an intensity to be established). They derive from a social and cultural memory that emerges from a shared symbolic construction that is framed and interpreted unevenly by different generations. For an analysis of cyberspace as a Lusophone interface, it becomes imperative to examine whether digital discourse can metamorphose the social representations of the Lusophone (important considering that a percentage of Lusophone are not even aware of the representation of their collective identity), which can enhance the creation of new identities and induce change in social relations. The "interface" expression, in this work, refers to the point of intersection where Computer Mediated Communications (CMC) allows interaction and communication in an almost continuous state without time or geographical barriers.

The dynamics of contemporaneity, mobility and mutation are processes that build questions of citizenship on micro and macro scales, in a discourse where "I" and "other" are an alternating continuum. The assumption that the interaction between Lusophones in the digital environment stems from a shared social construction also implies rethinking the role of cyberspace in the (re)construction of the Lusophone identity, as stated Macedo, Martins and Macedo (2010). The authors stress that the Information Society

*"seems to call on cyberspace as a new place of the Lusophone, which establishes virtual communication networks between people who think, feel and speak in Portuguese" (2010: 14).*



The narrative of the Lusophone in contemporary times is described by Patrisia Ciancio in a master's thesis on the "Digital Lusophone" as being in "coexistence from two phases:

- (1) the separatist anachronism of a colonial past that puts all countries and regions touched by the Discoveries under the same roof of the story, but divides their existential present;
- (2) in postmodernity from the urgency of its insertion in a global environment of information, which, if developed well (or developed for good), can contribute in education and the democratisation of media" (2008: 34).

The concept of identity is crucial to understand the relational processes within the framework of the controversial concept of the "Lusophone". Maria Paula Menezes stresses that

*"Identities – while relational processes – are rarely reciprocal. Never being pyres, identities are, however, unique, ensuring the affirmation of difference. The act of identifying produces the difference, constructed as relations of power (Santos, 2001)"* (2008: 78, 79).

Also, the issue of Lusophone references as a mirror of "Portuguese imperialisation" (Menezes, 2008) and the formulation of thought have been questionable elements in the production of the contemporary Lusophone in digital environments, in its broadest context: intercultural dialogue.

The official discourse of the Lusophone refers to concepts of memory leveraged in colonialism and an imaginary of empire. However, post-colonial identities are constructed based on geography and generational issues, expanding "hyphenated identities" (Khan, 2008) because

*"They cannot be represented as a stable, fixed phenomenon, because to think of chronological boundaries between the colonial and the postcolonial leads us to erroneous epistemological abodes, inducing the mistake of thinking that, historically, the colonial is an already-past episode" (2008: 97).*

As a result of postmodernity, which is expressed in current social reality and as an exponent of globalisation, the Internet implies a reconfiguration of the concept of territory; it arises as a result of the construction of shared systems of representation and social dynamics. What gives it meaning and identity is the symbolic elements adopted by each group. Digital spaces are immaterial and concretised in places and non-places (Augé, 2010), where networks of networks and networks of communities co-exist.

The Internet has come to position itself as a break with the past, leveraging reinvented pasts and the emerging present. Will we be faced with the emergence of abstract digital



spaces that enable representations of memory and the present in a reconfiguration of power relations as well as their materialisation in points of digital intersection? Can networks be a possible way of renewal and strengthening of ties in the Lusophone? And what role does Facebook play, now that it has replaced Orkut as the most important social network in the largest Lusophone States, that is Brazil?

## **Geographies of the Information Society**

The introduction of technology in the public and private life of societies has promoted a change in behaviours. Effectively,

*networking technologies are now an integral part of the daily lives of millions of people and foster collective intelligence (Lévy, 2001, 2004; Jenkins, 2006). There is an online social revolution in progress, regarding the use and appropriation of technology. People are changing their behaviour: they work, live and think in networks (Amaral, 2014).*

However, it is imperative to emphasise that the introduction of technology and, particularly, the Internet in private and public life of society also has socio-economic dimensions, which inevitably leads us to specific geographical contexts.

The digital divide must be referenced in the context of territorial socio-technological spaces. These territories have their own dynamics that depend on several variables and produce different potentials of information dissemination and communication through networking technologies. Access to the Internet can contextualise the geography of “info-included” and “info-excluded” societies.

According to statistics presented by the Internet site Live Stats<sup>2</sup>, it is estimated that 46.1% of the world population has access to the Internet, with about 4 billion non-users. The trajectory of growth in the last fifteen years, according to the site Internet Usage Statistics<sup>3</sup>, is 826.9%. The statistics also reveal geographical digital inclusion/exclusion, with Europe, Australia and North America having the greatest network access while the African continent does not exceed 28%. Referring also to the question of Latin America and the Middle East, according to the statistics of 2015, penetration rates have exceeded 50%.

Castells (1996) see the Internet as a space of spaces and in this sense, the local and private change as the local and global live together. It follows that the digital territorial issue is defined by factors that envisage a global dimension. Information flows that inhabit the network translate into a set of nodes connected by different ties that make them non-places in places (Augé, 2010). In this sense, locations correspond to the social

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<sup>2</sup> A site of the Real Time Statistics Project that provides Internet access statistics. Available at <http://www.internetlivestats.com/> (accessed on April 2016).

<sup>3</sup> A site that provides Internet access statistics based on data from local providers, the International Telecommunications Union, GfK and Nielsen Online. Available on the site <http://www.internetworldstats.com> (accessed on December 2015).



use of technology. Ultimately, access to the Internet should also be solved in light of the concept of digital literacy.

Digital illiteracy refers to a process that culminates in the exclusion of individuals from computers and the Internet through the incompetency of their *modus operandi*. This excludes the phone

*because although it is from the same group of IC (Information and Communication) products – up to sharing the same infrastructure – from a sociological perspective the phone has different characteristics from the others: it is part of the family of products 'inclusive for illiterates', which can be used by people with no technical education (Sorg & Guedes, 2005: 102).*

As stated by Gomes (2003), Castells argues that illiteracy is the "new poverty" of contemporaneity, taken as a new type of "functional illiteracy" that translates into a lack of skills to exist and co-exist in a global information society. In this sense, it is understood that digital exclusion has a macro level and multiple micro levels, which result from different conditions. The dimensions of social exclusion – assuming that these are not synonymous with poverty – can then be applied to digital illiteracy, thus being multidimensional, dynamic, relational, contextual and active. In this perspective and in the context of digital illiteracy, "disadvantaged groups" can be defined as part of the gradient of a multidimensional scale that understands the lack of social rights indicators and micro levels of social exclusion, as well as defining groups left out of the society of digital information for these reasons. Mayer (2003) states that a disadvantaged group can be defined by a simple expression: "those denied access to the tools needed for self-sufficiency". A disadvantaged group is then one that describes itself as taking a pattern of a lack of access to resources imposed by different barriers. Assuming the network as the central feature in organisational terms in the informational society, the communication model has asserted a condition of *undercitizenship* of citizens who are digitally excluded.

### **Portraits of the info-inclusion and info-exclusion in Lusophone countries**

Forming a profile of info-exclusion and info-inclusion in the eight countries of the CPLP is not an objective task. Reading Internet access numbers in Lusophone countries lacks a (much needed) broader framework to contextualise the difference between four geographic spheres of economic and technological development (and hence social and cultural): a) Portugal; b) Brazil; c) PALOP; d) East Timor. Inside the PALOP macro sphere (or "The Five", as they call themselves) one can equate significant differences between countries and also within countries.

The very formation of identities in different historical, social, political, cultural and economic contexts raises a permanent cycle of exclusion and inclusion that has nothing to do with technology. Martins states that



*as a symbolic, mythological expression, the Lusophone is a particular category of words. It integrates the wide range of words with which we stage the relationship between it and the other, between us and others. We use them to express belonging and identity, and even to demarcate territories (2004: 5).*

Table 1: Internet access statistics in 2015 in Lusophone countries

<b>Country</b>	<b>Users with access to the Internet</b>	<b>Penetration rate (% of the population)</b>
<b>Angola</b>	5,102,592	26%
<b>Brazil</b>	117,653,652	57.6 %
<b>Cape Verde</b>	219,817	40.3%
<b>Guinea Bissau</b>	70,000	4.1%
<b>Mozambique</b>	1,503,005	5.9%
<b>Portugal</b>	7,015,519	64.9%
<b>Sao Tome and Principe</b>	48,806	25.2%
<b>East Timor</b>	290,000	23.6%

Source: Internet Usage Statistics

On the continent of Africa, the Lusophone world is nothing but a world of sharing knowledge, information and affections in a multilingual dimension. In the area of the productions in the online environment, the processing occurs in the same way. It is clear that information and communication technologies have given a huge contribution in bringing Lusophones in Africa together, especially to assess the dispersion of the territories that make up the continent. Cultural variations in Africa are considerable, from region to region, and the economic density of these freshly decolonisation countries in the first half of the 1970s is not conducive to human traffic in the geographic circuits that mark the offline universe.

Travel between the different Portuguese-African countries is beyond the reach of most families of this community. Associated with this, we find on the continent thousands of families struggling to formulate answers to basic questions related to the survival of a human, such as food, drinking water, clothing, medication, education, hygiene and public health, among others. In these cases, they are not close to the possibilities of developing mutual understanding through contacts made possible by traffic in the offline world. In this regard, the mediation of the mass media can have a major role. Television, by force of its image and the ability to carry distant realities to the interior of planetary homes, could have a major role in this matter. However, there are some factors that do not contribute to this dimension of television communication in the Luso-African space:

- A) the vast majority of content produced by the television of Angola, Cape Verde, Guinea-Bissau, Sao Tome and Principe, and Mozambique do not reach other African-Luso countries;
- B) this television, especially public television – that has more responsibility in precipitating the symbolic values of their countries – is confined to the "common places" and their "places of comfort", and many of them cannot cover all of their national territories;



- c) there are few documentaries, which constitute valuable elements to anchor the knowledge of a society;
- d) Extended reports are not cultivated television genres in Luso-African countries. Through investigative journalism, extended reports redeem values entrenched in the experience of a people, bringing fruitful elements for the knowledge society;
- e) television lacks entertainment programmes of high cultural value, which would end up bringing added value to the symbolic tradition of these people.

Taking into account the lack of material resources, difficulties in geographical movement and the weak role of traditional media in the formation of bridges between different Lusophone communities in Africa, there is a space remaining (that is potentially strong) for the development of communication, systems of information and knowledge exchange. Here, the computer arrogates a major role.

