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# RCCS Annual Review

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A selection from the Portuguese journal  
Revista Crítica de Ciências Sociais

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# #7

**Guy Standing**

The Precariat and Class Struggle

**Elísio Estanque**

Precarious Employment and Social Movements in Portugal and Brazil

**Hermes Augusto Costa, Hugo Dias and  
José Soeiro**

Strikes and Austerity in Portugal

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**Alex J. Bellamy**

International Responses to Human Protection Crises

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The Representation of the Illegal Immigrant in Contemporary Cinema

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Theories, Discourses, Borders and Migration Policies in the Mediterranean

# RCCS Annual Review

RCCS Annual Review #7

October 2015

ISSN 1647-3175

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## **Periodicity**

Annual

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## SUMMARY

This issue of *RCCS Annual Review* begins with three articles on labor relations, class recomposition and social movements in the current global context. The following three articles address international responses to major humanitarian crises, as well as processes of peacebuilding, peacekeeping and state formation, focusing on the case of Timor-Leste. The last two articles are particularly relevant in light of the current mass migration to Europe, discussing on the one hand the representation of illegal immigrants in contemporary films, and on the other the historical, social and political dimensions of the Mediterranean as a space of migration.

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### The Precariat and Class Struggle\*

The world economy is in the midst of a Global Transformation that is producing a new global class structure. A new class is emerging – the precariat – characterised by chronic uncertainty and insecurity. Although the precariat is still a class-in-the-making, divided within itself, its elements are united in rejecting old mainstream political traditions. To become a transformative class, however, the precariat needs to move beyond the primitive rebel stage manifested in 2011 and become enough of a class-for-itself to be a power for change. This will involve a struggle for redistribution of the key assets needed for a good life in a good society in the twenty-first century – not the “means of production”, but socio-economic security, control of time, quality space, knowledge (or education), financial knowledge and financial capital.

**Keywords:** class structure; economic security; precarization of labour; social welfare; world economy.

Every social formation produces its class structure, even if it is superimposed on preceding structures. Today we are in the midst of the Global Transformation, analogous to Karl Polanyi’s Great Transformation (Polanyi, 1944). But in this case we are going through the painful construction of a global market system, whereas he was writing about the creation of a national market economy and the institutions for embedding the economy in society.

Whereas in the early 20<sup>th</sup> century, the proletariat – then the growing core of the working class – was in the vanguard of political and social change, it ceased to have the size or strength or progressive outlook to fulfil that role in the 1980s. It was a force for good for many decades, but it was ultimately stalemated by its intrinsic labourism, wanting as many people as possible in “jobs” and linking social and economic entitlements to the performance of labour.

In the middle decades of the 20<sup>th</sup> century, capital, the trades unions and labour and social democratic parties all agreed to create a society and a welfare state oriented to labourism, based on a proletarianised majority, oriented to stable labour, with benefits linked to labour. For the proletarian, the main objective was better, ‘decent’ labour, not escape from labour. The class structure corresponding to that system was relatively easy to describe, with a bourgeoisie – employers, managers and salaried professional employees – confronting a proletariat that between them formed the spine of society.

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\* Article published in Portuguese in *RCCS* 103 (May 2014). DOI: 10.4000/rccs.5521

Today, a profoundly different global class structure is taking shape. Defined elsewhere (Standing, 2009, 2011), briefly it has seven groups, not all of which are classes in either the Marxian or Weberian senses. Most have distinctive relations of production, relations of distribution, relations to the state, and distinctive modal consciousness.

Below the groups that can be defined in class terms is an underclass, a lumpen-precariat consisting of sad people lingering in the streets, dying miserably. Since they are effectively expelled from society, lack agency and play no active role in the economic system beyond casting fear on those inside it, we may leave them aside, although some elements can be activated in moments of popular protest.

The class groups are not defined by income alone, but they can be listed in descending of average income. At the top of the structure is a plutocracy, a few super-citizens with vast wealth, mostly ill gotten, and with vast informal power, linked in part to financial capital. They are detached from the nation state, often with passports of convenience from several countries. Much of their power is manipulative, through agents, through the funding of politicians and political parties and threats to move their money unless governments comply with their wishes.

Below the plutocracy is an elite, with which it has much in common, although the latter are national citizens somewhere. The two groups act as the effective ruling class, almost hegemonic in their current status. They embody the neoliberal state, and manipulate politicians and the media while relying on financial agencies to maintain the rules in their favour.

Below them is the salariat, those with long-term employment security, high salaries and extensive enterprise or corporate benefits. They serve in state bureaucracies and in the core echelons of corporations. A key to understanding their class position is that they receive a growing proportion of their income and security from capital, in the form of shares. This means that their own incomes could increase if wages are pushed down, if that means the profit share rises and their share payments rise in value. This is one reason for it being misleading to lump the salariat with others below them in one class.

With privatisation of the public sector, and with outsourcing and offshoring of employment by corporations and government agencies, the salariat is shrinking, and many in it fear falling into the precariat, which we will consider shortly. While in most counties the

salariat will continue to shrink, it will persist, and is something of a 'middle class'.<sup>1</sup> Many in it surely hope to move up into the elite or across into the next group.

That group is what I have called proficians, a growing group who live as contractors, consultants, self-employed "businesses" and the like. They earn high incomes, but live on the edge of burnout and constant exposure to immoral hazards, often breaking laws with abandon. Their numbers are growing, as is their influence on political discourse and popular imagery. It would be foolish to call them part of a single working class, since they are essentially entrepreneurs selling themselves, truly commodified labour power.

Below them in terms of average income is the old proletariat, the core, shrinking fast all over the world. Its remnants will continue, but they no longer have the strength to develop or impose their agenda in the political domain, or even frighten capital in demanding concessions. Welfare states, and regimes of so-called 'labour rights', were built for them, but not for those beneath them in the class structure.

This latter fact has awkward implications for the nature of class struggle and conflict in the coming period. During the 20<sup>th</sup> century, the proletariat experienced increasingly decommodified labour, through having part of their income derived from the gains from capital in non-wage remuneration.

The most important embodiment of this is the huge pension funds that reward proletarianised workers for long years of "service" through having invested in capital markets to gain funds. As a result, it is very hard to envisage the proletariat being 'revolutionary' or transformative, given how its representatives, most notably labour unions, have entrenched their interests inside capitalism.

### **The Precariat Defined**

Anyhow, it is below them, in terms of average income, that the precariat is rapidly taking shape. Some commentators have responded to the concept by claiming that precariousness is a social condition. It is that, but a social condition does not act, it does not have human agency. The precariat is a class-in-the-making. We may define it with increasing precision. But as argued shortly, it has a unique characteristic that will make it pivotal to the re-

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<sup>1</sup> In the sense used by Erik Wright (1978), the salariat has a contradictory class position, but I would argue that it is more clearly on the side of capital today than part of a working class.

embedded phase of the Global Transformation, and the struggles that must occur if that is to be achieved.

The precariat has distinctive relations of production, and these are what most commentators have emphasised in discussing the precariat, although they are not actually the most crucial for understanding it. Essentially, their labour is insecure and unstable, so that it is associated with casualization, informalisation, agency labour, part-time labour, phoney self-employment and the new mass phenomenon of crowd-labour discussed elsewhere (Standing, 2014).

All of these forms of 'flexible' labour are growing around the world. Less noticed is that, in the process, the precariat must perform a growing and high ratio of work-for-labour to labour itself. It is exploited as much off the workplace and outside remunerated hours of labour as in it. That is one factor that distinguishes it from the old proletariat.

Global capital and the state serving its interests want a large precariat, which is why it is a class-in-the-making, not an underclass. Whereas national industrial capital in the Great Transformation wanted to habituate the core part of the proletariat to stable labour and stable living, today's global capital wishes to habituate the precariat to unstable labour and unstable living. This fundamental difference is one reason for believing that to put the proletariat and precariat together as one category would put a block on analytical reasoning and political imagination.

The precariat also has distinctive relations of distribution, in that it relies almost entirely on money wages, usually experiencing fluctuations and never having income security. Again unlike the 20<sup>th</sup> century proletariat, which experienced labour insecurity that could be covered by social insurance, the precariat is exposed to chronic uncertainty, facing a life of 'unknown unknowns'.

And the precariat has distinctive relations to the state, in having fewer rights than most others. Fundamentally, it has *rights insecurity*. This is the first time in history when the state is systematically taking away rights from its own citizens, as documented elsewhere (Standing, 2014). More and more people, not just migrants, are being converted into denizens, with a more limited range and depth of civil, cultural, social, political and economic rights. They are increasingly denied what Hannah Arendt called "the right to have rights," the essence of proper citizenship.

This is a key to understanding the precariat. Its essential character is being a supplicant, a beggar, pushed to rely on discretionary and conditional hand-outs from the state and from privatised agencies and charities operating on its behalf. For understanding the precariat, and the nature of class struggle to come, this is more important than its insecure labour relations.

The final distinctive feature is its class consciousness, which is a powerful sense of status frustration and relative deprivation. This has negative connotations, but it also has a radical transformative aspect, placing it between 'capital' and 'labour'. It is less likely to suffer from false consciousness while performing jobs that come its way, partly because there is no sense of loyalty or commitment in either direction. For the precariat, jobs are instrumental, not life defining. The alienation from labour is taken for granted.

Moreover, this is the first class in history for which the norm is having a higher level of educational qualifications than the labour the person can expect to obtain and be obliged to do. This makes the alienation easier to appreciate. But this imbalance generates deep status frustration, as well as anger about having no sense of a future, no sense that life and society is about advancing to a better state.

But in terms of consciousness, we can see why the precariat is the new dangerous class, because it rejects the old mainstream political traditions, rejecting labourism as much as neoliberalism, social democracy as much as Christian democracy. But it is also dangerous in another sense. A short way of saying this is that it is not currently a class-for-itself, because it is at war with itself in having three forms of relative deprivation, each of which characterises the three varieties of precariat that are currently in tension.

### **The Three Varieties of Precariat**

The first consists of those dropping out of old working-class communities and families; mostly uneducated, they tend to relate their sense of deprivation and frustration to a lost *past*, real or imagined. They thus listen to reactionary populist voices of the far right and blame the second and even third variety of precariat for their problems. They might be called the *atavists*. They tend to respond to charisma. It is this part of the precariat that is being led to the far right (see, e.g., Goodwin and Ford, 2014), due in part to the absence of a progressive agenda that reaches out to it, one that would play on their aspirations rather than on their fear and insecurity.

The second variety consists of migrants and minorities, who have a strong sense of relative deprivation by virtue of having no *present*, no home. They might be called the *nostalgics*. Politically, they tend to be relatively passive or disengaged, except for occasional days of rage when something that appears to be a direct threat to them sparks collective anger. This is what happened in the slums around Stockholm in early 2013 and in Tottenham in London in August 2011, and in other surges of violence.

The third variety consists of the educated, who experience in their irregular labour and in the lack of opportunity to construct a narrative for their lives a sense of relative deprivation and status frustration, because they have no sense of *future*. One might call them bohemians, but as they are the potentially transformative part of the precariat, the new vanguard, they are open to becoming the *progressives*.

Peering through the three varieties, one can see that most reject mainstream political agendas of the 20<sup>th</sup> century. Neoliberalism is anathema. Conservative-Christian democrats are regarded, correctly, as moralistic and generally despised as utilitarian, reaching out to the salariat. And social democrats and labourism are seen as relevant only for the remnants of the proletariat and lower parts of the salariat, having failed the first part of the precariat, being hostile to the second and unpalatable for the third.

Paradoxically but appropriately, in the midst of a crisis due to the failings of the neoliberal project, old-style social democrats have lost their constituency base and are hit by the growth of the precariat more than any other political stream. The social democrats seem to offer a return to the past, without realising that the core of the precariat is alienated from that as well.

Sociologists such as Richard Sennett (1998) picture a loss of a golden age of capitalism and seem to want to recreate what was a male-oriented labourist past, painting current realities as “corroding character,” as if that had not been the permanent feature of capitalism. But just as the dangerous class in the late 19<sup>th</sup> century consisted of those resisting proletarianisation (Jankiewicz, 2012), today’s precariat is actually psychologically liberated from labourism and thus the dangerous class. This was beautifully captured by a piece of subversive graffiti daubed by somebody in the indignado movement: “The worst thing would be to return to the old normal.”

The key point is that, by various means, there is common ground within the precariat for rejection of the old political consensus and parties of the centre-right and centre-left. This is

why there is perceived to be a crisis of democracy, because the precariat does not see itself represented and refuses to indulge in the reality of thinning commodified politics. When the indignants of Puerta del Sol scrawl, "I love democracy, but you are absent," their rejection of political parties is profoundly political (Estanque, 2013).

### **The Precariat as Transformative Class**

However, that last conclusion does not mean that the precariat is apolitical, for there is another sense in which it is the emerging dangerous class. Its immediate task is to go beyond the primitive rebel phase in which it found itself in 2011, of knowing what it is against but not yet enough of a class-for-itself to be a power for change.

Here we must be careful. One achievement of neoliberalism was a degree of linguistic hegemony in capturing the language of political, social and economic discourse, extending into cultural discourse as well. A challenge today is to recapture the language, so as to create an imagined desirable future. This is nothing less than reviving the very idea of *the future*, which has been lost in the neoliberal dystopia of endless consumerism and electronic bread-and-circus plebean existence. The flames of struggle quickly expire in futile days of protest if all the struggle is about is being *against* what is happening.

This is roughly what has been happening in the mass protests since 2011, which in the main were like a series of fireworks that look and sound spectacular but drift away in coloured smoke. But this phase of collective angst will surely evolve into something more strategic.

As it invents a new language of progress through collective action, the precariat must avoid falling into the well-laid trap of postulating as "revolutionary," an image that is terminally tainted by 20<sup>th</sup> century history. It must also avoid the sterility of being "reformist," which is what the state would wish it to be, pushing for marginal refinements to the status quo. To become a class-for-itself, the precariat must be *transformative*.

It must be transformative in realising that the global market economic system requires a new system of *distribution*, if the trend to greater inequality is to be reversed. It should minimise use of the dated verbiage of 19<sup>th</sup> century Marxism, without abandoning the emancipatory values that have guided progressives and egalitarians through the ages, and the egalitarian ideas around class struggle.

A century ago, it made sense to depict the distribution system as largely reflecting capital and labour, profits and wages, with the balance of social forces determining the share of income going to labour, mediated by the state, through taxes, subsidies and benefits, and through a structure of regulations that shaped the relative bargaining strength of the antagonistic class interests.

In the global market economy, there is only one winner in that old model of distribution. In every part of the world, the wage share of national income has dropped sharply, and it is most unlikely to rise. While most attention has been given to the drop in the USA and Europe, labour's share has dropped most in the emerging market giants of China and India.

As the drop in wage share has proceeded, it is the precariat that has borne the worst outcome, while the elite, salariat and shrinking old core have either improved their social income or lost only a little, because they have actually been receiving more of their income from capital, via shares, stock options, extravagant bonuses and rental income. The advanced capitalist countries are increasingly rentier economies.

The message should be clear. The precariat cannot expect real wages to rise. Wages will continue to decline in OECD countries, even if there are occasional rises in some places and for some groups. The labourist answer to the crisis of the Global Transformation is more 'jobs' and higher wages, placing faith in 'Living Wage' campaigns and national minimum wages. But for most in the precariat, wages will cease to provide a dignifying standard of living. The struggle must focus elsewhere.

In an open flexible labour process, the social democratic mantra of more jobs and better wages is like the famous story of the Viking King Canute, who had his throne taken down to the sea, where he sat and told the waves to go back. He apparently did that to show his courtiers the limit of his powers. The more popular version of the story is that telling the waves to go back is simply asking to be drowned. That is where the precariat is today. Jobs promise only insecurity and a need to be ready to seek more loans.

In November 2012, the European Trades Unions called for a 'general strike' across Europe, in what they dubbed a European Day of Action and Solidarity for 'jobs' and against austerity. The organisers must have known it would make no immediate difference to the policies being implemented. Perhaps they hoped the mobilisation would unnerve policymakers and induce them to make changes later. Or was it to show they still had the muscle to bring out the crowd?

Whatever the aims, it was a call for pity, by and on behalf of supplicants. Give us more subordinated labour as the answer to our suffering! Many who responded with their time must have felt they were dissipating energy in a gesture that was no threat to the forces to which they were opposed. To take to the streets and shout slogans demanding jobs serving hamburgers or loading shelves in supermarkets is hardly dignifying or threatening to the rentier beneficiaries of the global market order. It was a strike of the defeated, not a strike for a forward march to a Good Society.

In thinking of that new forward march, the precariat must struggle for a new system of distribution based on realising that a rising share of total income will continue to flow to financial and global capital, to the plutocracy and elite primarily, with enough to the salariat to cause it split loyalties.

Rich countries, in particular, are becoming rentier economies, receiving more of their income from their activities in the global market. So, the precariat struggle should focus on developing mechanisms to channel income currently going to the plutocracy, elite and salariat to the rest of the population, including the lumpen-precariat but mainly to the precariat, the lowest and most active actual class.

In that struggle to achieve a new system of distribution, the existing global trend towards the creation of national or sovereign wealth funds must be accelerated and must be subject to democratic governance. Today, over 60 countries have national capital funds. Only three operate as mechanisms for progressive distribution – the Alaska Permanent Fund, the Norwegian fund and, surprisingly, the Iranian system. Almost all others serve as vehicles for enriching an already engorged plutocracy and elite. The precariat must struggle to have these transformed into democratic institutions for distribution.

Note the word. The precariat must use words wisely. It should not be tricked into phoney alternatives such as “pre-distribution” – a term concocted on a bad-hair day that has since had brief popularity in British politics, articulated by the leader of the Labour Party, without it meaning anything in particular, except to avoid the difficulty of arguing for redistribution.

The old distribution system does not work on its own terms, that of encouraging investment and labour through effective incentives. There are too many poverty traps (in which going from meagre state benefits to low-wage jobs means a marginal tax rate of over 80%) and precarity traps (meaning taking low-wage jobs lowers long-term incomes). The precariat can understand all this, whereas the old proletariat would be bemused. It is why

trades unions have had such difficulty in relating to and appealing to the precariat, and vice-versa.

For social democrats, and for other labourists and labour unions, the way forward is to demand higher wages and labour security. But generating more jobs will not be the answer to the distribution question. The precariat has already come to accept that, for some peace of mind as much as anything. Jobs they are likely to obtain are simply instrumental, not life defining, not leading to an old-fashioned career, let alone a life of emancipatory security.

### **The Redistributive Struggle**

The struggle for redistribution – rather than for a new distribution system – should be reinterpreted, in a way that will put old political parties in intellectual difficulty. What are the crucial assets over which the class struggle should be about? They are not the means of production or ‘the commanding heights’ of the production system, which shaped the socialist project and class struggle in the 19<sup>th</sup> and 20<sup>th</sup> centuries. Talk about taking over the factories or mines would produce embarrassed grins or grimaces in any precariat gathering.

No, the key assets are what are needed for a good life in a good society, one in which more and more people could pursue their own idea of occupation, in which work, real leisure and reproduction could thrive in flexible patterns. Before considering what those assets are, a preliminary point is fundamental to understanding the forthcoming struggle for them.

It is the unique aspect mentioned earlier. The precariat must become a class-for-itself – or enough of it must achieve sufficient commonality – in order to have the strength to abolish itself, through success. This makes it a truly transformative, dangerous class. Other classes in the current neoliberal dystopia are utilitarian, wanting to perpetuate themselves and obtain more from existing structures. They are conservative, or reactionary, in that they are opposed to structural change. Only the precariat is positioned to be truly transformative, building on a struggle for what Hannah Arendt called “the right to have rights.”

What are the crucial assets over which the precariat must struggle? As elaborated elsewhere (Standing, 2011, 2014), in brief, they are socio-economic security, control of time, quality space, knowledge (or education), financial knowledge and financial capital. All are unequally distributed, and in terms of control are becoming more so. One can even claim that many of them are more unequally distributed than income itself.

For instance, whereas the plutocracy, elite, salariat and to some extent proficians have the means of providing themselves with economic security, the precariat is exposed to high risks, as well as a low probability of being able to cope with them or a low probability of being able to recover from them. Above all, it faces chronic uncertainty. The distribution of economic security is more unequal than the distribution of income (ILO, 2004).

At least for the insiders, the old proletariat had labour security, in that social insurance could insure against the risks of unemployment, illness, old age, accidents and so on. It was a manipulative form of security, in that it was provided by the state as long as individual workers conformed to the disciplines and dictates of labour. But the development trajectory was labour-based security, in which contingency risks linked to labour (accidents, illness, unemployment, etc.) were covered, so that compliant workers and their dependent families could look for compensatory entitlements (misleadingly called labour rights) if an adverse event occurred. This was the norm and was expected to become the norm for many others as economic growth advanced. That latter expectation has long ago disappeared.

By contrast, the precariat faces uncertainty, a life of 'unknown unknowns', for which there is no possible insurance system, because actuarially one cannot calculate the probabilities of adverse events occurring. Every aspect of life is uncertain. And when something goes wrong, there is no assured network of support. This is why living on the edge of chronic, unsustainable debt is a norm for the precariat. Obtaining a redistribution of security is fundamental in the coming struggle.

That struggle for security provides a potential source of cross-class alliance, because more and more members of other groups can appreciate the need, and their own likely need, for basic security. Thus policies geared to basic security could appeal to the lower echelons of the middle class, living in increasing fear of falling into the precariat themselves, or fearing their children will do so.

Next, in terms of time as an asset of life, the precariat has no control over his or her time, and its members must be on stand-by, flit between activities, wait for labour, do more work in case they are needed, because they never know what is the optimal way of allocating time. This is why the precariat can be said to suffer from an epidemic of the *precariatized mind*, unable to focus, undirected towards feasible goals. The precariat needs to have policies to enable it to gain control of its own time. We need a politics of time.

Next, the struggle for the redistribution of quality space is epitomised in the struggle to revive 'the commons'. This is actually a metaphor, since it conveys more than a fight to preserve public land where people may congregate. It also includes the social and cultural commons, and in a sense the political commons as well.

Deliberative democracy requires public spaces, in which grievances can be articulated and shared, leading to political proposals and the rebirth of collective action, rather than just resistance. In this respect, the precariat needs a flourishing commons, not just to complement its inadequate income but to counter the dominant discourses permeated through a media manipulated by the plutocracy.

Next, a struggle for the redistribution of education is life-defining for the precariat. Here it needs to overcome a sense of false consciousness that education has been spreading and to counter a rhetoric of 'human capital' that has been refined by neoliberals. On the surface, more people are being educated to a higher 'level' than at any time in history. However, real education is very unequally distributed, and more of what is sold as education is fraudulent. While the affluent have access to an education enabling them to liberate the mind and be innovative, the precariat is relegated to a commodified 'human capital' schooling, designed to prepare them for jobs and habituate them to a life of unstable labour, with plebeian minds.

The struggle to decommodify education is fundamental if the precariat is to be creative, artistic, subversive and ultimately political and moral. And again, it should find alliances in parts of the salariat and among proficians, the latter being intuitively non-conformists.

The struggle for financial knowledge is about enabling the precariat to be efficient in handling financial matters. The fiscal structure of modern market society is immensely complex, enabling those with access to tax experts to make much more money, while the 'little people' pay more taxes than they should. The right to financial knowledge and to public financial services is more important than many presume. The precariat should soon mobilise around demands for a universal right to receive financial knowledge. In the context of chronic personal indebtedness, due to 'pay-day loan sharks' and student debts that stretch into the future, this is no longer a minor issue.

Above all perhaps, the struggle for an equitable share of financial capital will be crucial, through a basic income and through construction of democratic sovereign wealth funds. But all the struggles that have been mentioned here must be integrated into a transformative

strategy. Each element opens up possibilities for cross-class alliances with one or more other social groups. After all, a growing proportion of the salariat, proficians and core workers are riven with fear, a fear of failure, a fear of loss. At some point, fear goes from making “cowards of us all,” as Hamlet put it, to making lions of outrage.

In many countries, the precariat has been swollen by the austerity era. It is growing in maturity too. In every Great Transformation, there are three phases of struggle. The first is a primitive rebels phase in which the elements of the emerging class search for Recognition, a common identity. To a remarkable degree, this has happened since 2011. Millions more now have a sense of common identity, and know themselves as the precariat, without shame and with a sense of pride. This provides a necessary potential unity for effective collective action. It is not a sufficient condition, but it is a necessary one.

The next phase is a struggle for Representation, having a collective and individual Voice in all agencies of the state, and having the ability to make a *noise* in the organs of the state, in the media and networks of public discourses. This is coming. The subjectivity of the precariat must be asserted, so that bureaucracies can no longer treat its members as failures to be reformed, made more ‘employable’ or punished.

The growing awareness of collective Recognition, and the ongoing actions of primitive rebels and mass resistance, must now give way to political re-engagement. This is happening, albeit discordantly, in such entities as the Partido X in Spain, Sygizia in Greece and the M5S in Italy. Ultimately, this should be about the re-politicisation of politics, in the agora, as the precariat demands to turn from being object to being a subject.

To some extent, for example, the upheavals in Geci Park in Istanbul and the uplifting upheavals in Brazilian cities in 2013 can be interpreted as a demand for more inclusionary participatory democracy, in which the precariat should gain effective collective and individual agency.

As gains are made in Recognition and Representation, the struggle for a new distribution system and for a redistribution of access to those key assets will begin to absorb the collective energies of the precariat and those allied to it. Capital funds, basic income for all, occupational communities, new forms of unions or associations, and more beckon. The precariat is taking shape. As Shelley put it in a comparable period of social upheaval two hundred years ago, in the greatest political protest poem ever written in English, inspired by

the vicious suppression of the emerging working class in a public square, the precariat is reaching the stage when it will realise its power, “Ye are many, they are few!”<sup>2</sup>

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<sup>2</sup> “The Masque of Anarchy” was written in 1819, following the Peterloo Massacre at St Peter’s Field in Manchester, England.

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### **Middle-class Rebellions? Precarious Employment and Social Movements in Portugal and Brazil (2011-2013)\***

This text centers on the demonstrations and protest movements that have emerged over the past three years, with a particular focus on Portugal and Brazil. The main argument is based on the hypothesis that they involve social dynamics and tensions that reflect a *middle class drive* in which youth and precarious employment play a key role. It presents data and empirical evidence on inequality in Portugal in order to reveal the nature of the main movements as protests mobilized against the suppression of rights and the undermining of working conditions. The situation in Brazil is examined in the light of the recomposition of working class conditions, taking into account the constraints and uncertainties of the Brazilian model of development. It also analyzes the social composition of the protesters, on the basis of street surveys carried out during this period.

**Keywords:** middle class; social protest; social inequality; social movements; precarization of labor.

#### **Introduction**

This text centers on recent demonstrations and protest movements, particularly in Portugal and Brazil, its main hypothesis being that they involve social dynamics and tensions that reflect a *middle-class drive* in which youth and precarious employment play a key role. Its approach aims to move beyond established theories of social movements in the Western world. It thus seeks to situate this entire phenomenon in its broader socio-economic context – a context of crisis to boot – in order to discuss, on the one hand, the way in which the fragmentation of paid work and rising precarious employment have contributed to the increase in inequalities, and on the other hand the way in which the ineffectiveness of institutions and public policies played a decisive role in generating the kind of social conflict that eventually led to social rebellion in recent years.

Let me say right out that what I offer here is not sociological ‘research’ *per se*, but rather some reflections in an essayistic vein whereby I attempt to make use of a number of data and empirical elements (some of them from indirect sources, others coming from direct observation) in order to explore an explanatory hypothesis that falls outside the accustomed canons of academia. I am therefore quite aware of the controversial nature of the present article and I even grant that this might be its greatest virtue, inasmuch as it may contribute

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\* Article published in Portuguese in *RCCS* 103 (May 2014). DOI: 10.4000/rccs.5540

to force the social sciences out of their 'ghetto' in order to address a wider audience. With that in mind, I seek to contribute to a deconstruction of the concept of "middle class" and its accompanying train of connotations having to do with passivity, individualism and unthinking adherence to the "bourgeois order," by placing a special emphasis on the segmentations currently observable within the working class and materialized in the emergence of precarious, unstable, qualified new sectors of the workforce. Added to this is a concern with the need for a conceptual and analytical updating of the most recent forms of collective action such as those of the latest cycle of social movements in which the instances mentioned in this article are included.

It is therefore the purpose of the present essay to point to what is new about these occurrences and show the transformative potential of those novel aspects. In short, we need an answer to the following questions: (1) what are the main social groups on which such movements are based, i.e., who exactly is participating in them?; and (2) what is the import of the change brought about by these movements on society at large, both during their most intense moments and in their aftermath?

Resistance to the *status quo*, i.e., to an economic and political order which not only failed to meet expectations but also threatened or undermined people's rights and blocked opportunities, seems to reflect common concerns on both sides of the Atlantic. By unveiling existing connections with the world of labor and the impoverishment of large social groups – an impoverishment spurred, in the case of Portugal, by the austerity policies inflicted on occupational groups that had aspired to a lifestyle similar to that of the (salaried) urban middle class – it is my intent to stress the transformative potential of rebellion itself. I argue that the sectors of the population involved in these demonstrations have some kind of connection with consumption patterns that characterize the intermediate segments of society, even though this is more the case at the subjective than at the socio-economic level, which in any event seems to be marked by instability and precariousness. The assumption here is that those social segments that took part in the protests are struggling with rapid changes relating to status and to consumption patterns, which in turn are also linked to (either endangered or fragile) labor rights and a deep sense of frustration and injustice. The relationship with the changing labor market, the impacts of the global economy and of the growing commodification of social life, as well as the technological mutations and their ramifications in today's communication networks, are among some the factors to be taken

into account in my description of the similarities and differences between the two contexts under analysis.

### **1. A Cycle of Global Protest – Revolution and Action**

Some of the old approaches to the new social movements (NSM), dating from the 1960s and 1970s, have obviously lost their currency. Alain Touraine's classic definition (1985; 2006) of what a social movement is, with its well known precepts – *identity* (who are we?), *opposition* (who do we fight against?) and *totality* (what sort of society are we fighting for?) – will hardly do to explain today's mobilizations. *Identities* tend to be more and more disjointed and volatile, even though one could argue that the very ardor of collective action is bound to instill in those who take part in it a certain sense of communion, albeit an elusive and fleeting one. Even if an opponent does exist (in accordance with the *opposition* principle), the adversarial figure in these mobilizations is not always easy to pin down. In some cases they confront tyrannical regimes and their top representatives, focusing on the dictator as the embodiment of what they fight against. Other times the opponent is an abstraction (capitalism) or comes in the shape of a situated power (city hall, a certain cabinet minister, the federal government) which may eventually change and lead to other, more remote opponents (the government, the IMF, the European Commission, etc.). Finally, with regard to the *totality* principle, which pointed to an alternative model of society (e.g., socialism), we know too well that this distant goal is far from being the unifying element of social movements in the 21<sup>st</sup> century. Until a new utopia grows strong enough to offer itself as an *alternative*, the uncertainties and ambiguities of these movements will tend to persist (Cohen and Arato, 1994; Laclau 1996; Melucci, 2001; Santos, 2003).

In recent decades the question of an *alternative* has acquired a new meaning. In other words, people no longer rally in the name of the future. They do it to reject a humiliating past or a degrading present (Arcary, 2013). Even more significant than the past (whether glorious or miserable) is the fact that the majority of people loathe their present predicament and are beginning to realistically entertain the thought of changing their lives and facing the unknown: the notion that "it can't possibly get any worse" may turn out to have a mobilizing effect. As a renowned expert in the matter put it, "No enlightened, moderately intelligent observer could survey the state of the planet and conclude that it

could be put to rights without a thoroughgoing transformation” (Eagleton, 2003: 180). Another contemporary intellectual, Slavoj Žižek, said recently that

the difference between a reformist and a revolutionary period [is that] in a reformist period, global revolution remains a dream which, if it does anything, merely lends weight to attempts to change things locally; in a revolutionary period, it becomes clear that nothing will improve without radical global change. (Žižek, 2013: 101)

One should not confuse the social uprisings under analysis with revolutions in the sense described by Žižek, although we know that in some cases, as in the so-called Arab Spring (Tunisia, Egypt, Libya), radical changes did occur, with governments and regimes falling apart because of the magnitude and intensity of the street demonstrations.<sup>1</sup> In view of the configuration and particularities of some of these uprisings, and given the pressure they put on governments and institutions, there is arguably a “revolutionary” potential in them, although their fuzzy nature and lack of an “alternative” or some sort of ideological direction point to open-ended (i.e., either progressive or reactionary) outcomes. Information technology and the new social networks in particular proved to be the decisive ingredient in this new cycle of social protest.

## 2. The Middle Class: Between Individualism and Precariousness

In spite of all the controversy and the theoretical inaccuracies inherent in the phrase “the middle class,” there is a heuristic potential in it. In order to bring it out we have to look at the origins of the concept, searching for the reasons why it came to be so deeply rooted in common parlance. A recent article by Ezekiel Adamovsky (2013) shows that the phrase draws on an old popular metaphor based on the premise that the physical world is invariably organized in terms of a “higher,” an “intermediate” and a “lower” element. This is what led to the dissemination of a mind map based on the moral principle that virtue lies *in the middle*, i.e., the intermediate position corresponds to the *locus* of the *right measure*, of moderation and virtue, as opposed to extremes (which, in the case at hand, stand for destitution on the one hand, and excessive wealth on the other). Under Europe’s ancient

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<sup>1</sup> This could also be the case (although a more controversial one, given the particular circumstances involved) in the recent events in Ukraine, from November 2013 through February 2014. At the time, President Yanukovich’s government was overthrown after a fierce, determined popular opposition that lasted about three months and led to the occupation, by demonstrators, of Maidan Square, the main square of the Ukrainian capital, Kiev. The incidents resulted in dozens of deaths, the government’s resignation, the President’s escape and the appointment of an interim government (while the country as a whole suffered retaliation from Russia and was on the brink of division and civil war).

liberal tradition, the idea of civilization and progress became increasingly associated with a given standard of living and culture, as part of a process of historical evolution that was to bring the middle class to a leading position in the course of the 20<sup>th</sup> century. The middle class was thus labeled “the motor of history” (in spite of, or in close connection with, the “class struggle”), at least in the eyes of European liberalism and social democracy, even if the US stuck to the old 19<sup>th</sup> century motto of individual entrepreneurship (and meritocracy) as the means to set the Tocquevillian middle class on its path to the *Eldorado*.

On the other hand, the debate around the concept “middle class” calls for a dynamic approach, while acknowledging that its conceptualizations have been articulated in many different ways by social scientists throughout the 20<sup>th</sup> century. Instead of an “essentialist” understanding (typically based on the notion of homogeneity) derived from the traditional class struggle dichotomy, our focus should be on the internal tensions and the segmentation processes dividing groups and subgroups bent on monopolizing resources, power and social status, though keeping in mind that such processes tend to unfold as part of the conflict between capital and labor.<sup>2</sup> Social conflict does not depend on the Marxian criterion of “the place in the social relations of production” alone (where the ownership of private property and surplus transfer are the defining factors of the relationships between the main social classes), as there are also status and lifestyle conflicts resulting from the logics of *usurpation* and *distinction* that persist within the middle class. This is one of the aspects where the Marxist and Weberian legacies can be mutually enriching (Parkin, 1979; Bourdieu, 1979; Eder, 2001; Burawoy, 2009).

We are all familiar with the historical role of the labor movement and trade unions – as well as the promises of “Soviet socialism” and the Cold War climate – in making possible the “historic compromise” (between labor and capital) that paved the way for Europe’s social policies – the welfare state – in the second half of the 20<sup>th</sup> century and thence for the

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<sup>2</sup> My aim at present is not to offer an in-depth discussion of the concept of “social class,” which in Karl Marx’s classic definition relates to the social division of labor and the control of property under the capitalist mode of production: “The owners merely of labor-power, owners of capital, and land-owners, whose respective sources of income are wages, profit and ground-rent, in other words, wage laborers, capitalists and land-owners, constitute then three big classes of modern society based upon the capitalist mode of production” (*Capital*, Vol. 3, Ch. 52). According to V. I. Lenin, social classes are “large groups of people differing from each other by the place they occupy in a historically determined system of social production, by their relation (in most cases fixed and formulated by law) to the means of production, by their role in the social organization of labor, and, consequently, by the dimensions of the share of social wealth of which they dispose and the mode of acquiring it. Classes are groups of men in which one can appropriate the work of the other as a result of the difference of place they hold in a given system of social economy” (*Collected Works*, Vol. 29).

expansion of the middle class (Erikson & Goldthorpe, 1992; Esping-Andersen, 1996). As a matter of fact, the growth of this particular category in European societies is not, nor has it ever been, the immediate result of an alleged “meritocracy,” but rather the outcome of (union-led) dogged struggles and negotiations carried out by the new skilled segments of the working class, whose aspirations included more rights, purchasing power, careers and social protection. These strata are formed by “intermediate” working class categories that owe the consolidation of their status to social struggle, and therefore no longer correspond to the “established,” would-be elitist middle class that did nothing but reap the benefits of the material inheritance or the business world handed down from their ancestors. Although benefitting from a process that “elevated” them to a higher status, after about six decades the children and grandchildren of the postwar working class are now largely threatened by impoverishment and find themselves in an ambivalent, unbalanced situation, in that they are highly qualified and possess a solid educational capital but their income is low and still declining. This has led to the deterioration of their status (Estanque, 2012) and to a radicalization of their subjectivities and political positioning. The old *service class* (Goldthorpe & Erikson, 1992) thus tends to turn into a *rebel class*, especially as far as its incipient sectors are concerned. That is the case of *young people*, who tend to feel deeply ambivalent by nature, given that they are still at an unconsolidated, vulnerable stage in terms of their personal history and class *habitus* (Pais, 1990).<sup>3</sup>

Some authors have linked the recent transformations in the labor market to the emergence of the *precarariat* (Standing, 2013), a category that includes significant sectors of the salaried middle class whose labor has become “insecure and unstable, so that it is associated with casualisation, informalisation, agency labour, part-time labour, phoney self-employment and the new mass phenomenon of *crowd-labour*” (Standing, 2014).<sup>4</sup> There is no consensus about these conceptualizations in today’s debates. Although admitting the possibility that the *precarariat* is a *class-in-the-making*, Standing claims that there is a world of

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<sup>3</sup> See, in addition to José Machado Pais, Pierre Bourdieu’s (1992) seminal “La ‘jeunesse’ n’est qu’un mot,” *Questions of Sociologie*. Paris: Editions Minuit, 143-154 [orig. edition, 1984].

