

Best Student Essays

Anthropology
and Sociology

2014

Department of Humanities
and Social Sciences

Best Essays Humanities and Social Sciences

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Title: Globalization of Music

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Course: Anthropology of Globalization

Code: Anth 432

The dynamics of the music industry have been evolving since the past few centuries, the impetus being different social, cultural and political transformations that have undergone across the globe impacting cultures and lifestyles. Music is ultimately a power of expression, emotion, and entertainment that has deep roots into the cultures of various societies that have stemmed from thousands of years. The use of different sounds, instruments and vocals enable a vast range of music to be produced and the means of distribution of this music have been greatly affected by the changes in technology and communication. Music as a form of artistic and creative manifestation has now made its way to almost every corner of the globe, taking on its own twist as it passes through the ages. The growing industry of music, musicians, concerts and performances has made music a highly profitable commodity for the international market. In current times, a western cultural imperialism may largely exist as western music tops charts world over and has become internationally popular. Thousands of artists have taken up professional careers as musicians and performers which is a heavily demanding full time career, some motivated by the art form, some by the perks whilst some by the economic benefits. This paper will attempt to outline the various effects that capitalism has had on the evolution of contemporary music and the global implications that this has. The effect of the ever advancing market based control over the world economy that regards trade liberalization and the pursuit of profit as primary, makes today's predominately capitalistic system crucial in the understanding of the development of the music industry worldwide.

'Music, an immaterial pleasure turned commodity, now heralds the society of the sign, of the immaterial up for sale, of the social relation unified in money' (Attali 3). The very ability of global capitalism to transform a part of culture as a commodity showcases the extent of the pursuit of profit practice in this day and age. Culture as commodity has become now not just for the rich but for everyone (Haiven). This can be elaborated by taking the example of a Cuban singer who approaches a British world music producer to sign him on for a song that to him serves as a celebration of Cuban music and a tribute to his father. The music producer agrees to do this not for the sake of a celebration of cultural identity but rather because it is an economic opportunity to break into new markets and foster fresh world music (Finn 192). The difference between music as a cultural identity for the musician and as a capitalistic enterprise for the British executive emphasizes the dual role of music. Bourdieu considers cultural production to be both an expression of culture as well as a commodity. In line of this, musicians would then

characterize success in terms the degree of recognition or artistic prestige, while record executives would see economic profit and sales as a measure of success. Bourdieu regards the relationship between cultural producers and capitalists 'at all times the site of struggle' (Finn 193). However this ignores the fact that some cultural producers such as musicians do perform for the sake of profit. The gains that artists can make if they become successful would be much larger than what could be made at an average job.

'The music industry remains an important site of commodity production in contemporary capitalism' (Hudson 627). The first half of the twentieth century was favorable for the spread of popular music as the invention of producing and recording techniques came into the limelight (White 2). Music being characteristically mobile made it rather simple for it to be commoditized. For example, Jazz music that was initially a voice of the oppressed that stood for a cause became commoditized into a certain style of music, design, and dress, by the new spirit of capitalism, which was now widely sold into the market (Haiven).

"The progression of American popular music in the 20th century can yield a distinctive understanding of the great transformation we have recently become obliged to call globalization" (Kroier 139). The internet has facilitated the easy access and spread of music that can have implications on cultural perception. Kroier speaks about the 'play-list syndrome' where the modern day music listener enjoys music of a standard format but with the intermixing of different musical styles from different parts of the globe which has then led to what he feels is the decontextualization of music. In essence, this points towards the case of world music which can be causing the loss of global diversity in music (Kroier 140). The aesthetic dignity of music is what is being lost here, as music listeners develop a taste and liking for world music, that mixes Western music with musical styles that are indigenous to other parts of the world, but at the same time are not being able to grasp the real content and context that the musician may have tried to convey from miles away (Kroier 141). World music itself is a product of the forces of decolonization, capitalism and western hegemony. By giving third world country musicians the chance to gain a larger and more global audience, they would have to abide to the rules of the international music business (Kroier 142). However, the view that every party would get an equal share from such a deal can be quite far from the truth. In fact, the unequal distribution of power could be another form of cultural imperialism (Kroier 143). It is possible that western

artists are acclaimed for a musical work that is a collaboration between the work of artists from other developing world regions and western artists. For example, the traditional Cuban music created by Cuban Juan de Marcos and American Ry Cooder saw Cooder gaining all the fame and recognition by the international media (Finn 195). The media manipulated the story to make it attractive by presenting Cooder as an American venturing off to Cuba to assemble musicians. In reality the musicians had already been gathered and had started work on the music composition in Cuba before Cooder had arrived (Finn 195). This example highlights how western artists are given agency and credit of ownership whilst third world artists are portrayed as the exotic Other. A positive turn in this case surfaced when their song became an international success and created an international demand for traditional Cuban music, opening up the earning prospects for other Cuban artists. Musicians from all over the land started making their traditional music in the hopes of having a rewarding career; this brings in Bourdieu's explanation of cultural producers being motivated by economic interests that instigates a 'cycle of commodification' (Finn 197). Driven by speed and quantity of output with profit, the qualitative meaning and context of this Cuban music was beginning to be lost. Accordingly, 'commercial appeal often trumps musical quality' (Finn 197). The music industry was blamed for using Cuban music for short term profit but in the long run compromising the quality and future prospects for the genre.