Macedo, Martins and Macedo (2010) cite Wagner to illustrate the Brazilian situation that

*has experienced undeniable progress in the population's access to the Internet, although the numbers still show strong disparities between regions of the country, social class and people's educational level.*

Several authors report that the rate of Internet penetration in Brazil comes down to an urban phenomenon, centred on literacy. Although it is clear that regions with high population density, independent of socio-economic issues, have started using the network regularly. And here the centrality of professional media and the extension of the impact that this has on cyberspace is not indifferent.

The Portuguese case is invariably different because it centres on the support of the European Union, economic levels and has higher literacy than the other countries. The degree of development in access to information and knowledge is distinct from other Lusophone countries, a fact that the very proliferation of electronic devices supports.

East Timor is a country that experienced a long period of occupation and later conflict. In this sense, low Internet penetration rate seems an obvious fact at a time in which basic issues of infrastructure continue.

Another issue to consider is the number of Portuguese speakers originating in the eight countries around the world. According to the Observatório da Língua Portuguesa<sup>4</sup>, 244 million Portuguese speakers exist. However, only in Portugal and in Brazil do the entire population speak Portuguese. In other countries, the Observatório notes that not all the inhabitants speak Portuguese: Angola (70%), Cape Verde (87%), Guinea Bissau (57%), Mozambique (60%), Sao Tome and Principe (90%) and East Timor (20%). In relation to this Ciancio states that

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<sup>4</sup> Data from 2010 is available at <http://observatorio-lp.sapo.pt/pt/dados-estatisticos/falantes-de-portugues-literacia> (Retrieved December 2015).



*the Portuguese language, which is the mother language, in some cases becomes the stepmother and an elitist mechanism. It also gains connotations of rejection and the suffocation of national languages, being naturally exclusive in the way it is used. The people are on the margins of an educational process of language teaching in accordance with their local realities (2008: 63).*

Data from the study of the Observatório da Língua Portuguesa reveal that about 10 million Portuguese speakers are in diaspora. In this sense, according to Internet World Stats, Portuguese was the fifth most spoken language on the Internet in 2012 with 131.5 million users. The data show, then, that the idea that we are witnessing a shift from a mass communication model to network communication does not imply an annulment, but rather an articulation of and with the previous models,

*producing new communication formats and also allowing new ways of facilitating empowerment and, thus, a communicative anatomy (Cardoso, 2009: 57).*

The network, as an area of multiple fragments, gives societies the impetus of convergence of media, cultures, people and knowledge through interfaces. The Cape Verdean case illustrates this argument and cements the idea that the construction of narratives about the countries is directly related to the media, institutions and, essentially, language appropriation. Ciancio stresses that

*the land of the Lusophone is fluctuating because it does not define a territory of continuity, and demarcates unconscious identities that are lost in the unknown and in the plurality of fragmentation (2008: 7).*

The new ecosystem of communication that emerges with the Internet refers to the relationship between technology and the social dimension of its use. However, identities and cultural diversities that make up the vast universe of the Lusophone do not compete against a unified idea of a Lusophone network society. This approach would also be reducing the rich cultural diversity of 244 million Portuguese speakers throughout the world. Still, we risk thinking that the paradigm of the collective, network concepts and community are now central to the study of social spaces that proliferate the Internet and allow one to map mobilisations, representations and expressions of the Lusophone as a single universe that brings together citizens who share ties of identity, culture and language.

### **Cyberspace as a Lusophone interface: an attempt in "Lusophone connection" as the point of intersection**

CMC can simulate presence and enhance the mediation of individualisation and the collective through processes of communication, cooperation and conflict that materialise



through the social use of technology. In this regard, consideration is given in the words of Jouët:

*Communication practices are often analysed as being the product of changes in communication systems and equipment, which are thought to define de facto the way in which individuals use them. Such technical determinism, however, should be avoided. The same can be said of the limiting model of social determinism which ignores the role of technical objects and rather sees social change as the principal factor determining usage (2009: 215, 216).*

Looking to overcome the limitations of technological and social determinism, we try in this section to analyse groups formed through interaction mediated digitally. In this sense, we consider that CMC enhances communication among geographically dispersed individuals, but also generates digitally mediated cooperation and are potential instruments of mobilisation of info-included societies (Recuero, 2002). The social dynamics occurring in cyberspace refer to interactions that develop via CMC, generating exchange flows and social support structures (Recuero, 2009). The collective representation now focuses on new patterns of social interaction arising from individual and joint use of technology (Castells, 2003). Recuero argues that

*the beginning of the global village is also the beginning of the deterritorialisation of social ties (2009: 135).*

Recuero sees virtual communities as the setting for

*human groups that emerge in cyberspace, through computer-mediated communication (2003a: s/p).*

It follows that the geographical issue fades and shared social construction becomes an important element.

Among the different social media illustrating the landscape of the network, Facebook is the platform with the most Portuguese speakers. Data from the Social Bakers agency<sup>5</sup> show that Portuguese was the third most spoken language on this social network in November 2012 with 58,539,940 users. This number is impressive compared with the data that the same agency made available for May 2010: 6,119,680 — showing an exponential increase.

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<sup>5</sup> Data available at <http://www.socialbakers.com/blog/1064-top-10-fastest-growing-facebook-languages> (Accessed on August 2014).



Table 2: statistics for users registered on Facebook in 2012 in Lusophone countries

Country	Registered users on Facebook	Penetration rate (%)
<b>Angola</b>	645,460	3.2%
<b>Brazil</b>	51,173,660	26.4%
<b>Cape Verde</b>	107,340	20.5%
<b>Guinea Bissau</b>	M=NA	NA
<b>Mozambique</b>	362,560	1.5%
<b>Portugal</b>	4,663,060	43.3%
<b>Sao Tome and Principe</b>	6,940	3.8%
<b>East Timor</b>	AT	AT

Source: Internet Usage Statistics

Using triangulation, which crossed document analysis with quantitative content analysis and netnography, we developed a case study to categorise and understand the social representations of the Lusophone through its mapping on Facebook. This takes the assumption that networks translates us (individuals and groups) into interconnections of many ties. The network communication model thus results from a fusion of different techno-social spheres that shape society. With this work we seek to answer two research questions:

- (1) Will we be faced with the emergence of abstract digital spaces that enable representations of memory and present a reconfiguration of power relations and their materialisation in digital intersections?
- (2) Can the network be assumed as a possible way to renew and strengthen Lusophone ties?

We outlined the following objectives:

- (1) examine whether Facebook can induce reconstruction of networks of significance and social Lusophone representations, through the categories of pages identified with the word "Lusophone" and from the descriptions given;
- (2) analyse if digital discourse can metamorphose the social Lusophone representations, trying to identify if there is a single social representation that derives from a shared social construction materialised in similar discourse in the conversations in the groups studied.

For a mapping of the Lusophone on the platform Facebook, we searched for the Portuguese keyword "Lusophone" on pages and groups. An interesting point to focus on are presented suggestions to the research for "Lusophone": "Lusophone games", "Lusophone games 2014", "Lusophone games mascot", "Lusophone games goa 2014" and "Lusophone games goa 2013".

We sought only to map groups with more than 60 members and pages with more than 100 fans. Based on these requirements, we inventoried 43 groups and 28 pages.



Table 3: Members of groups identified through the word "Lusophone"

<b>Members</b>	<b>Groups</b>
<b>60 – 100</b>	23.25%
<b>101 – 300</b>	32.56%
<b>301 – 500</b>	11.63%
<b>501 – 700</b>	4.65%
<b>701 – 900</b>	6.98%
<b>901 – 1100</b>	0%
<b>More than 1101</b>	20.93%

Source: Elaborated by the authors

The number of members of the groups identified and analysed is fragmented, and there is standard being set even by category. Still, it is possible to note that groups with fewer members are those with a closed access typology.

Table 4: Type of access to groups identified through the word "Lusophone"

<b>Access Type</b>	<b>Groups</b>
<b>Open</b>	55.81%
<b>Closed</b>	44.19%

Source: Elaborated by the authors

There was a balance between the typology of access to the group, having been observed that requests for access are positive and quickly answered.

Table 5: Categories of groups identified through the word "Lusophone"

<b>Categories</b>	<b>Groups</b>
<b>Culture</b>	23:26%
<b>Community</b>	18.60%
<b>Trade</b>	6.98%
<b>Sport</b>	2:33%
<b>Diaspora</b>	30.09%
<b>Education / Studies</b>	4.65%
<b>History</b>	30.09%
<b>Information / Media</b>	16:28%
<b>Portuguese language</b>	4.65%
<b>No Description / No Access</b>	4.65%

Source: Elaborated by the authors

The categorisation of groups is interesting to analyse with regards to its diversity. The groups classified as "Diaspora" are identified as a community of members of Lusophone countries out of context, particularly in northern Europe. In these cases, all groups are closed access and there is a substantially interesting detail: the members are often from more than four Lusophone countries.



The groups that were classified as "Community" are primarily targeted at young people and the sharing of experiences in different Lusophone countries, particularly with regard to musical interests.

The categories "Information/Media" and "Culture" are dominant and essentially deal with issues related to Brazil and Portugal, with it being rare to find the subjects in Lusophone Africa and non-existent in relation to East Timor.

Table 6: Fans of the identified pages with the word "Lusophone"

<b>Fans</b>	<b>groups</b>
<b>100-400</b>	28.57%
<b>401-700</b>	21.43%
<b>701 - 1000</b>	10.71%
<b>1001 - 1300</b>	7.14%
<b>More than 1301</b>	32.15%

Source: Elaborated by the authors

Groups that have the most users are those that are classified as "culture" and "Information/Media". The groups described as "open" have the most members. In addition "closed" groups with fewer users are those that correspond to categories such as "Diaspora", "Community" and those that have no classification.

Table 7: Categories of pages identified through the word "Lusophone"

<b>Category</b>	<b>pages</b>
<b>Non-Governmental Organisation (NGO)</b>	1
<b>College &amp; University</b>	2
<b>Community</b>	2
<b>Community &amp; Government</b>	1
<b>Sports League</b>	2
<b>Non-Profit Organisation</b>	5
<b>Arts &amp; Entertainment</b>	1
<b>Interest</b>	1
<b>Library</b>	1
<b>News/Media Website</b>	1
<b>Magazine</b>	1
<b>Sports Venue</b>	1
<b>Radio Station</b>	1
<b>Media/News/Publishing</b>	1
<b>Arts &amp; Entertainment · Bands &amp; Musicians</b>	1
<b>Community Organisation</b>	1
<b>Government Organisation</b>	1
<b>Music Chart</b>	1
<b>University</b>	1
<b>Book</b>	1
<b>Local Business</b>	1

Source: Elaborated by the authors



The pages marked with the word "Lusophone" belong to disparate categories and do not show a single standard. There is a trend related to groups and/or communities and non-profit organisations.