<sup>4</sup> Those who have been denied the conditions enjoyed by the traditional worker: i) access to jobs with stable wages; ii) assurance of an employment contract; iii) career security and opportunities; iv) protection against work-related hazards and accidents; v) access to vocational education and training; vi) assurance of stable, progressive wages; vii) assurance of collective or union representation (Standing, 2013: 27-28). “Flexi-workers” or “Generation Y” (born after 1980) are just some of the labels for this new legion of precarious workers whose new language – e-mail, SMS, Facebook, etc. – makes them sound at times like a true “Cyber-Proletariat” (Huws, 2003).

difference between this vulnerable workforce and what he terms “the salariat” (i.e., the old category of “sheltered” industrial workers). Moreover, Standing accepts the fact that the vulnerability, instability and volatility of labor forms and relations are irreversible. He sees them as “an imperative in the global labor process” and goes so far as to suggest a “paradise”-type scenario characterized by the expansion of the current model of labor flexibility and commodification, not as a result of trade union action, but thanks to “a new type of collective body” willing to “take up the challenge of ‘collaborative bargaining’” (Standing, 2013: 252). Of course, this view is disputed by those approaches that are far more critical of global capitalism.

For Ursula Huwz (2003), Ricardo Antunes (2013) and Ruy Braga (2012), among others, the new segmentation and recomposition of labor are the main driving force behind the new global social struggles, given their implications in terms of the deterioration of living conditions and growing structural impoverishment, which in turn are an element of – and a catalyst for – the very dynamics of capitalism. The situation in Brazil has its own specificities, with protests arising from a combination of many different factors and staging radical actions by cells of politicized activists alongside spontaneous demonstrations by some segments of the disaffected middle class. At a broader level, what we have at present is a huge fragmentation and metamorphosis of the working class, in the wake of global capitalism’s metabolism. In short, both in Portugal and Brazil the recent wave of uprisings led various sectors of those subaltern, precarious groups to coalesce with other segments of the workforce, epitomizing the new paradigm of labor and class struggle. As mentioned earlier, however, the alliances between these two major groupings are themselves precarious and sporadic (or simply non-existent). Lacking well-defined goals and leadership, street actions thus tend to be dictated by as yet latent impulses and anxieties rather than by clearly established policies. The notions of latency and “drive”<sup>5</sup> can therefore be adjusted to collective dynamics which, their political impact notwithstanding, also partake of crowd logics and behavior.

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<sup>5</sup> In its biological sense, the word “latency” designates an organism’s state of repose, where vital functions are still hardly visible prior to its becoming fully active. According to Merton’s distinction between manifest and *latent* functions, the latter are defined as undesired or unintended. As to the notion of “drive,” with its Freudian overtones, it signifies the instinctive, more or less conscious tendency that stimulates and motivates a subject to act. Add to these notions Bourdieu’s concept of *habitus*, and we have at our disposal a number of concepts that make it easier to accept the existence of a “semiconscious” area of collective action operating in the half-light of the more spontaneous, inorganic social movements, where repressed desires as well as unmet needs and expectations tend to lie hidden and exposed at one and the same time.

The pronounced mobility, volatility and instability of the workers that make up the *precariat* set them worlds apart from the 'old' 19<sup>th</sup> century English proletariat studied by F. Engels (2009 [1845]) and E. P. Thompson (1966 [1963]), especially when we consider its experiences and forms of conviviality, which gave rise to a culture of resistance and a working class *consciousness* in the context of the struggle against emerging capitalism. Hence, even while acknowledging the structural nature of the *precarious condition* that marks the 21<sup>st</sup> century, we need to pay attention to the profound reconfiguration of working conditions if we are to understand the disconnect between the present composition of the working class (both more qualified and more precarious) and its reflection in the socio-political arena.

In order to understand these new trends we must look at the recent past. With the end of Fordism, once the *thirty glorious years* were over, it became evident for Western Europe that the promise of "meritocracy"-based, working class "upward mobility" was a fallacy. In fact, the social struggles that marked the 20<sup>th</sup> century were not caused by the workers' "vanguard" alone, but also by the "beneficiaries" of the welfare state, including a host of new socio-professional categories (teachers, doctors, civil service officials, etc.). In his classic *Middle Class Radicalism* (1968), Frank Parkin described a variety of groups within the middle class, stressing the importance of the *educated middle class*<sup>6</sup> for its role in the environmental movement of the late 1960s (Parkin, 1968: 177). Although post-68 Western capitalism proved capable of regenerating itself, such movements opened the way to new values, new repertoires, as well as innovative dimensions and forms of collective action (Eder, 2001; Boltanski and Chiapello, 2001; Estanque, 2012).

But one must not overlook the specificities of each individual country. As we know, Portugal had to deal with the consequences of late industrialization and democratization, whereas Brazil was affected by different historical and sociocultural conditions, having to do with the legacy of colonialism. That is why, just like in the past, present discussions regarding

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<sup>6</sup> Frank Parkin claims that although educational capital is a relevant factor, we need to consider two different segments: on the one hand, we have professional employees engaged in business and commerce (e.g., in insurance, banking, marketing, sales, as technical executives or in managerial positions in private companies, etc.); on the other hand, there are those working in activities that have to do with welfare, education and creative occupations (such as social service, health care, schools, journalism, science-related professions, etc.). While the latter focus on the notion of service to the community, improvement of the human condition, and expressive or creative skills, the former tend to be framed by business world values and influenced by an excessive concern with profit and efficiency, whose rewards are mainly of a material or monetary nature (Parkin, 1968: 180).

class structure and the whole Brazilian middle class controversy call for a different set of references. First of all, the colonial heritage and the historical presence of slavery have left an indelible imprint. Then there was the late emergence of the *established middle class*,<sup>7</sup> which benefitted directly from the central government's policies, particularly during the Vargas presidency and Brazil's so-called "economic miracle" (1968-1973). This privileged segment of the middle and upper-middle classes (particularly in and around the city of São Paulo) is heir to a social status and a conservative subjectivity that tend to "naturalize" its (either real or imaginary) position next to the country's elite. That legacy is the reason for its biased attitude toward the new emerging segments and the social strata formed by the very poor and the excluded, who in the end are the main victims of stigmatization, i.e., of a "class racism" that seems shocking to anyone visiting places like downtown São Paulo even today (Guimarães, 2002; Santos, 2004; Souza, 2010).

This means that we are talking about just one "subcategory" of the middle class, characterized by high economic capital but poor cultural and educational capital, which can be contrasted with the new, emerging "subcategories" with their high educational capital and low economic resources. A *middle-class radicalism* thus stands now in contradistinction to the old denunciations directed against the middle class, such as its inherent "individualism" and "embourgeoisement." Whereas in the past radicalism was articulated by the student and environmentalist movements of the 1960s (Barker, 2008; Estanque and Bebiano, 2007), in recent years it has manifested itself in an aggressive posture against the stifling of opportunities as well as in the pursuit of the still-incomplete welfare state and the eternal promise of economic development.

The typologies of class analysis are constantly being brought up to date, with new and interesting proposals being added to the list, namely those inspired by Weberian and Bourdieusian thought (Savage *et al.*, 2013; Souza, 2010).<sup>8</sup> But the heuristic value of the

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<sup>7</sup> That which is commonly considered by academics as the middle class proper. As Marilena Chauí once famously (and heatedly) remarked, "The middle class is a political abomination, because it is fascist; an ethical abomination, because it is violent; and a cognitive abomination, because it is ignorant" (Panel discussion on "A Ascensão Conservadora em São Paulo" ["The Conservative Rise in São Paulo"], with André Singer and Vladimir Safatle, moderated by Ricardo Musse, USP 08.28.2012).

<sup>8</sup> I allude to the BBC's Great British Class Survey Experiment, a recent study based on a broad survey of social classes in the UK which used a sample of 161,400 respondents. The typology used by the authors includes seven categories, in which said "middle class" is divided according to several socio-economic and cultural variables (economic, social and cultural/educational capital) – in other words, where the concept of social class is addressed as a multidimensional construct comprising economic factors, symbolic elements as well as forms of social reproduction and cultural distinction.

notion “middle class” calls for a richer framework of political and discursive processes, where certain sets of people can be grouped together with other sets, even if partaking of different socio-professional circumstances (Adamovsky, 2013: 48).

### 3. Portugal and the Proletarianization of the Middle Class

A study by Nuno Nunes (2013) drawing on the *European Social Survey* (ESS) and based on the class typology used by the ISCTE-IUL team<sup>9</sup> analyzed the types of employment relationship cross-referenced with class categories in order to measure the degree of precarious employment with regard to the class variable. Nunes’s findings show that the most vulnerable position as far as job stability is concerned is that of Routine Employees (RE)<sup>10</sup> (see Chart 1). Together with that of Professionals and Managers (PM), this category comprises qualified socio-economic segments that until only recently used to hold a stable position in the ranks of the salaried middle class. These are, in fact, the social groups whose statistical weight in relation to the employed Portuguese population as a whole had the highest gain over the last fifty years, going from 14.6% to 36.4% and from 2.6% to 22.5% between 1960 and 2011 (Carmo, 2013). As we can see, precarious work relationships (fixed-term contracts, phony self-employment and part-time work) affect not only the manual – both industrial and agricultural – workers (categories “IW and AWL”) but also “petty-bourgeois professionals and managers” (PM) and “routine employees” (RE). It should be pointed out that, in relative terms, Portugal is the country where routine employees have been most severely hit by precariousness.<sup>11</sup> This seems to indicate that the process that led to flexibilization and the fragmentation of work has hit not just the traditional segments of the manual labor force but also some sectors of the salaried middle-class and services workers, who have become a major target of corporate cost cuts.

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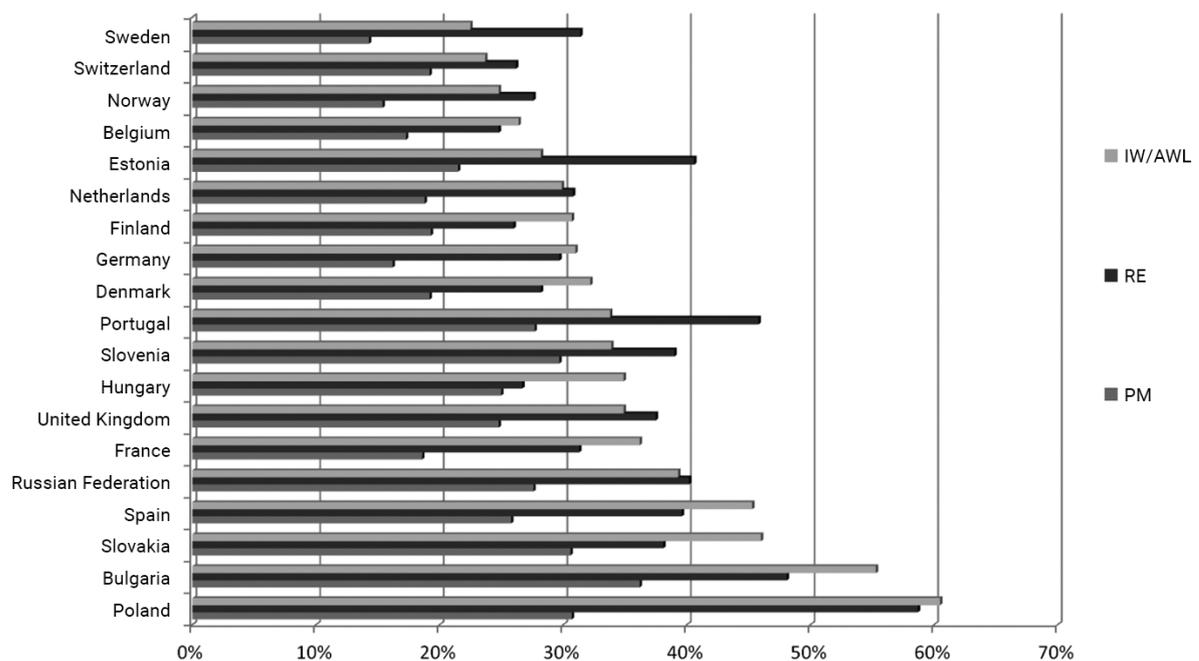
<sup>9</sup> The team members include João Ferreira de Almeida, António Firmino da Costa and Fernando Luís Machado.

<sup>10</sup> This is in fact the category with the highest level of precarious employment, which ranges from fixed-term or part-time contracts to subcontracting through temporary employment agencies to phony self-employment.

<sup>11</sup> As to the relative weight of these categories – Entrepreneurs and Executives (EE), Professionals and Managers (PM), Routine Employees (RE), Industrial Workers (IW) and Agricultural Wage Laborers (AWL) –, the findings tell us that PMs went from 3.8% of the employed working population in 1985 to 17.8% in 2009, REs went from 36.1% in 1985 to 42.3% in 2009, and the number of manual workers decreased from 56.4% to 33.7% during the same period; finally, with regard to EEs, who made up 1.5% of all workers in 1985, their number rose to 4.1% in 2009. In terms of income distribution, the EE category (the one closest to the elite) has the highest income. This is a segment of the Portuguese population that acquired new skills and went through a significant process of feminization while also experiencing a considerable expansion. According to the same study, its monthly income had a substantial increase between the years 1995 and 2005, but then it fell until 2007, after which it remained stable (in 2009 the average monthly wage was 2,277.00 euros).

It thus seems clear that in Portugal (just like in Estonia, Slovenia and Sweden) the “middle class” contains the strata where the most precarious work relationships are to be found. In other words, in recent years this segment – in close proximity to the *precariat* – has been virtually excluded from labor citizenship, as it is in no condition “to develop leisure and participate politically [...] because it lacks security” (Standing, 2009: 314).

**Chart 1. Labor Segmentation and Precarious Employment in the EU, by Class Category**



Source: ESS – European Social Survey (2006), in Nuno Nunes (2013: 127).

There is certainly a close connection between precarious employment and class provenance. To put it differently, the top-down “reform” imposed on the employment system impacts directly on social cohesion, with devastating consequences for labor conditions, the labor market and the lives of families and citizens. Hence the repercussions the austerity policies have had in terms of social inequalities since 2009,<sup>12</sup> whereas the

<sup>12</sup> Some recent studies show that in the first decade of the 21<sup>st</sup> century Portugal’s inequality levels abated somewhat, although it still remained among the most unequal of all EU27 countries. Before the current crisis, real-wage fall was artificially compensated for by easy credit (pushed by the international financial system and low interest rates), a fact that allowed families to keep their lifestyles and comfort levels and to look positively toward the future (Carmo, 2013: 152-153). But other, more recent data show that Portugal’s annual adult median income remains well below the average of European countries. In 2009 about 75% of workers earned less than 12,625 euros per year (1052.1 euros per month), which caused Portugal to rank fourth in the list of countries with the greatest inequality and lowest wages in the Eurozone. In addition, the wages of the

previous cycle had been marked by a positive evolution from the 1990s up to that year. If we use Ursula Dallinger's approach (2011), the distribution of the disposable money income per equivalent adult (household income)<sup>13</sup> among the five quintiles of the population shows that the three middle quintiles (corresponding to the middle classes) saw their income grow from the 1970s and again at the beginning of the new century. But then there was the 2009 reversal, when the crisis really struck Portugal at its worst: "in 2009-2010 the share of total income held by the 5% and 10% richest in Portugal rose by 0.8 and 0.6 percentage points, respectively" (Cantante, 2013: 137). By using the median wage<sup>14</sup> – which in 2009 was as low as 741.00 euros (gross) – as reference, we may conclude, for example, that if we take the "middle class" to correspond to the layer in the 75-150% range of the median income, 51.4% of Portuguese wage earners fall within this segment (*ibidem*: 141).

As it happens, the restructuring of the employment system over the last decades had already revealed a high incidence of vulnerable workers, described as the new proletarians by some authors (Antunes, 2013). In the mid-1990s, a particular category – which in a previous study I had termed "proletarians" – comprised 46.5% of the Portuguese workforce, but by 2001 their number had dropped to 31% (Estanque and Mendes, 1997; Estanque, 2003). This trend seems to confirm the notion that Portugal's *middle class* was fragile to begin with, which is what precipitated its decline (Estanque, 2012). From the 1990s, with economic globalization and the strengthening of neoliberalism, challenges to the European model and the welfare state began to be felt, and labor rights were the first to be affected. Rising unemployment, precarious contracts, tax increases, the freeze on civil servants' salaries and career promotions, the privatization of public services and utilities as well as public property, and cost-saving measures in such areas as health, education, science, etc., had long been denounced as a setback for the country's democratic achievements, and therefore opposed by a large part of the Portuguese even before they were struck by the crisis's most vicious phase. But social conflicts have become particularly severe in recent years. Between 2010 and 2012, there were 384 strikes in Portugal involving about 224,500

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intermediate segments of society have decreased in recent years. Thus, the year 2009 brought a trend reversal, as that was the moment when the crisis and austerity took a dramatic turn for the worse (*ibidem*: 137).

<sup>13</sup> The criteria of the Eurostat statistics on income living conditions (EU-SILC) use the OECD Modified Equivalence Scale, which assigns a weight of 0.1 to the first adult (aged 14 or over) in the household, 0.5 to other adults than the household head, and 0.3 to children under 14.

<sup>14</sup> That is, the middle value, with half the population earning less and the other half earning more than that amount.

workers.<sup>15</sup> Public discontent peaked during the rescue program, signed by the three traditional ruling parties – PS, PSD and CDS (Socialist, Social Democrat and Christian Democrat, respectively), which imposed an “austerity society” model on the Portuguese (Ferreira, 2012).

Although “non-organic” social movements tend to follow a logic that steers them away from trade unions, one cannot underestimate the importance of trade unionism in civil society’s resistance to austerity policies (Estanque and Costa, 2011). The tension between these two worlds does not preclude the interconnections and cross-influences between them. Which is to say, the influence of the trade union field in terms of raising social awareness among citizens does not mean that there is conscious adherence to union proposals and forms of action on the part of the latter.

In fact, a recent study conducted by a team from the University of Lisbon’s Institute of Social Sciences (ICS) indicated that few Portuguese feel themselves represented by either the trade unions (10%) or the political parties (also 10%), although social movements fared only marginally better (12%) in terms of inspiring trust (Pinto *et al.*, 2013). With regard to attitudes, the latest surveys have exposed a discrepancy between “importance” and “performance.” That was the case with the recent findings of the 2012-2013 European Social Survey made available by the Institute of Social Sciences (ICS, Lisbon, 18 March 2014), according to which there exists in Portugal a gap between the importance assigned by citizens to democratic institutions and how they assess the performance of those institutions. This is especially true, for instance, with regard to such topics as the functioning of the courts and the fight against poverty and social inequalities.

#### **4. A New Cycle of Demonstrations in Portugal and Southern Europe**

This is the background against which we should analyze the sociological factors underlying the wave of demonstrations that took place in Portugal between 2011 and 2013. At the global level, the various events of the latest cycle of rebellions share the following common traits: they are definitely driven by educated young people and disseminated through cyberspace, as mentioned above, they have a flexible, network-type of organization, no identifiable leaders, and they are partly spontaneous. Because of media exposure – mainly

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<sup>15</sup> The data relate to the private sector alone. Source: DGAEP – Directorate General for Administration and Public Employment, 2014.

through cyberspace – the images and the engrossing spectacle of the rebellious masses as well as the collective celebration of victorious outcomes are bound to produce a mimetic effect leading to a rapid international spread.

On 12 March 2011 no one expected so many people to show up for the first big *Geração à Rasca*<sup>16</sup> demonstration. Public discontent with the political parties and representative democracy was plainly visible. Among many others, slogans such as the following were widely heard in Lisbon and Porto: “precarious is what you want, rebels is what you get!”, “we want our lives!”, “wage theft!”, “the country is in distress!”, “enough with the trashy economy!”, “casual workers are no suckers!”, “the people united have no need for parties!”, “precariousness is what’s trashy”, “do not make me emigrate”, “I want to be happy”, and “who elected the markets?” One newspaper covering the event stated: “Protest also marked by posters with the word ‘flexitanga’<sup>17</sup> and red carnations. [...] Television images show a sea of people on Avenida da Liberdade” (*Expresso*, 12 March 2011). According to the organizers, there were about 200,000 marchers in Lisbon and 80,000 in Porto.

That was a high point in Portuguese protest movements – actually it was a turning point, in that the trade union field ceased to have a monopoly on social and labor action, which perhaps helps explain the prominence given to the whole issue in the public agenda at the time. Two months later, the *Indignados* and the *Acampadas* (or encampments) of *Democracia Real Ya*, in Madrid’s Puerta del Sol square, sent a similar message while invoking the Portuguese precedent (Velasco, 2011). Right after that there was the global wave of protests around the *Occupy Wall Street* movement, which centered in New York City but soon spread worldwide (Taylor *et al.*, 2011; Harvey *et al.*, 2012). Portugal witnessed the unfolding of the following cycle of events, here listed in chronological order: 15 October 2011 (*Global Action Day*); the general strike of 24 November 2011 (co-organized by the two main trade union confederations, CGTP and UGT); the 12 May 2012 gatherings (*Global Spring*); 15 September 2012 (*Screw Troika*); 13 October 2012 (culture-related protests by the movement of artists associated with *Screw Troika*); the European-wide general strike on 14 November 2012 (held in Portugal, Greece, Spain, Malta and Cyprus); in 2013, the 3 March

<sup>16</sup> Literally, a “Generation in distress,” which plays on a previous, almost identical, slogan – *Geração rasca* (“Trashy Generation”). The following are also more or less free adaptations of other slogans from the same context. [TN]

<sup>17</sup> The word *tanga* – a loincloth – can mean both destitution and sham. The red carnations are a symbol of the April 1974 Revolution. [TN]

demonstration (inspired by the popular song *Grândola Vila Morena, o Povo é Quem mais Ordena* – “Grândola, swarthy town where the people reign supreme”), followed by a wave of actions promoted by organized groups of young people, the “Grandoladas,” which included the boycotting of formal events attended by government officials whose speeches were shouted down with lines from that song or disrupted by collective laughter, their main target being former cabinet minister Miguel Relvas (Soeiro, 2014).

We should look beyond these peaks of tension (which in fact had first been felt during José Sócrates’s government) and go back at least a decade to trace the beginning of the collapse of many of the illusions nurtured by the Portuguese middle class. Back, that is, to the successive, cyclic, corporatist union mobilizations, strikes and labor conflicts led mainly by those socio-economic sectors of the “middle class” whose members – teachers, civil servants, doctors, nurses and other health workers – formed the backbone of trade unions, after the old working class increasingly lost its pull and pugnacity and unionism became more and more institutional and bureaucratic. However, the latest wave of protests not only resumed the world of labor as its primary cause, but also gave a new impetus to collective action in this area (Estanque, Costa and Soeiro, 2013).

##### **5. Brazil: The Middle Class, the Labor Market, and the Safeguarding of the Political System**

With the advent of the new millennium, particularly after 2003, Brazilian indicators with respect to the labor market and the economy began to improve. On average, the rate of economic growth was 5.4% until 2008 and 5.5% in the years 2009 and 2010. Wages, on the other hand, continued to rise faster than inflation (Krein and Baltar, 2013). Arguably the extension of the *Bolsa Família* program (or “family grant”), together with the real increase in the minimum wage and with subsidized popular credit, combined with economic growth to help strengthen the labor market and increase consumption. Between 2003 and 2010, 2.1 million formal jobs were created per year on average, the overwhelming majority of which in the service sector. This was to lead to the growing use, in the media, of an exultant, recurrent discourse on the growth of the “new middle class,” applauded by some and criticized by others (Pochmann, 2012; Bartelt, 2013).

Based on official criteria,<sup>18</sup> in the year 2000 this Brazilian “middle class” – as measured by household income and consumption – comprised 31.7% of households, while its consumption capacity was estimated at 50% of Brazil’s entire consumer market. According to a study by *Datafolha*, in 2012 its various strata (upper-middle class, middle-middle class and lower-middle class)<sup>19</sup> totalled 63% of the working population. However, although it is clear that there was a purchasing power increase in the lower and middle strata of the Brazilian social pyramid, such a conclusion is misleading. The studies carried out by Marcelo Neri (2012) for the Getúlio Vargas Foundation (FGV) and IPEA<sup>20</sup> are imbued with a discourse that openly advocates consumerism and the virtues of marketing and debt, while confusing “social classes” with income categories, as I just pointed out.<sup>21</sup> The material infrastructure and specific conditions of the quality of life of families (in terms of health, comfort, education, health care, etc.) are not seen as relevant in these typologies.

While it is true that the Brazilian social pyramid has renewed itself, it did so by maintaining job precariousness and instability (Pochmann, 2012: 38). In addition, the turnover rate (c. 37% of formal jobs, in 2009) rose significantly, especially with regard to low-paying jobs (85.3% for workers earning up to 2.5 times the minimum wage), with younger workers exhibiting the highest percentages. The purchasing power of these cohorts has improved, their rights have been partly recognized, and access to education has also made positive progress; all these factors combined to promote citizenship and to reinforce aspirations both at the personal and family level.

Social variables are inseparable from the political sphere, therefore it is important to call attention to other specificities of Brazil’s young democracy that will help us comprehend the

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<sup>18</sup> The official definition of middle-class is based on the traditional A, B, C, D, E scale, which was first established by the Secretariat of Strategic Affairs of the Presidency of the Republic (SAE). The sole criterion is that of income level, with the middle class corresponding to people in households whose monthly *per capita* income ranges from R\$ 291.00 to R\$ 1,019.00 – *i.e.*, 54% of the population. Hence the following subdivisions: lower-middle class, with a *per capita* income between R\$ 291 and R\$ 441; middle-middle class, earning from R\$ 441 to R\$ 641; and upper-middle class, whose income may go from R\$ 641.00 to R\$ 1,019.00. (NB: As of 06.05.2014, the exchange rate between the euro and the Brazilian real is 1 EUR = 3.10 R).

<sup>19</sup> According to the research in question, between 2001 and 2011 the various strata that make up Brazilian society – based, in this case, on a typology where household income is combined with education and consumption patterns – evolved in the following manner: upper class 10% to 9%; upper-middle class 17% to 19%; middle-middle class 17% to 26%; lower-middle class 23% to 18% (*Folha de São Paulo*, special supplement, 22 January 2012).

<sup>20</sup> The Institute for Applied Economic Research (IPEA) is a federal public foundation linked to the Secretariat of Strategic Affairs of the Presidency of the Republic.

<sup>21</sup> See “O politburo ortodoxo” (“The Orthodox Politburo”), in *Carta Capital* No. 772, 30 October 2013, pp. 36-37, where the abovementioned expert is described as one of the most prestigious representatives of the neoliberal paradigm in the PT Cabinet.

public protests. The social and trade union movements that marked the 1980s took popular revolt to such extremes that even the promise of a Western-style representative democracy no longer seemed enough to bring reassurance to the Brazilian people. Confronted with the collective strength of the working class, the Brazilian political system felt the need to create safeguard mechanisms with a view to generate parliamentary majorities capable of withstanding the “voice of the street,” which in turn led to a strategy of “unnatural” alliances among a wide variety of political parties. That was the system’s response to the public demonstrations that led to the impeachment of President Fernando Collor de Melo back in 1990-1991. But there was a point where all this momentum seemed to threaten the legitimacy of Parliament, and that alarmed the ruling elite. A pattern of covert negotiations thus started to emerge, ranging from the mere exchange of favors (and the exchange of votes across “rival” benches) to more serious forms of corruption and promiscuity. Commentators like Mark Noble termed such practices “*pemedebismo*,” after the name of the party – the PMDB – that first resorted to them.<sup>22</sup> What we have here is the *Centrão* (or “Big center”) principle, devised after 1993 to reinforce the “arc” formed by the potential governing parties. The whole process evolved and was fully in place under President Fernando Henrique Cardoso’s governments,<sup>23</sup> but after spending a decade fighting *pemedebismo*, the PT (Workers’ Party) itself followed the same steps after the *Mensalão* vote-buying scandal broke in 2005. “Haunted by the specter of impeachment, Lula adopted the *pemedebist* notion of building parliamentary supermajorities and for that purpose he

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<sup>22</sup> The PMDB – Brazilian Democratic Movement Party – is the direct heir to MDB (the Brazilian Democratic Movement), first established in 1965-1966 and the main force of democratic opposition during the military dictatorship. The former MDB was already known for its enormous ability to bring together people from the most diverse ideological camps, but today’s PMDB (established in 1980) embraced its reputation as a big-tent party and took it even further, hence its nickname “partido pega-tudo” – literally, the “catch-all party.”

<sup>23</sup> In 1986 the PMDB promoted the Democratic Alliance that got Tancredo Neves elected and led to a majority in the National Constituent Assembly (based on an agreement with the PFL – Liberal Front Party). That moment represented the consolidation of the *Centrão* rationale, aimed at neutralizing popular demands: “On the one hand, this process showed that the streets wanted to regain power, which was felt to have been usurped and misused. On the other hand, the political system was sent into something of a panic. Let us keep in mind the fact that we had a ‘lukewarm’ transition to democracy, negotiated among the elites. At the time of the impeachment, those elites who negotiated the transition ‘said: ‘How can we protect ourselves against this, because it is just not possible to have a situation where the people take to the streets and remove our presidents from office every time they mess up.’ [...] Thus was born the myth of ‘super-majorities’, *i.e.*, that in order to stay in power and avoid impeachment, governments need to build not only majorities, but super-majorities of upwards of three-fifths of the popular vote, as required in the case of constitutional reforms. This way the political system could go on operating as usual, while presidents, by virtue of the fact that the elected governments would inevitably be bound by the super-majority, would be forced to make a pact with that system” (Nobre, 2013b: 9; cf. Nobre, 2013a).

developed safeguard tools which were to be used in an even more overt manner after 2011, during Dilma Rousseff's presidency" (Nobre, 2013b: 12-13).

## 6. The June 2013 Social Rebellions

At the root of the June demonstrations there were of course multiple causes that can be traced to a number of forces and interconnections located at various levels of analysis, from local context to the state, national and global scale. Earlier in the month the situation in São Paulo (SP) had begun to deteriorate when, as a result of the city's decision to raise the cost of urban transport (from R\$3.00 to R\$3.20), the young members of the Free Pass Movement (MPL) called demonstrations in the city center against the decision. The immediate outcome came in the form of police violence accompanied by statements from the local authorities, who accused the protesters of acting like "vandals" and threatened not to give in. Those two factors – violence and the ill-considered statements made both by the Mayor (PT's Fernando Haddad) and the state Governor (Geraldo Alckmin, PSDB), in a context where the colossal investment in the construction of football stadiums for the 2014 World Cup had already stirred popular discontent – helped trigger the protests that swept Brazil in June and July 2013. The MPL claims soon led to the fight against "corruption" and to demands for "political reform" as well as quality systems of public health and education – in other words, for "FIFA-type standards" of health and education, as shouted in the streets at the time.

On 13 June São Paulo's Avenida Paulista was the site of the first major demonstration. According to *Datafolha*,<sup>24</sup> the vast majority of marchers (76%) were either elementary school or secondary school graduates. But four days later, on 17 June, there were mostly university students (77%), compared to just 22% protesters with a secondary education – rallying in Largo da Batata. On 17 June, 71% of protesters were first time participants in a public demonstration, a very telling sign of the massive presence of young people in the protests. Still according to the *Datafolha* survey, in the 20 June demonstrations, the overwhelming majority of demonstrators (78%) were young people with some connection to higher

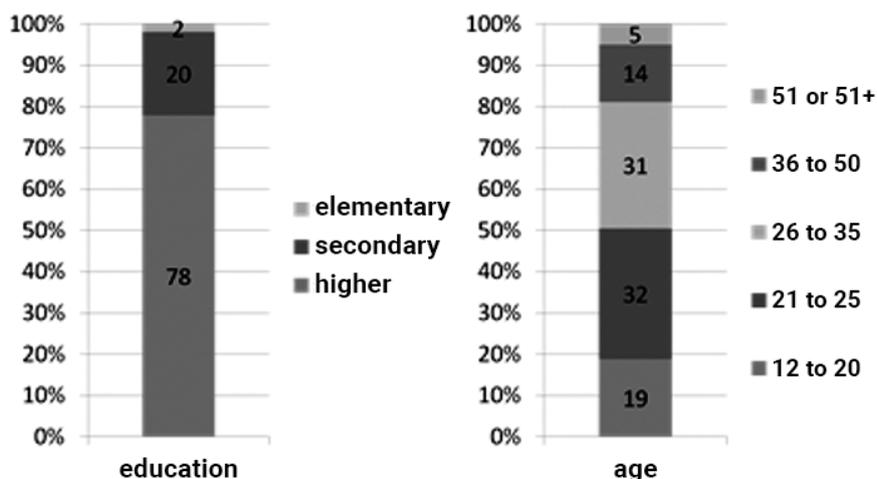
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<sup>24</sup> The following sources have been used: *Datafolha*, with surveys conducted by technical staff from the *Folha de S. Paulo* newspaper on various demonstrations held in June (16, 18 and 20) and on 20 July; the Brazilian Institute of Public Opinion and Statistics (IBOPE) and the Clave de Fá polling company, based on a sample of about 2000 respondents. For the research in question, "IBOPE Intelligência" interviewed 2002 marchers in eight Brazilian cities (São Paulo, Rio de Janeiro, Belo Horizonte, Porto Alegre, Recife, Fortaleza, Salvador and the Federal District) on 20 June. The margin of error is two percentage points and the confidence interval is 95%. Accessed 3 December 2014 at <http://www.ibope.com.br/pt-br/noticias/Paginas/89-dos-manifestantes-nao-se-entem-representados-por-partidos.aspx>.

education (mostly from the private sector), while 20% had a secondary education; with regard to age groups, 81% were aged under 36. These two indicators strike me as clear proof of the presence of segments of a young, educated, emerging middle class, even if the link to the world of labor and to peripheral residential neighborhoods hints at strong connections to a more qualified, albeit more precarious, working class that is rapidly reshaping itself at present.

The provenance of participants by area of residence also varied over time: while in the first São Paulo demonstration (13 June) there was a majority of 38% residents from the city’s (poorest) East zone, against 32% from the South zone and 10% from the West zone (both of them inhabited by the affluent, upper middle class), on 17 June, just a few days later, most participants – 30% – were residents of the West zone, followed by 26% from the South zone and a mere 12% from the East zone. It seems obvious that the tendency toward mass protests went hand in hand with an increase in the number of young people whose social strata are closer to the lifestyles and values of those sectors of the middle-class that tend to be less politicized and more “individualistic” (curiously enough, this happened exactly on those days in which there was evidence of violence against leftist demonstrators and some of their symbols). In other words, as the wave of protests increased in scope and vigor, it was more and more influenced by conservative forces (mostly those opposing social policies) coming from the “established middle class” and the media.

**Chart 2. Demonstrations – 20 June 2013, São Paulo**



Source: *Datafolha* (see also the CNI-IBOPE survey dated July 2013, available at [http://www.ibope.com.br/pt-br/noticias/Documents/CNI\\_IBOPE\\_edicao%20especial\\_jul2013\\_web.pdf](http://www.ibope.com.br/pt-br/noticias/Documents/CNI_IBOPE_edicao%20especial_jul2013_web.pdf)).

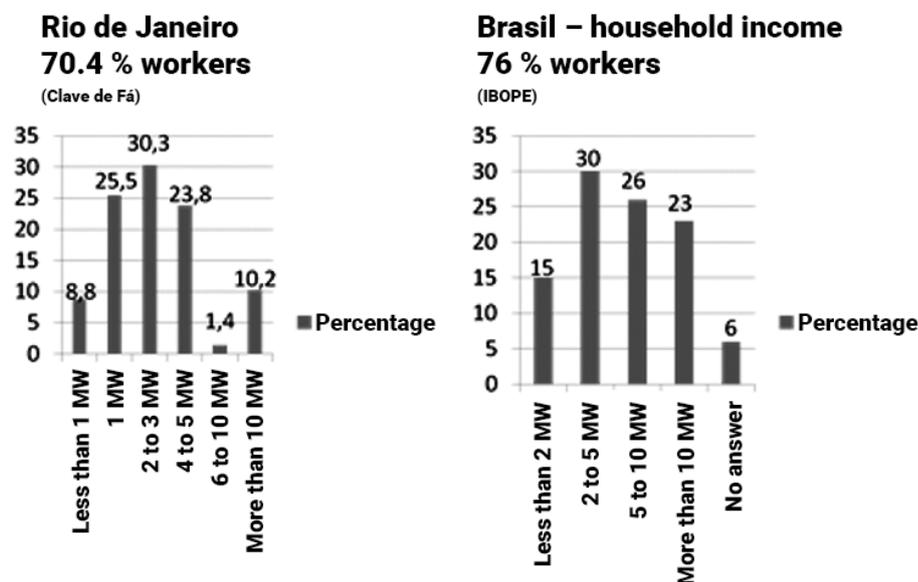
This is also confirmed by the polls conducted during that period (*Datafolha*, 27-28 June and 11 September 2013), which show that São Paulo residents were largely sympathetic to the protesters and that even in the course of the next few months, up until September, a favorable attitude prevailed among the city inhabitants (with 61% in June and 52% in September). Those respondents subscribed to the view that the demonstrations “brought more benefits than harm,” which only proves the abovementioned attempt, on the part of some sectors on the right, to “instrumentalize” the protests (*Datafolha* polls, 18 and 21 June, and 11 September). Finally, it should be added that mobilization relied mainly on Facebook (62%) and other internet-based channels (29%).

As far as subjectivities, means and motives are concerned, one could say that in this era of virtual communications there exists a materiality of immaterial relationships, which we can see reflected in these events. Communities based on physical proximity and interaction increasingly tend to mix with the networks of the electronic world, where the use of ipods, tablets, computers and mobile phones operates like a web of multiple meanings and (part real, part fictitious) groups of self-identification and “belonging,” which are either replacing or complementing the bonds of primary sociability. The connection to the virtual networks is at once an enabler of collective inclusion and a means of personal affirmation and performance, where one’s constructed “self,” once projected onto the “virtual other,” mixes and reshapes itself into the mask that best seems to fit each nook and turn of the vast virtual-real community. The significance of participating in *the manif[estation]* is expressed in the myriad images, photos and videos captured and disseminated in real time on Facebook and other media (including television). Here the entire aesthetics of adornment, the colors of the improvised poster or the outline of a mask become the simulacrum of a heroic, radical act upon which, in one single gesture, the “I” and the “we” (fleeting though they be) are inscribed. The streets and squares of São Paulo and Rio de Janeiro (RJ) served as a unique setting for these actions, which were of a social as well as political, collective, anonymous or aesthetic nature all at once, but where in the end the social struggle came down to the subject’s desperate search for her/himself.

The overwhelming majority of participants in all the demonstrations held in São Paulo during this period identified themselves as workers. As shown in Chart 3, the demonstrators in Rio de Janeiro and the eight state capitals (see footnote 24, above) included a considerable number of young workers with some sort of link to the labor market (70.4% in

the first sample and 76% in the second one). Of these, respondents belonging to households earning up to twice the minimum wage (MW) accounted for 34.3% in Rio de Janeiro and 15% in the combined eight state capitals. As to the strata where household income is above that level, on 20 June households earning 2 to 5 MW represented 30% of the IBOPE sample (eight capitals) and 54.1% of the RJ protesters. In short, about half the protesters belonged to families whose average income is less than 5 MW (about R\$ 3,800.00 – i.e., 1,225.00 euros), with a significant portion (35% of the RJ marchers on 20 June) coming from families who earn up to 2 MW.

**Chart 3. Protesters, 20 June 2013 – Income**



Source: IBOPE/ Clave de Fá, 23 June 2013 (see footnote 22, above).

If we consider the sum total of demonstrators who rallied in the eight state capitals, however, about 23% came from households with income levels above 10 MW (R\$ 6,800.00, or 2,193.00 euros), although (according to the poll conducted by Clave de Fá) in RJ the representation of households from this particular income group was no more than 10.2%. Although there is no evidence of a solid, well defined middle-class basis, it does seem clear that what we have here are social fringes in the process of distancing themselves from the reference groups they have left behind – i.e., the proletarianized generations from which they largely originate. Moreover, the overwhelming majority of demonstrators were not

formally affiliated with any political parties (96%) or trade unions (86%) (which only goes to prove that they did not belong to the industrial working class either).<sup>25</sup>

As we know, the demonstrations had a huge impact both in Brazil and abroad. In a formal statement that was broadcast live on Brazilian television, President Dilma Rousseff admitted that the demonstrations “show the strength of our democracy and the desire of our youth to move Brazil forward. If we make good use of the momentum brought by this new political energy, we can, in better and faster ways, achieve a lot of what Brazil has so far been unable to conquer” (President Dilma Rousseff’s National Address on 21 June 2013 – *TV Globo*). But that did not prevent (in the short term at least) an abrupt loss of trust on the part of the electorate with regard to the country’s institutions and social players, as evinced by a simple comparison of the 2012 results with those of July 2013, after this cycle of rebellions was over. According to a number of IBOPE opinion polls, the fall in the approval rating affected mainly the following aspects: Presidency of the Republic – from 63% to 42%; the public health system – from 42% to 32%; the Federal Government – from 53% to 41%; the National Congress – from 36% to 29%; the trade unions – from 44% to 37% (IBOPE, 31 July 2013).

### **In Conclusion**

The cycle of public protests that swept the world over the past three years was accompanied by such a rich variety of factors and of political and socio-cultural contexts, by so many levels of social awareness and activist engagement, that it becomes difficult to find points of comparison amidst such widely dispersed phenomena. But this interconnected world of ours builds unlikely links that transcend geography. In their incessant circuits, these connections keep changing as they move on ever-renewed channels that link the real and the virtual and that in practice are bound to affect particular groups in terms of their symbolic structures and logics for action.

Youth and precariousness have been at the center of these reflections, whether it’s in the struggles of precarious workers in Portugal and Southern Europe, or in the Brazilian uprisings of June 2013 – even if in the latter case there were few explicit allusions to labor issues. The young people under analysis are schooled, very familiar with the new social networks, and on a trajectory that is either heading toward the middle class or under the influence of

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<sup>25</sup> Besides, it is a known fact that the Brazilian trade union structures were caught off guard by these events and more or less accused them of being manipulated by the right and the media.

middle-class lifestyles and consumption patterns. While, on the one hand, educational resources, job security and access to credit have made it possible to move closer to the intermediate rungs of the social ladder, on the other hand we have situations where (especially in the Portuguese case) people's economic resources and living conditions suffered the impact of the austerity measures, or where (especially in Brazil) social conditions, government policies and public infrastructures have deteriorated to the point of thwarting the consolidation of fundamental rights and opportunities.

In their most radical moments, these mobilizations have brought to the fore the political and symbolic power inherent in collective struggles and outbreaks of public anger. At the same time, however, they have unveiled an individualistic bent whose signs became visible in the very midst of the crowds during the protests. This ambivalence between the individual and the group was felt in the larger rallies held in Portugal (and also among the Spanish *Indignados*, for example), as collectivist discourse and expressions of solidarity could be heard alongside the more individualistic slogans ("I want to be happy"), and the demands for more democracy were displayed side by side with an "anti-politics" stance and the repudiation of democracy's values and institutional agents ("the people united have no need for parties!").

One might say that the contradictory meanings of these processes are articulated in two very different ways: through a dynamics of rebellion, which expresses the indignation of a casualized working class, but also, and somewhat paradoxically, through individual performance and the latent signs of consumerism, which convey a middle-class ethos. Such ambivalent tendencies highlight the complexity of a situation where there is, on the one hand (in the case of Brazil), growing social awareness among those who claim the rights, opportunities and dignity they never had, and on the other (especially in Portugal), growing frustration and despair at seeing one's long-recognized rights being suddenly revoked by the diktats of economic might and a discredited political power.

By emphasizing the middle-class drive that seems to be a hallmark of this cycle of protests, I do not mean to play down the political and even emancipatory potential of the struggles. In fact, the deep social turbulence and the radicalism evident in some of them can serve as ingredients for building new identities, in which many emotionally intense, high-risk experiences are forged that may prove capable of reinforcing cultures of resistance, bonds of solidarity and the ability to break away from institutions and powers hitherto viewed as

unassailable. In Southern Europe and Brazil alike, the working class has gone through a rapid process of recomposition and segmentation. Therefore, when I stressed the notion of a “middle class” my purpose was not so much to invoke a substantive player as to suggest a different way of conceiving of the transformations under way in the world of labor and collective action.

The Brazilian *working class* – namely its younger, schooled segments – is heir to a destitute condition that until only recently has kept it tied down to dependencies and prejudices going back to the times of slavery and colonialism. It was not until the last decade that we saw the first glimpse of emancipation, with remarkable progress being made in terms of the recognition of rights and access to social entitlements, which however were accompanied by the emergence of new, vulnerable and precarious – albeit better educated – segments. Although not belonging to a *de facto* middle class, these new socio-occupational strata are part and parcel of a trajectory that is being redefined as a consequence of the fact that (given the blatant asymmetry between educational resources and economic standing) their status has been “truncated” and marked by insecurity. In short, we are dealing here with a segment that is quite different from the more adjusted, “traditional” layers of the middle class as well as more prone to radicalization. At the same time, however – this is my contention – it constitutes neither a vanguard nor a new voice of the working class or the lower classes as a whole.

In the European context, and in Portugal in particular, the “middle class effect” unfolded under a double logic: first of all, because the outbreaks were largely caused by the contraction of the welfare state, which had been the main “escalator” of the salaried middle class; and second, because in Southern Europe, too, the dynamics of the youth who rallied in the “non-organic” demonstrations and the “acampados” voiced the rage and the rebelliousness of those segments that had more schooling, better qualifications and greater familiarity with the new networks and platforms of online activism. That there was a pervasive desire to stand up for social cohesion and justice was something that became all too obvious, while at the same time there was clearly also a latent sense of personal dissatisfaction with a consumerist dream that had been either left unfulfilled or unexpectedly cut short.

While stability and predictability in everyday life are salient features of the “middle-class” *habitus*, a precarious condition is the exact opposite of that. One could say that in the

Brazilian case the “middle class”<sup>26</sup> is a *construct* (perhaps even a mirage), while in the Portuguese case it has become a descent into purgatory for those who thought themselves at the gates of paradise. Whether in the future these phenomena are yet to grow or fade away is something that depends on the severity of the constraints currently afflicting the welfare state, on democratic institutions and global capitalism, as well as on their own strength and on the ability to reinvent themselves. These movements are certainly not expected to generate the rebirth of a new hyper-subject, the would-be protagonist of the twenty-first century’s “redemptive” revolution. But the current recomposition of the working class and the precariat, together with the reshaping of the economy’s structural antagonisms and the role played by the new media and communication networks, open up whole new horizons in terms of new arenas and modalities of activism. Mass rebellions are taking new shapes, but the old tension between alienating consent and the raising of political awareness is far from over.

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*Revised by Teresa Tavares*

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## **Strikes and Austerity in Portugal: Perspectives, Expression and Recomposition<sup>\*</sup>**

Against the background of worsening employment conditions and increasing imbalances in labour relations, this text discusses the importance of the strike phenomenon in the context of austerity. The first section presents some sociological perspectives on strikes, specifically those relating to notions of democracy and socio-legal regulation, ideology/ies and tensions between collective and individual action, issues of scale and controversies, and timing and outcomes. The second part adopts a quantitative approach and seeks to determine whether the theoretical potential for conflict can be verified in concrete terms. Finally, it discusses the experience of a strike by workers in a specific precarious sector (employees at the “Saúde 24” medical helpline), which provides scope for an assessment of the challenges facing trade union activity and reflections on new ways of organising social conflict.

**Keywords:** austerity; workers’ rights; strikes; labour market; precarious employment.

### **Introduction**

The scenario of austerity which has hit the periphery of the eurozone in recent years is associated with phenomena such as unemployment, precarious employment, inequality, poverty and conflict (Standing, 2011; Campos Lima and Artiles, 2011; Costa, 2012a; Santos, 2012; Ferreira, 2012; Estanque, 2013; Estanque, Costa and Soeiro, 2013). Taking the situation in Portugal as a reference, this text aims to identify the place of conflict, more precisely strikes, within the context of austerity. It is our belief that the potential for contestation is significant, since employment and social rights, which extend far beyond the socio-professional sphere and affect people’s lives, are being threatened. Nevertheless, in apparent contrast to the increasing number of reasons for protest, it is difficult nowadays to mobilise the “strike weapon,” especially since austerity has the effect of making workers fear that more protests may mean an increasing risk of job losses. Moreover, the growing informalisation and decontractualization of labour relations, accentuated by successive policy measures and reforms, poses challenges and difficulties to the use of this instrument.

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\* A slightly different version of this article was published in Portuguese in *RCCS* 103 (May 2014). DOI: 10.4000/rccs.5584

In the case of Portugal, the austerity resulting from the *Memorandum of Understanding* signed in May 2011 by the Portuguese government and the Troika – the International Monetary Fund (IMF), European Central Bank (ECB) and European Commission (EC) – together with the actions taken by the Portuguese government, is reflected in the labour law in force since August 2012 (Law 23/2012). These measures can be very briefly summarised as follows: greater concessions to companies concerning the choice of whom to dismiss in the event of redundancies; more comprehensive grounds for dismissal due to inadaptability; cuts in overtime; individually negotiated hour bank systems; reductions in severance payments; fewer holidays; cuts to public holidays; the possibility of closing companies on days that fall between a weekend and a public holiday; changes to the system regulating absences from work; fewer obligations regarding labour inspection; the possibility of working six consecutive hours (Costa, 2012b; Leite *et al*, 2013).

These reforms appear to show that austerity is reinforcing the asymmetries in labour relations and heavily penalising the “labour factor.” This is reflected not only in an increase in precarious forms of employment – representing approximately 30% of employment as a whole and particularly prevalent amongst the 15-34 age group, where the figures approach 50% (Estanque and Costa, 2012) – but also in the numbers of unemployed, which in June 2013 totalled 17.4% (12.1% in the eurozone and 10.9% in the EU-27), although this later fell to 15.4% in December 2013 (12.1% in the eurozone and 10.9% in the EU/28) (Eurostat, 2014).<sup>1</sup>

In addition, other worrying signs for labour relations are emerging from the austerity measures: the loss of autonomy of social partners, especially trade unions, which have seen their position further undermined; greater tensions in relations between the actors involved in labour relations (including within the union movement); the reinforcement of asymmetries in the labour market, namely between high income and low income categories, or in relations between the public and the private sector; a sharp fall in the purchasing power of households; greater impoverishment of the productive sector; failure to tackle the lack of competitiveness of companies; less control for the *Autoridade para as Condições de Trabalho* (ACT – the Authority for Working Conditions), since companies are no longer

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<sup>1</sup> Nevertheless, it is important to recall that the number of people of working age who have left the country, together with an increase in those discouraged, i.e. who have actively given up looking for work, also helps to explain the upturn in employment figures in the final quarter of 2013.

obliged to send timetables or agreements on exemption from fixed working hours to the ACT; etc. (Fernandes, 2012; Rebelo, 2012; Gomes, 2012; Costa, 2012b; Leite *et al.*, 2013).

Within this context, what is the role and importance of the strike and what forms does it take? Although strikes function as the main expression of conflict, the results of trade union demands (as expressed through strikes, for example) tend to take a long time to emerge, and this is even more evident in a context of crisis and recession (Hyman, 2012). Equally, “the frequency of strikes and the involvement of workers in them is more a measure of conflict within a system of industrial relations than of trade union power, and they should only be used cautiously and in conjunction with a consideration of other variables as a measure of union capacity to mobilise” (Stoleroff, 2013: 231).

Taking these observations into consideration, this text is divided into three parts. The first section presents some sociological perspectives and analytical cross-referencing on strikes. The second part adopts a quantitative approach and seeks to determine whether the theoretical potential for conflict can be verified in concrete terms. Finally, it discusses the experience of a strike by workers in a specific precarious sector – employees at the “Linha Saúde 24” medical helpline – which provides scope for an assessment of the challenges facing trade union activity and reflections on new ways of organising social conflict.

### **1. Sociological Perspectives on Strikes**

A sociological analysis of strikes in the context of austerity (but not only austerity) may incorporate various perspectives and, consequently, various connections.

a) *Strikes, democracy and socio-legal regulation.* More than half a century ago, Lewis Coser (1956), in a combined analysis of conflict and social structure, considered it necessary to distinguish between conflicts according to whether they took place in democratic or authoritarian societies. If a conflict occurs in a democratic society it will tend to be tolerated, which essentially means that, as a democratic right, the right to strike was (and is) associated with the idea of “freedom of association” (IUR, 2013: 2). However, if it takes place in an authoritarian society, the conflict will either be banned or severely repressed.

The five general strikes that took place in Portugal between November 2010 and June 2013 therefore showed that exercising the right to strike in a democratic context is recognised as a basic right and has been increasingly integrated into the various forms of social regulation. Moreover, the idea of the “institutionalisation of conflicts” (Dahrendorf,

1981) or “safety valves” (Coser, 1956) is, to a certain extent, embodied in the idea of “notice of strike.” In other words, in a democratic context, strikes are regulated in a positive way in order to accommodate the opposing parties and avoid fatally compromising relations between them from the outset. In fact, a dual rejection is associated with this idea of positive social regulation, namely that lasting solutions can be found for all conflicts, and that conflicts are resolved with more conflict/repression. Hence the presuppositions for positively controlling disputes: i) the inevitability of conflict; ii) the idea that this inevitability does not signify resignation; iii) the importance of recognising the differences between the parties involved (government-unions; unions-bosses, etc.); iv) the idea that the organisations involved represent the actual interests of their members; v) the fundamental importance of defining procedural rules which help to reduce differences (Dahrendorf, 1981). In the case of Portugal, the definition of “minimum services,” although it may not be consensual and may depend on the rulings of the arbitration bodies, also appears to lead towards a compromise regulated by a minimum level of accommodation and integration of the parties involved (and society as a whole) in terms of anticipating/preparing for a strike, irrespective of the gains and losses that may result for those involved.

Nowadays, however, it appears that the dynamics of austerity and increasingly precarious employment relations not only mean that strike action is being curbed due to fear, but also that striking may emerge as a “wildcat” act that is not recognised legally, as the case study in this article shows. In a context of “de-democratisation of democracy” (Rosas, 2012), situations in which exercising the right to strike fall outside the sphere of social regulation are on the increase, since employment itself is increasingly operating outside contractual norms.

b) *Ideology(ies), collective action and individual conscience.* It may be said that strikes are not neutral, given that they are influenced by the ideological orientations of the trade union organisations which organise them. João Freire (2001), for example, associates the capacity of trade unions to mobilise their members with a set of ideologies: the *reformist* ideology, also known as Labour, Nordic, Anglo-Saxon or democratic, characterised by its defence of the immediate interests of workers and reforms to society and the state that will lead to greater democracy, operating in conjunction with the socialist parties; the *revolutionary syndicalist* ideology, characterised by anarchist or libertarian ideas, which rejects the role of political parties and proposes the trade union movement as an agent for radical change in

capitalist societies; the *bolshevist* ideology, theorised on the basis of the 1917 Russian Revolution, inaugurating a new way of linking union organisation to the vanguard political party, which became known as the “transmission belt.”

Converging or similar ideologies therefore provide the conditions for consistent collective action, although austerity policies (also ideologically orientated) have had the effect of bringing together union organisations with different ideologies, albeit sometimes only circumstantially. In other words, austerity has led to the development of links based on concrete interests, creating moments when different ideologies and union tendencies unite against the ideology of the government. This was the case, for example, with the three general strikes jointly organised by the *Confederação Geral dos Trabalhadores Portugueses* (CGTP – General Confederation of Portuguese Workers) and the *União Geral de Trabalhadores* (UGT – General Union of Workers), two organisations with conflicting ideological tendencies. It resulted in the general strikes of 24 November 2010 (in protest against announced cuts of 3.5% to 10%, from January 2011, to the salaries of civil servants earning over 1,500 euros), 24 November 2011 (against cuts in holiday and Christmas pay for civil servants in 2012, as well as the 50% surtax on Christmas pay), and 27 June 2013 (in response to the cuts envisaged in the Budget Strategy Document, and therefore the measures associated with the reform of the state: a retirement age of 66; public sector working hours increased from 35 to 40 hours per week; reduced holidays; higher civil servants’ health insurance contributions; the loss of 30,000 public sector posts; the special mobility scheme, etc.). Nevertheless, on other occasions the tensions between the union confederations were evident.<sup>2</sup>

Yet, even though collective action may “trump” ideology, the decision to go on strike is still an individual decision. Although the call for a strike results from a collectively mandated decision based on a consensus provided by the members of a particular trade union association rather than just its governing body, the choice of whether to join the strike or not is ultimately the responsibility of each individual citizen. Referring to the paradox of

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<sup>2</sup> This occurred twice in 2012 alone, with the general strike of 22 May 2012 called by the CGTP in response to the signing of an agreement on social dialogue (entitled *Commitment to growth and employment*) by the government, employers’ confederations and the UGT on 18 January 2012, and with the general strike of 14 November 2012, an Iberian trade union strike organised by the European Trade Union Confederation (ETUC), which, although it was only called by the CGTP in Portugal, involved the ETUC and 30 other UGT unions. In Portugal, this general strike also emerged as a protest against the proposed State Budget for 2013, which implied harsh tax increases.

collective action, Mancur Olson (1965) considers that the mobilisation of individual actors for the purpose of obtaining collective benefits (for example, a benefit that is of interest to the whole group and which no member of the group is barred from enjoying) is subject to the reasoning (and self-interest) of individual actors. Thus, whenever an individual hesitates to go on strike because they are incapable of “overcoming fear” (Silva, 2012), since striking ultimately means a loss of earnings and may also mean losing one’s job, they are not necessarily against the collective act of going on strike but are weighing up their own interests. This tension clearly emerges in the case study that will be analysed later.

c) *Scale, controversies and types.* Strikes most commonly take place on a national scale, i.e. the level on which salaries, working conditions and jurisdiction are defined and are therefore open to disagreement and contestation. It is a level that is not immune to public controversy, generally involving those who question the occasion to strike and/or doubt its effectiveness and those who believe that rejecting the present struggle means sanctioning a regression imposed by government policies. At times the focus of the controversy even has the effect of recentring the analysis of the conflict and compromising the ongoing discussion, when there are accusations (on both sides) that the focus of the conflict is being distorted and is harming third parties (namely the idea that a strike by teachers during the examination period is damaging to students, who have nothing to do with the situation, or that patients are the main “victims” of a nurses’ strike). The reverse situation is also admissible, when the supposed harm for some may mean benefits for others: a strike by public transport workers, for example, may penalise those who use these services and at the same time benefit taxi drivers who may gain more customers.

Given that the media and the public arena are still predominantly structured on a national level (primarily because of language and the connection with national political communities), a transnational strike (involving various countries and trade union structures) would certainly have another kind of visibility and impact. However, within a European and world context, it is rare to speak about a “European/world strike” (Costa, 2008; 2010).<sup>3</sup> Even though in the *Viking* and *Laval* cases the Court of Justice of the European Union explicitly recognised the right to strike as a fundamental right protected by EU and international legislation (by the standards of the International Labour Organization), the interpretation of

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<sup>3</sup> Nevertheless, it is worth noting the growing importance of world protests, in which “anti-austerity” plays a leading role (Ortiz *et al.*, 2013).

how this right could be exercised within the internal European market ultimately gave priority to fundamental economic freedoms. In effect, the right to strike was seen as a restriction on economic freedoms that could only be justified in individual cases, interpreted within a strict framework of conditionality and proportionality (Bruun, 2013: 8; Giubboni and O'Brien, 2009: 9-10).

In addition to scale and controversies, as well as the related socio-legal obstacles – which sometimes indicate a certain marginalisation of strikes (Giraud, 2005) – it is important to identify types of strike. Reference has already been made to the idea of the “general strike,” which is supposed to unite the protests of the whole of society. However, it is also important to mention sectoral strikes (such as strikes in the transport sector, which is very directly affected both by wage cuts and privatisation) or those organised by socio-professional categories affected by austerity (such as teachers or nurses). Very often these sectoral and socio-professional protests have national, countrywide scope as, for example, in the case of the teachers’ strike during the assessment and exam period in response to the increase in the public sector working hours (from 35 to 40 per week) and the mobility (requalification) scheme. However, “partial strikes” have also been common in Portugal in the past three years, an option which can partly be explained as a means of not weighing too heavily on the pockets of those who strike, particularly as there is no tradition of “strike funds” in Portugal.<sup>4</sup>

The relationship between the public and private sector is also reflected in the different types of strikes. When a strike is said to be “general,” it is assumed to cover both the public and the private sector. It may be said that the act of going on strike traditionally involves a greater feeling of fear and insecurity amongst those who work in the private sector as opposed to the public sector which, according to a study by Rebelo and Brites (2012: 74), also partly explains why a larger percentage of those who go on strike (40.1%) work in public administration. However, since public employees have been severely hit by austerity measures, it is not surprising that the fear of losing state employment is accompanied by a fear of taking part in strikes.

d) *Temporalities and results.* The temporal aspect of strikes includes not only the period “before” but also the “during” and “after” periods. The extent to which the objectives of a

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<sup>4</sup> This practice is more common in the Scandinavian and German unions, whereas in Portugal only a few unions (such as the train drivers union, for example) resort to it. One plausible explanation for this concerns economic reasons (the low wages in Portugal make it unfeasible for workers to pay an extra quota on top of the monthly dues already paid to the union).

strike are defined brings us to the reasons for justifying a strike. Returning to Lewis Coser (1956), a tension sometimes exists between achievable and unachievable objectives, and strike action (whether in the “during” or “after” stages) is guided by this tension. According to Coser, when conflicts are realistic, i.e., based on achievable results, it is possible to define alternative means to reach certain goals. On the other hand, when the conflict is based on objectives that are unachievable, the relationship between the antagonists tends to become radicalised and may even involve emotional reactions, in the form of personal attacks.

The duration of a strike translates into the strike *as it happens*. In Portugal one-day campaigns are common (as in the case of general strikes), although they may also extend to a week or two weeks, depending on the sector of activity. Since, as previously mentioned, there is no tradition of “strike funds” in Portugal, strikes which last longer may depend on the capacity of those involved to “bear” the conflict.<sup>5</sup>

However, the “post-strike” (or “afterwards”) is perhaps the most important moment in the concept of the strike as a process, in the sense that it indicates the impact, effectiveness and outcomes and therefore allows for an assessment of the extent to which the objectives were achieved. In fact, as the essence of trade union power (IUR, 2013: 2), exercising the right to strike over many decades has translated into multiple achievements and advances, both from the point of view of working conditions (reductions in working hours, the work/life balance, the defence of jobs, the ban on unfair dismissal) and financial benefits (the establishment of the national minimum wage; substantial pay rises; one month of paid holidays, with the respective subsidy; the 13<sup>th</sup> and 14<sup>th</sup> month bonuses), etc. Essentially, it is a matter of acting “against the tide” and “acting for change” (Silva, 2002) with the aim of “obtaining benefits and concessions” (Dias, 2012: 114).

Although the next section considers the quantitative expression of strikes, the results cannot be measured by quantitative criteria alone, based on the simple answer to the question “what was the turnout?” Although the answer is clearly essential – particularly if it is used to measure the immediate impact of the strike – it is no less true that this yardstick is

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<sup>5</sup> In June 2013 the strike by secondary school teachers was called for a two-week period, which obliged the teachers to organise, in order not to suffer further wage losses, by contributing to an “operating fund.” From amongst the teachers who stated they were willing to go on strike, it was agreed that at least one teacher would be absent from class committee meetings dedicated to assessing students, which would make it impossible for the meetings to be held. Therefore, making use of the operating fund (to which each striking teacher contributed 10 euros, but also included contributions from some who were not on strike), teachers who took part in the strike received a “solidarity payment” that minimised their loss of earnings at the end of the month (*Diário de Notícias*, 13.03.2013).

open to various forms of bias and tension in political and technical arguments involving the opposing parties. We therefore believe that a strike may produce results that extend beyond the immediate impacts, since the actual controversies surrounding the “effectiveness” or the “innocuous” nature of strikes are not resolved the following day (Estanque, 2010). Essentially, the results of strikes must be analysed in the light of the extent to which objectives are achieved (by both sides), which may unfold in the short, medium or long term (Costa, 2011).

The fact that in many situations an idea of the immediately achieved objectives/results is not transmitted to the public may lead to a certain lack of faith in the strike as a weapon in the medium/long term. Returning to the study by Rebelo and Brites (2012: 75-77), the following appears in response to the question “What results were obtained the last time you went on strike?”: 51.5% (of the 369 respondents) answered “none”; 32.5% said there had been “partial” results; and only 6.5% stated that they were entirely satisfied and had achieved “total” results. This pragmatic and not very optimistic view of the effectiveness of strikes even infects the discourse of union leaders who are less accustomed to placing strikes at the forefront of negotiations.<sup>6</sup> This may also be seen, not only as recovering the ideological bias reflected in trade unionist discourse, but also as one more reflection of the negative effects of austerity policies.

## 2. Strikes: Quantitative Expression

As already noted, strikes are part of the historical repertoire of collective trade union action. However, a strike, in itself, is not an indicator of trade union strength or mobilisation capacity. Trade union power is, in fact,

determined by the capacity of union organisations (confederations and sectoral or local structures) to mobilise various types of resources and fully or partially realise their objectives. Thus, the concept is composed as much of quantitative as qualitative indicators, and refers *inter alia* to *organisational resources*, namely union membership, the development of the union organisation, the influence unions may have on political parties and the state, as well as their allies, in addition to the *capacity to mobilise* on the part of union members and other workers, the *negotiating power* of unions and the *level of institutionalisation* achieved by unions within a system of socio-economic regulation in which the extent/coverage and effectiveness of collective bargaining and dialogue play an important part. (Stoleroff, 2013: 224).

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<sup>6</sup> In fact, the current leader of the UGT has more than once alluded in public to the “Greek situation” to support the idea that, although over twenty general strikes have taken place there in the last 3-4 years, they have produced no concrete results.

Union power is based on unionisation or, in other words, the absolute number of members of a union, as well as trade union density in a given sector (the coefficient between the number of union members and salaried workers in the same sector). These are key elements in determining the representativeness and influence of unions in the field of collective labour relations, their relationship with other social and political actors, and also with society in general (Pedersini, 2010). Even though unionisation is not the only criterion that can be used to determine the social influence of trade unions, it is one of the key resources (Sousa, 2011: 5), since organisational strength depends on the capacity to involve the largest possible number of members in the everyday work of the organisation and represent it in a wide variety of ways, as well as on pursuing its aims by mobilising and winning over the support of workers in general. The dues paid by members are obviously the main source of income for trade union organisations, which depend on this to provide the means and resources necessary for their work. This is even more important in countries such as Portugal where there is no form of government aid for unions.

Although there is no causal relationship between union membership and the number of strikes, the former favours greater collective mobilisation and, as such, the potential use of strikes. We will therefore first reconstitute, on the basis of the available information, a long-term statistical series for strikes in Portugal, together with trade union density, an indicator of union strength. Following this, the analysis will concentrate on the most recent period, from 2007 onwards, with the aim of determining whether there has been an increase in the number of official strikes,<sup>7</sup> the sectors which have mobilised most, their “campaign agendas” and their effectiveness.

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<sup>7</sup> Strikes are called under the terms of Articles 530 to 543 of the Labour Code. For statistical purposes, “in its broadest sense a strike is considered to be abstention from, or temporary and planned disruption of, the normal terms under which work is carried out, by a group of workers with the aim of forcing the employer or public authority to accept their demands” (GEE/Ministério da Economia, 2011). However, the available data only includes stoppages during normal working hours. It does not include other types of strikes involving overtime and extra hours, although information is gathered on this (GEP/MTSS, 2008).

**Table 1. Union Membership and Strikes in Portugal: 1974-2013**

Year	No. members (thousands)	Union density (%)	No. strikes	No. workers on strike (thousands)
1974	---	---	313	---
1975	---	---	340	---
1976	---	---	367	---
1977	---	---	357	---
1978	1,486.8	60.8	333	---
1979	1,500	60.1	381	---
1980	1,460	54.8	374	---
1981	1,420	53.5	756	---
1982	1,380	50.5	563	---
1983	1,340	47.2	532	---
1984	1,300	47.2	550	---
1985	1,225	44.6	504	---
1986 <sup>8</sup>	1,150	41.2	363	231.5
1987	1,093	38.6	213	81.3
1988	1,035	35	181	155.5
1989	978	32	307	296.1
1990	920	28	271	128.9
1991	896	28.2	262	119.1
1992	872	26.1	409	131.9
1993	848	26.1	230	83.1
1994	824	25.9	300	94.4
1995 <sup>9</sup>	800	25.4	282	60.4
1996	802.6	25.5	272	50.5
1997	805.1	25.2	265	45.8
1998	798	23.4	227	44.2
1999	790	22.5	200	33.5
2000	783	21.6	250	38.8
2001	824	22.4	208	26.1
2002	768	20.7	250	80.2
2003	783.4	21.2	170	30.3
2004	802.6	21.4	122	31.9
2005	804.2	21.2	126	21.7

<sup>8</sup> From 1986 the chronological series covers all sectors of economic activity with the exception of public administration (GEP/MTSS, 2008).

<sup>9</sup> From 1995 the chronological series covers mainland Portugal and the Autonomous Regions (GEP/MTSS, 2008).

<b>2006</b>	805.9	20.8	155	33.5
<b>2007</b>	804.4	20.8	99	29.2
<b>2008<sup>10</sup></b>	803	20.5	---	---
<b>2009</b>	771	20.1	---	---
<b>2010</b>	738	19.3	131	72.3
<b>2011</b>	694	19.5	106	59
<b>2012</b>	665	20.5	147	93.1
<b>2013</b>	---	---	136	71.1

Sources: GEP/MTSS, 2008; GEE/Ministério da Economia, 2011, 2012, 2013, 2014; ICTWSS, 2013 Observatório do Emprego e Formação Profissional, Região Autónoma dos Açores (2011, 2012, 2013, 2014); OECD (2015); Secretaria Geral da Educação e Recursos Humanos, Região Autónoma da Madeira (2014, 2015); Stoleroff (2013).

An analysis of Table 1 reveals a long-term downward trend in the indicators for trade union membership and density and strike statistics, despite some periods of upturn or levelling off.

The period when unions had the greatest capacity for mobilisation and collective action, under the influence of a class-based discourse advocating the overthrow of capitalism, was during the second half of the 1970s, when tripartite collective bargaining was the norm in Europe (Santos, 2004: 161-162). The figures for union membership and trade union density were at their highest (60.8% in 1978), partly a legacy of the obligatory unionisation of the *Estado Novo*, and the number of strikes was also high (367 in 1976). In the mid 1980s, union membership gradually began to decline, whilst the figures for strike activity were high (756 strikes in 1981). Up to the beginning of the 1980s, campaigns were pursued to establish collective bargaining, a process which continued throughout the early 1980s and which, although less intensive, remained contentious. From the start of the 1980s until 1985, strikes expressed the struggle to defend the “achievements of the April Revolution” and destabilise right-wing and central bloc governments (Stoleroff, 2013: 231).

With regard to union membership, following a sharp fall in the 1980s (from 54.8% in 1980 to 32% in 1989), the downturn continued throughout the 1990s, although it was less marked. This process also involved a change in the sociological composition of union members. Parallel to the shrinking industrial sectors, there was an increase in the number of workers employed in the service sector, specifically in local and central government posts

<sup>10</sup> No statistics were produced for 2008 and 2009, due to insufficient information (GEE/ Ministério da Economia, 2011). However, data is available for the Autonomous Regions of the Azores and Madeira.

(MTSS, 2006: 68), which prevented a sharper fall in union membership. In the 2000s the figures remained steady at slightly over 20%, dipping below this to 19.3% in 2010. However, the data for more recent years present apparently contradictory signs. Whereas, on the one hand, they reveal a surprising upturn in trade union density (19.5% in 2011 and 20.5% in 2012), on the other, the figures for union membership fell to 694,000 (in 2011) and 665,000 (in 2012), in line with the trend for previous years, which we believe is the scenario closest to the reality of the situation. It is also necessary to take into account the fact that the working population has decreased significantly, which means that even a slight rise in the rates of union membership could be explained by the fact that jobs are being lost at a faster pace than the fall in the absolute figures for union membership.