Table 8: Number of fans on pages identified through the word "Lusophone"

<b>fans</b>	<b>Category</b>
<b>431</b>	Non-Governmental Organisation (NGO)
<b>312</b>	College & University
<b>421</b>	Community
<b>349</b>	Community & Government
<b>2240</b>	Sports League
<b>1568</b>	Non-Profit Organisation
<b>2096</b>	Arts & Entertainment
<b>729</b>	Interest
<b>603</b>	Library
<b>179</b>	Non-Profit Organisation
<b>251</b>	Community
<b>288</b>	News / Media Website
<b>16098</b>	Magazine
<b>951</b>	Sports Venue
<b>6660</b>	Sports League
<b>951</b>	Radio Station
<b>3489</b>	Non-Profit Organisation
<b>4160</b>	Media / News / Publishing
<b>556</b>	Arts & Entertainment · Bands & Musicians
<b>1020</b>	Community Organisation
<b>119</b>	Non-Profit Organisation
<b>9417</b>	Government Organisation
<b>340</b>	Music Chart
<b>205</b>	University
<b>543</b>	College & University
<b>1284</b>	Non-Profit Organisation
<b>235</b>	Book
<b>1503</b>	Local Business

Source: Elaborated by the authors

The pages do not have a pattern with respect to the number of fans. It is evident that in spite of being under the Lusophone "umbrella", there is no one narrative or aggregation patterns evident with regards to the social representation of a single group. In this sense, from a digital perspective the Lusophone is still merely an *in fieri* entity.

Empirical analysis shows that the social representations of the Lusophone in mediated social interaction spaces do not show a single social group that embodies a shared social construction that replaces the presence of belonging in places and non-places (Augé, 2010) on the network. The disaggregated distribution of Facebook spaces does not show that this is a digital tool of communication that reconstructs meanings, nor does it particularly assume itself as a vehicle of social representations that sees the Lusophone as a single social group. It is found that there is a multiplicity of narratives and fragmented social representations whose shared symbolic construction is only Portuguese.



## Concluding remarks

The Internet as a social networking platform facilitates the opportunity for people to associate with others who share common interests, find new sources of information and publish content and opinion. The so-called social Web offers features that allow, to those who have access to technology, the ability to have a voice. Platforms like Facebook, YouTube, Flickr and Twitter are a "new place", which combines the power of human and social capital with the potential for global communication on the social Web. The possibilities exist, the network has become dynamic and speed is a reality.

Digital speech does not metamorphose the representational field of the Lusophone. In this sense, the creation of new Lusophone identities has not been seen, nor have relationships been seen to be inducing social practices of representational change.

The issue of common symbolic references and language potentiate and maximise online interactions between Lusophones. However, Lusophone ties do not materialise in the construction of a single narrative but rather in the spread of different narratives, based on a geographical determinism only surpassed by the convergence of typical network interaction that is enhanced by sharing the language.

The analysis of Lusophone cyberspace requires more study, particularly regarding the spaces of connection and samples of considerable dimensions for each of the countries as the social representation that the Lusophone creates on the network for themselves and others. A project to study interaction between Lusophones in the digital environment and an assessment of shared social construction based on content analysis and social network analysis is needed, which we believe would permit us to make a broader assessment, for the cyberspace allows us to rethink the (re)construction of Lusophone identity in a context outside of the media. A project to keep in mind.

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**INTERNATIONAL CLIMATE FRAMEWORK IN THE MAKING:  
THE ROLE OF THE BASIC COUNTRIES IN THE NEGOTIATIONS TOWARDS THE  
PARIS AGREEMENT**

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**Abstract**

This paper focuses on the analysis of the multilateral regime of climate change from the perspective of the regimental complex. It examines the role of the BASIC countries in the signing of the new climate agreement in Paris and its relationship with traditional powers like the United States and the European Union. The role of the BASIC countries has been crucial to close a new deal, and in exchange for that power, the group has accepted two conditions: a bottom-up agreement and nationally determined contributions as a vehicle for climate action. Similarly, the diffusion of power in the international system means that although the triangle formed by the BASIC-EU-US has been critical to achieving a new climate agreement, other actors also played an important role in the negotiation process of COP 21.

**Keywords**

Climate change; Regimental Complex; BASIC Negotiations; Paris Agreement

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## **INTERNATIONAL CLIMATE FRAMEWORK IN THE MAKING: THE ROLE OF THE BASIC COUNTRIES IN THE NEGOTIATIONS TOWARDS THE PARIS AGREEMENT<sup>1</sup>**

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### **Introduction**

For over four decades, member states of the United Nations have created environmental regimes in order to give an institutionalist response both to the growing challenges in the field and to the scientific predictions, denoting the exacerbation of the degradation of environmental conditions identified and incorporated as a topic on the international agenda since the sixties. Accordingly, several international regimes focused on environmental protection have been created. Regarding solely climate

change, the international architecture is composed of the United Nations Framework Convention on Climate Change (UNFCCC), signed in 1992, the Kyoto Protocol (KP), adopted in 1997 in the third Conference of the Parties (COP3) of the UNFCCC, its amendment in 2012 (COP18, Doha), a series of decisions taken at the Conferences of the Parties (COP) as the highest authority of the UNFCCC, and the Paris Agreement adopted in December 2015 (COP21). The Framework Convention is part of the documents signed in the context of the Earth Summit held in Rio de Janeiro in 1992, together with the Convention to Combat Desertification, the Framework Convention on Biodiversity (CBD), the Declaration on Forests, and the Declaration on Environment and Development. It is a document that establishes a binary view of the world consolidated in its system of annexes, where developed countries must reduce their emissions of greenhouse gases (GHGs) and provide implementation means to enable developing countries to conduct their own climate mitigation actions and adapt to the adverse effects of climate change. This division stems from the greater responsibility of the former in causing climate change that has established itself on the principle of common but differentiated responsibilities (CBDR) and therefore on the leadership role they should play in climate action (Article 3.1. of the UNFCCC).

Despite strong criticism of the KP, its effectiveness and the market mechanisms it established as flexible mechanisms, it meant a concrete step forward regarding the implementation of the Convention and the establishment of an international regime for reducing greenhouse gas emissions to address climate change. It is based on the principles and purposes of the Convention<sup>2</sup>, committing the countries of Annex I to

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<sup>2</sup> The provisions of the UNFCCC include inter and intra-generational equity, the precautionary and preventive principle, the right to sustainable development, international cooperation, and the principle of common but differentiated responsibilities (CBDR) (Aristegui, 2012:589-590).



targets to reduce and limit emissions during a period which, since Doha, is called the first commitment period (2008-2012, 1<sup>st</sup> CPKP)<sup>3</sup>.

However, the relative efficacy of the KP in the contrast between what was committed, which was unambitious for that time, and what was obtained, which was even less ambitious, led to a second commitment period (2013-2020, 2<sup>nd</sup> CPKP) agreed at the COP 18 held in Doha in 2012, after three significant episodes in the life of the COPs: the failure of the Copenhagen Conference in 2009; the legitimization of the Copenhagen agreements in the Cancun Conference in 2010 and the establishment of the Durban mandate to reach a new agreement in 2015 and, in the meantime, under the slogan of eliminating the implementation gap, constitute a second commitment period.

The Doha amendment is a true reflection of the shortcomings of the regime. Illegitimate since its inception due to the lack of quorum in terms of its participants, evidenced by the low percentage of covered global emissions, with a number of ratifications even more limited in 2015, reducing the concept of implementation gap to the mitigation of climate change and that despite the reduction commitment of 20 to 40% to 1990 levels, it will have effective consequences on the limitation and reduction of global emissions. Whereupon, neither the first nor the second period were convincing to achieve the purpose. In practice, they stimulated a set of market measures as an escape to commitments that satisfied two groups of countries: those that benefited from carbon markets through relationships with their own regional and national markets, like the European Union (EU), and those that benefited as recipients and captured the CDM (Clean Development Mechanisms), such as China, India, Brazil, and Mexico, which accounted for 75% of projects<sup>4</sup>.

Regarding the actors of the global climate architecture, it can be said that, given the structural conditions of the international system after the fall of the Berlin Wall, Europe and the United States (US) were the main actors in the climate regime during the nineties and the beginning of the new millennium. However, due to domestic conditions and the advent of the George W. Bush administration, the US withdrew from the KP without approving its signature, leaving the EU as the new and undisputed leader in terms of climate change at multilateral level<sup>5</sup>. This allowed it to shape the regime and give it a nature that suited its needs and interests at the cost of acting as its locomotive and promoter. This is the reason why at the beginning of the new millennium, when the entry into force of the KP was already doomed to fail, the EU agreed with Russia its ratification in exchange for recognition as a market economy that would allow it to join the World Trade Organization (WTO).

However, despite the relevance of the EU, it can be said that in 2009 it could

not arrange, through its leadership, for the signing of a new agreement following the end of the 1<sup>st</sup> CPKP. In the COP15 held in Copenhagen in 2009, the EU paid the price for a resounding failure in its quest to reach a new ambitious agreement in terms of reducing

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<sup>3</sup> These goals were set regarding 6 types of GHGs: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), and sulfur hexafluoride (SF<sub>6</sub>).

<sup>4</sup> Expand in <http://www.cdmpipeline.org>

<sup>5</sup> There is extensive literature regarding the European climate leadership. By way of exemplification, we only mention the following contributions: Paterson, 2009; García Lupiola, 2009; García Lupiola, 2011; Lopez Lopez, 2002; Perez de las Heras, 2013; Fernández Egea y Sindico, 2007; Barrera López, 2010.



emissions according to a logic the United States called "top-down"<sup>6</sup>. The leaders of the US and of the BASIC group (Brazil, South Africa, India and China) acted as the main hitmen, achieving an agreement whose text was different from the one proposed by the EU as the hostess. However, the lack of transparency of the process and the result led to the objection by countries of the ALBA group, which expressed their refusal to endorse a text that emerged on the side of a negotiation process.

Had the Copenhagen agreement been approved in 2009, it would have legitimized the multilateral climate work appropriate for a directory of major emitters that make decisions together. While it is true that the EU, the US and China are responsible for almost 60% of global emissions, a dynamic of this nature could have collapsed the pillars, at least formal, of the international regime.