The date for Portugal's entry into the European Economic Community, which roughly coincides with the institutionalisation of collective bargaining involving the trade unions, marks the beginning of a strong downward trend in the number of strikes (which only showed an upturn in 1989, when 307 strikes were held, involving 296,000 strikers), reaching a historic low of 99 strikes in 2007, involving approximately 29,200 workers.

Within this context, one hypothesis that can be explored concerns the possibility that this downward trend has been reversed recently, even if only temporarily, due to the expression – albeit not the only expression but certainly a relevant one – of the socio-labour conflict surrounding the measures implemented under successive austerity packages. The absence of data for 2008 and 2009 means that it is not possible to follow this development throughout the recent period when the international financial crisis was already beginning to have a contagious effect on sovereign debts, and budget restraint measures and changes in labour regulation were beginning to be felt in countries such as Portugal.

Thus, if we take into consideration the information available for the years 2010, 2011, 2012 and 2013, an upturn in the minimum figures for both the number of strikes and the number of workers on strike can, in fact, be observed. In 2010, the number of workers on strike rose by approximately 72,300 in comparison to 2007; in 2011 it fell to around 59,000, although a sharp rise can be observed in 2012, when the annual total was approximately 93,100, the highest figure since 1994. This was followed by a fall in 2013 to around 70,100, which was still well above the historic minimum levels recorded prior to 2008.

It should first be noted that five general strikes were called by the CGTP during this period (2010-2013), three of which were held jointly with the UGT, with notices of strike that

covered all sectors of economic activity. Secondly, as Table 2 shows, the sectors with the highest strike activity are, in terms of absolute numbers and in ascending order, those dedicated to health and social work (2010 – 6,949; 2011 – 6,822; 2012 – 14,342; 2013 – 17,135), manufacturing and processing industries (2010 – 22,802; 2011 – 14,781; 2012 – 21,875; 2013 – 12,309) and transport and storage (2010 – 26,189; 2011 – 21,193; 2012 – 35,519; 2013 – 31,375). If we consider the criterion of the number of workers on strike per 1,000 salaried workers, the transport and storage sector clearly stands out, with 204.2 in 2010, 168 in 2011, 281 in 2012, and 265 in 2013.

**Table 2. Strikes by Sector, 2010-2013<sup>11</sup>**

CAE/ Rev.3 <sup>12</sup>	2010			2011			2012			2013		
	No. strikes	No. workers	Workers on strike, per 1,000 SW*	No. strikes	No. workers	Workers on strike, per 1,000 SW*	No. strikes	No. workers	Workers on strike, per 1,000 SW*	No. strikes	No. workers	Workers on strike, per 1,000 SW*
<b>Total</b>	<b>123</b>	<b>70,792</b>	<b>27.3</b>	<b>88</b>	<b>58,413</b>	<b>23</b>	<b>127</b>	<b>92,324</b>	<b>36</b>	<b>119</b>	<b>70,405</b>	<b>30</b>
A – Agriculture, hunting, forestry & fishing	1	224	4.6	1	87	2	3	265	5	1	139	3
B – Mining & quarrying	5	515	52.3	2	68	7	3	92	10	2	150	18
C – Manufacturing & processing	55	22,802	39.5	31	14,781	26	50	21,875	39	23	12,309	23
D – Electricity, gas, steam & water	4	665	90.2	4	529	74	5	613	86	2	205	30
E – Collection, purification & distribution of water	6	1,199	61.2	5	992	50	4	1,343	67	5	891	45
F – Construction	6	321	1.2	4	257	1	3	209	1	4	371	2
G – Wholesale & retail trade	16	2,069	4.1	9	2 412	5	17	2,933	6	12	1,788	4

<sup>11</sup> Information on mainland Portugal.

<sup>12</sup> Portuguese Classification of Economic Activities (CAE), Revision 3.

H – Transport & storage	43	26,189	204.2	51	21,193	168	62	35,519	281	62	31,375	265
I – Hotels, restaurants & related services	11	1,149	6.4	11	850	5	11	1,006	6	8	563	3
J – Information & communications	4	1,534	25.2	6	1,154	18	12	2,195	35	2	886	14
K – Financial & insurance activities	4	1,638	18.8	4	3,508	41	5	4,767	56	1	1,644	20
L – Real estate	1	25	1.4	1	40	2	2	38	2	1	16	1
M – Scientific & technical consultancy	6	259	2.6	6	225	2	10	404	4	4	105	1
N – Administration and support services	9	1,935	8.1	11	2,352	10	9	3,194	14	10	1,422	7
P – Education	5	943	17	2	958	17	4	1,333	24	3	379	7
Q – Health & social work	7	6,949	35.7	6	6,822	33	13	14,342	69	10	17,135	82
R – Arts, entertainment & sport	7	437	20.9	5	385	19	9	628	30	7	265	13
S – Other activities & services	9	1,939	28	8	1,800	26	11	1,568	22	5	762	12

\*Salaried workers

Source: GEE/Ministério da Economia (2011, 2012, 2013, 2014).

Finally, it should be emphasised that the information available for strikes from 1986 onwards only includes the private sector. Therefore, taking the aforementioned changes in the sociological composition of trade union members into account and the (recent) high level of labour conflict in the public sector, it may be said that the statistics for strikes are significantly underestimated (Gall, 2012). Although there is no statistical series for strikes in

the public sector, the piecemeal information made available by the Directorate-General of Public Administration and Employment<sup>13</sup> for the period 2007-2013 corroborates this.

Taking the year 2007 as an example (Table 3), for which there are records for four strikes covering workers directly and indirectly employed by the state administration, the number of strikers totals 128,578, more than four times the amount for the entire private sector in the same year. The same exercise may be applied to the later period 2010-2013. Once again, focussing on the information available in Table 3, it can be seen that the contingent of central government employees is extremely significant, in comparison to the number of workers on strike in the whole of the private sector.

**Table 3. Strike Turnout Figures, 2007-2013 – Workers Directly and Indirectly Employed by the State Administration**

Strike	Workers covered	Workers on strike	Percentage
30.05.07	344,876	48,103	13.95
12.07.07	200,155	1,927	0.96
18.10.07	267,411	8,281	3.1
30.11.07	321,049	70,267	21.89
14.03.08	353,911	29,620	8.37
01.10.08	281,314	30,237	10.75
21.11.08	209,452	8,404	4.01
04.03.10	419,075	61,965	14.79
24.11.10	425,877	121,833	28.61
14.11.12	334,436	70,072	21
27.07.13	309,961	63,536	20.5
08.11.13	292,005	67,102	23

Source: DGAEP, 2014.

<sup>13</sup> On 15 May 2007, the then Minister of Finance and Home Affairs introduced procedures for gathering and publishing information on the strike turnout for workers employed in the central government administration. This was continued under the government formed after the general election of 5 June 2011, then discontinued between 16 March and 12 November 2012, the date when it was resumed by order of the Secretary of State for Public Administration. The available information for the period in question is therefore not exhaustive and only covers direct and indirect central administration (DGAEP, 2014). There is no information for local administration.

This rise in the number of strikes and workers on strike does not, however, correspond to any increasing success in obtaining results. In Table 4, which compiles information on campaigns in terms of the results achieved, it can be seen that the overwhelming majority of demands which led to strikes and were included in the notices of strike were rejected. The year 2012 is particularly indicative since, despite the significant increase in the number of strikes and workers on strike identified above, only 4.6% of the demands were accepted, 8.6% partially accepted and 86.7% rejected. In 2013 the percentage of rejected demands reached the maximum for the period in question, rising to 88.1%. This would appear to corroborate the view expressed by those who went on strike, previously cited in connection with the study by Rebelo and Brites (2012).

**Table 4. Demands, by Result 2007-2013**

Year	2007	2010	2011	2012	2013
Total	100	100	100	100	100
Totally accepted	9.7	10.1	3.9	4.6	2.4
Partially accepted	18	20.3	19.4	8.6	9.5
Rejected	72.3	69.6	76.7	86.7	88.1

Source: GEP/MTSS, 2008; GEE/Ministério da Economia, 2011, 2012, 2013, 2014.

### **3. The Case of *Saúde 24*: A Daring Strike in the Context of Enforced Austerity<sup>14</sup>**

In the 2000s, a series of “improbable mobilisations” by workers in precarious employment, including strikes in the catering sector in France (McDonalds and Pizza Hut) and in Italian call centres (such as Atesia, in Rome, involving thousands of workers), led to important reflections on the role of the classic trade union repertoire (Abdelnour *et al.*, 2009; Boumaza and Pierru, 2007; Choi and Mattoni, 2010; Collovald and Mathieu, 2009; Perrin, 2007). A group of organisations also emerged in Portugal from 2002 onwards, proposing to represent segments of workers in precarious employment and consolidate identities based on

<sup>14</sup> For a more detailed analysis of this case study, see Soeiro (2014). The data presented here are the result of research which included the following: direct observation of picketing in January 2014; four in-depth, semi-structured interviews with nurses in Porto and Lisbon; an analysis of the contents of the documents produced by the group and published on Facebook, and of the minutes of the plenary session of Parliament held on 24 January 2014 (published in the Official Gazette, 1<sup>st</sup> series, no. 41) and statements by the Portuguese Nurses’ Union.

campaigning and mobilising precarious labour (Andrade, 2011; Estanque and Costa, 2012; Soeiro, 2009; 2012). The experience of the *Linha Saúde 24* strike may be seen as an example of resorting to the “strike weapon” in the context of this type of mobilisation, seeking to reinvent the campaign repertoire within a framework of decollectivisation, informalisation, individualisation and recommodification of labour and in circumstances defined by austerity policies. On the basis of this concrete case, it is possible to problematize the strategies of the unions and organisations representing workers in precarious employment and the role played by strikes.

### 3.1. What is Linha Saúde 24?

Linha Saúde 24, which was created in 2006, is a helpline which offers a medical screening, advisory and referral service. It operates under the aegis of the Ministry of Health, and is designed to “respond to the healthcare needs of citizens, contributing towards extending and improving access to services and rationalising the use of existing resources,”<sup>15</sup> by dealing with queries and referring users to the National Health Service if necessary. It is open every day of the year, 24 hours per day, and employs approximately 400 professionals, the vast majority of whom are nurses, who provide an answer service divided between two call centres located in Lisbon and Porto, both about the same size. They work for the company on a system of “green receipts” (receipts issued by self-employed workers), and are considered by the employer to be “service providers,” even though they follow timetables set by the management, have supervisors and work in the company’s premises.

The importance of experience and in-depth knowledge of the National Health Service (NHS) has meant that the recruitment process values the links which these professionals maintain with NHS institutions. The majority of the nurses-advisors work in state hospitals, in addition to being employed by the *Linha* to supplement their wages. On average, each nurse works around 18 hours a week, in shifts. However, some work full-time and this is their only source of income. The sociographic profile reveals a group which tends to be young, female and qualified (the minimum qualification for the job is a Bachelor’s degree). The great majority have other jobs in addition to this precarious form of employment. Union membership is very low, as is experience of collective action in labour issues.

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<sup>15</sup> Information consulted on 19.02.2014, at <http://www.dgs.pt/paginas-de-sistema/saude-de-a-a-z/saude-24.aspx?v=b5ef3dfe-6f5f-4ce3-8e86-fabad33830bf>.

The government opted to delegate the management of the *Linha* to a private entity, using the public-private partnership model. The nurses are therefore contracted by Linha Cuidados de Saúde, SA (LCS), a company belonging to the Grupo Caixa Seguros e Saúde, SGPS, SA. The partnership is still effective, although, when it ended in 2011, there was a new public request for tender which was won by a consortium headed by Portugal Telecom (PT). However, the result was annulled by the Court of Auditors, on the grounds that it had not “guaranteed the choice of the best proposal” (Decision No. 1/ 2013 of 8 January). The tender was then awarded to another consortium, once again involving LCS, Optimus and Teleperformance. The main criterion for the award was the lowest price, with this consortium submitting a proposal that reduced the cost of calls by almost half (from 16€ to 7€). This then became the reason cited by the company at the beginning of December 2013 for presenting a proposal to make significant cuts of 20% to 50% to the wages paid to the nurses-advisors, and it was this decision that triggered the labour dispute, leading workers to resort to strike tactics twice in less than one month.

### 3.2. The Two Paths of the Campaign

The first period of mobilisation involving the nurses at Linha Saúde 24 occurred between the time when they first became aware of the company’s proposal to cut wages (at the beginning of December 2013) and the first strike, on 4 January 2014. This period included an initial phase of creating and organising workers’ collectives, which developed from a secret Facebook group – “Nurses against 7 euros an hour”<sup>16</sup> – to the election, in plenary meetings held in Porto and Lisbon, of two informal workers’ committees. After this, the strategy appeared to follow two parallel paths.

On the one hand, there was the route which involved negotiations with the company. This began with the nurses agreeing on a common position and subsequently scheduling a meeting with the management. During the course of this process the first contacts were established with the Portuguese Nurses’ Union, which was present at the meeting. Tensions between the informal committees and the union structure were evident, due to differences in their perspectives on the problem, cultures of intervention and the kind of attitude that should be adopted. The position on the legitimacy and relevance of resorting to a strike was central to this debate, with the union disapproving of the stoppage decided by the workers,

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<sup>16</sup> The title refers to the rate proposed by the management, which signified a cut of 1.75 euros per hour.

given that their employment status made this impossible in legal terms and placed them in an even more vulnerable position.

On the other hand, a second path unfolded involving intensive intervention outside the company, in an attempt to mobilise external resources that could compensate for an internal power relationship which was completely unfavourable to the workers, since they had no recourse to the traditional mechanisms that would provide them with the power to negotiate within the company, such as employment contracts or any other formal mechanism for collective representation. It is against this background that the appeal to the Authority for Working Conditions, press conferences, requests for meetings with the Directorate General for Health, the parliamentary groups, the Ministry of Health and the *Ordem dos Enfermeiros* (the professional and regulatory body for Portuguese nurses) should be understood. These contacts were developed from mid December 2013 to the end of January 2014, i.e. within the “second phase” of the campaign. This second line of action found a staunch ally in the “Precários Inflexíveis” organisation.

The second phase in the process can therefore be defined as the time in which the company management reacted by dispensing with the “services” of sixteen nurses in an attempt to decapitate the protest movement that had emerged. During this period, the cause of the Linha Saúde 24 workers gained greater public visibility and media coverage and clearly crossed into the political arena, leading to parliamentary debates (on 24 January, there was a vote in parliament on proposed resolutions for the problem), a second stoppage (from 24 to 27 January), statements of positions from the *Ordem dos Enfermeiros* and the CGTP (both on 27 January), a letter of solidarity signed by various leading figures, and clarifications by the company administration published in the newspapers (on 28 January).

### **3.3. From Social Networks to Informal Workers’ Committees**

At the beginning of December, the Linha Saúde 24 concessionary company began sending workers an amendment to their service provider contracts which envisaged a wage cut from January 2014 onwards, lowering the rate from 8.75€/hour to 7€/hour, as well as changing the rules for payment of quality hours and night shifts, which could range from 25% to 100%. Although some workers initially signed the amendment, a group of nurses realised the extent of the cuts and began to contest the proposal. Several others then began to refuse to sign, and it was at this point that one of the nurses decided to create a secret group on

Facebook, whose contents could only be viewed by members of the group and could not be accessed by the general public. She began inviting colleagues to join the group, which was called “Nurses against 7 euros an hour,” and it became the first platform for communication between workers at the two call centres in Lisbon and Porto. This was where the pay scales which showed the real value of the wage reductions in question were shared, an appeal was made not to sign the amendments, and the first actions and plenary meetings that would take place a few days later were planned. Thus, cyberspace enabled the group to overcome the geographical distance between the two call centres, and to begin to organise campaigns against the cuts. It was also on Facebook that leadership of the collective began to be established and the need for face-to-face meetings was identified.

The first of these meetings took place shortly afterwards on 11 December in Lisbon, in a room hired by the group of nurses in office premises; it was attended by around fifty workers who, according to one nurse, “couldn’t all fit in the room.” The decision to negotiate the hourly rate of pay with the company emerged from this meeting. In addition, this first Lisbon plenary elected the informal workers’ committee, composed of four members. It was also decided to reinforce links with the workers in Porto, taking advantage of the fact that one of the nurses in the Lisbon call centre had already worked there, which enabled her to add colleagues from the north to the Facebook group and connect with them. In addition to actions involving the company management, with whom a meeting was requested, the group of nurses at the meeting also decided to contact the *Precários Inflexíveis* group, in recognition of the public work carried out by this group regarding so-called “fake green receipts” (a system of illegally employing dependent workers as if they were self-employed in order to save costs). As will later be seen, the support of *Precários Inflexíveis* enabled them to diversify their campaign, and especially to develop a strategy for “winning over public opinion” by getting media coverage for the problem, attempting to gain the sympathy of patients and projecting the nurses’ dispute with LCS beyond the confines of the company to ensure that it was discussed in public debates, in the legal field and in the political arena.

### **3.4. From the ACT to Meeting the Management**

The first public action of the workers was to lodge a complaint with the Authority for Working Conditions (ACT) to initiate an inspection that would determine the legality of the employment relationship established between the LCS and the nurses. Recognition of this

employment relationship would become crucial, since the nurses could only activate protection, some forms of collective action and the type of employee-employer negotiations they envisaged within this framework. At the same time, the management was confronted with a joint statement of the position adopted by the workers in the form of a signed letter that contested the contents of the proposed amendment and proposed that the rate paid to nurses should be negotiated with the company. As a consequence of this document, which was signed by approximately 300 workers, the first meeting took place with a representative of the management.

According to the nurses who were interviewed, none of the members of the informal workers' committees had any previous trade union experience. Contact with the Portuguese Nurses' Union was mainly established by the Porto group. Safeguarding their autonomy to direct the campaign was specifically emphasised at this meeting. In the words of one of the workers:

It was clear from the start that it was us who would be negotiating, and he [the union leader] said that he couldn't represent us even if we were unionised because of our employment status [...].

The meeting with the administrator did not produce the desired effects for the nurses. In fact, the company management would henceforth refuse to talk to members of the informal workers' committees, instead preferring to communicate with the union.

The management didn't want to meet with us, only the union, which was supposed to be good because it avoided reprisals. That was when I wanted to create union representatives within the Linha, but the union wouldn't accept that because we were on "green receipts."

This attempt to enter into negotiations with the company was followed by a phase when the committees began to increase their contacts with entities outside the company, seeking to gain support and media coverage for the nurses' cause. Two days after the meeting with the management, they met with the Directorate-General for Health and tried to involve the *Ordem dos Enfermeiros* in the ongoing labour dispute. In both cases, however, the understanding that this was an "internal" company problem prevailed in the opinion of the institutions that were contacted. For the workers, the relative failure of these meetings did not mean abandoning the strategy of creating visibility for the dispute, and the idea that they could also gain strength from public opinion gained weight within the core leadership. The subsequent strike that was called for the beginning of January resulted from the

impasse created by these initial approaches. The media coverage and recourse to forms of protest that included “flooding” the line with calls were two important features of this protest.

### **3.5. The Two Stoppages and Tensions Involving the Union**

For workers who do not have contracts the question of taking strike action is not a new issue. During the various general strikes, groups of people working on false “green receipts” had, in fact, already problematized the issue of exercising this right in the case of false “service providers.” Whilst it is true that the right to strike is recognised in the Constitution and that the law considers it “non-renounceable” and also envisages the possibility of it being mandated by workers’ assemblies within a company rather than only by unions, it is also true that, from a legal point of view, a worker whose employment status is considered “independent” is subject to restrictions in terms of formal recognition of this right. In the case of the Linha Saúde 24 nurses, recourse to “stoppages” – a term that recurs in the interviews – was discussed and decided in informal meetings of workers as a response to the inflexibility of the management and as an act of solidarity with their colleagues who had been dismissed. In the words of one of the workers,

On 4 January there were these so-called contracts that ended in January and all the people who did not sign them had their shifts taken away from them, and after that we decided on the first stoppage as a form of protest against the first sackings.

The strike was the big moment in terms of public visibility for the dispute, given the media attention it received. It was the moment when the nurses’ campaign clearly spread out into the public arena, obliging the LCS management to respond publicly to the action taken by the workers.

From the outset, relations with the trade union were not devoid of tension. There did not seem to be any agreement on the nature of the employment status, which would lead to the idea that since the nurses were working on “green receipts,” they were barred from taking certain forms of action – such as strikes – which the union could not legally authorise. According to one of the workers,

The union was against it [...] because they said that as we were on “green receipts” strikes didn’t apply to us and they couldn’t call a strike. They could in a hospital, but not with us.

Another worker affirmed:

[...] We stopped the Linha, despite the union. [...] But the stoppage got lots of coverage, the media in Porto and Lisbon talked about nothing else all day. And then the union wanted visibility, it was there at the end of the day, speaking on television.

There was a good turnout for the first stoppage, totalling around 70% of the workers at the two call centres, and stronger in Porto than Lisbon. In response to this strike the company reacted by dismissing 16 workers, including those who had led the campaign. A second strike was held in protest at the dismissals on the same day that Parliament rejected two draft resolutions which involved settling the contractual situation of the nurses working at the Linha and public management of the service. Once again, the strike was held without the backing of the union.

These tensions would be exploited by the company management, which refused to meet with the informal workers' committees who were leading the campaign, but still met with the union on various occasions and tried to negotiate different agreements with it. In a clarification published in the newspapers at the end of January, the management not only refused to recognise the stoppage organised by the workers as a strike – it considered it “boycotting LCS activities” – but also made a clear distinction between the union and the committees, stating that the “boycott” had been organised by an “ad hoc committee of nurses formed outside the trade union structure that represents these professionals”.<sup>17</sup>

### **3.6. From Labour Conflict to Political Conflict**

The transition of the dispute between the nurses and the Linha Saúde 24 management to the political arena gave it greater visibility. By mid December, the informal workers' committee had sent a letter to the parliamentary groups presenting the problem in terms of the possible negative impacts on the “quality of the helpline,” emphasising the consequences of the decision, not only for the workers (a pay cut) but also for users of the service (the quality of the service provided), so that the question could be considered as more than a strict employment issue.

The group of nurses was received by the parliamentary groups of the Bloco de Esquerda (BE – Left Bloc), Partido Comunista Português (PCP – Portuguese Communist Party) and Partido Social Democrata (PSD – Social Democratic Party). As a result of these meetings, two

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<sup>17</sup> LCS, “Linha Saúde 24 – Esclarecimento,” *Jornal de Notícias*, 30 January 2014.

of the parties presented draft resolutions to Parliament, which were discussed and put to a vote at a plenary session on 24 January 2014.

In the parliamentary debate, the BE and PCP defended their proposals, criticising the company management and arguing that the government should be responsible for introducing employment contracts. The Partido Socialista (PS – Socialist Party) considered that the Ministry of Health should intervene “so that the service is not undermined.” The PSD, represented by MP Graça Mota, argued that it was “clearly an employment issue concerning a private company and the professionals who provide it with services,” considering that “we should not talk about dependent work, but provision of services in general.” The proposals were rejected, with the PS, PCP, BE and the Green Party voting in favour and the PSD and Partido Popular (CDS-PP – People’s Party), which supported the government, voting against.

The politicisation of the conflict was viewed ambivalently by the workers, who on the one hand acknowledged its effect in projecting the dispute onto the public arena – “it was certainly useful, it gave us all the visibility we have at the moment” – but on the other considered that their employment struggle had been transformed into a “party political issue,” and they were being penalized because the company’s managing director was affiliated with PSD.

This broadening of alliances and transformation of the conflict into an “exemplary case” had implications that extended beyond the company and involved more than parliamentary debate. On 28 January a letter was published signed by 33 leading figures, including trade unionists, specialists in labour law, academics, artists and activists in precarious employment. It stated that the firing of the Linha Saúde 24 nurses was “an attack, not only on these workers, but on all citizens, and a threat to democracy, since it violates the right to freedom of expression and organisation,” and that it was “imperative to defend democracy and therefore defend those working at Linha Saúde 24.”

A few days later, the nurses delivered evidence to the Authority for Working Conditions with the aim of enforcing the Law on Precarious Employment. At the end of February, the findings of the ACT report favoured some of the workers, who proclaimed a victory and instigated legal proceedings, which are still ongoing, for recognition of their rights.

### **Conclusion: Is the Strike still a Weapon?**

The case study presented here contains, in essence, some of the most representative trends in the ongoing decline in employment conditions in Portugal. They include the use of subcontracting by the state, a promiscuous link between economic interests and networks of political and party complicity, the use of “false green receipts” as a means of sidestepping the legal provisions for contracting workers, and the spread of precarious employment, namely in highly qualified segments. It is also a significant example due to the fact that it led to protest, rather than resignation. It exemplifies the characteristics of socio-labour struggle undertaken in a context of austerity: the use of new technologies as a platform for meeting and organising; the improvised use of informal representation mechanisms in a context of decollectivisation of labour relations; tensions with the classic trade union repertoires; distancing and a certain mistrust of union intervention; externalisation of the labour dispute, which moved from within the company to the legal, political and media arenas; suppression of the use of strikes as “illegal boycotts.”

In making the conditions for exploitation more acute, the “age of austerity” paves the way for the intensification of protest. The example described here illustrates this point, as does the recent decision to create a national union of call centre workers (resulting from a meeting held in Lisbon on 26 April 2014). However, in intensifying precarious employment, austerity also inhibits the use of some of the most significant forms of campaigning in the history of the working class and the trade union movement. A sociology which addresses this paradox should aim to reveal and interpret the emerging forms of social conflict, the union-based organisation of workers and the use of strikes, mobilising the tools of academic reflection as part of the struggle for dignified employment.

*Translated by Sheena Caldwell*

*Revised by Teresa Tavares*

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**Bridging the Chasm between Domestic and International Approaches to Peacebuilding: Conceptual and Institutional Tools\***

This paper focuses on the chasm between domestic and international *understandings* and *approaches* to peacebuilding and the *mixed outcomes* that characterize contemporary efforts to assist war-torn countries. It argues that post-Cold War peacebuilding relies on a wide array of international actors with diverse interests and mandates which are not necessarily aligned with local realities or needs. Building on the rich literature on the role of external actors in conflict zones, the paper examines the interface between domestic and international actors through the concept of hybridity. It then reviews two mechanisms that aim to level the playing field between war-affected countries and international actors: the United Nations Peacebuilding Commission and the New Deal for Engagement with Fragile States.

**Keywords:** conflict resolution; fragile states; peacebuilding; Peacebuilding Commission.

**Introduction**

Since its entry into the international policy lexicon with former UN Secretary-General Boutros-Boutros Ghali's much-cited report *An Agenda for Peace* in 1992, the term "peacebuilding" has steadily gained currency among diverse constituencies ranging from international development agencies to local non-governmental organizations. Concurrently, an impressive body of literature has been produced, generating major debates on the key features, main achievements and limitations of peacebuilding.<sup>1</sup> Interestingly, there is still no commonly accepted definition of peacebuilding which has led to the concept's steady expansion to include a spectrum of activities from conflict prevention to post-conflict reconstruction (Barnett *et al.*, 2007). After September 2011, the concept was stretched even further as it became conflated with state-building, nation-building, regime change and humanitarian intervention. It is now used indiscriminately in the context of war-fighting in Afghanistan, peace operations in Darfur as well as long-term institution-building in Sierra Leone and Timor-Leste, which severely strains the concept's utility and credibility. Nonetheless, peacebuilding continues to be a compelling – albeit controversial – issue area for policy makers, practitioners and academics alike.

This paper focuses on a problem that continues to preoccupy both the theory and practice of peacebuilding, namely, the chasm between domestic and international

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\* Article published in Portuguese in *RCCS* 104 (September 2014). DOI: 10.4000/rccs.5672

<sup>1</sup> For a useful review of the origins and history of peacebuilding, see [www.peacebuildinginitiative.org](http://www.peacebuildinginitiative.org).

*understandings* and *approaches* to peacebuilding and the *mixed outcomes* that characterize contemporary efforts to assist countries emerging from violent conflict. The paper rests on the premise that post Cold War peacebuilding is distinctive in its heavy reliance on the engagement of the international community.<sup>2</sup> It is increasingly difficult to talk of contemporary peacebuilding without reference to the wide array of international actors who have come to play an important role in war-affected countries. These actors generally have diverse (and, at times, conflicting) values, interests and mandates which are not necessarily aligned with local realities, needs or goals. Much has been written about the intended or unintended consequences of the engagement of external actors in conflict zones (Uvin, 1999; Anderson, 1999). Building on that literature, this paper turns its focus more narrowly on the interface between domestic and international actors through the lens of the concept of hybridity and two new mechanisms aiming to level the playing field between conflict-affected countries and their international partners.

The paper consists of four sections. The first section provides a quick overview of the aspirations and limitations of international peacebuilding with a view to placing the paper's problematique within both practice and research. The second section reviews current debates on hybridity as an opportunity to re-think the misleading external vs. internal, insider vs. outsider, top down vs. bottom up dichotomies that characterize contemporary peacebuilding discourse. Taking hybridity as a useful lens to investigate the complex but asymmetric encounter between domestic and international agendas, the third section examines two new mechanisms that aim to strengthen the voices of conflict-affected countries in the design and delivery of international assistance for peacebuilding. Finally, the last section offers some concluding comments about the future of peacebuilding.

### **I. The International Peacebuilding Project: An Overview**

The post-Cold War peacebuilding agenda was shaped more by necessity than by deliberate design. Throughout the 1990s, as protracted Cold War conflicts came to an end and intra-state conflicts, "new wars" and complex emergencies were catapulted to center stage in international affairs, there was heightened demand for the United Nations and other

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<sup>2</sup> The term "international community" is a problematic term even though it is used widely. In this paper, it refers to external actors only to distinguish them from domestic actors. Neither external nor domestic actors are monolithic or homogeneous, which is why their variegated interaction is the subject of this paper.

international actors to assume a concerted role in assisting conflict-affected countries. Initially, it was not clear what form that assistance would take and how it would fit within existing policy and programming tools and instruments. Nonetheless, the United Nations, other international and regional organizations, donor agencies, non-governmental organizations and front-line development, human rights and humanitarian practitioners became engaged in a range of activities, projects and programs that went beyond the compartmentalized system of international assistance that had been in place since the end of World War II. Peacebuilding emerged in this highly fluid context and proved to be a particularly useful concept in so far as it pushed the boundaries of Cold War orthodoxies.

Initially peacebuilding was presented in *An Agenda for Peace* within a progression of discrete interventions from peacemaking and peacekeeping to post-conflict peacebuilding. Yet, in practice international actors quickly confronted the fact that post Cold War conflicts were not unilinear in nature; nor could they be addressed sequentially. Recognizing the limitations of fragmented mandates and institutional silos, early peacebuilders started to work at the still-uncharted nexus between humanitarian assistance, development and security (Jenkins, 2013; Tschirgi, 2004). Going beyond state-centric perspectives, a growing number of international actors sought to address intra-state conflicts through novel multi-sectoral approaches, including multi-dimensional peace operations. The new peacebuilding agenda offered an unusual opportunity for innovative multilateral action at a time when long-established Cold War policies and instruments were clearly inadequate to address intra-state conflicts and civil wars. Thus, in the decade after the Cold War, peacebuilding heralded a new era in international cooperation and multilateral assistance. As diverse actors working on human rights, humanitarian affairs, conflict resolution, peacekeeping or development became engaged in conflict-affected countries, there was a proliferation of activities, projects, programs and policies at the intersection of security and development that collectively came to be known as peacebuilding.<sup>3</sup>

Notwithstanding its strong internationalist rhetoric, peacebuilding was essentially a Western project and was implemented primarily through the existing system of international organizations, donor agencies, and various governmental and non-government organizations. Although highly fragmented, ad hoc and experimental in nature, the

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<sup>3</sup> In this paper, the term international peacebuilding encompasses multi-dimensional peace operations, including peacemaking and peacekeeping as part of the larger peacebuilding agenda.

internationally driven peacebuilding agenda was largely influenced by the concept of liberal peace and found resonance in the liberalizing ethos of post-Cold War international affairs (Richmond, 2011; Tadjbakhsh, 2011; Baranyi, 2008). From Mozambique and Cambodia to El Salvador, international actors supported policies and programs which reflected a strong commitment to liberal values, including good governance, rule of law, human rights, political participation, free and fair elections, gender equality, free markets, transparency and accountability.

Not surprisingly, the liberal aspirations of international peacebuilding did not find fertile ground in countries with highly-conflicted political orders and deep-rooted socio-economic problems. As lessons from conflict-affected countries started to come in, the heady optimism of the early 1990s gave way to serious concerns about the suitability and sustainability of the externally-driven liberal peacebuilding project. Meanwhile, a growing number of evaluation studies were instrumental in revealing the meager record of international peacebuilding efforts (Goodhand, 2001; Sjøbøm, 1998; Smith, 2003; Waller, 2000). Thus, as the demand for international peacebuilding assistance continued to grow, there were serious questions about its effectiveness and impact.

Given peacebuilding's practical origins, the academic community was a latecomer to the field. However, as evidence from the field accumulated, there was rapid proliferation of the academic literature at the intersection of theory, policy and practice. That literature is as rich as it is diverse. Nonetheless, it has two distinct streams which represent divergent perspectives on peacebuilding: the conventional problem-solving approach and the critical approach (Newman *et al.*, 2009). The conventional approach accepts peacebuilding as an essential part of the liberal international agenda of the post-Cold War era and focuses primarily on the deficiencies in its implementation. Researchers have convincingly documented the shortcomings of international peacebuilding, which range from the absence of a coherent strategy and adequate resources to the lack of coordination among external actors who play prominent roles in conflict-affected countries. This body of literature has come to be known as the conventional "problem-solving" approach since it upholds the view that peacebuilding's shortcomings can be alleviated through more effective policies, practices and institutions (Newman *et al.*, 2009; Tadjbakhsh, 2011).

The problem-solving literature has been highly influential. Policymakers and practitioners have drawn on insights from an ever-expanding body of academic, operational and

evaluation studies in designing and implementing successive peacebuilding interventions. Concurrently, there have been important reform initiatives including the creation of the UN's new "peacebuilding architecture" (comprising the Peacebuilding Commission, the Peacebuilding Fund and the Peacebuilding Support Office), adoption of new policy guidelines on peacekeeping and peacebuilding, and greater attention to implementation issues (Tschirgi, 2004; Cutillo, 2006). Meanwhile, evidence from concrete country contexts allowed researchers and academics to undertake comparative analyses of what works and what does not work in different environments. As a result, there has been considerable cross-fertilization and mutual influence among policy, practice and research leading to a distinct epistemic community around mainstream peacebuilding.

One of the issues that gained heightened attention among policymakers as well as the problem-solving research community was the disconnect between international and local approaches to peacebuilding. While it was repeatedly asserted that peacebuilding is a homegrown process, peacebuilding strategies were often designed and implemented by external actors with only limited or perfunctory consultation with national counterparts. Although it was not clear what local ownership involved, the mantras of ownership and partnership, coordination and coherence, harmonization and alignment quickly became the indispensable principles of mainstream peacebuilding discourse and practice (Chesterman, 2007; Donais, 2009). The issue of local ownership was particularly salient for the UN's Peacebuilding Commission as it became engaged in Sierra Leone and Burundi as the first countries on its agenda.

Yet, ongoing reforms did not translate readily into more effective peacebuilding outcomes. As the gap between the ambitions and actual record of international peacebuilding persisted despite important innovations, a parallel body of literature emerged to question the main assumptions of international peacebuilding. Initially operating on the margins of the mainstream discourse, this critical approach to peacebuilding has steadily gained ground. The new critical literature challenges the very basis of the liberal peacebuilding agenda by raising questions about what type of peace is being built and whether the model promoted by the international community is sustainable (Bendaña, 2003; Richmond, 2006; Tadjbakhsh, 2011). After 9/11, this debate was further affected by the conflation of peacebuilding with international security concerns with the launch of the global war on terror (Tschirgi, 2013). As peacebuilding became securitized with increased

reliance on the use of force, analysts began to question the motivations and objectives of the international peacebuilding agenda and interrogated the viability of the liberal peacebuilding model in conflict-affected non-Western societies (Tschirgi, 2013; Baranyi, 2008). It was contended that mainstream peacebuilding strategies were not only inappropriate to address the multi-faceted and structural problems facing countries emerging from conflict, but that they might in fact contribute to the perpetuation of those structural problems.

Thus, critical researchers turned their attention to the underlying normative and structural issues, rather than the operational challenges, that afflicted international peacebuilding. Among other things, these included global as well as domestic power asymmetries, the economic drivers of conflict, and the impacts of the policies of key states and international organizations on conflicts in peripheral regions. Unlike the conventional pragmatic approach that sought solutions to improve peacebuilding's effectiveness, the critical approach argued that the strategies promoted by liberal peacebuilding were flawed since they were out of sync with local realities, needs and aspirations and did not take into account the central issue of legitimacy (Pugh, 2013; Newman *et al.*, 2009; Tadjbakhsh, 2011).