The BASIC group, as a negotiation subgroup, operates within the Group of 77 and China<sup>7</sup> and since its inception in November 2009, it immediately stated to be

under the orbit of the G77<sup>8</sup>. Its participation in the negotiation process has acquired a more than significant importance after the Copenhagen Conference, especially as a result of the weakening of the EU leadership and the rejection of the KP by the US and an international order increasingly more convulsed and with multiple actors with relative power. Similarly, the climate regime does not operate according to a zero-sum logic, and the moving of the EU is explained both by dilemmas in the international system and by the EU's internal disputes (Bueno, 2014), which does not mean that the EU has failed to comply and accept that the relative success of the new agreement lies in the consensus among a greater number of voices in which all must yield valuable things.

As was evident at COP15, the role of the BASIC group was crucial to close the new Paris agreement, and in exchange for that power, the group accepted two conditions of the North American climate imaginary: the benefits of a "bottom-up" agreement that allows them to limit their climate action to the internal context with the sole commitment to reduce their greenhouse gas emissions voluntarily - as announced in 2009<sup>9</sup> - and to join the group of countries that have submitted their intended nationally determined contributions (INDCs).

As a result of the above, the question we ask is: what is the role of the BASIC group in the international climate architecture and what was its position since COP15, with a view to adopting the Paris Package at COP21? How do these aspects relate to the EU and the

<sup>6</sup> Two of the main arguments advanced by the United States to opt out of the Kyoto Protocol were the illegitimacy of an agreement in which China, the second overall emitter at the time the KP was negotiated, did not participate; and later, that Kyoto was ineffective as it proposed a commitment from the regime to the states that in some cases could not be achieved (top-down approach). Accordingly, each state should establish its own possible climate commitment (bottom-up). The US argued that the regime has been "top-down" until then and that this has been one of the main reasons for its failure, along with the interpretation of the principle of responsibility and the binary view of the world, which, in its view, no longer represented reality. For this reason, it has supported the notion of nationally defined contribution (NDCs) and its registration through flexible bodies as "national agendas" or records as a way of representing what each state is able to do.

<sup>7</sup> G77 + China is a formal negotiation group comprising 133 countries. Expand in [www.g77.org](http://www.g77.org)

<sup>8</sup> The reference to the G77 is present in all the declarations and joint communiques that the BASIC countries have made since the first meeting in November 2009 in Beijing, China. There is a particular effort to highlight that it constitutes a space for cooperation and negotiation within the G77 + China and not outside it (Bueno, 2013:215).

<sup>9</sup> The Copenhagen Accord does not have a legally binding character, first because it is an agreement reached at a COP (and therefore not an international treaty), but mostly for having had the negative opinion of three countries (Sudan, Bolivia and Venezuela).



US as the main actors? To what extent is the Paris agreement an agreement between the major emitters?

We shall address these questions from the viewpoint of International Relations and its theories as a way to perceive and explain a convulsed and diverse world. In this sense, an institutionalist kind of response is provided, allowing us to reflect on the margins and limits of this theory to explain the phenomenon.

### **Theoretical and conceptual framework**

The concept of international regime within the Theory of International Regimes has two canonical definitions, expressed by the most representative authors: Stephen Krasner on the one hand, and Robert Keohane and Joseph Nye on the other. Krasner (1989: 14) defines international regimes as "principles, norms, rules and decision-making procedures around which actors' expectations converge". Keohane and Nye (1988: 18), outlining a similar definition of this concept, state that international regimes are "procedures, rules or institutions for certain types of activities" that governments create or accept to regulate and control transnational and interstate relations. According to these authors, the emergence of international regimes aims to resolve the shortcomings of the international system providing profits for states. Meanwhile, the first definition broadens the spectrum to another set of actors that are not states and their interests in shaping and maintaining regimes.

The debate on rules enables reflecting, first, about the Convention in terms of its principles, purposes and structure as well as about the distinction provided between Annex I Parties, Annex II Parties and Parties non-Annex I<sup>10</sup>, as well as on the KP and its amendment, since they establish certain obligations to be met by Annex I Parties in terms of reduction and quantified limitation of emissions. This institutionalist response considers that both the UNFCCC and the KP and the recent Paris Agreement represent the main pillars of the International Climate Change Regime.

In this regard, Keohane and Ovodenko argue that "institutions reduce transaction costs and uncertainties for governments in their future interactions within a specific conflict area" (Ovodenko and Keohane, 2012: 523). However, even though the institutions help solve information problems (which reduces transaction costs and uncertainties), its creation is sometimes difficult precisely due to incomplete and imperfect data. Accordingly, it is easier and less expensive to maintain international regimes than to create them (Sodupe, 2003: 123). The latter is reflected in the problems behind the creation of the KP and in the difficulty states are facing in achieving a new agreement to replace it. Also, while it was more feasible to obtain an extension of the protocol through the signing of the Doha amendment than making a new treaty on climate change, only 65 ratifications of the 144 required for the entry into force of the amendment have been attained<sup>11</sup>.

Keohane also seeks to demonstrate that, on its own terms, neorealism is wrong when it theorizes about the inevitability of the existence of hegemony or conflict for the

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<sup>10</sup> Annex I Parties are a group of developed countries, Annex II Parties are the OECD countries that must provide the implementation means to developing countries so that they can make their mitigation actions and adaptation to climate change, and non-Annex I Parties are all those not included in the first.

<sup>11</sup> Number in May 2016, information available at [www.unfccc.int](http://www.unfccc.int)



emergence of an International Regime (Sodupe, 2003: 120). This can be seen in the role played by the EU between 2001 and 2005, when the US announced that it would not ratify the Protocol. The EU undertook to fill the gaps and avoid the failure of the Protocol before it started, belatedly but successfully seeking that other countries ratify it so it could enter into force.<sup>12</sup>

The EU did not often exercise the role of hegemonic actor, perhaps because of its own leadership style, and because it was convinced of the relevance of the rules for attaining its own goals as a Union of States and in the framework of a partnership model guided by the principles of Jean Monnet (Vel0, 2014), it promoted the continuity of the regime that would move its own domestic structure and allow it to have an international leadership position.

Therefore, an international regime can successfully take the necessary steps to reduce transaction costs and uncertainty among states, with or without hegemonic state or conflict that promotes it. This way it will seek to resolve certain shortcomings of the international system and provide profits for the states. However, the resolution of the problems it seeks to address, and its fruits, will depend on the degree of integration. In this sense, Keohane and Victor (2011: 8-9) analyse the international climate regime in the light of the concept of regimental complex that differs from traditional definitions of regimes to the extent that they are analysed as comprehensive regulatory institutions of an international nature usually focused on a single legal instrument. However, there are other highly fragmented systems composed of a set of instruments. For these authors, climate change is an example of the regimental complex since it lies somewhere in the middle of these two extremes. They identify three forces that mark the level of integration or fragmentation of regimes: the diversity of interests, the level of uncertainties and the level of linkage. Greater integration or fragmentation of the results gives incentives to actors to invest in an institution or to seek to multiply it.

Regarding the first force, the authors explain that existence of integrated schemes is expected when the interests of the main and most powerful actors (whether states or not) are similar enough, within a conflict area, which requires the creation of a single institution as the best way to achieved the benefits of cooperation. A strong demand from key stakeholders around a common goal produces an integrated institution without potential rivals.

The level of uncertainties can be seen when the states seek to cooperate in very complex issues with a large number of actors involved, where there may be a high degree of uncertainties about the potential benefits they will receive and the risks they will be exposed to by the resulting regulations.

Finally, the level of linkage within regimes means that many institutions favour the links between conflict areas as a means to increase their scope or extent, encouraging integration. The link between conflict areas would help define the obligations around them for actors in an uncertain space.

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<sup>12</sup> The entry into force of the KP was possible in early 2005, due to the provisions of Article 25. It states that its entry into force was subject to the deposit of ratification, acceptance, approval or accession instruments by at least 55 UNFCCC parties, including Annex I Parties whose total emissions represent at least 55% of total carbon dioxide emissions of Annex I Parties corresponding to 1990. This condition was met after the ratification of the Protocol by Russia at the end of 2004.



It should be noted that before the COP15, and since the formation of the Global

Climate System (UNFCCC in 1992), climate architecture showed an alternation of leadership between the EU and the US as major powers of the International System of the Post-Cold War. However, since Copenhagen, a new climate regime that led to the 2015 Paris Agreement began to take shape, in which the powers of the BASIC group played a major role along with the US and the EU.

However, the scattered power of the current international system also showed in Copenhagen, through smaller players like the ALBA countries, that the climate regime is not a directory of emitters. Consequently, since Copenhagen, other subgroups or cooperative structures that promote certainties have been formed. The formation of the LMDC group (Like Minded Developing Countries) that brings together actors such as China and India, but also ALBA, is an attempt by the former to confine the damage occurred at the COP15 to Paris, and, on the other hand, to increase linkages with other actors that share the quest to hold the binary view of the world that promotes the UNFCCC in terms of differentiation. As a result, the LMDC has operated as a tool for damage control, and, in turn, as a means to increase the negotiating margin and level of certainty by two BASIC countries, China and India.

Therefore, in an attempt to get closer to the answers to the questions raised, this institutionalist approach assumes that the role of the BASIC group in the architecture of the climate regime was a determining factor between 2009 and 2015, taking into account the prominent role it played since the Copenhagen Conference (2009). Consequently, the group was a key player with a view to adopting the "Paris Package" at the COP21, becoming a triangle formed by the US-EU-BASIC without whose previous consensus an agreement would not have been reached.

### **"Common ground" in the triangle**

To obtain answers to the above questions, we have analysed the existing relationship between the positions of the BASIC countries, the EU and the US during the period in question. This analysis was made by contrasting the results of the COPs and the Paris Agreement with the positions taken by the BASIC countries in the ministerial meetings held, establishing what demands made by these actors were reflected in the final decisions of each COP (Pascual, 2015) and of the Agreement.

Since we have said that the leadership of the regime has been alternating between the US and the EU, we assume that the COP decisions that led to the Agreement were constructed from a minimum consensus among these actors or "common ground". Therefore, the BASIC countries' demands included in the COP decisions since Copenhagen would be part of the "common ground".

However, one cannot take the interests of the EU and the US as a block. Rather, there are aspects where the BASIC group could converge with one or another actor given the circumstances. We also know that the BASIC itself is not a monolithic entity and that there are important differences among participants regarding the future of the regime and some of its major debates, such as differentiation and how this affects mitigation, making or not new international commitments to reduce emissions. A proof of these differences is the fact that China and India are part of the LMDC, with more *status quo*



views of the international climate architecture and unrestricted support of the binary division of the world.