Insights from both the conventional and the critical approaches have inspired important debates and unresolved controversies on what constitutes sustainable peace and how it might be attained. In reality both approaches are considerably more diverse and heterogeneous than is suggested in the quick review above. Where they do converge, however, is their shared concern for the intended or unintended consequences of international peacebuilding on conflict-affected societies and the need to ground peacebuilding in local realities. In advancing a liberal peacebuilding agenda, the mainstream approach has called for differentiated international strategies based on context-specific, locally-informed and conflict-sensitive efforts in collaboration with local partners. Meanwhile, critical scholars have increasingly argued that peacebuilding can at best generate hybrid outcomes as a result of the encounter between the aspired liberal agenda and the complex political dynamics in conflict-affected countries. In short, notwithstanding the formulaic rhetoric in many policy documents, there is growing understanding that peacebuilding is not a monolithic enterprise but a messy process with unpredictable outcomes (Newman, 2009: 46). In that light, the concept of hybridity offers an interesting

prism through which to re-examine the viability of the peacebuilding agenda two decades after it gained widespread currency.

In specific, hybridity provides a new perspective to understand the asymmetrical but interdependent relations between the diverse range of external and internal actors engaged in peacebuilding while interrogating the central issue of legitimacy in peacebuilding (Aguirre, 2010; Boege *et al.*, 2009). Originating in the natural sciences, hybridity has long been employed in the humanities and social sciences to challenge hegemonic discourses and practices. There is no commonly accepted definition of hybridity as it applies to peacebuilding. In fact, the concept and its utility are highly contested.<sup>4</sup> Nonetheless, hybridity in peacebuilding can be described as the process and the outcome of the contestation between different normative and socio-political systems which lead to the creation of a new system which is sufficiently distinct from its progenitors. In other words, hybridity occurs in the contested interaction between the domestic and the international peacebuilding agendas.

## II. Re-Framing Peacebuilding: From Liberal Peace to Hybridity

There are two main reasons why the concept of hybridity has increasingly found fertile ground in peacebuilding. First, it captures the heterogeneity and diversity within societies as they come into contact with the international peacebuilding project. In contrast to the implicit assumption that conflict-affected societies are *tabulae rasae* that are open to externally-induced models of peace, the concept of hybridity recognizes the existence of domestic political orders with competing rules and claims to authority, power and legitimacy that interact and co-exist with various mixes of modern, indigenous, formal and informal traditions. Second, hybridity accepts that efforts to build liberal peace co-exist with and are mediated by domestic actors through “a complex mixture of local resistance, cooption, compliance and rejection” (Liden *et al.*, 2009: 588).

Thus, hybridity is a useful starting point for new ways of conceptualizing peacebuilding. It shifts the focus of peacebuilding from efficiency to legitimacy and links it more directly to the growing interest in statebuilding while challenging statebuilding’s narrow focus on the formal institutions of the state. As has been noted, the challenge is “to search for ways and

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<sup>4</sup> For further discussion of the application of hybridity to peacebuilding, see the special issue of the *Journal of Peacebuilding and Development*, 7(2): 1-114.

means of generating positive mutual accommodation of state and customary non-state or civil society mechanisms and institutions – which in practice are not isolated domains anyway, but elements of a particular messy local socio-political context – so that new forms of political community might emerge that are more capable, effective, legitimate than those generated by narrowly conceived Western models of the state” (Boege *et al.*, 2009: 608).

Equally importantly, allowing for hybridity has implications for tailoring external assistance for peacebuilding. Hybridity does not simply imply the need for greater collaboration, alignment, harmonization and synchronization of efforts among external and internal actors – although these can serve to address some of the current failures of mainstream peacebuilding strategies. Rather, it suggests that peacebuilding relations cannot be reduced to that of donors vs. recipients or national vs. international actors, but should be seen as part of a highly political process of negotiating multiple, and often competing, agendas across a full range of internal and external actors (Barnett and Zurcher, 2009). As Boege *et al.* (2009: 611) note,

The possibilities of externally influencing governance structures can be re-examined, shifting the focus from narrow models of state-building to understanding and engaging with non-state actors and institutions in hybrid political orders in an attempt to form political community not in ignorance of or even in opposition to local life-worlds, but embedded in them. At present, however, donors and other external actors tend to assume the role of teaching the politicians and people of so-called fragile states how to adopt Western state institutions effectively. There is much talk of ownership, but often this is not much more than lip service; in effect, locals are supposed to ‘own’ what outsiders tell them to – “local ownership clearly means ‘their’ ownership of ‘our’ ideas.”

In other words, hybridity concerns both the *processes* and *outcomes* of peacebuilding and requires a shift in focus from externally-led models to open-ended, internally-driven but continually-negotiated political processes with uncertain and unforeseen outcomes. Such a shift in focus needs to be dynamic, conflict-sensitive and locally-grounded if it is to capture entrenched interests as well as changing realities in countries emerging from conflict.

Yet, the concept of hybridity, like peacebuilding itself, has so far found little traction among analysts and practitioners in conflict-affected countries – particularly in the South – reflecting the entrenched North-South asymmetry in peacebuilding. Indeed, analytical perspectives that have informed peacebuilding policies and practices to date have largely been dominated by Western/Northern academics. With few exceptions, peacebuilding does not exist as a discrete field of study in Southern universities and research institutions. This is

largely – though not exclusively – due to the overall weakness of the social sciences and the lack of a natural academic home for a transdisciplinary field like peacebuilding. Southern researchers and practitioners working on problems such as land reform, natural resource management, community-based recovery, traditional justice mechanisms or democratic governance do not necessarily label their work generically as peacebuilding. As a result, there is only a limited body of indigenous scholarship on peacebuilding to serve as a counterweight to the dominant peacebuilding discourses in the West. Instead, Southern scholars – especially from conflict-affected countries – have largely been engaged in debates originating in the West. Although Western policies and practices have come under strong criticism from Southern scholars, there is a shortage of systematic efforts that articulate countervailing analytical frameworks. The weakness of a robust body of empirical or theoretical literature by Southern analysts, researchers and academics has contributed to perpetuating the Western-bias in contemporary peacebuilding (IDRC, 2008). As has been noted by Liden *et al.* (2009: 593),

One of the notable aspects of scholarship on contemporary international peacebuilding is that the voices of the ‘pacified’, or the recipients of the liberal peace, are often absent. Increasingly, there is disagreement between those who support the liberal peace in its more coercive forms and those who seek to place greater weight on issues of local consent, self-determination, identity and sustainability.

Given the fact that Western academics (and especially the proponents of the problem-solving approach) have come to exercise growing influence among policy circles, externally-framed mainstream perspectives have dominated peacebuilding scholarship, policy and practice. Some scholars have identified this as a serious shortcoming of the field, noting that it raises

serious questions about the role of the academy in assisting or recycling associated policy mantras through ‘pragmatic’ policy-oriented research, which reproduces conservative versions of the liberal/neoliberal peace, rather than focusing on theoretical, empirical, ethical and methodological innovations that aim to produce emancipatory dynamics of peacebuilding. (Liden *et al.*, 2009: 588)

It is in this context that hybridity can help to re-frame the discourses and practices that have shaped peacebuilding in the last two decades. The key question in peacebuilding is not about the validity of internal vs. external perspectives and agendas but their *interplay*, which has far-reaching consequences. Thus, hybridity is not an abstraction but a reality that needs to be investigated empirically. By challenging the misleading external vs. internal, formal vs.

informal, modern vs. traditional dichotomies that have so far characterized peacebuilding discourse, policy and practice, hybridity forces a rigorous examination of the extent to which the goals, agendas and strategies pursued by multiple actors contribute to sustainable processes and outcomes on the ground.

The paucity of locally-generated research, analysis and scholarship on peacebuilding in conflict-affected countries remains a serious impediment to transforming the international peacebuilding agenda. But, if international peacebuilders are guilty of ignoring or undervaluing local dynamics and inputs, local peacebuilders are equally remiss in misreading and conflating international agendas and inputs because of their own lack of knowledge of the evolution of the international policy and practice in the last twenty years. As a result, the encounter of the local and the international is often based on faulty premises. In far too many cases, peacebuilding is reduced to technical models based on checklists and templates to avoid politics. In other cases, peacebuilding becomes highly politicized while lacking a common framework around which to mobilize competing interests and agendas. To overcome these shortcomings, hybridity in peacebuilding requires more systematic analysis and mapping of conflict dynamics by both international and local actors. But, it also requires credible platforms, institutions and mechanisms that can bring local and international actors around a common framework—both at the country and the global level. The following section is a quick review of two such mechanisms at the global level. While only illustrative, the review is intended to stimulate a critical reflection on ways of bridging the current chasm between local and international discourses, policies and practices.

### **III. Bridging the Chasm at the Global Level**

As noted previously, managing the interactions between diverse external and internal actors is one of the major concerns in peacebuilding. How these relations are perceived, defined and aligned is an essential aspect of peacebuilding. Much of the mainstream literature defines engagement between locals and internationals in terms of promoting local ownership rather than a complex process of negotiation and contestation. Thus, the key mechanism for such engagement is seen to lie in better coordination through the use of numerous tools and strategies. This assumes that a higher degree of unity and coherence among both the domestic and the international actors, which is rarely the case. Discussions about coordination need to be preceded by a more accurate understanding of who and what

should be coordinated and their respective interests and agendas. Since it cannot be assumed that domestic or international actors share similar agendas or common vision about peacebuilding, their interactions have to be intermediated from a peacebuilding lens. The next section reviews two mechanisms that are designed to bring conflict-affected countries together with international actors to identify more effective peacebuilding strategies. Both are experimental efforts and their impact on peacebuilding remains to be seen. In fact, there are serious concerns that they are state-centric initiatives that do not adequately take into account the competing interests and agendas both at the local and the international levels. Nonetheless, they constitute important innovations that merit closer attention.

### **The UN's Peacebuilding Architecture**

One of the key institutional reforms aimed at managing the relations between conflict-affected countries and the multilateral system under the auspices of the United Nations was the creation of the UN's so-called Peacebuilding Architecture at the World Summit in 2005. The architecture consisted of the Peacebuilding Commission (PBC), the Peacebuilding Fund (PBF) and the Peacebuilding Support Office (PBSO). As an intergovernmental organ of the UN, the Commission was envisaged as a catalytic mechanism to redress the fragmented, piecemeal, erratic nature of international support to peacebuilding by establishing a set of new institutions with the explicit mandate to overcome these weaknesses and to better respond to local needs and realities (United Nations, 2000; 2004). In a nutshell, the PBC (and, by extension, the PBF and the PBSO) aimed to i) bring sustained attention to the pressing needs of countries emerging from conflict; ii) promote better coordination and coherence among the myriad actors involved in peacebuilding; iii) marshal resources for peacebuilding; and iv) increase the knowledge base for more effective peacebuilding policy and practice. The expectation was that the new architecture would serve as an interlocutor as well as an advocate for conflict-affected countries seeking international support. Moreover, there was an underlying assumption that, unlike other UN organs, the PBC would not be captive to narrow national interests but would be allowed to be guided by the needs of countries on its agenda.

Unfortunately, these high expectations were cut short as a result of the PBC's founding resolutions which reflected the deep political cleavages at the United Nations at the time.

The PBC was created as an advisory body to both the Security Council and the General Assembly. As a result, the Commission lacked any independent authority or decision-making power over other bodies (Ponzio, 2007). Moreover, whereas the Commission had been intended “to provide an agile platform where all actors engaged in peacebuilding in a given context could discuss and agree upon a common strategy and priorities, during the negotiations, the PBC membership became significantly more fixed and formulaic” (Hearn *et al.*, 2014). These early decisions had far-reaching consequences for the PBC’s operations in countries that came on its agenda.

The first two countries to join the Commission’s agenda were Burundi and Sierra Leone. Notwithstanding its built-in limitations and steep learning curve, the PBC initiated an extensive (and cumbersome) process of engagement with the national actors and other key stakeholders involved in both countries through the development of what was called the “integrated peacebuilding strategy,” or IPBS. The country-specific IPBS process was intended to bring diverse actors to reach a shared understanding of conflict dynamics in each context and to be guided by jointly identified needs and priorities as the basis for more effective international responses. However, the IPBS process inevitably became intertwined with myriad other processes and mechanisms, adding another layer of complexity to the international engagement with national and local actors. Perhaps equally importantly, given its membership of 31 states with multiple intersecting agendas beyond the needs of conflict-affected countries, the PBC never rose up to becoming a consensus-based advisory body as had been hoped (Ponzio, 2007). Moreover, given its intergovernmental character, the PBC saw the government as its main interlocutor, thereby failing to engage effectively with other key national and local actors, especially the non-governmental sector.

Nonetheless, the IPBS process became the PBC’s main instrument of engagement as new countries came on its agenda, reflecting a tendency towards path dependency rather than a willingness to better understand the political dynamics and peacebuilding challenges that are inevitably different in each conflict context (Tschirgi, 2010; Heemskerk, 2007). Indeed, with each successive country joining the PBC – Guinea-Bissau (2007), the Central African Republic (2008), Liberia (2010), and finally Guinea (2011) – the need for differentiated approaches became abundantly clear. Yet, each new country also exposed the deficiencies of the Peacebuilding Commission, not least its inability to adequately respond to the changing political dynamics in diverse conflict settings.

The first five-year review of the PBC in 2010 highlighted many of the PBC's shortcomings (United Nations, 2012). Nonetheless, observers also pointed to some early wins, especially with respect to aid alignment and greater coherence among international actors. In Burundi, for example, the PBC was credited with engaging bilateral donors and multilateral agencies to better coordinate donor aid with the government and mobilizing over \$680 million through its advocacy efforts (Hearn *et al.*, 2014, citing Smith, 2013). Similarly, in Sierra Leone, the PBC was seen to have provided political support to the Executive Representative of the Secretary General Von der Schulenburg in his efforts to coordinate a more coherent in-country strategy (*ibid.*). Yet, the mixed record of countries on the PBC's agenda in 2014 is telling: While none of the six countries is free of the risk of renewed conflict, there were serious relapses in Guinea-Bissau and the Central African Republic. The former witnessed a military coup in 2012, while the latter continues to experience an extended crisis. Perhaps more telling is the fact that the PBC is regularly bypassed as an effective instrument of international engagement in many other conflict-affected countries ranging from Afghanistan to Cote d'Ivoire and South Sudan.

It is beyond the scope of this paper to undertake an assessment of the PBC's effectiveness and impact. As the 10<sup>th</sup> anniversary of the creation of the Peacebuilding Commission draws near, there will undoubtedly be many studies to evaluate the Commission's role in contributing to peacebuilding processes and outcomes.<sup>5</sup> However, it is important to acknowledge that the IPBS process aimed to generate differentiated modalities of engagement which would allow for greater responsiveness to local dynamics. Equally importantly, the PBC has provided a platform whereby various governmental and intergovernmental actors could harmonize their peacebuilding interventions in ways that would better align with the fluid political conditions on the ground. In short, the PBC reflects a growing understanding of the need for a mechanism to provide timely support to critical political processes among key stakeholders, even if institutional UN politics have so far militated against giving PBC greater import (Jenkins, 2013; Berdal, 2009).

Yet, because the PBC's mandate is currently limited to only six countries on its agenda, it is clear that there is continuing need for other formal and informal mechanisms that can facilitate the range and breadth of engagement between international and local actors. Beyond the PBC, current mechanisms for engagement between international and local

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<sup>5</sup> The PBC's five-year review focused largely on institutional issues.

actors remain largely ad hoc, inadequate and often driven by powerful states. Interestingly, the growing security interest of major powers in state fragility and state building has led to an innovative mechanism that promises to circumvent UN politics through the New Deal.

### **The New Deal for Engagement in Fragile States**

The New Deal is an arrangement between a group of 18 countries called the g7+ and their international development partners which was adopted in Busan, South Korea in November 2011 during the 4<sup>th</sup> High Level Forum on Aid Effectiveness. Unlike the PBC, which is a political body, the New Deal is focused on the aid relationship between donor and recipient countries. Established in 2010, the g7+ is a collective of countries (delicately identified as “fragile and/or in conflict-affected situations”) which are committed to sharing experiences, developing strategies, and advocating for more effective peacebuilding and statebuilding. Because of the active role assumed by the g7+, which has its secretariat in Dili, Timor-Leste, the New Deal promises to strengthen the voice of conflict-affected and fragile countries at the international level.

The New Deal rests on the premise that development aid could support peacebuilding effectively only if it shifted from the previous “donor-to-recipient transfer of models, policies and practices – or using blueprint approaches to institutional reform – to an equal partnership between governments and development partners, based on dialogue and collaboration” (IDPS Secretariat, 2014). Thus, it asserts that aid should focus on the right priorities, country-owned and country-led processes of transition and resources that are targeted to build local capacities and systems.

The New Deal has identified five Peacebuilding and Statebuilding Goals (PSGs) as the basis to enable progress toward the Millennium Development Goals (MDGs) and to guide national as well as international efforts and resources. The PSGs consist of legitimate politics, to foster inclusive settlements and conflict resolution; security, to establish and strengthen people’s security; justice, to address injustices and increase people’s access to justice; economic foundations, to generate employment and improve livelihoods; and revenues and services, to manage and build capacity for accountable and fair service delivery.<sup>6</sup>

The New Deal has established new terms of engagement to support country-owned and country-led transitions out of conflict and fragility under the acronym FOCUS, which

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<sup>6</sup> For extensive documentation on the New Deal, see <http://www.newdeal4peace.org/>.

encompasses fragility assessments, one vision/one plan, compacts among key stakeholders, use of PSGs to monitor progress, and support for political dialogue and leadership. The New Deal also outlines a series of commitments to achieve better results, under the acronym TRUST (transparency, risk sharing, use and strengthening of country systems, strengthening capacities, and timely and predictable aid.)

Since its launch in 2011, there has been intense activity to operationalize the goals embodied in the New Deal in seven pilot countries: Afghanistan, Central African Republic, Democratic Republic of Congo, Liberia, Sierra Leone, South Sudan and Timor-Leste. This process is being accompanied by concerted efforts to develop new methodological and analytical tools to monitor the progress under the New Deal. Recognizing that many peacebuilding strategies are based on conflict analysis tools that were prepared by external analysts and experts, the New Deal has called for country-led studies on the causes and features of fragility and sources of resilience called the “fragility assessments” to serve as the basis for the “one vision/one plan” strategy under FOCUS. These periodic assessments are to be prepared by key national stakeholders and non-state actors based upon a harmonized methodology, including a fragility spectrum, to be developed by the g7+ and supported by international partners.

In preparation for a June 2014 Implementation Working Group Meeting in Sierra Leone to monitor progress toward the PSGs, a report was prepared to assess the main achievements of the New Deal based on two surveys and information drawn from other sources. The report identifies the New Deal’s main achievements as follows:

First, more inclusive dialogue among governments, donors, and civil society has improved over the past three years on some countries. This has led to more attention to peacebuilding and statebuilding. [...] Second, aid is becoming more transparent. The survey findings demonstrate that donors are taking aid transparency seriously, and are improving their global systems and standards for reporting on development assistance. [...] Third, donor financing is more becoming integrated. (IDPS, 2014: 9-10)

Yet, the report also notes that while these results point to greater national leadership and some changes in donor behavior, “they fall short to a significant extent of the ‘paradigm shift’ that is expected out of the New Deal. The change is slow and not systemic” (IDPS, 2014: 10.)

On paper, the New Deal seems like a step forward in giving the g7+ a greater voice in agenda setting as well as strategic planning to redress the current asymmetric relations

between conflict-affected and fragile countries and their development partners. It has considerable potential to do so provided it brings politically informed and locally generated analysis and needs assessments to the table based on serious consultations with key stakeholders at the country level. As has been noted,

The New Deal's particular value is to provide a framework for ensuring that the search for an acceptable political settlement is inclusive and based on shared understanding of both the deep-rooted and current drivers of fragility and sources of resilience. This approach ensures that dialogue does not limit itself to an elite pact to stop the conflict. Instead, the New Deal seeks to keep dialogue dynamic and at a high level, going beyond just a peace agreement and steering both national and international efforts to rebuild the country in a more resilient way. (IDPS, 2014: 21-22)

Currently, it is not evident that this is actually happening. Many of the analytical tools and frameworks that are being employed seem to imitate their international counterparts. Moreover, despite the constant refrain about country-specific context analyses as a way of averting conflict and fragility, two g7+ countries (Central African Republic and South Sudan) are engaged in violent civil conflict, with parts of Somalia continuing to experience high levels of insecurity and conflict. Thus, the 2014 Monitoring Report frankly states:

The New Deal has not been able to play an instrumental role in anticipating risks and supporting potential mitigation strategies in CAR and South Sudan. Nor is it currently providing a framework for dialogue between partners, or the identification of future pathways out of conflict.

Rather, New Deal implementation appears primarily focused on delivery of technical processes, and supporting technical dialogue on issues, such as aid effectiveness and results. Fragility Assessments, when undertaken, have struggled to gain political traction for their findings, as evidenced by the limited uptake of PSGs in country programming and the lack of a whole-of-government approach. Second, donor approaches to risk continue to be focused on fiduciary risk and project-level risk, with insufficient attention paid to using their programmes to support mitigation strategies for contextual and political risk. This is in spite of important shifts in risk policies at donor headquarters. (IDPS, 2014: 22)

The report further cautions that

[t]he current approach to New Deal implementation presents a number of risks, including: lack of country ownership beyond the lead New Deal institutions; development of processes and instruments that are donor-driven rather than country-led; proliferation of parallel processes in environments that are already highly fragmented; and, lack of adaptation to the varying contexts faced by g7+ countries, including situations of conflict and extreme fragility. (IDPS, 2014: 24)

Despite its limitations, and just like the Peacebuilding Commission, the g7+ and the New Deal have opened up a new process that merits closer monitoring. Interestingly, however, it

has been noted that since 2011 a rift emerged between the PBC and the International Dialogue on Peacebuilding and Statebuilding “largely over influence and authority in global peacebuilding policy” (Hearn *et al.*, 2014: 7). Some PBC member states have expressed concerns over a Western-dominated agenda pursued by OECD donors in the IDPS which “subordinated development to security concerns” (*ibid.*). Yet the PBC has failed to come up with an institutional response to working with the g7+ countries and International Dialogue. As Hearn *et al.* have noted, “The potential result is an ever-growing network of donor-dominated peacebuilding ‘compacts’ and aid allocations on the ground without the buy-in of all relevant powers; and a PBC that risks being marginalized from much of the action in the field” (*ibid.*). The reality is that intergovernmental mechanisms like the PBC and the IDPS are inevitably limited by their institutional mandates, which militate against more radical transformation of the asymmetric relations between local and international actors, much less giving birth to an entirely new peacebuilding paradigm. Yet, it is also important to acknowledge that the entire peacebuilding agenda itself is under considerable pressure in light of the changing international peace and security context since 9/11 (Tschirgi, 2013).

## Conclusion

As the previous sections demonstrated, there are sharp disconnects between myriad local and international actors in their understandings of and approaches to peacebuilding, which in turn contributes to the mixed record of peacebuilding. Accepting hybridity as a reality requires better understanding of the interests, capacities, needs and priorities of all actors involved in peacebuilding. To date, peacebuilding theory, policy and practice have been set back by the absence of strong “inside-out” perspectives on peacebuilding. In the last decade, a sizeable body of case studies on peacebuilding has been produced. These have provided in-depth analyses of conflicts in diverse contexts and examined the achievements and limitations of international peacebuilding – albeit primarily from the perspectives of outside analysts and external actors.

This paper provided a quick overview of the international peacebuilding project, presented key debates in the peacebuilding literature on the main features and limitations of that project, introduced the concept of hybridity as a way to ground international efforts within local dynamics in order to secure more sustainable processes and outcomes, and reviewed two key mechanisms seeking to bridge the chasm between local and international

approaches to peacebuilding. The paper argued that peacebuilding involves the complex interplay between multiple internal and external actors which contributes to variegated outcomes in peacebuilding. The underlying premise has been that incorporating local perspectives would not only contribute to strengthening peacebuilding research, policy and practice, but would also serve as a corrective to the current stylized and formulaic discourses on peacebuilding.

As noted above, mainstream liberal peacebuilding has focused narrowly on reforming current practices. Liden *et al.* (2009: 594) have argued that it

may need to investigate ways of not just extending its moral responsibility over the citizen or subject or the non-liberal other, but engaging with other, probably non-Western/'modern' ontologies and epistemologies. It needs to find ways of building this confrontation or engagement into the peacebuilding process itself, in order to reconstruct a more politically hybridized form of peacebuilding, and certainly one that is better at representing, providing for respecting the rights and needs of post-conflict societies and communities. It also requires reflection on the need for an international social contract between peacebuilders, international officials, soldiers, aid workers, NGO personnel, development experts and a range of other experts and administrations with the full range of the recipients of peacebuilding (not just powerful local elites), in the absence of any national social contract.

The creation of new mechanisms such as the Peacebuilding Commission and the New Deal certainly do not involve a radical transformation of the current peacebuilding paradigm. They do, however, offer new platforms to bring diverse voices and approaches to the table. If sufficiently anchored in politically-informed and locally-grounded realities, such mechanisms might help to overcome the current biases of externally-driven peacebuilding research, policies and practices. One important remedy to more effective peacebuilding lies in meaningful and systematic incorporation of local perspectives, realities, needs and aspirations into peacebuilding analysis, policy and practice since current models and processes fail to capture the complexity of peacebuilding as experienced in different contexts. As has been argued throughout this paper, the question is not one of privileging one set of analysts or one set of actors over another. On the contrary, it is fully recognized that contemporary peacebuilding is – and will likely remain – a joint enterprise. The real question is how to improve that enterprise through research, policy development and practice that supports joint agenda setting, strategic planning and implementation.

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**International Responses to Human Protection Crises: Responsibility to Protect and the Emerging Protection Regime\***

This essay examines contemporary debates about human protection by the UN Security Council and others in response to major humanitarian crises. It argues that there are clear signs of an emerging international human protection regime in the evolving practice of the Security Council and suggests that this regime is based on an accommodation between different moral accounts of humanitarian intervention. The first section examines some of the legal and moral debates that have arisen with respect to military intervention for protection purposes. The second section briefly reviews the Security Council's practice and reveals an emerging new politics of protection. The third section argues that although the use of force and other coercive measures remains controversial, there is evidence to suggest that the Security Council is taking its protection responsibilities more seriously in a way consistent with the emergence of a new regime.

**Keywords:** human protection; humanitarian crisis; humanitarian intervention; Security Council; United Nations.

On 19 March 2011, military forces from France, Canada, the United Kingdom and the United States struck the air defenses and soldiers of Muammar Gaddafi's regime in Libya. These countries led a wider coalition of states with the stated aim of enforcing the objectives set out by United Nations (UN) Security Council Resolution 1973 (2011), principally the enforcement of a no-fly zone over Libya, imposition of an arms embargo, and the protection of civilians. The following day, a summit was convened in Paris in which the initial modalities of Operation *Odyssey Dawn* were finalized. This involved representatives of 18 states (primarily from Europe and North America but also including Iraq, Jordan, Morocco, Qatar and the United Arab Emirates) as well as officials from the League of Arab States (LAS) and the European Union (EU). On 23 March, NATO leadership took over enforcement of the arms embargo; on 26 March it assumed responsibility for enforcement of the no-fly zone; and on 31 March the Alliance assumed full control of operations under what was now called *Operation Unified Protector*. Not all NATO members participated – Poland and Germany were notably absent – but the Alliance was joined by several others including Sweden, Jordan, Qatar and the United Arab Emirates (UAE). On 4 April, President Obama withdrew US forces from direct combat, after which the lion's share of combat missions were

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\* Article published in Portuguese in *RCCS* 104 (September 2014). DOI: 10.4000/rccs.5680

conducted by France, Britain, Italy, Denmark, Belgium, Canada, the UAE, Qatar and Norway. NATO-led operations prevented the fall of the rebel stronghold of Benghazi and a widely anticipated massacre, and after a period in which the frontline moved backwards and forward with alarming rapidity, the conflict settled into a period of stalemate. During this period, NATO and its allies continued to use force against Libyan targets, including command and control facilities. On 19 August, forces loyal to the rebel National Transitional Council (NTC) stormed Tripoli and the city was taken in the space of a week. Fighting continued around government strongholds until October, when the town of Sirte fell to rebel forces and Gaddafi himself was captured and executed.

As I argued in an article written with Paul D. Williams, the UN Security Council's response to the Libyan crisis in 2011 was significant for a number of reasons (Bellamy and Williams, 2011). Most notably, Resolution 1973 (17 March 2011) was the Council's first to mandate the use of military force against the *de jure* authorities of a UN Member State for the purpose of human protection. Although the Council had come close in the past, it had never before crossed the line. In Resolution 794 (December 1992), the Council had authorized the Unified Task Force to enter Somalia to ease the humanitarian crisis, but this was in the absence of a central government rather than against one. Similarly, in Resolution 929 (June 1994), the Security Council authorized the French-led *Operation Turquoise*, ostensibly with the humanitarian aim to protect victims of the ongoing genocide in Rwanda. Despite many concerns over the French government's motives, *Operation Turquoise* enjoyed the consent of the interim government in Rwanda as well as its armed forces. In resolution 940 (September 1994), the Security Council authorized the use of military force to oust the military junta in Haiti. But not only did this mission receive the explicit support of Haiti's *de jure* authorities (S/1994/905 annex), it was justified primarily with reference to defending democracy. The protection of Haitian civilians was only implied in the resolution's references to the intervening force maintaining a "secure and stable environment" (operative paragraphs 4 and 9a). More recently, in the Democratic Republic of Congo, Sudan, South Sudan and Côte d'Ivoire, the Security Council authorized the use of all necessary measures to protect civilians, but the blue-helmet operations in these countries all operated with the official permission of the state's *de jure* authorities. This was not the case in Libya. The Security Council has thus entered new political terrain: using force against a *de jure* government with the stated aim of protecting civilians.

Also significant was the Council's willingness to quickly apply a raft of measures short of military force to coerce and persuade the Libyan authorities to change course. Resolution 1970 (26 February 2011) imposed targeted financial sanctions, an arms embargo, referred the situation to the International Criminal Court, mandated intensive diplomacy and demanded a peaceful resolution to the conflict. Indeed, one recent assessment suggests that the Council utilized almost the whole of its "preventive toolkit" in Resolution 1970, prior to authorizing the use of military force (Reike, 2012).

Finally, because the Council referred to the "responsibility to protect" (RtoP) principle in four of its resolutions on Libya – 1970 (2011), 1973 (2011), 2016 (2012), 2040 (2012) – its response to the situation there has unsurprisingly been characterized as a key test of this principle. For some of the principle's supporters, such as Gareth Evans (2012: 1), Resolutions 1970 and 1973 represented "a textbook example of how the Responsibility to Protect is supposed to work in the face of a rapidly unfolding mass atrocity situation."

However, controversy surrounded the implementation of Resolution 1973, stemming from the widely held view that the actions of NATO and its allies went beyond – or indeed violated – the terms of Resolution 1973. Key in this regard were the coalition's apparently overt pursuit of regime change despite the absence of a specific mandate to that effect, the supply of arms to rebel groups potentially in contravention of the Council's arms embargo, and NATO's unwillingness to countenance a negotiated settlement despite specific provisions to that effect in the resolution. These concerns prompted significant criticism from Council members, including two permanent members (China and Russia) and several significant emerging powers (notably Brazil, India and South Africa). They also gave rise, among other things, to the development of the concept of "responsibility while protecting" (RWP) by Brazil, which included a call for limits on Council decision-making (in the form of a focus on prevention and criteria to guide decision-making) and accountability measures to oversee the implementation of its resolutions. The intervention in Libya also reawakened lingering suspicions about the potential of the RtoP to be abused by Western states pursuing "regime change." According to some analysts, partly as a result of this, there developed an atmosphere within the Council that hindered the search for common ground on other crises, most notably Syria. Indeed, some commentators have argued that the Council's inability to reach a consensus on Syria is effectively "collateral damage" from the fallout over the Council's handling of Libya (Goldberg 2012).

This essay examines contemporary debates about human protection by the UN Security Council and others in response to major humanitarian crises and argues that despite the controversies stemming from Libya and problems inherent in international society's response to the crisis in Syria, there are clear signs of an emerging international protection regime. The essay proceeds in three parts. The first section examines some of the legal and moral debates that have arisen with respect to military intervention for protection purposes. The second section briefly reviews the Security Council's practice and reveals an emerging new politics of protection. The third section argues that, although the use of force and other coercive measures remains controversial, there is evidence to suggest that the Security Council is taking its protection responsibilities more seriously in that it is more likely to become engaged in protection crises than it once was.

### **Debating Intervention**

Historically, genocides and episodes of mass killing have tended to end in one of two ways: either the perpetrators succeed in achieving their ambitions or they are forcibly prevented from doing so (Bellamy, 2009; de Waal and Zilkic, 2006). This cold fact is borne out by recent cases. The 1994 Rwandan genocide ended with the defeat of the Rwandan government and *interehamwe* militia at the hands of a rebel group known as the Rwandan Patriotic Front (RPF); the war in Bosnia came to an end when the military balance turned in favour of a Croat-Muslim coalition backed by NATO airpower; and NATO airpower brought ethnic cleansing in Kosovo to an end. On the other hand, the rate of killing in Darfur declined since its peak in 2003-4 primarily because the *Janjaweed* militia and their government backers have largely succeeded in forcing their enemies into exile, whilst the failure of either side to score a decisive victory in Syria has led to a protracted conflict characterized by mass atrocities.

Facts like this pose a major challenge to international peace and security. For both liberals and realists alike, security has traditionally been understood as the purview of states, and two of the main guarantors of national security are the principles of sovereignty and non-interference.<sup>1</sup> According to this perspective, international security is best pursued through a society of sovereign states that enjoy exclusive jurisdiction over a particular piece of territory and rights to non-interference and non-intervention that are enshrined in the

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<sup>1</sup> For a good account of this way of thinking see Jackson (2000).

Charter of the United Nations (Bull 1977). This is often labeled ‘Westphalian sovereignty’, referring to the 1648 Peace of Westphalia, which is commonly reckoned to have instituted a world order based on the right of sovereigns to jurisdiction over their own territory and the view that international rules should be limited to those governing coexistence between states rather than affairs within them.<sup>2</sup> Elements of this idea sit at the heart of contemporary international society’s rules governing relations between states. Article 2 (4) of the UN Charter forbids the threat or use of force by states in their dealings with one another, and Article 2 (7) prohibits the UN from interfering in the domestic affairs of its member states. There are only two exceptions to the ban on the use of force contained in Article 2(4): Article 39 gives the UN Security Council the right to authorise military action in cases where it identifies a “threat to international peace and security,” and Article 51 recognizes that all states have an inherent right to use force in self-defence.

The value of this Westphalian system of security rests on the assumption that states are the best guardians of their citizens’ security and reflect the values and moral preferences of the communities they house (e.g. see Walzer, 1994). In other words, the security of the state is considered important, and worth protecting, because states provide security to individuals and allow communities to flourish on their own terms. It should be clear from the preceding paragraphs, however, that this assumption is problematic. In the past century, threats to human security have tended to come more from an individual’s own state than from other states (Commission on Human Security, 2003: 2). This raises the question of whether there are circumstances in which the security of individuals should be privileged over the security of states.

The debate about the use of force for protection purposes thus hinges on the question of whether a state’s right to be secure and free from external interference should be conditional on its fulfillment of certain responsibilities to its citizens, not least a responsibility to protect them from mass killing. As a heuristic tool, it suggests that different positions can be plotted along two axes – the first relating to our conception of what is possible in world politics, and the other relating to which actors should be privileged (see Table 1).

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<sup>2</sup> For a discussion of Westphalian and post-Westphalian concepts of sovereignty see Bellamy and Williams (2010).

**Table 1: Contending Values and Perspectives**

	State-centred	People-centred
Optimist	<i>rule-utilitarian</i> <i>legal-positivist</i> <i>pluralist (English school)</i> <i>communitarian (?)</i>	<i>liberal internationalist</i> <i>social contractualist</i> <i>cosmopolitan</i> <i>solidarist (English school)</i> <i>natural law</i>
Tragic	<i>Realist</i> <i>post-colonial (?)</i> <i>Marxist</i> <i>communitarian (?)</i>	<i>post-structuralist</i> <i>feminist (critical)</i> <i>post-colonialist (?)</i> <i>classical humanitarian</i>

The first axis on Table 1 refers to the way we understand the potentiality and limits of world politics. Some theories of international ethics are prefaced on an essentially optimistic vision which holds that because dialogue and therefore moral consensus and the development of shared purposes are possible across diverse communities, so too is human progress. As a result, dialogue can foster shared visions of the good, and determined and ethical collective action can move humanity in a positive direction towards it. Immanuel Kant's vision of a perpetual peace brought about incrementally through the regulation of war and then by the establishment of a community of nations is a good example of an optimistic account (1903 [1795]).

The alternative is a basically fatalistic or 'tragic' conception of world politics. This perspective is based on the view that the world is comprised of culturally distinct units with different values that pursue their own, distinct, goals, with limited possibility for cooperation (e.g. Niebuhr, 1938; Morgenthau, 1948; see Lebow, 2003). Those that try to impose their own particular beliefs on others will meet only resistance, often producing tragic effects that leave everyone worse off. This account is sceptical about the chances for progress, doubts that morality does (or should) play a role in world affairs, and predicts that efforts to spread moral values will prove costly and counter-productive. Simply put, the tragic conception suggests that "it would be wrong to think that were people to act ethically, humankind's condition would progress or improve" (Frost, 2003: 484).

The second axis in Table 1 relates to an ontological question about what sort of actor should be privileged. For our purposes we can focus on the question of whether states or people should be awarded priority. It is common for theories of International Relations to privilege the state on the grounds that it is the principal actor in world affairs, the main

source of order, and the bearer of international rights and responsibilities. This perspective also suggests that communities or nations have value in themselves. Nations enjoy a 'common life' and culture, and should be free to determine their own forms of governance. There is a 'fit', communitarians argue, between the political community and the state, and the latter enables the former to develop and protect its own values and ideas about how its members ought to live (Walzer, 1977: 87; 1994). According to Walzer (1983: 312-3),

[...] justice is relative to social meanings: there are an infinite number of possible lives, shaped by an infinite number of possible cultures, religions, political arrangements, geographic conditions and so on. A given society is just if its substantive life is lived in a certain way – that is, in a way faithful to the shared understandings of its members.

An alternative perspective privileges individuals as the only irreducible ontological entity. From this perspective, statehood and its attendant sovereignty should be understood as instrumental values – not as ends in themselves – because they derive their moral value from the state's capacity to protect the welfare of its citizens. After all, humans invented states to fulfil certain purposes, not the other way around. When states fail in their duty, they lose their sovereign rights (Téson, 2003: 93). There are a variety of ways of arriving at this conclusion. Some draw on Kant's concept of the rational individual to insist that all individuals have certain pre-political rights (Caney, 1997: 34). Other use Augustine's insistence that force be used to defend public order to argue that intervention to end injustice was "among the rights and duties of states until and unless supplanted by superior government" (Ramsey, 2002: 20, 35-6). Alternatively, historical accounts show that in both theory and practice sovereign rights have always been associated with responsibilities of one form or another (Glanville, 2011).

As Table 1 illustrates, and remembering that this is only a heuristic exercise, thinking of ethical positions on humanitarian intervention in terms of these two axes gives us four main clusters – optimistic/state-centred, tragic/state-centred, optimistic/people-centred and tragic/people centred – which offer different accounts in response to the question of whether sovereignty should sometimes be set aside in the name of human rights, different ways of evaluating specific interventions, and different ways of responding appropriately to the problem of mass killing and human suffering.

In recent years, important practical progress has been made towards bridging some of the moral divides evident on these questions. Most notably, the RtoP principle, adopted by

over 150 world leaders in 2005 and reaffirmed by the UN Security Council the following year in Resolution 1674 and later in Resolutions 1894 (2009) and 2150 (2014), attempted to reconcile the twin concerns of state sovereignty and human security by setting out the responsibilities that states have towards their own populations, and international society's responsibility in cases where states struggle or fail to meet their responsibilities. By situating the potential for humanitarian intervention within a broader continuum of measures such as early warning and capacity-building designed to prevent crises erupting in the first place, the RtoP also promised to address some of the practical problems associated with humanitarian intervention.<sup>3</sup> By situating the whole schema within the framework of rules of co-existence established by the UN Charter, advocates of RtoP attempted to find common ground with those who hold a more tragic or state-centred view of the conditions of possibility in world politics. This common ground reflected emerging practice in the UN Security Council, as the following section demonstrates.

### **Towards a 'New' Politics of Protection?**

As mentioned earlier, RtoP was unanimously adopted by UN member states at the 2005 World Summit. The World Summit recognized that states had a responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity; that international society had a duty to assist states to fulfil their RtoP; and that, should a state "manifestly fail" to protect its populations from these crimes, international society would take "timely and decisive" action through the various provisions set out in the UN Charter. Since then, RtoP has been reaffirmed in Council resolutions – including Resolutions 1674 (2006), 1894 (2009) and 2150 (2014) – in reports of the UN Secretary General, and in the establishment of a new joint office for RtoP and the prevention of genocide. RtoP has also featured prominently in the Security Council's response to protection crises in Côte d'Ivoire, Libya, Mali, Yemen, Central African Republic, and South Sudan. The Council has even referred to the principle in a press statement on the situation in Syria.

Although the formal adoption and subsequent usage of RtoP was an undoubtedly important milestone in international society's ongoing engagement with the problem of genocide and mass atrocities, the Security Council has engaged with human protection issues since the late 1990s and has developed a thematic civilian protection agenda related

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<sup>3</sup> On the emergence of RtoP, see Evans (2010).

to but distinct from RtoP. This shows that RtoP is part of a broader trend towards the development of an international human protection regime (Bellamy and Williams, 2011). In particular, the Council's work on the protection of civilians in armed conflict encompasses demands for compliance with international humanitarian law, operational issues connected to peace operations and humanitarian access, the Council's role in responding to emergencies, and disarmament issues.

In 1999 the Council unanimously adopted Resolution 1265, which expressed its "willingness" to consider "appropriate measures" in response "to situations of armed conflict where civilians are being targeted or where humanitarian assistance to civilians is being deliberately obstructed"; called on states to ratify key human rights treaties and work towards ending the "culture of impunity" by prosecuting those responsible for genocide, crimes against humanity and "serious violations of international humanitarian law"; and expressed the Council's willingness to explore how peacekeeping mandates might be reframed to afford better protection to endangered civilians. In 2004, the Council issued an aide-memoire on civilian protection, which was subsequently adopted and developed by the UN's Office for the Coordination of Humanitarian Affairs (OCHA). In April 2006, the Council issued a further resolution (1674) on the protection of civilians which reaffirmed RtoP, reiterated the Council's demand for humanitarian access in crisis zones and indicated its preparedness to act in cases where civilians are deliberately targeted. The following year, Secretary-General Ban Ki-moon created a working group to explore avenues for translating the Council's commitment to protection into tangible outcomes for endangered populations. Most recently, in late 2013, the UN Secretariat adopted a new strategy for responding to human protection crises. Called 'Rights up Front', the new strategy calls for UN officials to monitor human rights situations that could develop into mass atrocity crimes, provide information about these situations, bring them to the Security Council, and develop coordinated responses to them.

The Council also supported human protection by crafting relevant mandates for peace operations. Protection is now widely seen as one of the primary functions of peace operations and central to their legitimacy. Although some early peacekeeping operations contained human rights components, it was very rare for civilian protection to be considered a core objective of the mission. Starting in 1999 with the UN mission in Sierra Leone (UNAMSIL), the Security Council has regularly invoked Chapter VII of the UN Charter to

create protection mandates. Shortly thereafter, the Brahimi Report argued that peacekeepers who witness violence against civilians should officially “be presumed to be authorized to stop it, within their means.” Since then, peace operations in Haiti (MINUSTAH), Burundi (ONUB), Liberia (UNMIL), Sudan (UNMIS, UNAMID), the Democratic Republic of Congo (MONUC/MONUSCO), Mali (MISCA), the Central African Republic (MINUSMA) and South Sudan (UNMISS) as well as UNOCI in Côte d’Ivoire, have been mandated under Chapter VII to use “all necessary means” to protect civilians, though usually with the insertion of some important geographical, temporal and capabilities-based caveats. The regular use of Chapter VII to mandate peace operations to protect civilians represented an important development in the Council’s thinking. But it is important to stress that each one of these missions operated with the consent – albeit sometimes coerced and unreliable – of the recognized government. Indeed, for at least one permanent member of the Security Council – China – host state consent was a necessary prerequisite for all such deployments (see Teitt, 2011). In practice, the caveats and problems related to consent resulted in peace operations employing force to protect civilians infrequently, and in most cases only against non-state actors (despite the fact that government forces were often equally culpable).

Over the past decade, the Security Council has also delegated authority to regional arrangements in order to protect civilians, as in the French-led operations deployed to Mali in 2012 and Central African Republic in 2013 and the African Union (AU) Mission in Somalia (AMISOM). Like UN missions, these operations were authorized to use force and enjoyed the nominal consent of the *de jure* authorities in the respective countries.

Debates about the use of force for protection purposes and the Security Council’s response to the crisis in Libya need to be seen in the context of this changing politics of protection. Especially, the Security Council’s increasing willingness to authorize coalitions and ‘blue-helmet’ peacekeeping operations to use all necessary means – including the use of force – for human protection purposes. This trend has become established in the context of international debate about RtoP and the Council’s own willingness to reaffirm the principle. However, there were clear limits to what the Council and international society more generally were prepared to do. Most notably, until Libya the Council remained reluctant to authorize the use of force against states. This intervention, of course, provoked stinging criticism from states such as Russia, China, South Africa and India, which argued that NATO and its allies exceeded their limited mandate to protect civilians by pursuing an overt agenda

of regime change. As I mentioned earlier, many analysts have argued that the controversy arising from Libya has stymied the emerging consensus on human protection charted in this section and inhibited concerted action in response to the crisis in Syria. The following section evaluates this claim by briefly considering international society's record overall since Libya. It suggests that although Libya proved highly controversial and international society has failed to respond effectively to the crisis in Syria, there is plenty of evidence to suggest that underlying progress towards a human protection regime is being made.

### **Responsibility to Protect and the UN Security Council after Libya**

To what extent has the Council's failure to mount an effective response to the crisis in Syria reflected broader trends in the UN's political organs since Libya? If it were the case that Libya had adversely affected global consensus on RtoP and human protection, we would expect to find evidence of this in the world's responses to protection crises that have emerged since Resolution 1973. However, as this section will demonstrate, there is little evidence to suggest that either the Security Council or the UN General Assembly have become more wary of utilising RtoP or of accepting their protection responsibilities – though of course that does not mean that these institutions have succeeded in marshaling effective responses in each and every case. It is one thing to accept and agree on a principle, it is another thing entirely to agree on how best to realize that principle in difficult and dangerous real-world situations. What is at issue here, though, is the extent to which there has been any weakening of international attitudes towards RtoP and the emerging human protection regime since mid-2011. This section begins with the Security Council and moves on to discuss the General Assembly.

The UN General Assembly adopted RtoP in September 2005. In the 65 months between then and the Security Council's first resolution on Libya (Resolution 1970 [26 February 2011]), the Council referred to the principle just four times. Only two of these related to specific situations, as the Council twice reaffirmed RtoP in thematic resolutions on the Protection of Civilians in Armed Conflict (Resolution 1674 [2006]; Resolution 1894 [2009]). Of the remaining two, one broadly addressed the regional situation in the African Great Lakes region, specifically in relation to Burundi and the Democratic Republic of Congo. This resolution 'underscored' that states in the region had the primary responsibility to protect their own population and called upon them to promote human rights and good governance

and deny sanctuary to armed non-state groups. Passed only a few months later, Resolution 1706, on the situation in Darfur, 'recalled' the World Summit's provisions on RtoP and authorised the deployment of some elements of the UN Mission to Sudan (UNMIS) into Darfur. The inclusion of RtoP in this resolution proved so contentious that the language was left out of later resolutions on Darfur and was also not included in the Council's resolutions on Somalia (esp. Resolution 1814 [2008]), despite calls from the UN Secretary-General's Special Representative on the issue, among others (Strauss, 2009: 57).

It would be almost 5 years before the Council would refer to RtoP in relation to another country situation. During this time, major protection crises in Sri Lanka, Guinea, Kenya, the eastern Democratic Republic of Congo, Kyrgyzstan, Somalia, Darfur and Sudan/South Sudan came and (to some extent) went. Writing in 2009, Ekkehard Strauss (2009: 58) summed up the state of play in the Security Council when he observed that "the lack of unity in the Council or, in fact, the opposition of some Member States prevented the Council so far from applying the responsibility to protect on a specific country situation."

If it were true that negative judgments about the NATO-led intervention in Libya had damaged international consensus on RtoP and the emerging human protection regime and been used to delegitimise it by the principle's detractors, one would expect that, among other things, the Security Council's antipathy towards RtoP evident from mid-2006 to early 2011 would have resurfaced post-Libya. In fact, the opposite has happened. Despite recriminations over the implementation of Resolution 1973 on Libya, the Security Council has proven more willing to use RtoP in relation to specific situations than it was prior to Libya. From four resolutions mentioning RtoP in 65 months before Resolution 1973 on Libya, at the time of writing the Council had notched up 10 resolutions mentioning RtoP in 33 months, and an additional three presidential statements, including one on Syria. Rather than running from a delegitimised RtoP, the Council has embraced the principle post-Libya as it never has before.

Resolutions on RtoP include further resolutions on Libya which have underscored the Libyan government's primary responsibility to protect (Resolution 2014 [2011] and Resolution 2040 [2012]), suggesting that not only has the controversy over the NATO-led intervention in Libya not delegitimised RtoP generally, it has not even deterred the Council from applying this language in relation to the situation in Libya itself. In addition, since mid-2011 the Council has referred to RtoP in relation to five country situations: Cote d'Ivoire

(Resolution 1975 [2011]), South Sudan (Resolution 1996 [2011]), Yemen (Resolution 2014 [2011]), Mali (Resolution 2085 [2012]) and the Central African Republic (Resolution 2121 [2013]). The Council also referred to RtoP in its 2011 Presidential Statement on preventive diplomacy (S/PRST/2011/18, 22 September 2011), 2013 Statement on Peace and Security in Africa (S/PRST/2013/4, 15 April 2013) and statement on Syria (S/PRST 2013/15, 2 October 2013). The Council's statement on peace and security in Africa was especially effusive in declaring the Council's commitment to RtoP and support for the Secretary-General on this matter.

Not only has the Council referred formally to RtoP much more frequently since Libya than it did before, the inclusion of RtoP in resolutions and statements has become significantly less controversial than it was at the time of Resolution 1706. In the 10 resolutions mentioned above, the inclusion of RtoP was largely uncontroversial. Several UN officials and diplomats engaged in the Security Council have expressed this view privately, and public evidence pointing in that direction is available. Resolution 1975 (30 March 2011) on Cote d'Ivoire was adopted unanimously. Adopted under Chapter VII of the Charter, this resolution reaffirmed the primary responsibility of each state to protect civilians and authorised a strengthening of the UN mission there (UNOCI) to include the use of 'all necessary means' to protect civilians. None of the Council's members referred to RtoP in their statements on the resolution, suggesting that its inclusion had not been controversial (S/PV. 6508, 30 March 2011). Resolution 1996 (2011) on South Sudan was also adopted unanimously. This resolution, also adopted under Chapter VII of the Charter, established a UN mission to South Sudan (UNMISS), with a mandate to – among other things – advise and assist the government "in its responsibility to protect civilians." The resolution was adopted without statements being offered by Council members, suggesting, once again, that the inclusion of RtoP was uncontroversial (S/PV.6576, 8 July 2011). Likewise, Resolution 2014 on Yemen was adopted unanimously and without statements (S/PV.6634, 21 October 2011). In this resolution, the Council reminded the Yemeni government of its primary responsibility to protect its population. Acting under Chapter VII, Resolution 2085 (2012) authorised the creation of an African-led International Support Mission in Mali (AFISMA) to, among other things, "support the Malian authorities in their primary responsibility to protect the population." The resolution was adopted unanimously and the inclusion of RtoP was not mentioned in the formal statements offered by Council members (S/ PV.6898, 20 December

2012). Finally, each of the two additional resolutions on Libya (Resolution 2016 [2011] and Resolution 2040 [2012]) underscored the primary responsibility of the government to protect the population, with the former paying particular attention to the protection of foreign nationals and African migrants. Both were adopted unanimously and without formal statements.

Finally, it should also be noted that when circumstances on the ground in Syria changed in August 2013, so too did the UN Security Council's position. The chemical weapons attack on Ghouta, which may have killed as many as 1000 civilians, forced the Council's hand, pushing it first to demand an independent investigation by the UN and then, when that investigation provided evidence of the regime's responsibility, to take steps to eliminate chemical weapons in Syria. At the same time, the Council also began to demand compliance with International Humanitarian Law, humanitarian access and to remind the Syrian government of its responsibility to protect. All of this suggests that when confronted with clear evidence of one side's culpability for war crimes or crimes against humanity which invalidate calls for an 'even-handed' approach, states such as Russia and China could not legitimise a veto. This, in turn, further suggests that factors associated with Syria itself played a more significant role in shaping the international response than more generalised concerns about international norms stemming from the Libya experience.

From this brief snapshot of the Council's practice, there is little evidence to support the view that Libya has made the Council less willing to incorporate RtoP into its messaging and practice. Not only has the Council referred to RtoP in substantive resolutions much more frequently since Resolution 1973 than before it, the inclusion of RtoP language in Council resolutions has become much less controversial than it once was. What is more, as the situation in Syria has changed so too has the Council's response, resulting in a new initiative to eliminate chemical weapons and the direct use of RtoP itself.

An additional sign that the Security Council's inability to reach a consensus on timely and decisive action in Syria is not a product of a wider political backlash against RtoP and human protection more generally is that many of the measures proposed for Syria that were vetoed by Russia and China in the Security Council have been endorsed by significant majorities in the UN General Assembly. On 26 February 2012, two weeks after the second vetoed draft Security Council resolution, the General Assembly voted by 137 to 12 (with 17 abstentions) to adopt a resolution which contained much of the text from the rejected Council draft. The

Assembly resolution condemned the “widespread and systematic human rights violations by the Syrian authorities,” called on all armed groups to put an immediate end to violence and reprisals, supported the Arab League’s peace initiative, and called on the Secretary-General to lend his support (A.66/L.36, 16 February 2012). Among the states voting against the resolution were Russia, China, North Korea, Iran, Syria itself, Zimbabwe and Venezuela. Interestingly, for our purposes, among those states that supported the resolution were some of the most strident critics of the NATO-led intervention in Libya, including Brazil, India, South Africa and Pakistan.

A few months later, on 3 August 2012, a day after Kofi Annan announced his decision to resign as the joint envoy for Syria citing the parties’ unwillingness to abide by their commitments and the Security Council’s inability to respond effectively, the General Assembly adopted a second resolution on the situation in Syria, again by a huge majority of 132 votes to 12. This resolution, principally drafted by Qatar and Saudi Arabia, proved somewhat more controversial than the first because it heaped all its criticism on the Syrian authorities and did not condemn atrocities committed by opposition groups, a problem identified especially by India. Significantly, for our purposes, the resolution “deplored” the failure of the Security Council to adopt measures on Syria, sending a clear signal that the Council’s position did not reflect that of the wider UN membership. The controversy over the lack of even-handedness created more abstentions (31), including India and Pakistan, than in the first vote, but no more negative votes. Despite these concerns, however, Brazil and South Africa voted in favour of the resolution (GA/11266, 3 August 2012).

The General Assembly’s willingness to back a more timely and decisive response to the crisis in Syria and censure the Security Council lends further weight to the argument that there has been no generalised backlash against RtoP and human protection as a result of the controversies arising from the implementation of Resolution 1973 on Libya. We would have expected a more equivocal position from the General Assembly had NATO’s implementation of Resolution 1973 caused a more generalised backlash. In the event, the General Assembly – including states that had expressed reservations about Libya – clearly signaled that the vetoing of the three draft Security Council resolutions did not reflect the attitude of the wider UN membership.

## Conclusion

The UN, its Member States and other international and regional organizations are gradually becoming more actively involved in the protection of populations from genocide and mass atrocities. This suggests the emergence of a new international human protection regime, through which what were once seen as new practices (the use of force to protect civilians in peacekeeping) have become habitual and old thresholds (the use of force against sovereign states) crossed. This regime, I have argued here, was made possible by attempts to bridge the gaps between different moral accounts, achieved mainly through the nesting of humanitarian principles within a framework based on the existing international rules of coexistence. Of course, this common ground makes the regime less proactive than some would like, but it also makes it more legitimate and hence sustainable in the long-run. What is more, because the Security Council is a political body, and few decisions are more inherently political than those concerning the use of force, progress has been patchy and inconsistent. Yet we should let individual inconsistencies mask evidence of the underlying changes evident in the practice of the UN Security Council.

As the Council and other actors become more active in this domain, so concerns about the mandating and management of the use of force will grow and, with it, demands for new checks and balances. In the long-term, these demands will have to be satisfied if the UN Security Council is to remain in the game of using all available means to protect populations from the very worst of abuses. That we are even discussing the issue in this way – as a problem of how to implement a shared principle in the hardest of cases – is testament to just how the emerging human protection regime has come. If it are to go further, more work will be needed to ensure that legitimacy is protected when force is used for protection.

Thus, the next stage of thought and practice on the protection of populations to be focused on the provision of better analysis about emerging risks, lessons learned drawn from the various cases described in this essay, and the strengthening of accountability mechanisms within the UN Security Council. Taken together, these would help create a strong platform for the continuing work of making the protection of populations from genocide and mass atrocities a daily-lived reality.

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**State Formation and Political Community in Timor-Leste – The Centrality of the Local\***

This article addresses the enmeshments of customary and liberal institutional values and practices in Timor-Leste. It argues that dominant approaches to thinking about political community and the state overlook the significance of community sources of political values, placing them outside serious exchange and failing to provide a way of thinking seriously about negotiating political life across radical difference. There is nevertheless an ‘ecology of relations’ taking shape described neither by liberal nor customary frameworks. The nature of political community in Timor-Leste will be shaped by how these enmeshments play out and whether they are negotiated through unacknowledged shadow zones or more accessible forms of exchange. Exchange around arenas of interaction could give substance to nation-building and build participation and accountability. Villages are critical in this context.

**Keywords:** Timor-Leste; state formation; post-colonial states; political community; political dialogue.

As with many post-colonial states, Timor-Leste’s people and government are facing the profoundly challenging task of weaving together a shared political life and language from the interplay of fundamentally different socio-political cultures and logics of governance (Hohe, 2002a).<sup>1</sup> From its inception as a new state (formally in 2002, following a period of United Nations administration from late 1999), Timor-Leste has been characterised by the co-existence of liberal norms and a bureaucratic-legal model of government with local, broadly customary, forms and values of governance, and by the interactions of international market exchange with what is still a substantially subsistence economy (Brown, 2009; Nixon, 2006). In practice, these logics are inevitably entangled, shaping each other and being reshaped in the process of interaction. The world-views in which they are embedded and the models of practice they generate, however, remain in many ways deeply divergent. These differences go beyond the linguistic and cultural diversity that characterises Timor-Leste; rather, they involve profoundly different constructions of community, personhood and obligation, of authority, accountability and economy, of nature and the sacred (Hicks, 2004).

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\* Article published in Portuguese in *RCCS* 104 (September 2014). DOI: 10.4000/rccs.5717

<sup>1</sup> This article draws on a series of research periods spent in Timor-Leste between 2002 and 2011, researching local peacebuilding and then the impact of village elections. This research was conducted with Timorese research associates, particularly Alexandre Gusmão, but in 2009-2011 also including a team from the National University of Timor-Leste. While I have travelled widely through the country, the research team conducted research in each of Timor-Leste’s 13 districts. Their work is mentioned in the references.

In step with predominant international paradigms of statebuilding and peacebuilding, however, prevailing representations of the state and nation – of the political life of Timor-Leste – focus almost entirely on state institutions and the state elite (or threats to these institutions). Other dynamics of power appear at best as simply ‘cultural’, to be managed within the terms of the bureaucratic-legal state. Such an approach remains deeply entrenched internationally despite the ‘local turn’ in some theoretical and to a lesser extent policy discussion (OECD, 2010; Denney, 2013). This article argues that by failing to adequately acknowledge ‘other’ constructions of power and appropriate action as genuine sources and shapers of political community, state-centric approaches place more local, community understandings of power outside serious exchange, negotiation or scrutiny; they become ‘hidden in plain view’. Moreover, this overlooking becomes an obstacle to efforts to understand and negotiate the interactions of different constructions of power, value and wealth, and their effects on leadership, institutions, governance and lives. In many parts of the post-colonial world, friction and confusion between liberal and customary modes of governance has created ambiguous zones governed neither by customary nor bureaucratic-legal patterns of accountability, hidden from scrutiny and rife with opportunistic manipulation and violence (Boege *et al.*, 2009; Ellis and ter Haar, 2004).

The co-existence of governance norms is a profound challenge, but not in itself the problem. Rather, it is the particular nature and effects of the “ecology of relations” (Descola, 2013) created by their interaction that is important – what dynamics of power are enabled, who is excluded, and whether relations are shaped in ways that are relatively open to discussion and exchange or unacknowledged and unaccountable. The nature of political community in Timor-Leste and the character of its operation as a state are likely to be fundamentally shaped by how these interweaving logics of governance play out and are mobilised by various interests. Moreover, these engagements are important not only for central government, but are in play perhaps even more intensely at the community level, in villages (Cummins, forthcoming). Processes of discussion and exchange around particular, concrete arenas of interaction could give substance to nation-building endeavours and to the democratic values of participation, accountability and respect which Timor-Leste has constitutionally embraced. In this context it is important to take prevailing community and customary values seriously, as genuine sources of political life, and to take villages seriously,

as key sites of emerging governance practice and as fundamental to people's experience and well-being.

This article is a reflection on the gulfs, tensions and enmeshments of customary and liberal values and practices, with an emphasis on the village. After a comment on terms, it situates the discussion by looking briefly at the emergence of the new state of Timor-Leste. It notes the disjunction between centralised, liberal institutional and community approaches to governance but also considers the strengths and weaknesses of efforts to manage this disjunction: elections, consultation processes, the role of socio-political goods, and some local community efforts. Given the importance of villages to emerging political community, the article then discusses aspects of customary and community life. Village elections are an example both of the growing enmeshment of different approaches to governance and an indication of the diversity of the accommodations reached. Custom can itself be understood as an expression of self-determination. The article then returns to a broader discussion of the exile of 'custom' from how the 'state' and, by implication, political community are commonly conceptualised. It reflects on more relational and dynamic approaches to understanding the state and emphasizes the challenge and importance of processes of engagement and exchange to building political community across radical difference.

Constructing this argument in terms of state institutional and customary governance itself risks repeating the reification of categories, when it is more often a dynamic fusion of various elements that shapes realities on the ground. Drawing attention to community and customary values, however, is a response to the often pejorative or slight treatment they receive. Customary world-views and practices are understood here as dynamic and multidimensional, with long histories of resilience, refashioning, jettisoning and incorporation (McWilliam, 2005, 2008). Liberal governance also constitutes a family of protean and contending approaches. 'Local' is an open-ended term (Shaw and Waldorf, 2010). It refers first to the local governance of the *suku* (village). In rural areas, it is the *suku* that deals with day-to-day security and livelihood and where most East Timorese have direct experience of governance. The *suku* is a fundamental point of reference for political community in Timor-Leste and a critical site of enmeshment of customary and state institutional governance. While forms of *suku* governance vary across the country (Gusmão, 2012), in important respects the significance of *suku* governance is more 'national' than that of the central government as it is local values and mechanisms that underpin social and

political order countrywide. 'Local' also points to customary values and practices, which are local in the sense of being 'of the place' – endogenous but also pervasive and far-reaching, with considerable diversity across the country, but sharing strong patterns of family resemblance. To be local, however, does not mean that villages or custom are "spatially incarcerated," existing in a realm other than or isolated from global, international or national dynamics (Appadurai, 1988 in Shaw and Waldorf, 2012: 6).

### **The New State of Timor-Leste**

Independence is a recent and hard-won achievement for Timor-Leste. Statehood and centralised government are the available way to assert independence in the international system, and for many Timorese they symbolise rejection of the oppression and violence of the Indonesian era and stand as assertions of self-determination and hope. Many Timorese made great personal sacrifice for the 1999 vote that led to independence. Perhaps reflecting this there is a very high level of participation in national elections. Since formal independence Timor-Leste has held two rounds of national elections and witnessed one change of government – a significant achievement. The state itself could be seen as a statement of independence and of being Timorese, and people want to be part of it (McWilliam and Bexley, 2009).

In keeping with prevailing international practice, state-building in Timor-Leste, first under the UN (UNTAET) and then national governments, has been highly centralised (Chopra, 2002; Soux *et al.*, 2007). Responding to the scale of destruction in 1999, the international community and the returning East Timorese diaspora saw the task ahead as "nothing less than building a new nation from almost zero" (UNDP, 2000: 92). This challenge inspired extraordinary efforts by the East Timorese elite and the international community to construct a modern state – an effort focussed squarely on building the machinery of government (Richmond and Franks, 2008). Rural outreach was only lightly resourced (Chopra, 2002). The state arena was a new sphere for East Timorese, and establishing viable government institutions has been important. "Building a new nation," however, is not the same as establishing the machinery of government, while the lack of state institutions does not equate with absence of political community.

Far from being a political vacuum, on the ground it was the clandestine resistance movement that initially re-established local governance following the devastation left by the

Indonesian military (AGLD, 2003). Working with customary networks, the resistance operated “a command and control structure that [...] [was characterised by] a durability, coherence and local flexibility that were eminently suitable to the task of maintaining basic services and social order” (*ibidem*: 49). By contrast, UNTAET’s efforts to manage the regions were described as “agency governance”: organised around UN reporting requirements and answering to a centralised project management bureaucracy (*ibidem*: 53). The forms of local organisation and agency that had contributed to survival and resistance were recognised in state-building efforts as ceremonial colour, ‘folklore’ or an obstacle to liberal values (Hohe, 2002a: 570). In Dili, government administrations and programs were established with reference to international bureaucratic models, but with little reference to their capacity to engage with how local communities worked. As one Timorese Ministerial Advisor commented:

It was so good [the UN and the international community] came in. [But] [...] between the world agencies and institutions [...] [they implemented] cut and paste mechanisms. [...] You can’t just come in with money [...]. There are values in there [...] that you need to respect and adhere to. (Interview, Dili, 2011)

It may not only be a matter of resources then that state institutions continue to have little reach beyond the capital, and that there is a deep disconnection between urban and rural life (Toome *et al.*, 2012). In practice, in Timor-Leste, few established structures underpin liberal norms, or support their integration into people’s experience, although they have some circulation particularly, though not only, in urban areas, and can be passionately held. Confusion between liberal and customary social orders has also been a challenge for Dili, as the material and social frameworks that might in practice support liberal forms of social order are relatively undeveloped (Valenti, 2014), while high rates of urban migration mean that kinship mechanisms are relatively weak (Trinidad and Castro, 2007).

Democratic inclusion into the exchanges that make up national political community has been approached largely in terms of elections. Timorese clearly welcome the opportunity to participate in the choice of leadership (Toome *et al.*, 2012). Nevertheless, national elections remain a ‘thin’ form of engagement. Elections in themselves do not link the operation of leadership with the concerns, needs and values of the community, and are not capable of bridging the disjunction of local and bureaucratic-legal institutions (Hohe, 2002b; dos Santos and da Silva, 2012). Elections open the door to wider sets of exchanges and forms of

accountability necessary for more substantive legitimacy. Without these exchanges, the legitimating power of elections could weaken. The Government also undertakes public consultation processes; “however, consultation periods are usually short and little information is disseminated beforehand” (Wallis, 2012: 11). The challenges of creating inclusive processes of exchange, not driven by specific government policy agendas, are significant (Tully, 1995).

Institutions such as justice systems can work to bind political community together, but they can also be fractured. For example, according to standard explanations, criminal or serious cases go to court in Timor-Leste, while minor cases are dealt with by custom. However, as one District Administrator explained,

in reality the justice system doesn't work, so we must use traditional methods for both [serious and minor crimes], and this has deep roots in society – it is from our ancestors ... [and] is more effective ... given that the justice system is so weak, let's use the traditional system. Now ... the crime statistics are very low ... It is not because there are no problems but because we use traditional houses to resolve them. (Interview with District Administrator, 2008)

One way of talking about justice circulates in conversations with government ministries and international agencies, but quite another on the ground. Both have important things to say, but fail to engage with each other. An unintended effect of this miscommunication is that exchange about fundamental social and political goods – in this case justice, what it means and what people seek in it – is subverted, at least between central and other authorities.

It is from exchanges around fundamental goods such as justice, however, and not solely elections, that grow the web of relations and shared language between governed and governing and between forms of governance. There is a body of practice and experimentation around these interactions accumulating at district and village levels. *Tara bandu*, customary agreements negotiated within a *suku*, and covering many social, ecological and resource issues, are one channel for such explorations. Local police might be part of a *tara bandu* agreement, but so might a local company, or the district representatives of a government ministry. *Tara bandu* are examples of what can be the flexible, pragmatic and dynamic elements of custom. Laura Yoder (2007) has documented the cooperation between district representatives of the central ministry responsible for forestry and local communities – striking in that it demonstrates ministry officials accepting customary rule-making and imposition of penalties upon government as well as vice versa.

There are other examples (McWilliam, 2008; Palmer and de Carvalho, 2008; Cummins, forthcoming). Deeper forms of articulation may emerge from these developments over time.

### **Customary Orders and the *Suku***

*Suku* have adapted over centuries to fundamental changes of political regime. The great diversity of *suku* reflects cultural, linguistic and geographic difference, but also regional variations in this history of adaptation. The village, including the sub-village (*aldeia*) and the family, is the principal arena for customary forms of governance. If central government institutions have relatively little reach into the regions, *suku*, and the clan networks upon which they largely rest, underpin social order, food production and well-being for most Timorese. Central government, however, also reaches the rural population largely through *suku*.

Timor-Leste is largely rural, with over 70 per cent of the population dependent upon subsistence food production in a difficult natural environment. In rural areas, most people live in small, scattered, kin-based communities at sub-village level or below. Despite some provision of services by church, government, or other agencies, these are fundamentally self-help communities (Grenfell *et al.*, 2009). Customary belief systems are embedded in extended family life, giving them power, durability and reach. Kinship is structured through *uma* or 'houses', which are tied internally to place and shared ancestors, and networked through patterns of reciprocal obligation flowing from intermarriage. *Uma* includes living relatives, but also those who have died and the yet unborn; it includes the natural world, but also spirits (McWilliam, 2005). This mystical web is given concrete form in the *uma lulik* or *uma lisan*: the sacred or secret house, where the veneration of ancestors is focused and where *lisan*, that is, appropriate values, practices and relations are taught and given expression (McWilliam, 2005; Tilman, 2012). *Lisan* incorporates governance, but it is governance embedded in what is grasped as an ancient unity with ancestors, the natural world and the unseen world of spirit. Ancestors have great importance in *uma*, and people may talk with the dead on a regular basis. They are where community begins. This has fundamental significance for a society still dealing with large-scale loss of life.

Kinship-based social order underpins much of the practical management of everyday life. Kinships networks, however, reach well beyond individual villages and form the "cultural and economic basis for the continuity of Timorese society" (McWilliam, 2005: 38; Trindade and

Castro, 2007). House elders traditionally play key roles within the *suku*, with particular forms of responsibility (for natural resources, justice, health and so on) associated with particular families (Ospina and Hohe, 2001; dos Santos and da Silva, 2012). Families wield power (although not equally), and villages involve ongoing political transactions within and among *aldeias* across the village. Consensus and harmony are highly valued – survival can depend upon it – but there can be serious divisions within, as well as between, *suku*, associated with the Indonesian occupation, the civil war preceding it, current political parties or older histories of conflict.

As well as such traditional villages, ‘new’ villages made of more heterogeneous family groups and sometimes mixed language groups have also emerged as a result of urban migration or the displacements of large numbers of Timorese by the Indonesian military (Pyone Myat Thu, 2008). During Indonesian rule, many coastal villages absorbed inflows of forced migration from the mountain villages, creating a mixture of village patterns. In genuinely urban *suku*, the need to organise around food production no longer shapes activities. Between villages where customary patterns substantially continue and those with largely new arrangements, however, there is a spectrum of difference and change.

In 2004, in an effort to democratise villages, the Government passed legislation introducing village elections and establishing formal *suku* councils (dos Santos and da Silva, 2012). Elections and the new leadership structures have introduced a potent dynamic into village political life. Nevertheless, the politics and patterns of authority in villages have not simply been converted into a script that can be ‘read’ from the elections, or that is described by *suku* structures. The variety of ways in which customary and electoral patterns of leadership and power interact in the context of local governance is striking. The superficial uniformity of *suku* structures, by which the state seeks to render national socio-political life ‘legible’ from the centre, covers an extraordinary variety of accommodations and experiences (Gusmão, 2012; Scott, 1998).

In more traditional villages, agricultural, cultural and kinship cycles shape much social order (McWilliam, 2008). Being elected to office does not always ensure authority in these contexts, and in some villages “local leaders without *liurai* [traditional authority] heritage have had difficulty maintaining their authority in carrying out their daily activities” (Pereira and Koten, 2012: 227). This is a challenge also faced by women elected to *suku* councils. Although it is not common, women can hold substantial leadership roles, including *suku*

chief, but their standing comes through other sources, whether lineage or standing in the resistance (Cummins, 2010). *Sukus*, however, are also administrative hubs for the distribution of services and projects – not all activities are part of the traditional cycles of village life. New activities can open the way for new forms of leadership, such as offered by electing chiefs, while new villages pose new governance questions.