With respect to the first force identified by Keohane and Victor, one could argue that the similarity of interests between the US, the EU and the BASIC group as to the progress of the climate regime is algid. There are issues where there is greater rapprochement between BASIC countries and the US, or between the EU and the BASIC group, or between the EU and the US, but it is difficult to identify topics they all agree with.

The closest rapprochement or "common ground" was perhaps the concept of nationally determined contributions and intended nationally determined contributions or that the Parties intend to make (NDCs and INDCs), reached in Warsaw at the COP19 after years of debate on differentiated commitments under the Convention and how this would be reflected in the new agreement. Importantly, we see the "common ground" as the lowest common denominator shared by the actors in certain circumstances according to their interests and rival positions, which means that depending on the case there will be one or other more related to that result.

National contributions respond to the convergence between the US and the BASIC group in the "bottom-up" view of the process, and in what way each Party should be able to determine for itself the effort it is willing to make, provided this does not mean a constraint from the regime that is internationally enforceable, as the Kyoto commitments were. While the EU prefers "top-down" commitments or contributions that allow it to distribute efforts within its own structure of 28 members, it has accepted this common denominator to the extent that it provides widespread climate action beyond the limits of Annex I countries.

Registration of contributions in annexes, national agendas, electronic records and other similar options were one of the debates between key actors and limit the flexibility of the contribution of the Parties. That was another point of some convergence between BASIC countries and the US, whereas the EU preferred a system of annexes similar to that of the Convention, with the former arguing that a flexible system should be adopted to enable advancing the contribution (thinking that the advance would be forward and without backsliding). In the Paris Agreement the "common ground" has been a public record kept by the Secretariat of the UNFCCC that allows a flexible and forward moving approach rather than a static mode as in the annexes.

In addition to registration, another central aspect of the INDCs/NDCs is what elements they cover and in what sense they constitute, or not, an international commitment, especially mitigation. The EU argued that with registration, whether in annexes or in a record of the INDCs, they should become NDCs and therefore international commitments to reduce emissions, focusing on mitigation. The latter aspect was shared by the US, but not regarding the question of commitment, since that country has defended the nationally determined and voluntary nature of contributions.

Accordingly, what was at stake in these debates was differentiation, in the sense that if NDCs were to assume an international commitment, differentiation would lose its traditional meaning<sup>13</sup>. If, in addition, the NDCs focused exclusively on mitigation,

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<sup>13</sup> By traditional meaning we refer to the binary division of the world whereby developed countries have mandatory mitigation commitments and developing countries have not.



differentiation would come to an end, and, above all, self-differentiation would triumph. The Paris result denotes that contributions will remain voluntary. Furthermore, it shows that in terms of mitigation, differentiation persists, in that developed countries should include goals for quantified and absolute emissions and in the case of developing countries, their mitigation efforts tend to present goals for reducing and limiting emissions. Furthermore, Article 3 acknowledges NDCs as the vehicle of climate action that includes all the elements and not only mitigation.

Another vital aspect of the negotiations is linked to transparency, especially in terms of action. The EU has pushed forward, as a vestige of the "top-down" strategy, the approach for a unified framework of transparency without differentiation. Other proposals were advanced, such as the one by Mexico, for a transitional system to be established. The US, meanwhile, agreed that transparency should be unified as a form of dissolving the binary differentiation. In the Paris Agreement, transparency does not advocate an explicit unified system but it does not make it clear in what sense the existing dynamics can be supported. In addition, the flexibility mentioned in Article 13 refers to the different capacities and not to the responsibilities, which changes the perspective from which communication is analysed and the monitoring, review and verification (MRV) are performed.

Until the Paris Conference, contributions were grey areas, although most

Parties presented them before December and entered the aggregate effect report conducted by the Secretariat. First, the role that the implementation means would have in a structure focused on contributions was unknown, since no developed country had included this aspect in their INDCs. In addition, the role of the adaptation component of the INDCs of developing countries was not clear, and how some countries like the EU and the US, which want to make them internationally enforceable and turn them into making commitments, would achieve it was also not evident. After COP21, it can be said that the NDCs became the vehicle for climate action and that it could include all elements. However, the fact that it is voluntary, as the US proposed, is a price paid by developing countries in exchange for not having mandatory reduction commitments, giving away the implementation means. This is evident in countries such as China and Brazil, which did not express the need for external implementing means their INDCs.

The underlying issue and, therefore, the greatest obstacle to achieving greater similarity of interests among the major players has been the BASIC countries' defence of the CBDR principle against demands for greater commitment, mainly regarding mitigating, by developed countries.

Accordingly, differentiation is the bulwark that generates the dual membership of countries like China and India of the BASIC group and of the LMDC. While the BASIC countries agreed to make voluntary commitments as an entry price of their leadership in Copenhagen, those countries have remained united in not renouncing differentiation.

Rather, the members have different views about the concept of differentiation, with China and India presenting a strategy more likely to maintain the *status quo* of the Convention, and Brazil and South Africa proposing other alternatives.

The concentric differentiation of Brazil is one of these options. Finally, while the BASIC group keeps together in giving in to differentiation, the Paris Agreement ended with a partial modification of this principle in order to achieve greater



similarity of interests that enables a climate agreement. This is reflected in Article 2, paragraph 2 of the CBDR Agreement in the sentence "in the light of different national circumstances", which means that the binary division of the world no longer exists and there is room for certain nuances. In fact, in what refers strictly to mitigation, the CBDR principle, with the inclusion of national circumstances, applies in Article 4 paragraph 3 when it establishes that the NDCs shall reflect "the greatest ambition possible" taking into account this principle.

The diversity of interests around the concept of differentiation is not only evident in mitigation commitments, but also as regards the implementation means. So much so that an area where a satisfactory communion of interests is not achieved is climate financing. This does not serve only the interests of the actors who make up the triangle. There is a communion of interests between the EU and the US not to give in on this. However, even though from the discursive perspective and its membership of the G77 the BASIC group called for implementation means, in fact this issue is not a real priority for the group. Climate financing is a flag in the developing world and BASIC countries took it as their own, especially as a discursive tool.

Similarly, shortly before the Paris Conference, it had been made clear that if the issue of climate finance was not corrected – at least in part - the agreement would not be possible from the perspective of the G77. This is why the EU fulfilled its pledges in the Green Climate Fund (GCF) to reach the target of 10 billion dollars, since it realized that the progress of the Fund in October was vital as a political sign before the COP.

Not the US, which is the only country that did not fulfil its promise, alleging disagreement within the US Congress. The capitalization of the 10 billion dollars Fund was barely reached in June 2015. However, there is still a long battle over the remaining amount to reach the 100 billion committed in Cancun in 2010. Paris and Lima, as hosts, announced at the informal ministerial meeting in Paris after the ADP 2.10 meeting (September 2015) that the OECD had commissioned a report on climate finance. This report tends to show that the developed countries have provided 60 billion annually in 2013 and 2014<sup>14</sup>.

Consequently, there were two key reports before the COP that sought to mobilize the content of the agreement: the report on the aggregate effect of the contributions made by the Secretariat of the Convention and the report on climate finance made by the OECD-CPI. Mitigation and financing were the political keys in Paris.

In terms of mitigation, we have said that the differentiation was maintained and has been the key factor for BASIC countries to give way in other claims. In terms of funding, Article 9 recognizes that developed countries are the ones that must assist developing countries in both mitigation and adaptation. It must be stressed that this is representative in the sense that, in other sections of the Agreement, it is not established who will provide the implementation means. Also, the role of public capital is recognized, albeit not as exclusive or principal. Another significant issue is the recognition of the importance of donations for adaptation and the need for developed countries to communicate the support provided and mobilized through public interventions on a biennial basis.

Moreover, technology is an important pattern of discord among actors like India and the United States, especially as regards Intellectual Property. Proof of the diversity of

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<sup>14</sup> Expand in <http://www.oecd.org/env/cc/Climate-Finance-in-2013-14-and-the-USD-billion-goal.pdf>, accessed in October 2015.



interests and of the difficulty in achieving a "common ground" is that the various drafts of documents prepared by the Co-Chairs of the ADP barely include a paragraph in this area, even with the mandate that the Durban elements should be included in a balanced way.

In addition to the UNFCCC as the primary forum for addressing climate change at multilateral level, the issue has been addressed in other forums and international negotiation spaces, acting, in some cases, as rivals of the International Climate Regime and in other cases as a follow-up. We say this for two important reasons. First, this situation shows factually, according to the theory adopted, the weakness of the integration of the regime as the only institution where issues related to climate change are discussed. Second, and as a consequence of the first, the main actors have sought to endorse and strengthen their positions especially in economic and trade forums that not only aim to discuss issues alien to climate change, but that are forums where principles as the CBDR do not apply. Examples of these institutions that act as rivals of the International Climate Regime (which takes place within the framework of the UN) include the G20, the G8+5 Climate Dialogue and the Major Economies Forum (MEF).

The United Nations' firm intent, supported by the EU, to convert environmental dialogues into an expanded forum is also well known, such as the attempt to merge the three Rio Conventions: the UNFCCC, the Convention to Combat Desertification and the Convention on Biodiversity.

Regarding the uncertainty or the level of uncertainties, they were present in the regime from the outset. Some examples include: the large number of actors involved in the international climate negotiations, the voluntary reduction commitments agreed in Copenhagen, and again the INDCs.

On the one hand, it is true that the BASIC group achieved, from its adherence to voluntary commitments, a reduction in the level of uncertainty regarding mitigation actions to achieve the overall goal of Cancun to avoid an increase in temperature exceeding 2 degrees Celsius. However, at the same time it caused an increase in the level of uncertainty since it opened the door to developing countries having to make commitments to limit or reduce by changing the rules of the CBDR principle and the binary view of the world. In addition, despite the BASIC group not failing to declare that the 2015 agreement should be in line with the principles, rules and structure of the UNFCCC, especially emphasizing the CBDR, with the Agreement the problem of how to interpret the new phrase "in the light of different national circumstances" arises, not only for BASIC countries but also for other emerging countries.

Other countries had made voluntary commitments previously, such as Argentina in 1998 the at COP 4 held in Buenos Aires. At that time, countries like China not only strongly opposed but questioned Argentina's presidency of the COP and its legitimacy in the role to make a commitment of that nature, contrary to the position of the G77 and China.

A decade after that episode, the middle powers of the BASIC countries were faced with the challenge of paying a price for their leadership and for being part of the group of major emitters. When the time to choose came, voluntary commitments constituted an acceptable small fee that allowed them to play a leading role in Copenhagen.

On the other hand, the INDCs are the next step when reducing uncertainty under "bottom up" rules. The contributions would reduce the uncertainty in



the same way that voluntary commitments do, inasmuch as they provide assurance to the global goal stipulated in Paris of "below 2°C and make efforts to reduce temperature increase to 1, 5°C".

It was expected that the "aggregate effect" report of the Secretariat of the UNFCCC would shed light regarding the collective ability to achieve this goal, and at least not to exceed the 2°C. However, it has been shown that the contributions are insufficient and place us in a world closer to 3°C. For the system of contributions not to fail before it starts, the facilitating dialogue scheduled for 2018 in Decision 1/CP.21, paragraph 20, will play a major role. This dialogue will be the space for reviewing the INDCs that the LMDC sought to avoid at any cost (ex-ante review). Similarly, in the context of the gains in Paris in other matters, China in particular gave up this point.

Accordingly, the level of uncertainties is very high, to the point that the KP system did not work, the same applying to the system of the contributions to date. Perhaps both the EU and the US expect the market mechanisms set out in Article 6 to act as incentives to increase ambition.

The fact that almost all Parties and all major emitters have submitted their contribution helps reduce uncertainty. In fact, by the 1 October deadline established by Decision 1/CP.20, 144 Parties had submitted their contributions, while some ALBA countries were among the absentees<sup>15</sup>. By January 2016, 160 Parties had submitted their INDC and it is noteworthy that Venezuela is one of them.

The quest of BASIC countries like Brazil and South Africa to reach middle ground between the positions of the EU, the US and the LMDC tends to reduce uncertainty as they promote greater possibilities to reach an agreement in Paris. However, some of these measures are not well received by developing countries which, unlike those countries, would be involved in similar GHG mitigation commitments without being part of the list of the largest emitters. For example, the concentric differentiation of Brazil places the developing world, including BASIC countries, in the second circle, leaving out only the small island states and the LDCs. In fact, finally this is quite similar to the Paris result, although the second circle obligations have been reduced significantly as a result of the action of China and India.

With regard to the gap, not only in terms of mitigation to which science refers constantly, but also of the gap in terms of implementation means, it is worth mentioning that there is uncertainty before and after the post-2020 regime. The gap is a climate debt towards the most vulnerable countries prior to the new agreement. This is why the so-called pre-2020 Workstream 2 ambition is as important as the post-2020 period. As the climate commitment widens, differentiated debt will increase. To reduce this gap, treatment of the pre-2020 period should leave the facilitating context attributed to it by some of the Parties. Reducing emissions and compliance with clear roadmaps in all elements and especially in terms of support are indispensable.

As for the pre-2020 ambition, the Decision 1/CP.21 includes: an invitation without differentiation to all parties to adhere to the MRV system linked to mitigation; the voluntary cancellation of emission reduction certificates by any actor; the importance of transparency in the use of mechanisms to make the KP more flexible; strengthening the

<sup>15</sup> The INDCs can be accessed in <http://www4.unfccc.int/submissions/indc/Submission%20Pages/submissions.aspx>



technical review process of actions with high potential for mitigation (TEPs) involving various actors; increased participation of the financial and technological mechanism of the Convention in the TEPs system; the importance of achieving a roadmap on the commitment of the 100 billion made in Copenhagen by developed countries; the Lima-Paris Action Agenda, which includes the participation of a variety of actors and the high-level involvement and inclusion of the TEP-A, which are technical review processes linked to adaptation conducted by the African Group, among others.

The analysis of the debates of the pre-2020 ambition during 2014 and 2015 shows that the strengthening of TEPs, the involvement of non-state and private actors and high-level events constituted what both the EU and the US called "common ground". However, these aspects were not sufficient for the other subgroups. This required negotiating the inclusion of TEP-A by the African Group, and the mention of implementation means raised by the LMDC, which had introduced the "Accelerated Implementation Process" (AIP) as a proposal in financing and technology, of which the decision shows almost nothing.

Although the pre-2020 ambition has increased in scope, as today it includes almost all elements, uncertainty is still present as the implementation means are not clear and the TEP-A are not clear when compared with the results that the same process had on mitigation.

Another point where the degree of uncertainty in the international climate regime can be measured is financing. As stated previously, the issue of climate finance pre and post 2020 has been and continues to be a point of conflict that generates uncertainty for donors, given the macroeconomic conditions of the International System. It also creates uncertainty for vulnerable countries whose climate action, especially undergoing adaptation, depends on these funds. In this regard, and speaking particularly of the GCF, since Copenhagen the BASIC group is demanding a guarantee and a roadmap regarding the 100 billion dollars formally committed in Cancún for developing countries.

Finally, in relation to the mitigation overall goal, we can name the low level of ambition shown by the developed countries in relation to the leadership they must assume under the Convention, and also with respect to what was agreed at the KP at its first and second commitment period, and much more in Paris, where not even quantified commitments were made. While the mitigation levels suggested by the IPCC are between 25%-40% by 2020, and between 40% and 70% by 2050, this has been associated with the top-down logic and therefore not addressed in the Paris Package.

In addition, the coercion exercised by the United States in the closing ceremony of the COP21 requiring the Secretariat of the Convention to change the word "shall" with "should" in terms of the leadership of developed countries in climate action in Article 4.4 has demonstrated the more conservative and more reluctant side in assuming the costs of such leadership.

The emergence of the BASIC group in international climate negotiations increased linkages within the regime, favouring the third force identified by Keohane and Victor. From the perspective of the authors, the existence of links in certain conflict areas encourages the integration of an international regime.

The increased links between the main actors of the negotiation process was evident when contrasting the BASIC countries' demands at their ministerial meetings with the results of the COP and the Paris Agreement, manifest in decision-making. From this contrast one



observed that there was a strong degree of linkage with regard to the Durban Platform. During its meetings in 2010, ministers of the BASIC countries stated that the Bali Roadmap should remain the basis for negotiations (also respecting the negotiation process in two ways: the AWG-LCA on the one hand, and the AWG-KP on the other). However, at ministerial meetings number 10 and 11 that took place in 2011, after COP 17, they gave their support to the Durban Platform stating that they recognized it as an opportunity to achieve a strengthened, equitable, inclusive, and effective Climate Regime. Thus, the Platform established a high degree of linkage between the US, the EU and the BASIC countries, since it encouraged a new target for the agreement that would replace the KP, in a single-way negotiation process (either the AWG-DPA or the ADP) that also would replace the previous two-way process proposed at the Bali Roadmap.

Likewise, the BASIC group managed to make important productive links (especially with the EU), by participating in the delineation of II PCPK and by giving greater political impetus to the GCF. In the first case, the BASIC had already assumed the position in favour of an extension of the KP at its first meeting in 2009. Also during the 2011 meetings it had stated that its establishment was vital for a positive outcome of COP 17. In this sense, there was a focus on the understanding between the EU and the BASICs focuses, as we have said before, the EU was the most interested in extending the KP, due to a set of reasons, including its own mitigation commitments top-down process as regards the regional ETS emissions market and its relationship with the mechanisms of the KP.

Similarly, the role of the BASICs also favoured the creation of the Warsaw International Mechanism for Loss and Damage associated with Climate Change, through the demand made at its meeting number 14, which took place in 2013, to clarify an institutional mechanism which can solve the problems resulting from losses and damages, a very important issue for developing countries. Once the Warsaw Mechanism was established at COP 19, the BASICs supported its creation by welcoming it in the joint statement of its meeting number 18, in 2014. In this regard, it should be noted that this is not a particularly relevant issue for any of the group of countries, but it is an important bargaining tool in the negotiations with small island states and least developed countries (LDCs and SIDS).

On the other hand, with respect to the GCF, the BASIC group had claimed during their meetings that one should begin with the launch of the Fund, urging developed countries to capitalize it with public resources. Such capitalization was politically agreed at COP in Lima, in 2014, favouring the integration of the regime. In turn, it was also possible to hierarchize the adaptation by matching it with financial mitigation, given that according to the statute, the GCF must distribute its funds 50/50 between mitigation and adaptation. These issues, long demanded by developing countries, were addressed to some extent as a result of a process of mutual concessions, with the EU and the US realizing that without some form of climate finance, the COP 21 would not achieve any results.

Another important aspect for the negotiation process was the realization of the REDD plus mechanism, particularly for Brazil. REDD plus is a UN programme focused on reducing emissions from deforestation and de-gradation of forests, and seeks to increase the capture and preservation of carbon. The programme aims to create incentives that enable developing countries to protect their forest resources, contributing to the global



reduction of greenhouse gases and to be rewarded for it, through a payment mechanism based on results.

During the ministerial meeting of the BASIC countries that took place in 2013, this issue was important and valued as critical to the success of COP 19. They focused on the financial support that developed countries should grant the mechanism. The countries that assumed greater leadership in this regard were the United States, Norway and the United Kingdom, who, during the COP 19, pledged to provide 280 billion dollars to sustain the programme. The allowance made by BASIC was accepting that the funds could come from both public and private sources, as well as what the GCF can provide from its resources.

### **BASIC's role in the international climate regime: fragmentation or integration**

Thus, as a general balance of the role played by the BASIC as regards the three forces described by Keohane and Victor, we can say, first, that it reflects the changes in the International System in terms of the role of played by middle powers (Bueno, 2013), the displacement of previously hegemonic actors and the diffusion of power. The debate on the concept of multipolarity is based on that.

We affirm, with Elodie Brun (2015), that the current situation of international relations is described as multipolar in that the concept refers to the diffusion of power but cannot explain it. This failure, the author argues, stems from three issues: that multipolarity is associated with stability in the international system and this is not necessarily so; that more than a real situation hides the desires and aspirations of emerging powers as the system remains asymmetrical; and that there are no poles as in the Cold War because the policies of the actors do not attract anyone, that is, there are no poles of attraction.

The climate regime is a setting of great international visibility to show, on the one hand, the changes in the system that are reflected in the structure of the triangle we have described; but on the other, they show that it is the United States that continues upsetting the balance in favour of one or another option. In the absence of the hegemonic power, Europe acted as leader and paid the price needed to reap the benefits of the structures of the regime which, in a large part were shaped under its leadership.