Nevertheless, elected leadership is not necessarily associated with higher levels of participation – in some villages elected leadership was considered to have reduced participation (Periera and Koten, 2012; Tilman, 2012). The view that the *suku* chief no longer worked for or was answerable to the whole community but distributed resources only to his or her electors (or family) contributed to lack of participation and cooperation (interviews 2011; Cummins, forthcoming). Party competition (no longer allowed in direct form at village level) was also often a divisive factor (Gusmão, 2012).

These competing demands and circumstances generate notably different accommodations – although accommodation is not always reached. A small number of communities simply elect their traditional *liurai* as *suku* chief (e.g., in Viqueque and Oecusse). It is more common, however, to “wrap up the old system in the new,” for customary authorities to identify leaders who will work closely with them, who are then ‘confirmed’ through a voting process (dos Santos and da Silva, 2012; McWilliam, 2008). Customary authorities may simply ‘anoint’ the community’s choice, handing power formally to the elected chief, and collaborating drawing on different bases of legitimacy. This action is not a formal gesture for a secular society, but a ritual endowing of authority that carries meaning for the community (Gusmão, 2012). In the urban *suku* of Bairopite (in Dili), by comparison, custom plays no part in the choice of chief, although the *uma lisan* of the area’s original inhabitants are still called upon to play a “role in [...] development, peace and stability in the *suku*” (Tilman, 2012: 201).

Independence in Timor-Leste unleashed two extraordinary efforts to give life to self-determination. One has been building the structures of government by which Timor-Leste asserts internationally recognised statehood; the other has been the resurgence of the more visible dimensions of custom – the rebuilding of *uma luliks* and the negotiation of *tara bandu* among others. During the Indonesian occupation, many places of cultural or cosmological significance were destroyed by Indonesian troops and major aspects of community life were repressed. With independence, fundamental aspects of customary life have been renewed.

Through these challengingly different routes, Timorese have been re-claiming control of their own political space. “[T]he resurgence of customary laws and traditions is not about ‘going back’ [...] but is about recognizing the ongoing adaption and dynamism which informs the customary law-making processes at work in people’s everyday lives” (Palmer, 2007: 36).

The powerful linkage between community, cultural identity and the drive for self-determination can be illustrated through the comments of one interviewee, an educated businessman in a provincial centre:

We need to maintain [traditional practices] – indeed, we have to maintain them. Otherwise, what is independence? What were we defending; and what now are we standing on? In our struggle we defended our land, our culture, our forests; if we don’t now defend our culture our independence has no roots, no foundation. Many people come bringing their customs and ideas, but we also have customs and ideas. [...] If we [...] lose our roots, our road, we will have lost our identity [...]. Why did we win the struggle? Because of our tight [kinship] structure [...]. I don’t say that we have to glorify all this but we must recognise it. Now we ignore [it] [...]. Now modern government leaders use traditional leaders at the grassroots to gain power. When they gain power, that’s all [they no longer engage with them]. (Interview, Same, 2008)

### **Building the State**

The co-existence of different logics of governance shapes many states. It is a fundamental factor in post-colonial experience and forms the context of much ‘development’ (Baker and Scheye, 2007; Boege *et al.*, 2009; Ellis and ter Haar, 2004). Despite this, the history of decolonisation offers little in the way of positive experience on the constructive negotiation of such difference. One reason for this lack of positive experience is how these interactions have been conceptualised, not only in policy and practice and long-standing approaches to political science, but in popular imagination in and beyond the Global North.

In broad terms, what we ‘see’ or do ‘not see’ in the Global South has been deeply influenced by a highly normative, reified polarisation of ‘tradition’ and ‘modernity’. In strong but pervasive forms of this dichotomy, tradition is taken as static, backward, irrational and violent, while modernity is identified with reason, progress and order (Tully, 1995; Smith, 2005; Fukuyama, 2011). Tradition becomes by definition the dark past left behind in a mythic narrative of progress. The political point of narrative arrival is the state, particularly the modern liberal state, and the dichotomy of irrational tradition and enlightened modernity is embedded in popular representations of the state. There is no suggestion here that this dichotomy should be turned on its head, so that tradition should be seen as positive

and the modern state as negative. Rather, it is the automatic normative presumption, the essentialized categories and the naturalised narrative trajectory ‘from darkness to light’ that are rejected. Structures and acts justified by ‘tradition’ can be violent and oppressive, as can those identified with ‘modernity’ (Richards, 2005). Nor is this a relativist position – one can have, and political communities need to develop, criteria and methods for judging and dealing with practices, but this needs to be done on the basis of acknowledging and engaging across different moral cosmologies of governance (Tully, 1995; Brown, 2002).

This polarity is deeply embedded in our understanding of political community and the state, shaping attitudes and toolkits. Dominant understandings of politics are founded on the state, and provide few means for thinking seriously about alternative forms of governance, while the state is the *sine qua non* of democracy, human rights, security and welfare. As one influential text on peacebuilding notes, building a central state authority is the fundamental step following violent conflict, as “in the absence of the rule of law enforced by a central authority, [...] peaceful co-existence [...] would collapse into a ‘lawless state of savagery’” (Paris, 2004: 49). In a similar vein, an article attached to the 2013 Failed States Index declares, “[f]or sustainable human security, the state is the only endgame” (Haken and Taft, 2013: 1).

Thus development and peacebuilding efforts, whether from donor or post-colonial capitals, have repeatedly overlooked locally-based approaches to governance, not seeing them as relevant to modern political community. Or they have categorised them as threats to the state that need to be expunged (Fukuyama, 2011). Or states have attempted to incorporate but also instrumentalize local forms of governance, with little attention to the effects of that incorporation on customary governance or on state institutions and processes. In this approach state institutions constitute the dominant, overarching domain of politics and the public good, while customary governance is seen as the domain of (largely rural) society – familial, small-scale and parochial (Shaw and Waldorf, 2010). This account conveys an aspiration, but may obscure more than it reveals. It does not provide a way of thinking seriously about the complexities of political life across radical discontinuity: about the play of power, the distribution of resources, and the determination of relevant values and shared forms of accountability. As yet, there is no shared way of talking about these interactions, the contexts in which they arise and the political and institutional dynamics they generate, that is in any way adequate to the effects they generate.

For donors, even when the role of customary governance in the provision of social goods has been acknowledged, engaging with non-state bodies tends to be seen as too problematic. For the Department for International Development (DFID), for example, the challenges of engagement “revolve around the illiberal character of some informal actors and DFID’s liberal bureaucratic nature, which predisposes it to certain forms of engagement that privilege the state and simultaneously problematize informal actors, including chiefs” (Denney, 2013:6). The result of such approaches, however, is to sideline questions of whether, how and what order, security, justice, accountability or participation is provided and by whom, and to not explore the potential for constructive engagement (dos Santos and da Silva, 2012; Baker and Scheye, 2007).

The working assumption has been that state institutions are the sources of political order. As a result, the international community has emphasized transferring or strengthening the institutional architecture seen as key to states and elections (Paris, 2004; Richmond, 2005). According to this (broadly Weberian) understanding, the state is identified with the institutions of government and law, which are taken to be distinct from, but ordering of, society. As Tanje Hohe commented regarding the early UN mission in Timor-Leste, the “Transitional Administration built institutions based on the assumption that there were no strong concepts and ideas existing on the local level, and that the population just had to be ‘taught’ democracy” (Hohe, 2002a: 570). Whatever the applicability of such approaches to states where government and societal institutions already share a political culture, they are inadequate to questions of state and nation formation, particularly across profound difference.

A political community could rather be understood as an effect of the relationships between state institutions, societal institutions, and social orders (Cudworth, Hall and McGovern, 2007). As Marc Galanter notes, commenting on the transfer of legal institutions, “[j]ust as health is not found primarily in hospitals or knowledge in schools, so justice is not primarily to be found in official justice-dispensing institutions” (Galanter, 1981: 3). Rather it is the relationships between the legal architecture and the “institutions, cultures, traditions, mores and practices” in which this architecture operates that establish a working form of justice (Krygier and Mason, 2008: 5). The formal political, economic and legal institutions work in large part because they are embedded in networks of social practice, which institutions in turn help to regulate. Reducing the state to key institutions and state

formation to institutional transfer means that little attention is given to how these institutions might relate to their socio-political context or build relationships with already existing bodies and practices. It encourages the centralization of power and resources in the capital, and state processes that have little reason to look outwards. While the generic framework of an institution may indeed be imported, however, the processes and relationships by which it engages with its context – by which it reshapes and is reshaped by local understandings of community (or health or justice, *etcetera*) or is drawn into existing political dynamics – are critical to what kind of work that institution will do and what effects it will have (Boege *et al.*, 2009).

### **Engagement and Relationship**

Working across different logics of governance and constructions of power generates particular challenges for the quality of the exchange and of relationships between community members, decision-makers and institutions – to what extent are people able to articulate their concerns and needs or explain decisions, who and what is heard or not heard, what is seen and what is rendered invisible, who is able to be part of exchange and who is not. Effective, legitimate government, and certainly participatory government, requires some shared ‘language’ of political community. Being ‘included’ and able to take part in the ‘conversation’ of political order – metaphorically ‘having a say’ or, more importantly, being listened to – is what East Timorese might expect of independence, self-determination and democracy. To take part you need to be able to make sense of the prevailing order and language of political community. Expanding the political conversation, however, is particularly challenging when there are different languages concerning what we owe each other. As James Tully has argued regarding relations between indigenous and settler Canadians, participatory political life in regions marked by deeply different constructions of political community requires conscious dialogue between and across life-worlds (Tully, 1995; Connolly, 2000). Engagement, in this context, requires much more than the usual efforts at popular consultation, where state agencies commonly ‘hear’ input only according to their own frames of reference (Tully, 1995; Brown, 2002). Internationally, there is a long history of the marginalisation and systemic overlooking of endogamous, community-based forms of social order by state structures (Smith, 2005).

It is not only participation and inclusion, however, which require conscious engagement. The intersection of divergent logics of accountability and obligation bears directly on issues of corruption; different expectations of legitimacy and authority affect the exercise of leadership; approaches to political order that exclude large sections of the population will encourage division, impoverishment, insecurity and corruption, and so on (Brown, 2009). The enmeshment of logics of governance shapes the kinds of practices that predominate, whether formally, informally or more deeply hidden from view. It is often not clear beforehand how these logics affect and reshape each other's function in practice (Cummins, 2010). The effort to replace customary forms of decision-making and accountability with bureaucratic-legal approaches, for example, can contribute to the erosion of customary decision-making, without supplying genuinely authoritative, locally legitimate, or well-understood alternatives (Ellis and der Haar, 2004; Pereira and Korten, 2012). Bureaucratic-legal and local forms of governance also generate their own forms of exclusion that are as likely to compound as to neutralise each other (Cummins, 2010). That is, there is an ecology of relations taking shape which is not described either by liberal institutional or customary terms of reference. The dynamics of power that emerge within this ecology of relationships will determine who and what is enabled or excluded in different arenas of activity. Whether these interactions are explored and negotiated through unacknowledged shadow zones or through more accessible forms of exchange will be critically important to the nature of political community in Timor-Leste.

This kind of dialogue across difference does not sit easily with the processes and demands for certainty of most central government operations. It is a profound challenge for state institutions to enter into two-way exchanges, or 'unscripted conversations' that involve listening beyond the confines of standardised frameworks, rather than delivering 'messages' to supposedly compliant populations (Duffield, 2007). Nevertheless, there is likely to be a great cost to not persisting in this slow, uncertain work. For in Timor-Leste, much of the justice, social welfare and food security upon which the contemporary state depends is underpinned, not by institutions of government, but through largely customary forms of authority (Grenfell *et al.*, 2009). The interface of Timor-Leste's own national government with customary social orders represents a new, critically important era. After generations of colonisation and occupation, Timorese could reasonably demand a government oriented towards them and could hope for more genuine political exchange.

Building a more substantial and acknowledged set of relationships around how justice might work, for example, or food security, or decentralisation, will take a great deal more engagement. Food security or justice are not services existing in a vacuum. They are part of contexts of value and inter-subjective meaning, and go to the root of people's expectations of each other; they involve debates about what is needed, what is meaningful and what is feasible that are part of what constitutes democratic exchange.

## Conclusion

Much of the political trauma in post-colonial regions may be generated in the shadow world between the structures of state power and the reality of communities. Thinking about the political community of the state could instead begin with the networks of relationships linking social orders, institutions, and norms, of which state institutions are part. This shift of perspective brings into focus a different range of questions and emphases. It foregrounds the need to pay attention to the realities of communities and to engage seriously with them. It emphasizes building a shared language of political community, in the context of negotiation around values, practices and social and political goods. For Timor-Leste, it means taking *sukus* seriously, not merely as recipients of services or of a statebuilding project, but as central to political community, and it means paying attention to customary governance. As José Magno and António Coa have noted, "democracy is grounded in the community, and communities live within their culture" (Magno and Coa, 2012: 173).

Customary governance is not incipient liberalism; to take custom seriously might seem to entail a weakening of values, such as human rights, that many seek in liberal statehood. Experience indicates, however, that customary practices, while conservative, are not static, but can be creative and adaptable. Some customary practices would and should be challenged by efforts to work against violence and marginalisation. Pursuing human rights, however, also includes acknowledging indigenous and collective rights, and so entering into the slow, difficult exchanges that seek to work against violence while engaging seriously with local norms, practices and circumstances (Tully, 1995; Brown, 2002). It is important not to romanticise customary life, but it is equally important not to idealise liberal institutions (Brown, 1995). State institutions also generate violence and marginalisation – all participants may have something to learn from each other.

Better understanding the life of *suku* could mean that the impacts of legislation could be better foreseen, services and projects better oriented, and what people have to say better heard. Already existing linkages could be acknowledged and valued, so they can be reviewed, learnt from and built upon, without being closely centrally managed. This could open a process of state formation from the bottom up. Building a 'shared language' of political community does not mean there is not serious disagreement, that real difference is overcome or that all aspects of how political community is understood are shared. Nor does recognising the role of customary governance in collective meaning and order require the integration of custom into government. It does, however, require crafting over time mutually intelligible processes for open engagement with communities and supporting habits of dialogue and listening. The process of exchange can itself change participants, subtly or more radically. Such habits are already there in Timor-Leste, across the spectrum of political life, but their function and importance is not 'seen' within the terms of international statebuilding, and so not valued or built upon. Such exchanges, however, are integral to the slow, messy, but generative paths by which populations come to experience themselves as sharing in political community and by which the structures and mechanisms that enable and manage that community evolve. Governance that is democratic, accountable and turned towards people's well-being may be significantly located here, in how these explorations and negotiations take shape.

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## **The Representation of the Illegal Migrant in Contemporary Cinema: Border Scenarios and Effects\***

This paper analyzes a corpus of films that represent various journeys of illegal migrants. It focuses specifically on the role of the illegal migrant on the border, understood as both a place and a metaphor. After critically examining the notion of border, it explores the recurring characters in this particular kind of film: the illegal migrant who experiences the border, the Western man-in-crisis who is regenerated through contact with the Other, the immigration officer whose own stance toward the suffering of illegal migrants is questioned.

**Keywords:** border relations; border representation; cinema; illegal migrant.

A number of contemporary films have used the figure of the illegal migrant in Western societies to the point of almost starting a new subgenre (Sotinel, 2009; Mandelbaum and Sotinel, 2011; Mandelbaum and Ridet, 2011). Whatever his or her place of origin, the migrant in these films is defined as a border being, subject to a variety of border effects. As we shall see, there is more to these borders than the mere dividing lines between countries or the European Union's external frontiers. The border in these films is not synonymous with a specific geographical context signaled by posts or by boundary markers, but is rather presented as a demarcation between the legally acknowledged citizen and the officially non-existent subject. The aim of the present paper is precisely to address the nature of the representation of the border in a number of contemporary films.<sup>1</sup>

The whole issue of representation makes it imperative to ponder the nature of the analysis to be used. Although a fiction film – just like any novel, for that matter – comes out of a given society and is determined, at least in part, by that society, it would be wrong to see it as a simple reflection of social circumstances and therefore approach it as if it were a mere document. It is not a question of studying the aesthetic configurations and then proceed to see how they convey reality, but rather of understanding how a particular

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\* Article published in Portuguese in *RCCS* 105 (December 2014). DOI: 10.4000/rccs.5814

<sup>1</sup> The corpus under discussion includes *Fast Food Nation* (Linklater, 2006), *Gran Torino* (Eastwood, 2008), *Lilya 4-Ever* (Moodysson, 2002), *Promised Land* (Gitai, 2004), *Le Silence de Lorna* (Dardenne, 2008), *Trance* (Villaverde, 2006), *The Visitor* (McCarthy, 2007) and *Welcome* (Lioret, 2009). I chose not to include *Taken* (Morel, 2008) because it turns the illegal migrant into a paradigm of absolute evil. In Morel's film there is no border *per se*, because the migrant and the Western man-in-crisis (in this case, a crisis caused by his daughter's having been abducted by Albanian migrants) never truly share the space for an encounter where an alternative sociability might flourish.

aesthetic configuration is linked to a crucial social problem. For example, what does a given shot scale or the choice of a certain type of camera tell us about the implied social context?

Two other aspects should be stressed: the virtually exclusive focus on the illegal migrant, and the choice of a fictional, as opposed to a documentary, approach. In fact, the illegal migrant is far from being representative of migration as a whole. According to the UN Development Program's Human Development Report on Migrations (UNDP, 2009), this is a complex phenomenon, not only heterogeneous but also very diverse in nature. As a consequence, one is faced with the difficult task of lumping together a wide variety of experiences under the sole concept of migration. The report in question addresses illegal migration as one category among several others, including economic and conflict-induced migration. But as the report shows on more than one occasion, this also happens to be the most difficult type of migration for one to study (the very fact that it is an illegal activity accounts for the lack of reliable data as well as for the difficulty of gaining access to victims and the difficulty of telling what is voluntary from what is forced behavior) (UNDP, 2009: 23, 73-75).<sup>2</sup> These traits are precisely the reason why the screenwriters of films about illegal migrants opted for fiction instead of the documentary mode, as the former is better equipped to fill the gaps and silences, to convey the suffering of characters and thus to move, which in this particular context is much the same as involving the viewer.

But the very word fiction poses another problem, since this kind of work is also characterized by a diversity of aesthetic approaches, from the cinema of illusion, with its classic narrative structure (e.g. *Welcome, The Visitor*), to the cinema of allusion and narrative boldness (e.g. *Le Silence de Lorna, Promised Land, Trance*) – which helps explain, at least in part, why the latter variety tends to be less popular with the public. Perhaps the films in the former group also owe their success to the incorporation of the figure of a Western citizen going through a personal crisis and whose life is disrupted when intruded upon by the illegal migrant. More on the main features of this stock character later.

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<sup>2</sup> There is an overall lack of clear data on migratory movements, which is why the UNDP states that many aspects of migration fail to be covered by national governments in the North when they formulate their migration policies (UNDP, 2009: 31). Perhaps this is the reason why, in Sarkozy's France, the fight against illegal immigration and the turning of a social phenomenon into a political problem were carried out in the name of values rather than real facts (when the latter, in point of fact, suggest the total absence of the alleged invasion) (Fassin, 2009: 22). In this context, the representations of the illegal migrant in a variety of public discourses (in politics, the media, etc.) are largely the cause of a pervasive fear in society at large, which in turn only reinforces those representations (Nasraoui, 2013: 93, 129).

## The Illegal Migrant in Fiction: A Border Subject

First an attempt will be made to define what has proved to be a heuristically exciting concept in the area of the humanities and social sciences. Next we will see that the background of some of these migrant figures becomes significant, first and foremost, in light of their experiences on the border. Our goal, of course, is not to offer an in-depth, detailed study of the complexity of the entire border phenomenon, but to foreground some of its features, to shed light on the path that led from literal to metaphorical use, and to figure out to what extent the concept in question may prove useful to film analysis.

Of late, the human and social sciences have shown a keen interest in the border, or rather in the border phenomenon (a phrase that manages to capture the dynamic, plural dimension of relationships on the border) in a global perspective. With the deterritorialization of whole sections of socio-economic activities, as well as the delegation of power and sovereignty from the national to the European level, both the concept and the reality of the border have evolved. To be more precise, the border has shifted from boundary markers and checkpoints to fenced-in camps and other transit zones for illegal migrants, i.e. it has been reconfigured, while the free movement of certain individuals has been increasingly hindered (Makaremi, 2008; Sassen, 2002).

First of all, even when borders purport and claim to be watertight (I am thinking here of the various walls under construction, from the one between the United States and Mexico to the one currently being built by Israel in the West Bank), they are still a site of transit and contact, where, paradoxically, the possibility persists of a bridge between subjects, socio-economic practices, etc. This idea is expressed by the editors in the opening pages of a special issue of *Cultures & Conflits* devoted to the question of borders:

It is certainly nothing new to affirm that borders make the world and that along those national borders a certain kind of place tends to take shape that is very paradoxical in nature, in that it seems to deny the very possibility of the border by generating bridges and continuities where, most often than not, the body politic would rather welcome (socially sterile) rupture and restrictions to the exercise of sovereignty. (Bennafla and Peraldi, 2008)<sup>3</sup>

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<sup>3</sup> This is clearly the case of the border between India and Bangladesh. The Indian Government has constructed a social discourse about the border extolling its inviolability and the country's full control over it, a claim easily disproved by all the evidence on the ground: "The border is permeable and accommodating. And that is the ultimate proof that necessity makes law and that the facts on the ground laugh in the face of nationalist politics and the false identities it contrives" (Rush, 2012: 6). But this gap between political discourse and social practices is the exact reason why, instead of favoring emancipation (except for the economic emancipation of just a few), the border harbors exploitation, smuggling and violence.

The majority of the anthropological and sociological studies in the abovementioned issue corroborate the global nature of the border phenomenon and the transformation of the role played by the border, especially in the North. In fact, regardless of geographical context, today's border is at odds with the official discourses about it (control, impermeability, permanent surveillance). In other words, instead of a simple, easy to grasp border situation, we have multiple situations whose complexity makes borders not just elusive but also theoretically challenging (Bennafla and Peraldi, 2008).

On the other hand, the North has witnessed a radical transformation in the role of the border, which went from being a mark/affirmation of military-related national sovereignty (as conveyed in the etymology of the word "frontier") to being a policing-related site for controlling, containing and rejecting illegal immigrants. The process of European unification and its corollary in terms of abolishing the EU's internal borders, or rather, of shifting them to the east and south, only served to speed up this phenomenon. This was accompanied by a technological reinforcement of the control over the new bounds, the ultimate goal being to establish absolute separation (*ibidem*).

No matter what the context, the true aim of the official discourses is to build a representation of the border as watertight, high-tech controlled, and totally capable of separating us from the others, who are consistently given negative connotations (the illegal immigrant, the bandit, the prostitute, etc.). A number of studies, however, suggest a discrepancy between the discourse and what can be observed in reality. This was clearly the situation on the Austrian-Czech border until 2007 (the year the Czech Republic joined Schengen), with Austria's official speeches claiming control over the flow of illegal immigration thanks to the presence of the army and the use of high-tech equipment. An empirical study of the border, however, showed the existence of practices where randomness, chance and context played a crucial role (Darley, 2008). Checks were performed in a more or less thorough fashion depending on the time of day (or night), nationality and gender of the person in question, etc. – in other words, depending on a number of factors that made the border a less watertight place than was claimed by official discourse. These findings led the study's author to the following conclusion: "It seems that simply by virtue of their geographical provenance, local players in border areas are permitted to distance themselves from core representations of the border as a site of rigid, mechanical control" (*ibidem*).

In spite of its physical makeover (thanks to the construction of walls and lookout towers) and its being subjected to panoptic surveillance systems, the border remains a dynamic place where certain practices are carried out that are intrinsic to the border's condition as a boundary (between national states, but also between what is legal and illegal, what is legitimate and illegitimate). The example described below shows that the border is a lot more than the official delimitation between two nations: it is an unstable, loosely outlined place, a kind of innermost geography marked by the moving around of human beings and goods.

For a paradigmatic illustration of this kind of situation let us consider the players involved in drug trafficking on the border between Ciudad Juarez (Mexico) and El Paso (United-States) (Guez, 2008), two cities that, seen from the vantage point of, say, Google Earth, form one gigantic conurbation separated by the infamous fence erected between the two countries. The subjects interviewed by Guez are variously involved in the illegal drug trade. They all live at (and off) the border, which the author sees in terms of its interactions with the territories, the people and the projects it links and networks with. Controlling the border is crucial to criminal organizations (as the mere act of crossing it causes the price of the merchandise to inflate instantly), but it has also become a goal for the small drug carriers, who view it as the promise of a different life, a symbol of hope. What this means for the latter is that the border exists even before they lay their eyes on it. In fact, from the moment they decide to carry drugs to the border, those small-time smugglers have already crossed the "borderline" between what is legal and illegal, which the border – with its barbed wire, its law enforcement officers and its legal violence – seems to reify. What truly stands out, in Guez's survey, is the complex, special, almost intimate relationship between the interviewees and the border(s) they have to cross so they can live:

The border line is moving: it is actually more like a fluid continuum between what you do and what you don't, in inextricable connection with the socio-historical moment. Narcotics on their way to the Northern markets bear marks from all the crossings, and in turn the marks of all this trafficking and of the accompanying prohibitions are present in countless places and practices all over the border. (Guez, 2008)<sup>4</sup>

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<sup>4</sup> Still Guez fails to analyze the economic context and thus explain the growing asymmetry between the two sides of the border. Because of unbridled liberalization in key sectors such as agriculture (a direct consequence of the NAFTA Treaty), Mexico's economic and social organization was severely disrupted, with two million hectares of land lying fallow, eight million peasants forced into emigration to the United States, and also, in 2007 alone, \$1.5 million worth of imported food and thirty peasants emigrating from the country ... every hour! Meanwhile, the United States increased the subsidies to its own farmers (American support to maize producers

This just goes to prove, like many other examples, that we are dealing with a complex phenomenon whose description could be heuristically useful for a metaphorical conception of “the border.” On the other hand, it also exposes the border as a source of tension and violence. To put it differently, if, in fact, the border can be conceived of as a place of inventiveness, of resistance to barriers set by domestic state authorities, and as a potential site for alternative economic activities and multiple opportunities, it is because of its inherently dual nature, as both a place of promise and disappointment, of well-being (for the few) and suffering (for the many). It is just not possible to consider the border without taking this fact into account. To put it more accurately, it is not possible to resort to the “border” metaphor without a consideration of the referent’s intrinsic ambiguity, just as one cannot draw on its positive aspects alone if one is to contribute toward an overall conception of the border.

Our interpretation of the films in the corpus will find the border concept to be useless unless we bear in mind that, with regard to certain contexts, the concept has no positive connotations whatsoever. Let me illustrate this crucial point with a short sequence from *Trance* (Villaverde, 2006) in which a German border guard questions a Russian businessman through an interpreter (00:18:38 – 00:20:05). The sequence, clearly influenced by the aesthetics of the documentary, is shot through the dirty window of a border booth. The entire situation, with its suggestion of a sort of glass cage where nothing escapes the observer, is perfectly legible; the viewer inhabiting the fictional space and the traveller in the referential space are equally able to watch the situation unfold.

Neither the border nor the act of translating (incidentally, another notion used in a metaphorical way by the human and social sciences) are to be viewed in a positive light in this case. Here the border is the outer boundary of the European Union, where anything coming from the East is deemed suspicious. In this place you do not translate to reach out toward the other, but because you mistrust him or her. A person’s identity matters little in this “in-between” space, and in fact the individual in this scene doesn’t even reach character status (for he plays no role at all in the film’s overall structure). By staying anonymous, maybe he is a metaphor for what goes on in that particular border on a daily basis. By contrast, the director shows how official borders are no barrier for the mafias who cross

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in 2002 was ten times the budget of Mexico’s Ministry of Agriculture) and imposed restrictions on the import of a number of agricultural products, in violation of the Treaty (Vigna, 2008; 2009).

them at will, as they glide from one country to the next, moving people about as if the latter were merchandise rather than human beings. In another sequence (1:02:40 to 1:05:30) Sonia is sold by her Russian abductor to an Italian pimp. The pimp sizes her up like a colonial trader would a slave. Given the context, translation is not even necessary: “pidgin English” will do perfectly, serving as a metaphor for Sonia’s going over from one owner to another (English is no less a necessity than the human “merchandise”).

What we see emerging here is the ambiguous and contradictory nature of the notion of border, which partly explains why it has captivated contemporary authors like Ribeiro (2001) and Santos (2000). There is clearly a metaphorical dimension at play, which however points to multiple and often disparate meanings, according to the specific aim of each individual author. Their differences notwithstanding, both Ribeiro and Santos view the border as a symbolic place, a kind of heterotopia – that is, an intracultural shift from the center to the margins, which makes it possible to look at human experience and its representations from a different perspective. Whereas Ribeiro analyzes the border based on literary, essayistic and philosophical representations, Santos views it first and foremost – given its connection with the Baroque and the South – as a place that favors individual emancipation.

In a nutshell, Santos, in his search for ways leading to the consolidation of the emerging paradigm, runs into a substantial problem: the reason the paradigm in question is as yet not in force is not because it is incomplete or filled with tensions (a fact Santos not only acknowledges but actually approves of), but because it is difficult for the incumbent subjectivity not just to grasp, but also, and more importantly, to desire the emergence of a paradigm different from the one it knows or thinks it knows. Hence the need to posit an other, equally emerging – and as yet utopian – subjectivity.

In fact, at such a complex transitional juncture where only the reigning paradigm is well known and the emerging paradigm still awaits to be known and recognized as such, there is a need for a subjectivity that is “able enough to understand and desire the paradigmatic transition,” a subjectivity that can turn the fear and anxiety about the future into “emancipatory energy” (Santos, 2000: 321). Such a subjectivity is all the more difficult to generate because it is predicated on a different ethical stance (it must pay constant attention to the consequences of its actions *vis-a-vis* society and the future) and cannot avail itself of past experiences and discourses nor of those experiences and discourses that have been silenced by official memory. This means that we have to distance ourselves (which in

turn also means an epistemological shift from the center to the margins) from the canon upon which our modernity was based and solidified into shape (*ibidem*).

The above contextualization allows us to briefly and easily grasp the role of the border in Santos's thinking on the emerging subjectivity. According to the utopian mold that in some ways characterizes his theoretical trajectory, Santos conceives of the subjectivity in question as based on three *topoi* and as many metaphors, one of which is the border.

Santos offers a positive description of the border and then proceeds to expand the range of its connotations – in other words, to elaborate on his own metaphor of the border – by drawing on what he sees as a useful paradigm for life on the border: the US western frontier. He explores the heuristic potential of a study on the Western border done by American historians, focusing on some of the features that best fit his own declared goal: “to build the ideal-type of border sociability.” He later returns to this particular notion when he writes that what really matters is the “general phenomenology of frontier life,” in a context that was marked, before anything else, by the “instability, transience and precariousness of its social life” (*ibidem*: 325).

However, one of the problems inherent in the metaphorical use – or, to be more exact in the case at hand, in the metaphorical elaboration — of a concept is that one cannot ignore the signifier's immediate meaning(s) or the connotations, both positive and negative, that come with the referent. Ribeiro pointedly notes that the concept is not unproblematic when framed as a utopia, in that the border, as a social construct, can be either a place of hybridization – toward a new identity – or a place of suffering and exclusion. That is one of the problems with any fluid, polysemic concept: while stimulating and open, it is also prone to producing ambiguities and contradictions (Ribeiro, 2001: 471-473).

Although this thinking of/on the border can prove very useful for reading and interpreting the films under consideration, alluding to the frontier land as a place for reflecting on the emerging subjectivity is not without its problems. Both for his vigorous critique of life on the border and for being an intellectual who, like Chomsky, grounds his thinking on a refusal of pure theory, I would like to single out Zygmunt Bauman (2004, 2007) from among those authors with the most consistent analyses of the borders created by hegemonic globalization. As we know, at the core of Bauman's thinking lies the notion that, for centuries, the North has been able to dump its “human garbage” onto foreign territories. When the colonies gained their independence one right after another and these territories

came under the sway of modernity (defined in terms of the establishment of a new socio-political order and economic progress), the North had to deal not only with its domestic “garbage” but also with the “garbage” it imported from those former colonies.

Northern cities are teeming with, among others, the unemployed, the new poor, refugees, and second and even third generation immigrant youths. And in order to protect itself, the North gave up “recycling” in favor of building barriers and borders. It now sends the redundant, the “functionless,” those whom society cannot put to any economic or political use, to the new ghettos. With the dismantling of the welfare state, the ghettos ceased to function as a protective buffer for the excluded and lost all their positive features simply to be turned into an apparatus of social relegation, i.e., a kind of “dumping ground” for everything that is seen as dangerous and useless. In cities like Paris, certain neighborhoods are now literally beginning to be treated as prisons (difficult to get to by public transportation, blighted by checkpoints and raids), as real prison-houses are evolving in similar fashion: their aim is no longer to re-educate or re-socialize, but just to keep control over that potentially dangerous human waste. Also according to Bauman, there is a clear correlation between, on the one hand, the state’s waiving of its social and economic regulatory function, and its promoting of security policies on the other. In fact, this results in the criminalization of many social problems and in the segregation of redundant individuals in more or less confined spaces (such as peripheral neighborhoods, prisons, and closed centers for immigrants).

Taking this context into account, Bauman likens the new borders to what things used to be like on the old frontier. He sees the contemporary social scene as a frontier land similar to that of the Western frontier in nineteenth-century North America, where the absence of laws and regulations worked in favor of the cattle barons and outlaws. Their current counterparts, according to Bauman, are embodied by multinationals and terrorist groups, who are equally responsible for producing “human garbage” – the former in the realm of economic progress, the latter in the domain of “the creative destruction of order.” The collateral damage, in terms of human lives, caused by these modern cattle barons and other outlaws are plainly evident in the latter-day frontier. As to the consequences of all these developments, Bauman lists, among others, the fact that life on the border becomes a source of great anxiety, fear (whether the threat is real or imagined, under the circumstances, is less relevant than the reality of fear itself), and instability; that life on the

border leads to the collapse of mutual trust and its replacement by pervasive mistrust; and that the border generates exclusion for the unwanted and an obsession with security for those living on the inside. Bauman's input, coming from someone whose biography includes a vast, first-hand knowledge of various borders, will perhaps help us qualify Santos's utopian thinking with a touch of the tragic, because for many of the "redundant" or condemned of the earth, borders are, to a large extent and with no cause for celebration, decisive factors in determining the course of their lives.

The fictional illegal migrants in the films covered by the present study are perfect illustrations of Bauman's description of life on the border. Sylvia and Raul, the Mexican migrants in *Fast Food Nation*; Lorna, the Albanian migrant in *Le Silence de Lorna*; Sonia, the Russian migrant in *Trance*; Tarek, the Syrian migrant in *The Visitor*; Diana, the Estonian migrant of Russian origin in *Promised Land*; or Bilal, a native of Iraqi Kurdistan in *Welcome*, are under the constant effects of a life lived on the border. Regardless of their life plans and country of origin, both their status (as illegal migrants) and their place on the border make them into something that is very much like Bauman's *human waste*. In these films the migrant exists only as a commodity whose use value is measured by his or her labor power, and whose worth lasts only for as long as their bodies can be exploited anyway. Thus, it is no coincidence that almost every film in the corpus includes one sequence where the migrant's worn-out or bruised body is highlighted, because that is when its status as a disposable commodity stands out the most.<sup>5</sup>

From the moment the characters pay the middleman, or, to put it differently, from the moment when, albeit still a long way from the material reification of the border, they set out for it, their past personal histories – what they were prior to the transaction – vanishes from the script. To a certain extent, they lose control over their own trajectory, if for no other reason, because they depend on a trafficker who knows the route to the border. From there on, their autonomy is diminished (Lorna, Sylvia, Carlos, Tarek, Bilal) or nonexistent (Sonia, Diana) and their transformation into a commodity is all but complete.

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<sup>5</sup> In his biography of the illegal migrant, Nasraoui too gives emphasis to the weakened, sick body, a body without a home: "Physical suffering and disappointment are supposed to be healed at home, which is also where one's potential is restored and balm is poured into the wounds inflicted by life outside. But the migrant worker is exposed to the outdoors: he cannot hide his body, nor his private parts, nor his suffering, and he answers the calls of nature in full view" (Nasraoui, 2013: 208).

The subject's sudden transformation into merchandise is perhaps best depicted by the films that tell the stories of women on their way to illegal prostitution. Thus the opening sequence (0:00:00 to 0:09:35) of *Promised Land* shows a group of Russian-speaking women being taken by a band of Bedouins toward the Israeli border in the Sinai desert. In spite of its massive militarization, the border proves no obstacle to the Bedouins. The presence of the women on the border is synonymous with their absolute commodification, as they are immediately sold in a kind of modern-day slave auction, conducted in a sort of pidgin English very similar to that of the pimps in *Trance*. In this long sequence (00:12:48 – 00: 22: 08), the condition of the body parts (breasts, buttocks, mouth) is an indication of the value of the merchandise. There are no names or biographies here, as they are totally irrelevant to the transaction, and besides, the bodies' anonymity reinforces their status as commodity. The vocabulary used by the various parties involved in this trafficking (Bedouins, Palestinians, Israelis of different geographical regions) is itself suggestive of this metamorphosis; cargo, lot, goods are the words they use to literally – i.e., non-figuratively – describe what, from their point of view, the women truly are.