However, this construction of power "in the absence of" found the limit of the political will of the same party that had made climate change its flagship on returning to the international game flaunting old victories. In this sense, the only restraint to the climate leadership of the United States was not the EU or the BASIC but the actual US domestic politics. Even with these limits, since Copenhagen, United States imprinted changes in the conditions of the regime. The Paris package reflects the power's main concern that China accedes in similar conditions with climatic contributions that bring parity to the international climate efforts of China and the United States, showing the power's capacity to delineate rules. However, it also reflects a reality, China's increase in power.

The United States, unlike Europe, does not require strict rules or exegete compliance at the international level for them to permeate its domestic structure. That condition that exists in the European model was last seen in Denmark. However, the EU, as part of the triangle and founder of the regime, has power instruments that it uses and account for the results in Paris. The sections of the agreement in the documents



produced from Geneva reflect quite clearly these debates. The compliance section has lost relevance due to what was previously exposed, that is, the lack of interest on the part of the US and the BASIC itself that the regime acquires rigid and punitive conditions. However, the cycles and transparency sections, the EU's main interest to ensure there was no retrogression in the commitments or contributions made by the US and BASIC and organising its own domestic structure of 28 members, have been strengthened, including in relation to the Durban six elements.

The recognition of the power of the US to tip the scales in its favour does not mean diminishing the role of the BASIC or the EU. The problem here is that the interests of BASIC, especially China and India, have been more consistent with the US approach than with that of the EU. The position of the latter sought to force the BASIC and the US to make mitigation and financing commitments regarding other developing countries, which none was willing to take upon itself.

We ask in what way the regime has brought stability/containment to the international system. We are also interested in defining how the diversity of interests, uncertainty and linking have acted as forces of integration or fragmentation of the regime, especially in relation to the emergence of the BASIC since Copenhagen.

Regarding the first force analyzed, 2009 shows an increase in the diversity of interests in the climate regime, both as a result of the emergence of BASIC and of Obama's role in the presidency of the United States and its participation in COP 15. This diversity of interests initially has brought fragmentation to the regime as seen in the COP15 itself, since it forced the triangle to note that beyond its power as a whole, the more democratized international system has other actors, in this case ALBA, willing to pay the cost of a no agreement. However, after that time, the ALBA began to be kept by the LMDC, where China and India hold a leading role. Six years after that episode, the BASIC may have brought integration to the regime in that the competing interests of the US and the EU led to a regime of big players where the small and middle powers had no impact on the game rules. While it cannot be said that Brazil, China, India and South Africa defend the interests of the developing world, except their own, there are certain commonalities within the G77 plus China than in Paris. Only BASIC could defend effectively, especially on differentiation issues, the heart of the climate negotiations.

Consequently, the BASIC has reduced the uncertainty of the regime in that it accepted the new INDCs/NDCs scheme, preceded by voluntary commitments, and has been permeable to operating as a link between the table of senior players and the developing world. This does not mean that uncertainties do not persist in all elements. The political, economic, social and geographical differences, among others, inside the developing world determine that often China's interests may be closer to those of the US than those of Somalia, Vietnam, or Uruguay. That is where a new concept emerges regarding the responsibilities that can lie on the historical responsibilities assumed by Brazil at the time of signing the KP, and which are today received by different negotiation subgroups within the regime. The emerging ones cannot just have benefits associated with their power, as power includes responsibilities and that is a truth that international relations have been affirming with some vehemence.

The horizontality and relative freedom of the contributions system -at least until there is a framework of transparency and cycles- may not demonstrate the costs of such



leadership. In this regard, the EU will be the guardian to ensure that the whole triangle acquire some level of responsibility within the regime in order to achieve the temperature overall goal.

Regarding the last force, the degree of linkage that the BASIC encouraged by interacting with both the US and the EU and the G77, fostered the creation of links between actors with extreme interests and positions. Examples include REDD plus or the Warsaw Mechanism for Loss and Damage. The first case is an issue of major concern for Brazil, for which reason the group included it in its slogans. Thus, it bid for financing from both Europe and the US for this project, under the slogan that it is a parameter of international cooperation in reducing emissions and carbon capture and fixation without commitments in this regard in terms of the historical emissions. Rather, they see it as a "cost-effective" way to improve the overall carbon balance through the logic of environmental services.

In the case of Loss and Damage, although not being direct interest of any country part of BASIC, the group motorized and acted as a link between the positions of SIDS and LDCs and the opposition of both the US and the EU. Although the compensation mechanism advanced by the islands and LDCs was unsuccessful, the Warsaw mechanism was included, which could mean more funding and cooperation for these groups with some additions to the Agreement, which was unthinkable earlier. For the BASIC, it was a bargaining chip when the agreement was closed, but CBDR was lost in the process as a high price for including losses and damages.

Keohane and Victor's regimental complex concept, especially applied to the climate regime enables seeing some midpoint on a continuum between a well-integrated set of institutions and precise regulatory frameworks and a series of fragmented institutions. The authors state that the distribution of interests explains why a single institution could not see the light, especially between the US and the EU as a bid on that continuum.

In this sense, the BASIC can operate as a balancer or at least can help tip the balance one way or another, leaving the game board to these two actors, which have different weights. Moreover, the high level of uncertainties of the regime means that the Parties do not want to make commitments, since the free rider logic has prevailed so far. Also in this case, the presence of BASIC can help uncertainties to be smaller, legitimated and actioning the new chapter of contributions. This does not mean that the actors that make up the triangle can rely on these relative certainties even after Paris.

Paris left behind the fears of Copenhagen and ALBA was neutralized, especially Nicaragua which, at the last minute tried to stop the Agreement and Venezuela, which showed a strangely cooperative side at the end of the Conference with Ambassador Salerno who officiated as moderator of the debate on the preamble and publicly presented the INDCs of her country.

The broad support given by the Parties to the document should be recognized, as seen in the signing ceremony conducted by the Secretary General of the United Nations on 22 April in New York, in which 175 of the 197 Parties to the UNFCCC signed the document. Nevertheless, as happened with the KP, the status of ratification has certain misgivings. While the United States and China have agreed to an early ratification, especially under the American electoral scenario, which has a high potential to damage the legitimacy of the Agreement if candidate Donald Trump wins, so far, the entrance into force is far away in terms of the necessary numbers.



In turn, although the agreement has been welcomed by many actors in the international community who see hope in the Paris Package, others showed their reluctance and dissatisfaction with the result. In the latter case, some non-governmental organizations contested the lack of ambition of the Agreement and the flexibility of the contributions scheme in a context where greater commitment was expected and needed<sup>16</sup>.

There is no doubt that the COP21 was a game of forces model where all players measured their relative weights in relation to the interests of the big, small and middle players that shaped and conditioned the result to the extent that the diffusion of power reaches not only the middle or emerging powers but also a moving International System.

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<sup>16</sup> Such is the case of Friends of the Earth, which said that the Agreement lacks specific measures to combat global warming and that the flexibility of Article 4 is a *carte blanche* to continue emitting.

Check <http://www.tierra.org/los-paises-parecen-rendirse-en-la-lucha-contra-el-cambio-climatico/> and <http://www.tierra.org/el-acuerdo-de-paris-una-farsa-en-la-lucha-contra-el-cambio-climatico/>.

In the same vein, there are some statements by members of Greenpeace, who argued that while it welcomes the commitment of nearly 200 countries to limit temperature increase globally to 1.5° C, it alerts to the fact that the text does not set the means to achieve it. See <http://www.greenpeace.org/argentina/es/noticias/ACUERDO-COP21-Punto-de-partida-para-el-abandono-de-los-combustibles-fosiles-pero-con-compromisos-insuficientes-para-lograrlo/>



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## **Annex 1: Acronyms Index**

*ADP*: Ad Hoc Working Group on the Durban Platform for Enhanced Action.

*AIP*: Accelerated Implementation Process.

*ALBA*: Alianza Bolivariana para los Pueblos de Nuestra América (Bolivarian Alliance for the Peoples of Our America).

*AWG-DPA*: See ADP.

*AWG-KP*: Ad Hoc Working Group on the Kyoto Protocol.

*AWG-LCA*: Ad Hoc Working Group on Long-term Cooperative Action

*BASIC*: Group formed by Brazil, South Africa, India and China.

*CBDR*: Principle of common but differentiated responsibilities.

*CH4*: Methane.

*CBD*: Convention on Biodiversity.

*UNFCCC*: United Nations Framework Convention on Climate Change.

*CO2*: Carbon dioxide.

*COP*: Conference of the Parties to the UNFCCC.



*ETS*: EU Emissions Trading System.

*EEUU*: United States.

*G77+China*: Group of 77 and China.

*GCF*: Green Climate Fund.

*GHG*: Greenhouse Gas.

*HFC*: Hydrofluorocarbons.

*I CPKP*: First commitment period of the KP.

*II CPKP*: Second commitment period of the KP.

*INDC*: Intended Nationally Determined Contributions.

*LDC*: Less Developed Countries.

*LMDC*: Like Minded Developing Countries.

*CDM*: Clean Development Mechanisms.

*MEF*: Major Economies Forum on Energy and Climate.

*MRV*: Monitoring, Review and Verification.

*N<sub>2</sub>O*: Nitrous Oxide.

*NDC*: Nationally Determined Contributions.

*OECD*: Organisation for Economic Co-operation and Development.

*OECD-CPI*: Consumer Price Index of the OECD.

*WTO*: World Trade Organization.

*UN*: United Nations.

*DC*: Developed countries.

*UC*: Underdeveloped countries.

*PFC*: Perfluorocarbons.

*KP*: Kyoto Protocol.

*REDD plus*: Reducing Emissions from Deforestation and Forest Degradation Mechanism.

*SF<sub>6</sub>*: Sulfur hexafluoride.

*SIDS*: Small Island Developing Countries.

*TEP*: Technical Examination Process on Mitigation.

*EU*: European Union.

### ***Critical review***

**Wight, Martin (2002). *Power Politics*. Brasilia: University of Brasilia  
Press: 329 pp. ISBN: 85-230-0040-2.**

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Martin Wight is considered one of the most influential theorists of the previous generation of International Relations and is a founder of the English School of International Relations. The conception and analysis of different state-systems was developed by him and showed the importance of world history to the study of international relations. He was also one of the main influences of Hedley Bull. Wight was from the realist tradition, but called it rationalistic. He considered the international behaviour of states and the relationship they conducted as a central theme. Wight argues that even if states are the main and immediate members of the international society, members are still individuals.

The basis for Martin Wight's thought arises from his concerns with the absence of a theoretical corpus to explain the relationship between States. This concern was not unique to him, but shared by many thinkers. Like this, Wight sought to understand international phenomena in terms of cooperation and conflict, which went beyond national policies.

For the author, the Theory of International Relations – or International Theory as he called it – was considered the political study of philosophy, or political speculation, focused on the examination of the main traditions of thinking about international relations in the past. In Wight's view an approach to philosophy was needed, which led him to search, organise and categorise everything that had been said and thought about the subject over time.

While behaviorists exclude moral questions from scientific rigor, Wight put these issues at the core of his research. For him, the emergence of his studies was the result of an inventory of the debate between traditions and theories, which conflicted in such a way that no resolution was expected.

His systematic vision and even contempt for behaviorists reflected the confidence and security in his own conviction. He never accepted the fact that a theoretical approach



devoid of history and philosophy could create a solid environment for the understanding of the political world.

According to Wight, classic international theory is primarily a theory of survival; in other words, social Darwinism. Since States are sovereign they exist in an anarchic condition; they therefore rely on themselves for survival. So what political theory considers an extreme case (such as a revolution or civil war), international theory considers a normal case.

In virtue of his analysis, Martin Wight identified three existing classic paradigms existing in different variants that are practically contemporaneous to sovereign States: realism, rationalism and revolutionism, versions also called Machiavellian, Grotian and Kantian. It is worth noting that these triads are also considered the three traditions of Wight. For this thinker, truth should not be sought through any of the interpretations, but in argument and strife between them.

Realism conceives relations predominantly, if not exclusively, by *raison d'état*, in which the political right is the good of the State and sovereignty is the final word in such discussions. The international system is a place in which the rule of men pursue their interests or purposes and, with a certain frequency, provoke conflict that may threaten the survival of some. For Wight, the fundamental problem of international relations is the prevention of conflicts through negotiating solutions, whether through diplomacy, national defence, military alliances or other more adequate solutions. In a nutshell, realism emphasises conflicts conducted between states.

In turn, Rationalism, conceives international relations as a society through the mediated dialogue between States and the rule of law. International society is a civil society where State members legitimate interests, which may cause conflicts; however, they report to the common sphere of international law, aiming to regulate such conflicts.

Revolutionism, the third paradigm of international theory identified by Wight, is reflected in the Protestant Reformation, the French Revolution and the Communist Revolution. In this paradigm humans precede the institutions and therefore the sovereign state must be subordinate in some way to a higher authority – or the *civitas maxima*. In short, it emphasises the unity and solidarity of the human race.

The importance of Wight's English School is due to the fact that it serves as an introduction to the main issues of international relations theory, with the objective of helping to understand the historical moment in which we operate. Thus, this school is a good starting point for parties that are interested in the diplomatic issues of today.

In general, the English School has two basic assumptions: the first deals with theoretical pluralism, an effort to cover the totality of international relations, which is considered to be the central point that sustains the English School (the three traditions of Wight). The second comprises of the English School being a tradition of dialogue whose focus is on the three traditions. From this perspective, people can participate without being committed to certain lines. Thinkers linked to the school – including Wight – have richly contributed to ideas related to the study of international relations.

From a holistic analysis of the work of Wight, he did not intend to address a systematic theorisation; in fact, he saw all these theories in the field of international policy with disbelief and disillusionment. There is therefore the need to base the interpretation not on what was said recently, but on the classic pronouncements on the subject, in the



sense that they are the standard or exquisite expression of a certain point of view. Hence, the work of Wight seeks to provide an interpretation not of the current condition of the international political system, but of its fundamental traits and enduring facts.

The idea of Wight works with the continuous or the permanent, recognising changes when they occur or making an assessment of claims that are fundamental.

According to Wight (2002: 3),

*"power politics in the sense of international politics, then, came into existence when medieval Christendom dissolved and the modern sovereign state was born".*

Therefore, in this fact the generating factor of power politics can be seen. For Martin, power politics refers to a central truth related to international relations; it suggests the relationship between independent powers. As independent units there are States, nations, countries or powers (Wight, 2002: 1).

Wight adds that

*"modern man in general has shown stronger loyalty to the state than to the church or social class or any other international bond"*  
(Wight, 2002:4).

Also according to him, the modern State demonstrates a power of attraction and unique fidelity that has been unequalled when compared to the aforementioned forces.

As for the definition of power politics, Wight adds that this is a translation of the German word *Machtpolitik*, meaning

*"the politics of force – the conduct of international relations by force or the threat of force, without consideration of right or justice"*  
(Wight, 2002: 8).

However, when referring to the term during World War I, the author brings in evidence that it took the meaning of "national interest" from the original French "*raison d'état*". In this sense, unscrupulous actions were justified in defence of the public interest (Wight, 2002: 8).

The book contains twenty-four chapters, plus the preface, two appendices and index, as well as the summary.

From Chapters I to V, the work deals with the powers and their classification. Chapters VI to XXIV address more specific topics, such as international revolutions, international anarchy, diplomacy, alliances, war, and intervention.



Only in Chapter XIV, "The Expansion of Powers" and Appendix 1 (Classification of Powers) does Wight take up the theme of powers. Chapter VI describes surrounding modes, tactics and types of artillery used to assert the dominance of the European state system and the navigation age in the fifteenth century until mid-1945.

In Chapter VII, "International Revolutions", the author believes that the revolution is a violent regime change in a single state. For him, the French Revolution is the classic European example of the term (Wight, 2002: 69).

In Chapter VIII entitled "Vital Interests and Prestige", the author deals with vital interests – things that a power judges as essential for maintaining independence and, because of them, defends to the point of going to war. Prestige revolves around power and brings with it, in a mysterious way, material benefits.

*"In general, it is acquired slowly and lost quickly. It is that that was not expected"* (Wight, 2002: 87).

In Chapter IX, "In the International Arena", the author classifies anarchy as a multitude of powers without government. Wight describes anarchy as a feature that "distinguishes international politics from ordinary politics" (2002: 93). For him, the study of international politics "presupposes the absence of a system of government, whilst the study of domestic policy presupposes the existence of such a system" (Wight, 2002: 93).

In Chapter X, entitled "International Society", the author describes it as a society different from any other. Because of its shape it is considered the most inclusive that exists on the earth. The legacy is for posterity. Its institutions vary according to their nature, which namely are: diplomacy, alliances, guarantees, war and neutrality (Wight, 2002: 104).

In Chapter XI, "Diplomacy: the Institution for Negotiation", Martin also defines the system and the art of communication between states. He considers the diplomatic system as "the master institution of international relations" (Wight 2002: 1007) and is divided into two categories: embassies and conferences.

In Chapter XII, by appropriating the definition of Aristotle, Wight emphasises that alliances are not the friendships of international politics; they have the function of increasing the security of allies or promoting interests in the rest of the world.

In Chapter XIII entitled "War", Wight defines war as an institution of international relations. Its origins are in government decisions, and sometimes by the passions of the people. It is driven by power relationships.

In "The Expansion of Powers", Chapter XIV, Wight points out that the major powers have shown an expansionary tendency with great success (Wight, 2002: 141). However, the tendency to expand is also found in the history of small powers. The expansion of powers would be the result of two causes: internal pressure and the weakness of adjacent powers.

In Chapter XV, called "Alliance and Organisation", the author refers to power alignments such as NATO, which make up the configuration of power. For him, these organisms are formed under external pressure, never through popular force, and their cohesion varies



with pressure (Wight, 2002: 155). According to the author no State is immune to the configuration of power; however, a great power has broad freedom to modify it, even to the extent of exercising influence over the destiny of their weaker neighbours.

In Chapter XVI, "The Balance of Power", Martin states that in its original meaning the expression takes the idea of an equal distribution of power, in a context where no power is so dominant as to pose others risk (Wight, 2002: 172). The balance of power would be in full operation every time a dominant power strives to dominate international society and momentary means, disrupting this balance (Wight, 2002: 168).

In Chapter XVII, Wight defines compensation as "a principle that governs the overall relationship between comparable forces of States" (Wight, 2002: 187). On the other hand, he states that "it refers to a method of regulating the balance of power through the combined changing of territories" (Wight, 2002: 187). For him, when there are only two parties to the transaction, the compensation it is bilateral; when it involves more than two, it is multilateral (Wight, 2002: 187).

In Chapter XVIII, entitled "Intervention", the term is defined as an interference by force that does not necessarily constitute an imminent declaration of war, which is enacted by one or more powers on another power's affairs. Intervention may take place through foreign policy at a country level or in the domestic sphere.

For the author, chapters XIX (League of Nations) and XX (United Nations) modestly address significant topics. However, due to the heightened importance given to these issues by some scholars, he discusses them succinctly and clearly. However, they still show the weaknesses and/or weaknesses of such organisations.

In Chapter XXI, "The Arms Race", he defines the phenomenon as the "competitive build-up of troops and weapons, whereby each side tries to obtain an advantage over their neighbour, or at least try not to remain at a disadvantage" (Wight, 2002: 247), which can happen between two or a number of rival powers at a regional or global level.

"Disarmament", Chapter XXII, is treated from a traditional point of view, and thus is seen as the solution to arms races. His definition involves the abolition of weapons, or reducing quantity, or setting limits on their growth, as well as restricting certain types or uses. Wight says that with some frequency that "disarmament has been accepted by powers through imposition or losing a war. Compulsory demolition of strongholds may be the oldest form of disarmament" (Wight, 2002: 269).

In Chapter XXIII entitled "Arms Control", the author looks at some basic questions on the subject and some advanced discussions in the field of atomic energy.

In Chapter XXIV Wight addresses issues such as the establishment of the tradition of an international community with a common standard of duty and justice. In his view, the author considers that the international community is the main influence on the functioning of power politics. It also involves morality in international politics as a result of security.

The book is a solid historical introduction of the cardinal principles active in international politics, which makes it a key reference. The way the author exposes the issues, the key concepts of the area – addressed on one historic continuum – delight and fascinate fans of International Relations. The author exhibits the area from the earliest times to the current issues, and involves discussions that were never thought of at the time. For



example, Wight cites Brazil's decision to adopt nuclear energy for peaceful purposes. He recalls in a historic mode how classifications have been developed among the powers from the European state system, and how the tensioned and permanent balance of power developed for them to achieve global hegemony.

For all the reasons presented here, note that students or those interested in International Relations are looking at an indispensable classic, suitable for aspiring diplomats or beginners to the area. Wight's vision of diplomacy – and diplomatic subjects – is a transcendent wisdom of its time.

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