Gitai's film exposes porous physical borders, including those that are virtually insurmountable for the Palestinian population. Thus, the traffickers lead a group of women to Ramallah without a problem, the Israeli army checkpoint proving no obstacle for them. The officially hermetic border, supposedly a barrier for ensuring the safety of the Israeli state and its citizens, is portrayed as being permeable and ineffective, a place of contraband and exploitation. In this regard, *Promised Land* is an accurate portrayal of the gap between official discourse on the border and the border as a dynamic, criminogenic phenomenon. For all practical purposes, geography – Mexico-United States, Israel-Palestine, India-Bangladesh – matters little or nothing, because an unbalanced power relationship between the two sides, or a situation of asymmetrical economic development between two countries, is all it takes for the border to become a site of corruption, violence and alienation,<sup>6</sup> with economic and social emancipation being mostly linked to the traffickers and border guards.

For the fictional illegal migrants, however, crossing the physical border does not mean the end of their situation as border beings. In *Fast Food Nation*, the Mexican group that comes

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<sup>6</sup> A fact emphasized by Sassen in her reflections on the connection between migrations and neoliberal globalization: "As a matter of fact, as the countries of destination have repressed illegal entry and semimilitarized ever larger sections of their borders, there has been a sharp increase in illegal human trafficking" (Sassen, 2002: 41).

into the United States to find work in a meat packing plant do not lose their commodity-body status. Linklater's film establishes an intimate connection between the migrant as essentially a border being and the workings of the neoliberal economy, which to a great extent is dependent on the border to maintain its profits. The film weaves together the paths of a group of Mexican migrants and the investigation conducted by Don Anderson, a top manager of the multinational company the former also work for. The editing suggests the illegal migrant's central role in the meat processing industry: the initial sequence is constructed as an ad for the multinational in question, but a slow zoom to a piece of grilled meat makes the viewer understand that the film is somehow going to "dissect" the process whereby the meat finally reaches the consumer. Another sequence follows (exterior, Mexican-American border, night) showing the group of migrants about to embark on their journey. The alternate editing thus links the world of the illegal aliens with that of the meat packing plant, and the very use of this type of editing helps the viewer understand Linklater's intent: to show that in some sectors of the neoliberal economy those two worlds are inextricable.

It is no coincidence that, in the course of his inspection visit to the meat plant where the migrants work (00:26:13 – 00:28:30), Anderson, who has been given the task of finding out the reason for the presence of fecal matter in beef, is only interested in the material conditions of production (hygiene, cleaning of equipment, etc.), taking no notice of the status of the migrant workers in the production line. He literally misses them and their constant exploitation. The sequence ends with the group attending a session on the prevention of occupational accidents. Don walks right by the group without stopping, as if they were a natural element of the setting.

The presence of this character, Anderson, a mature man going through a sort of crisis because of what he is able to dig up in relation to industrial meat production, permits me to focus on another feature of the border that also gets to be depicted in the films in the corpus: the inclusion of a Western citizen who meets the illegal migrant while experiencing a personal crisis.

### **The Indispensable Border Intermediary: The Middle-Aged Western Man-in-Crisis**

In a number of films selected, the illegal migrant shares the script with another character – the middle-aged, Western man in the midst of a personal crisis (as a result of a divorce or

the death of his wife), who finds some comfort in the company of the illegal migrant. Simon, the character in *Welcome*, and Walter in *The Visitor*, will at some point find themselves face to face with the Other, an undocumented border being waiting to cross over to the side where they call you a citizen. Thus, until he meets Tarek and Zainab, the couple he finds living in his New York apartment, Walter is shown almost exclusively in interior sequences – at home, in his office, in his car – and invariably filmed in medium long shot or medium close-up. Shot scale is highly significant in this case, as it allows for the face of the main character to be analyzed, while also reinforcing a certain sense of confinement. It would not be off the mark to see this type of framing as a metaphor for Walter's lifestyle.

A line clearly bisects – or rather, gives structure to – *The Visitor*, thus establishing a dichotomy between an inner and an outer space (connoting boredom and life, respectively), when Walter comes across young musicians using plastic buckets as drums in a New York City park. It is outside the university walls that Walter feels the pulsating rhythm of life. A colleague walks by and invites him back inside. The fact is, however, that from now on, the in-side (meaning both Walt's inner life and his home) will never be the same. The change is illustrated in the sequence showing his first djembe lesson with Tarek (00:22:57 – 00:26:26). Whereas early in the story we see Walter playing the piano by himself in the gloom at home, now a similar shot scale shows him smiling under a bright light. Here the long shot no longer serves to highlight Walter's loneliness, but becomes necessary, in filmic terms, both to show how light fills up the scene and to make room for Tarek. There is another telling sequence in this connection: after the concert in the park, Tarek and Walter walk together in a medium long shot; little by little a zoom movement increases the shot scale to an extreme long shot encompassing the park, the people, the city and, finally, the radiant light. Walter's happiness seems to expand with the zoom-out.

It is important to note, albeit briefly, that this Other who represents salvation for the character going through a crisis also makes her/his appearance in movies where the migrants and their children are legal residents of the host country. This is the case in *Gran Torino* (Eastwood, 2008), a film in which the character of Walt Kowalski, played by an ageing Clint Eastwood, succeeds in redirecting his own life and investing his death with meaning by connecting with his Hmong neighbors in general and young Thao in particular (with Thao serving as the counterpart, on this side of the border, of Tarek and Bilal, who come from the other side). Clintwood's film shows an endless series of borders, some of them visible,

others less so, some public, others private in nature, as well as numerous instances of borders being violated.

A sort of invisible line could be said to separate Walt from his neighbors, so that the boundaries of his property establish a cultural border that stays impregnable for part of the film. From Kowalski's point of view, on this side of the border is "civilization" (the English language, the American flag, his tidy lawn, his well-kept house), while on the other are what he sees as "the barbarians" (a different language, an unmowed lawn, a house in rather poor condition). The other side is unknown to him, and in his worldview the Hmong are no different from the Koreans, Chinese, or Asians in general. Let it be noted in passing that on the other side, acting as Walt's counterpart, there is the grandmother, who at first is also reluctant to have a white, American neighbor (see the sequence in which she addresses him in Hmong, asking why he is still living in the neighborhood). The viewer understands that Kowalski undergoes a transformation as soon as characters start crossing this border, thus generating fluidity and movement from one place to another – in other words, when, first, Walt acquiesces to cross over to share a Hmong meal, and then when he accepts Thao into his private space as a helper.

These multiple border crossings draw attention to the fact that it is possible to move from one side to the other, despite the dominant representations on either side. Such mobility unveils a world that is going through great changes. It is American society as a whole – not unlike any other Western society – that is faced with the arrival of new immigrants (accompanied by mutual mistrust and sometimes fear as well). One short sequence in particular, when Walt goes to the hospital for tests, perfectly illustrates this situation: Observing the other patients while sitting in the waiting room, he notes that many are foreign-born, as is the nurse and the new female doctor. Walt's world is changing rapidly, perhaps at a faster pace than at any other time in the history of his world.

If there is a single character in these films that may be said to draw a positive experience from what happens in this border context, that would be the recurring figure of the Western man going through an existential crisis. By coming into contact with the Other, Walter, Simon and Walt move away from the root of their unhappiness and embark, as it were, on an inner journey that causes them to redefine their own identity. The border then becomes a site of hybridization and also of salvation for the citizen (of the North) without a purpose, but not for the subject (of the South) in search of a safe haven.

Let us keep in mind that hybridization as an extreme experience inherent to life on the border is largely celebrated in the writings of Ribeiro as well as Santos. According to Ribeiro, if it weren't for borders it would be difficult to conceive of hybrid or mongrel identities, because the border is the foundation of the elements – plurisignification, ambiguity, heterogeneity – underlying this type of subjectivity. Ribeiro's analysis of the border phenomenon takes into consideration the tensions and the uneven power relations that characterize hybrid identities. In his view, the border is not clearly defined, hence his rejection of "the notion that the border 'line' establishes a rigid, binary demarcation between an inside and an outside, between that which is wholly familiar and that which is totally alien, with no room left for mediation or integration" (Ribeiro, 2001: 471). What the author suggests in relation to border sociability evokes the life experiences we encounter in certain fictional characters: "The border is a medium of communication, the living space where the self and the other come to find the possibility of sharing, which is to say the possibility of generating new identity configurations" (Ribeiro, 2001: 471).

The reason the directors of these three films opted for an aesthetics of illusion, total legibility, and an intermediary the viewer can identify with, is largely because they want to persuade/seduce Western audiences (and as it happens, *Gran Torino*, *The Visitor* and *Welcome* all did very well at the box office). Other films, such as *Le Silence de Lorna*, *Promised Land*, *Trance* or *Lilya 4-Ever*, are marked by an aesthetics of allusion, reliance on metaphor to convey the evolution of the migrant characters, and the absence of an intermediary. Besides, they all raise the issue of the viewer's gaze on the border: how does one see the illegal migrant and, *a fortiori*, how does one regard the body of the woman that is trafficked across the border (as is the case in the last three films)?

### **The Relevance of the Viewer's Point of View**

The question of the receivers' role and their relationship with the diegesis has long been a theoretical concern of film analysts: who "receives" films and in what manner? As recent film analyses show (see Garraio, 2011), there is no avoiding the issue of the position of the receiver in the fictions we are dealing with here, namely the gaze of the receiver in relation to the body of the trafficked woman. The viewer's gaze and point of view thus seem indispensable to the representation of the illegal migrant on the border, since every film, regardless of its aesthetic choices, tends to implicate the receiver.

The films' aesthetics hinge, to some extent, on the following preliminary question: what to do with the bodies that are violated on the border? Should they be represented on screen or off screen? The answer to these questions led Gitai, Villaverde and Moodysson to make certain aesthetic choices rather than others. In *Promised Land*, the Israeli director chose to shoot with digital cameras to enhance the reality effect. In addition, the inherent technical characteristics of these (small, lightweight) cameras allowed him to follow the characters closely, as if walking alongside them.<sup>7</sup> The sequence showing the auctioning of the women in the desert is a paradigmatic illustration of the relationship between technical choice, aesthetics and meaning: the camera moves among the bodies, eyeing them up as if it were a trafficker. As a result, thanks to the subjective camera the viewers at this point find themselves looking at the bodies as if they were just another trafficker. Hence, no doubt, the uneasy feeling they are left with. Later, when the women are taken through the checkpoint by the traffickers, several anonymous bystanders stare directly at the camera lens. Here the director chose not to hide the camera, thus transgressing the boundaries between fiction and documentary (a genre whose codes include the use of the gazing camera and the camera's assumed presence), which in turn makes the viewer feel that s/he her/himself is being observed. It is at this exact point, where the receiver's status changes from observer to observed, that lies, perhaps, the interconnection between aesthetics, point of view and ethics, since by doing it Gitai leads the viewer to question, not forced prostitution (which is outrightly condemned), but the values and the morals of the socio-economic system on which, to a greater or lesser extent, it is founded.

Although resorting to different devices, both *Lilya 4-Ever* and *Trance* also place the whole issue of the viewer's gaze at the center of their respective concerns. The former film places the viewers in an uncomfortable situation when it makes use of the subjective camera to put them face to face with the sexual violence perpetrated against the main characters: a sequence consisting of a rapid succession of shots shows the faces of the clients on top of the victim, which in this instance means that the gaze of the viewer and that of the victim

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<sup>7</sup> Here's what Gitai had to say on the subject: "I [...] wanted to move through the various arenas of the story more fluently and really try to capture the nuances of the relationships between everyone involved. This needed a much more 'live' camera strategy. Small digital cameras allowed us to get in very close and project a sense of intimacy into the film. This roughness can give a sense of urgency. I found it fascinating that the camera was always ready with the capacity to register a kind of exposed nerve." (Quoted in Garraio, 2011).

blend together. Once again, aesthetic choice carries clear ethical implications.<sup>8</sup> In *Trance*, in some ways the most complex and perhaps the least accessible of all the movies in the corpus, Portuguese director Teresa Villaverde constantly challenges the gaze of the viewer, which at times she brings onto the scene. Thus, a sequence that comes after Sonia is raped by her Russian abductor offers a static shot of her getting dressed in the background, as the rapist's back is shown foreground left in medium close-up, gazing at her naked body (0:55:09). As this configuration of filmic space first unfolds, the viewer's gaze duplicates that of the rapist, which in itself renders the former's position rather uncomfortable to begin with. But when the rapist lies down and stops gazing, the viewer's situation becomes next to unbearable, because at that exact moment there is no longer an intermediary between that body and the "I-spectator" that sees it. Villaverde radically forces viewers into a sort of double bind: to refuse to be a voyeur, which would eventually make them stop watching the film; to incessantly question their own point of view about the suffering body. In either case, the viewers find themselves in a complex, disturbing position, halfway between complicity and critical distance.

Finally, in *Fast Food Nation* only the viewers have access to all the information, as they follow both Don's investigation and the migrant group's quest for a better life. For example, only the viewers get to know what happens to the anonymous migrant who strayed from the group while in the desert only to die there. From their privileged position, the viewers alone are given to understand that, although Anderson and the Mexicans may never communicate, their paths are closely linked. See, for instance, the short sequence in which Don's car and the van where the migrants are hiding stop side by side at an intersection (0:15:37), a symbol of both encounter and separation. At this juncture the viewer understands that, although they never come into actual contact in the diegesis, the characters are inextricable within the economic and social system portrayed.

## Conclusion

Why did these directors choose to focus almost exclusively on a given type of migrant – the "illegal" migrant – to the detriment of others? Perhaps because, on the one hand, illegal migrants carry all the suffering inherent to life on the border, and on the other, because they

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<sup>8</sup> It is worth mentioning that *Lilya 4-Ever* has been used by NGOs to raise awareness among certain target populations on the issue of trafficking in women for sexual exploitation (Garraio, 2011).

are the ultimate symbol of the negative consequences of the asymmetries generated by the neoliberal organization of the economy. As we have seen, these films depict the illegal migrants either as they get ready to cross the divide that physically separates the South from the North, or when they are already on the other side of the border, looking for a different kind of life. Regardless of where the character happens to be, s/he is subjected to the experience of the border and its – mostly negative – effects. We now know that this type of sociability emerges well before the subject's arrival on the geographical border between any two given countries. Let it be said, in this regard, that these fictional narratives tend to locate the geographical starting point of this kind of border experience in places controlled by Western (be they European or North-American) police forces, namely retention centers for "illegal" migrants. The fact is, however, that, as far as the illegal migrant is concerned, the negative effects of the border sociability often begin to be felt well before arrival at the camp. In fact, with control of the EU's external frontiers being delegated to some Maghreb countries (European Council in Seville, June 2002), it is becoming increasingly common for this painful sociability to be experienced in retention centers based in the South, particularly in Morocco (Boukhari, 2007).

Finally, let me just mention how the human and social sciences complement one another in this type of analysis. In the case at hand, no internal film analysis was offered, nor were the films read as documents. Instead, it was variously pointed out that, if a film is rooted in the social, it does so thanks to the use of rhetorical devices, characters, and narrative configurations that articulate the social in a particular way. Such particularity is perhaps best revealed at another border, the one that runs across the sciences.<sup>9</sup>

*Translated by João Paulo Moreira*  
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<sup>9</sup> The integration of various sciences also serves to demonstrate the critical importance of the humanities for understanding this world of ours (on this point, see the entry on the humanities by António Sousa Ribeiro in the *Dicionário das Crises e das Alternativas*, 2012).

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**Lost in the Mediterranean: Theories, Discourses, Borders and Migration Policies in the 'Mare Nostrum'**\*

For quite some time the Mediterranean region has become a prime arena for political action and reflection. As a consequence, there has been growing debate on its particular history, culture and anthropology. However, a good deal of this debate has proved incapable of successfully describing and analyzing the contemporary Mediterranean. Taking migratory movements, policies and bordering practices as its perspective, this article aims to shatter the postcard image of *Mare Nostrum*. Engaging with interdisciplinary studies, it highlights the stark contradictions operating within current theoretical and socio-political debates on the Mediterranean.

**Keywords:** borders; cultures; Mediterranean; migrants; multiversalism.

**1. The Look Upon the /Mediterranean/**

In his book *Postmodernism, or, the Cultural Logic of Late Capitalism*, Fredric Jameson highlights how in the analysis of semantic content linguists use a peculiar scheme which “can mark a given word as either ‘word’ or ‘idea’ by alternating slash marks or brackets” (Jameson, 1991: 260). This scheme, of which Jameson regrets the absence within ideological analysis, could turn out to be very useful in our journey, although a brief and synthetic one, around the Mediterranean. Hence, it is necessary to distinguish what the word /Mediterranean/ describes – with all its etymological roots and different declinations throughout the centuries – from the meaning of the term “Mediterranean” as assumed within the present cultural and political debate. Separating these two levels of analysis, that is, the symbolic from the real level, could be useful to prevent the analysis from getting swamped by vague and dim views, where the “Mediterranean” as image, vision or metaphysics takes over, sometimes to the point of making the solid /Mediterranean/, intended as physical and temporal space, vanish.

At first, such a separation of the analytical process may come across as an easy method of research that could clarify all the theoretical contradictions and magically solve many of our doubts. Nonetheless, as soon as we consider the significantly broad and diverse recent literature on the Mediterranean, we realize that the path is anything but simple. The cultural and political “Mediterranean” widely described in the texts of the ‘Mediterraneanist’

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\* Article published in Portuguese in *RCCS* 105 (December 2014). DOI: 10.4000/rccs.5825

scholars draws on and claims to obtain its strength, validity and justification right from the physical /Mediterranean/. One of the cardinal points in the interpretative compass of each of the main participants in this debate is constituted precisely by the analysis of the physical features, the nature of the /Mediterranean/, conceived as a primary ontological reality on which (almost) everything, humankind included, depends. In fact, Mediterranean anthropology is often considered as a direct and necessary consequence of the physical /Mediterranean/.

Fernand Braudel was one of the first scholars to suggest this special connection. Braudel's Mediterranean, at first described as a multifarious and irregular landscape ("A thousand things together. Not a landscape but countless landscapes..." – Braudel, 1999: 7), expands and becomes elaborate to the point of becoming a "system," a system in which nature and humankind reconcile, offering a "good chance" to approach history in a different and original way.

The characteristics of the physical environment represent, for Braudel, the essential and (almost) sufficient basis to construct certain features of a historical-social formation. Later on other important scholars followed this trend of thought. To them too the Mediterranean appears marked by this special convergence of *nature* and *spirit*, as derived from the Mediterranean philosophical tradition. This connection apparently gave birth to a different anthropology, opposed to the one produced by modernity, which – allegedly – conceives of the dominion over nature by a privileged human subject only as far as the sense of "seeing" and "knowing" is concerned. According to these theories, the man produced by modernity, entirely devoted to rationality and scientific progress, and "deprived" of all the other bodily senses, is thus forced to produce an abstract, mechanistic and quantitative vision of life:

Thanks to the tradition of the Mediterranean philosophies – which does not stop with the "turning point" produced by modernity – we learned that there is a spiritual dimension of the cosmos; that this dimension expresses itself in the *bios* and through the *bios*; that, finally, the prodigious creativity of life forges and toughens the forms of consciousness. (Alcaro, 2006: 203)

The nature, the geographical position, the geophysical configuration and the climatic status of the Mediterranean represent therefore the *sine qua non*, "the necessary premise," the "force that feeds" (Cassano, 2007: 79) the cultural and political discourse on the "Mediterranean":

Three continents have always been facing the Mediterranean, and such a meeting of theirs in just one place has dissolved the differences, started a hybridization of the different, the great antidote against fundamentalisms and ethnic purges. The physical unity of the Mediterranean is not a touristic invention, but a common anchorage against divisions, the physical and material anchorage of a great common homeland, a root made of stone and sea, which is stronger than the differences of the shores, than the continental drift, than religions and ethnic prides from which the fundamentalist temptation endlessly arises. (Cassano, 2000: 19)

The physical unity of the /Mediterranean/ turns then into ideal unity. The fact that many people face just one place “dissolves the differences” and forces, almost spontaneously, “hybridization,” leading to reciprocal acknowledgement and acceptance of the “differences.”

The current academic debate on the “Mediterranean” is centered on this particular connection between *human being* and *nature*, which has developed there throughout the centuries. It is believed that this tight and immediate relationship gave birth to a social and historical development which is “different,” “original” and founded on “reasonableness,” as opposed to the social and historical formations of the North, which, fatally influenced by the harsh climate and by geography, have been founded mostly upon (self)destroying “rationality”<sup>1</sup> (Latouche, 1999).

Thus, the “Mediterranean” has become a fertile land where new ethical-political theories are being produced:

The Mediterranean is an elusive space with contours one often fails to grasp. The Mediterranean is more than just a sea in between land masses or a maritime ‘continent’ whose traces could be easily followed on a map, confounding all attempts at geographical reductionism. It appeals to the imaginary, forming a world composed of multiple narratives, inspiring as well as stirring political angst. A geo-cultural ensemble whose coordinates shift according to historical time and the rhythms of memory, the Mediterranean world defies established rules and entrenched discourses which turn it into a mere border of Europe or even a blurry neighbourhood. (Bechev and Nicolaidis, 2010: xi)

The presence and “coexistence” of many cultures that characterize the Mediterranean region has become a typical *leitmotif* of the contemporary debate. In other words, the Mediterranean is represented as a real “multiverse of civilizations, cultures, languages, symbolic and expressive universes to be opposed as a cultural and political alternative to

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<sup>1</sup> Serge Latouche underlines that “[t]he reasonable, *phronesis*, implies a certain degree of craftiness (*metis*) and necessarily makes room for rivalry (*agon*) since it thrives on debate and conflict while rationality assumes to impose itself without discussion. Nonetheless, the reasonable is not the search for success at any price, it is not pure technique. The drive towards the good is always present there. Precisely because of this, the rediscovery of the reasonable, of *phronesis*, is particularly useful to get out of the contemporary crisis. Prudence (*phronesis*) is undisputedly Mediterranean, from Aristotle to Cicero; it implies an acute awareness of the tragic condition of man and, at the same time, an always alert sense of the limits of every situation” (Latouche, 1999: 53).

the ‘oceanic’ drifts of globalization” (Cassano and Zolo, 2007: 17).

These representations of the Mediterranean (although described here in a necessarily synthetic manner, and therefore running the risk of not doing them full justice) meet with some evident logical difficulties once we consider that the concept of “nature” on which they are founded remains closely anchored to *primeval nature* only, to *naturalistic*, extra-human and extra-historical nature, that is, the realm of pure chance, lacking consciousness and intentionality. In fact, there is no concern for what, in a historicist-dialectical perspective, or in a Hegelian-Marxist perspective, is “nature” as “second nature,” that is, all those social automatisms – such as the market and the accumulation of capital – which, in the contemporary age, constitute something that precedes, shapes and influences the conscious social action of individuals, while escaping their control.

The methodological and epistemological premises of these particular representations of the Mediterranean also fall short when the concept of “geography” or “space” they refer to is considered. The “Mediterranean space” is often disconnected from social and historical dynamics, in other words, no emphasis is given to the material bonds between the Mediterranean geography and political-economic processes. Actually, there is no due consideration of the fact that “neither time nor space can be assigned objective meanings independently of material processes, and that it is only through investigation of the latter that we can properly ground our concepts of the former” (Harvey, 1989: 204). Thus, the /Mediterranean/ should be observed and analyzed on the basis of this materialistic conception of the cognitive categories, according to which the “objective conceptions of time and space are necessarily created through material practices and processes which serve to reproduce social life” (*ibidem*).

The ‘original’ connection formulated between Mediterranean nature and humankind, between *bios* and *spirit*, and therefore the subsequent link between the symbolic “Mediterranean” and the physical /Mediterranean/, shows different and significant fractures as soon as the look upon the /Mediterranean/ gains the necessary historical and social perspective. Soon, the light and floating “Mediterranean” turns out to be only an ideological addition, a luxury or decorative representation of the concrete /Mediterranean/.

## 2. Policing the Mediterranean Borders

In fact, instead of being a place for a meeting of differences, the Mediterranean has turned

into a permanent, mobile and enveloping border, preventing meetings and separating people, especially the rich from the poor, the “haves” from the “have nots,” the “white” from the “colored,” Europe from Africa. The contemporary Mediterranean looks more like a military zone than a happy place or a lab for new and inclusive political practices. Military patrols using live ammunition against unarmed men, women and children scaling barbed wire fences, captains dumping their human cargo in the sea after being detected by the navy, left-to-die boats and mass deportations in the high seas: these are scenes not from the Second World War, but from the modern-day Mediterranean. While the global economy and corporations encourage the seamless transfer of goods and money around the world, and members of the international elite feel equally at home in Rome, Lisbon, Cairo, Marrakesh or Tunis, those who have the misfortune of being born on the wrong side of the bay, or simply belong to the “have not” part of humankind, face high barriers to their freedom of movement.

The Mediterraneans’ everyday lives – especially those of Africans – are caught in a permanent borderland existence. This space is now populated by those who are not allowed to get into ‘Fortress Europe’, facing mobile borders that “may be found anywhere” (Guild, 2003: 103).

The universe of borders is the best prism through which one may view the contemporary Mediterranean in all its complexity. As Pierre Vilar (1985: 23) points out, the “history of the world can be best observed from the frontier” because “borders reveal political, military, cultural and economic phenomena” (Pradeau, 1994: 17); in other words, borders provide deeper information on that (Hegelian-Marxist) “second nature” with which we need to deal in order to understand the Mediterranean’s and Europe’s “nature.” Thus, it is by observing and analyzing what happens in the Mediterranean that we can explore the new dimensions of inequality, domination and exclusion in Europe and the Mediterranean region.

The creation of *Frontex* (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) in 2004, and more recently of *Frontex Plus* (the new police operation of the Agency in the Mediterranean), bespeaks Europe’s obsession with border control and its incapacity to find different solutions to social problems (Jorry, 2007). The externalization of borders is a result of this policy. Partnerships and cooperations between EU and non-EU countries are formed “in a diverse spectrum of areas including interdiction, border control, readmission,

protection capacity building, and even negotiating the idea of ‘offshore processing centres’” (Betts, 2006: 2). The non-EU countries are essentially asked to hold back irregular migrants and prevent their entry into European territories in return for financial aid. Thus, border control goes well beyond Europe’s physical borders. As Balibar points out, “borders are no longer at the border” (1998: 217-218); rather, they are “dispersed” (Balibar, 1999). However, for Balibar, the fact that borders have been blurred does not mean that they tend to disappear. On the contrary, they tend to become ubiquitous (Collucello *et al.*, 2007; Paoletti, 2009).

Agreements on border management have been at the center of Mediterranean politics in the last decades: Italy-Libya, Italy-Tunisia, Italy-Egypt, Spain-Morocco, France-Algeria, France-Tunisia and Greece-Turkey are among many to participate in this trend, which reproduces the North-South divides in the Mediterranean.

Political and public rhetoric portrays migrants as endangering European health, security, identity and welfare, an inhuman presence gathering at the southern frontier of *Fortress Europe*. Hostile feelings towards migrants are politically constructed in a delicate strategy of social manipulation. Throughout Europe, migrants are being scapegoated as the cause of national unemployment and, hence, they figure as a national pollutant. The gut reaction to social insecurity and economic crisis is thus fostered by media prejudice and public discourses (Basso, 2010).

In this scenario, borders and frontiers inhabit the realm of crisis and emergency, surveillance and control. The state of exception is the dominant paradigm of government in crisis or emergency contexts. Through the state of exception, migrants are no longer considered as subjects of rights, they are simply reduced, in Agamben’s terms (2005), to bare life, becoming permanently banned:

The relation of the exception is a relation of ban. He who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather *abandoned* by it, that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable. (Agamben, 1998: 28)

Indeed, migrants crossing the Mediterranean have often been indiscriminately ‘pushed back’ (very often to the places where they suffered abuse, prison and torture) or simply left to

die<sup>2</sup> on the high seas. In some cases, this happened while, paradoxically, in the name of human rights, several European navies were waging war (such as that against Gaddafi's regime), or conducting military operations, just a few miles away. The words pronounced by Tineke Strik, member of the Council of Europe, perfectly summarize this tremendous paradox:

We can talk as much as we want about human rights and the importance of complying with international obligations, but if at the same time we just leave people to die – perhaps because we don't know their identity or because they come from Africa – it exposes how meaningless those words are. (*The Guardian*, March 28, 2012).

### 3. Conclusion: Is the Symbolic “Mediterranean” a Real Alternative?

After this brief but clarifying journey around the /Mediterranean/, time is ripe to tackle again the contradictions between the real and the symbolic “Mediterranean.” As stated previously, the “Mediterranean” has become a site where new ethical-political theories are produced and these need to be confronted. Despite the fact that the Mediterranean has practically turned into a postmodern cemetery, and despite the fact that the everyday life of the Mediterranean people is actually marked, year by year, by disparities (between north and south Mediterranean shores) concerning infant mortality, life expectancy, illiteracy rates, individual health-care expenses, the proportion of the population living below the threshold of poverty, and unemployment rates, in part of the cultural studies on the Mediterranean, the Mediterranean region is still considered to be a privileged place where differences and pluralities peacefully coexist, as the site where different “civilizations” triumph over space and time, creating thus a cultural “multiverse.” Many authors today look at the Mediterranean as a place where “in the same field many games are played at the same time” (Cassano, 2007: 95), a political-cultural lab which cannot be reduced to universalisms, and therefore able to draw the lines of the social, political and anthropological model that could save humankind from “intolerance” and “colonialism.”

Such an aversion to universalism, indeed, is one of the major tenets of the theoretical

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<sup>2</sup> One particular event provides an insight on the tragic and disconcerting conditions that African migrants have to face crossing the Mediterranean Sea. In the case of what is now referred to as the “left-to-die boat,” 72 migrants fleeing Tripoli by boat on 27 March 2011 were left to drift for 14 days, with no water or food on board, until they landed back on the Libyan shores; 63 of them died, despite the significant naval and aerial presence in the area due to the military intervention in Libya. The migrants' distress calls, received by Italy, went unanswered for days. A nine-month investigation by the Council of Europe has brought to light the human and institutional failings that condemned the boat's occupants to their deadly fate.

discourse on the “Mediterranean.” The Mediterranean attitudes of “resistance,” repeatedly highlighted and brought up in the literature, are essentially two: the “communitarian” and the “dialogical.” The first approach is theoretically grounded on an essentialist concept of culture and on the defence of “local culture,” of folklore, as “heteronomous” and “resistant” to “Atlantic globalization,” and as the paramount expression of the autonomy of the subject. Apparently opposed to the first, the “dialogical” approach has as its keywords “hybridization” and “melting of identities,” which can only be achieved, however, if “cultures” are freed from power relations, that is, “from the dilemma of the subordinate acceptance of, and the allergic and intolerant reaction towards, the other” (Cassano, 2007: 93).

Both approaches deserve several remarks. First of all, if we consider the concept of “culture” and social “harmony” on which they are founded, they look much less distant than they are usually assumed to be. In both cases, “culture” is mainly considered as a given or already constituted essence, and in the “dialogical” perspective (which remains, however, *un-dialectical*) “cultures” only “hold a dialogue,” and “harmony” is sought (almost) exclusively in the field of culture.

Lately, the theoretical movement supporting the “dialogical” perspective, which enjoys larger diffusion than the “communitarian” perspective (which seems to tend towards “cultural closure”), has strongly developed and over time has gained increasing importance within the public debate. The system founded on the “dialogue” between – almost equivalent – cultures, or on the dialogue among different “symbolic universes,” does not seem, however, to constitute a real alternative to “Atlantic universalism” for it seems to reproduce, although on a smaller scale, the same conditions it opposes. In fact, within the local “cultures” – whether holding a dialogue or not – there is a structure of power in place that enacts an analogous dialectic of normalization, discipline and self-discipline of the subjects included therein, leading to a consequent radical exclusion of all the other subjects. Moreover, it appears evident that a view founded on “cultural dialogue,” namely on the *tolerance* of the *other* (a classic concept of “Atlantic liberalism,” by the way), cannot but conceal the existing asymmetries and conflicts, without solving them in any possible way. It has been observed, in fact, although with reference to a different analytical perspective, that “tolerance is not given without skepticism and perhaps cynicism; or without accepting a state of conflict, even in a tragic sense, that is to say, an *internalized intolerance*” (Fortini, 1990: 88).

Thus, Mediterranean “multiversalism,” rather than offering an “alternative” model that “resists” the Atlantic/liberal process of economic and cultural globalization, seems to match it perfectly. In fact, if a particular regime of accumulation needs a coherent schema of reproduction in order to exist, and therefore requires “a materialization of the regime of accumulation taking the form of norms, habits, laws, regulating networks and so on that ensure the unity of the process, i.e. the appropriate consistency of individual behaviours with the schema of reproduction” (Lipietz, 1986, cit. by Harvey, 1989: 122), Mediterranean “multiversalism” (intended as a system gathering many autonomous “symbolic universes”) appears as a necessary element of such a schema of reproduction. The current reorganization of capitalism – with the transition from Fordism to post-Fordism and the decentralization of enterprises – is actually enhanced not only by the fragmentation of the productive units but also by the segmentation of the “cultural” into separate and scarcely (or superficially) communicating sections. The economic model of late capitalism takes advantage, therefore, of political practices and cultural forms that enable it to preserve its extreme dynamism and, at the same time, to acquire features sufficiently organized to work in a coherent way. In other words, the Mediterranean “multiversalist” theories mentioned above seem to support – thanks to the substantial impermeability of the conceptual scheme on which every culture (although holding a dialogue) is allegedly founded – precisely those molecular processes of the endless accumulation of capital.

“Multiversalism” radically denies, then, the universal structure of human experience since experience is always considered as depending on a particular vision of the world, which in turn originates from the “culture of belonging.” Insofar as “multiversalism” erases from the theoretical (and practical) horizon the possibility of a unitary claim, by all human beings, to a different global economic and social system, the collective issues disappear. Human experience is considered to be organized on the basis of a conceptual scheme that actually makes its translation into another scheme impossible, because the experiential data of one might lack their equivalent in the other. On the basis of this theoretical approach, therefore, there is no world, but only manifold representations of it, each one irreducible to the other.

It appears necessary, then, to dwell on a further aspect of the “multiversalist” theories: the relationship between the individual and the “culture s/he belongs to,” and the relation between the individual and the various other subjects belonging to different cultures. The

denial of the existence of a common horizon (which might be more or less wide, but not totally absent) undermines any chance of agreement and interaction among individuals. Their relationship, in fact, would always be deeply influenced by the cultural systems constituted by the “culture of origin” (unchangeable in time and space), and therefore there would be no real chance of recognition through individual relationship structures.

What is denied, or not considered, is the way subjectivity itself is defined through that particular dialectic of recognition/nonrecognition of the *other that is not I*. In fact, this is overlooked because the subject

is never a *presupposition*, as claimed by the metaphysics of liberalism – through the vision of the individual as original subject of freedom – or by Christian metaphysics – through the vision of the human being as ‘created creature’; the subject is rather a *position*, i.e. the result of a becoming, and specifically the outcome of a series of structures of relations. (Finelli, 2005: 26-27).

The *subject* emerging from the theoretical ‘Mediterraneanist’ productions – notwithstanding the therapy of “cultural dialogue,” which melts the identities and mitigates the aggressive and callous expressions of the “culture of origin” – remains an *assumed subject*, unable to escape the conceptual “scheme of origin” that necessarily informs him/her, and consequently incapable of establishing a dialectical relationship with other individuals. From this perspective, Mediterranean “multiversalism” does not represent at all a real alternative to the “Atlantic tsunami.”

Finally, it cannot be overlooked that any reference to social class disappears in the ‘Mediterraneanist’ theories, although the issue of the “dialogue among cultures” does not appear to be raised for the subjects belonging to the dominant upper classes. This latter group has created a transnational social class, irrespective of national, religious and “cultural belonging,” and is able to substantially enjoy the same standards and ways of life, the same level of consumption and education, and the same amusement and meeting places. Briefly, it is a class that lives entirely separated from the everyday life of common people in their countries.

It is exactly at this point that the current debate on the “Mediterranean” reveals its unbridgeable distance from real life and its mere belonging to the world of superstructures, while the reality of the /Mediterranean/ remains the concrete responsibility of economists, politicians, professional entrepreneurs and, *ça va sans dire*, the army. The gap between the

concrete /Mediterranean/ and the symbolic “Mediterranean” does not allow us to grasp and then analyze the reality of the Mediterraneans.

*Revised by Teresa Tavares*

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