But on the other hand, the world music phenomenon also signifies the fading of national cultures as the reaction and response to the dynamics of globalization that creates the space for the fusion between local and global styles of music (Kroier 142). The globalizing form of musical practices can be found in various parts of the world, for example hip-hop in Japan and underground punk in Jakarta (White 6). The debate on world music as either a critique or complement of globalization is put better by Kroier as he states that "musical globalization comprises not only effects of the economic power of Western music industries; it includes at the same time cultural exchanges between the powerless themselves, and the possibility to articulate anti-hegemonic means of expression beyond the level of local cultures" (Kroier 143).

In the debate over the relationship between globalization and music, the present digital age is important to analyze since it has drastically altered the global distribution of music. World music, western music that incorporates elements of traditional music from the developing world, is the product of the interrelation between consumer capitalism, technology and the modern

global state (White 2). Sound recording introduced in the 19th century revolutionized the industry such that currently, the digital revolution has taken over control over the music industry. The promotion of compact discs and concert performances marked the phase of world music expansion. Technological advancements have made it painlessly easy to access any sort of music from no matter what corner of the globe, most importantly without having to pay. This is contradictory to the classical model of capitalism that requires the best price on a good in order to maximize profit for the producer. However the increased use of the Internet, right down into remote areas as well, has rather affected this dynamic as consumers can now access music free through internet sites of illegal music and streaming websites such as YouTube, Soundcloud and Grooveshark just to name a few. More importantly, the original Napster site was crucial in liberating consumers from the chains of commodity exchange since it allowed file sharing on a global level within seconds.

Consequently, the pressing issue of piracy arises as the Internet converts private property into public and causes the infringement of property rights as millions have access to the work of others with no cost. Piracy can cause an annual loss of approximately twelve billion dollars in the United States alone. The cheap availability of compact discs and the explosion in the number of music download websites has contributed to the problem of piracy thus hindering the official sales of artists and their record labels. This has created an impediment to the dominance and control over the production and consumption of music that companies have had in the past. At the same time however, the piracy sites are driven by profit themselves. Piracy sites earn their income through advertisements and premium subscriptions (Resnikoff). The very real threat of piracy will force companies to tackle the digital age by perhaps reconsidering their marketing strategies and form innovative ways to be able to provide something that music listeners will be willing to pay for (BBC.com).

Essentially, the 'de-commodification' of music is what began to transform the music industry. The fact that music was now reshaped into being something that could be bought and sold for profit in a market place is what would be able to fund the work and labor of musicians. Music as cultural capital was no longer reserved for the elite, now it was accessible to everyone. Large recording and distribution companies have created an art of packaging and repackaging music and artist images' in order to guarantee worldwide success. The image attached to various

artists may sway listeners to buy their music (Myers). The 'American model of manipulative consumerism' has contributed to the fear and threat of losing music artistry and creative composition in the hands of greedy capitalists. In the economy of creativity, capitalistic institutions have changed the way people view creativity that is valuable, instead that style is promoted that would earn greater profit (Haiven). With the encroachment of capitalistic rhetoric, music might be losing the status of being anything but entertainment (Guerrieri). Moreover, the rise of technology has caused art to be reduced to just a form of entertainment when compared to science (Adorno).

Weber researched into music as an artifact to study his rationalization theory. Taking the example of the instrument piano he placed the instrument in a rational history of economic, cultural and social conditions which allowed the spread of the use of the piano. The piano was invented in Southern Europe but the climatic conditions of Northern Europe facilitated the increased use of it over there. The population of Northern Europe were home centered because of the climate, thus the piano was an indoor form of entertainment that soon became a part of the middle class lifestyle. The piano signified as entertainment and furniture of status. As capitalism increased the domain of music, pianos became produced on a larger scale to meet the increased demand. Thus Weber studies do point towards the rationalization process that was underway in capitalist societies (Turley 639).

The two largest markets in the music industry are no doubt in the United Kingdom and the United States, thus musicians trying to make it big strive to crack into these markets. Success rates are slim but since the prospects are so high, many people try their luck at striking gold. Ninety percent of the music industry worldwide is dominated by four large companies that are EMI Records, Sony BMG, Universal, and Warner (Finn 193). These four have their main head offices in the United States while keeping operation in various other markets across the world as well. The United States itself is such a large market, with a huge population of its own as well as a large immigrant population with varying tastes and preferences that can add to the music industry on its own too. Universal owns twenty-nine percent of market share with Warner behind at sixteen percent. These companies extend their influence by diversifying out into other service related fields too like publishing and telecommunications. The exception of their influence lies in the Indian market where the local film music market has challenged these large companies.

Economic situations in the developing regions of Africa also make penetration into those markets difficult as they are less profitable. Gallo Records in South Africa is the only large record label there as it is partnered with Warner Music International. However, these companies are not always at each others' throats. In fact, in some situations it is more lucrative to partner up and form an alliance to maintain their considerable status. This somewhat oligarchic practice often results in an undesirable anomaly in the capitalist system since producers gain so much power that they are able to greatly control the market. The 'Big Four, as they have become to be known, act as barriers for other smaller firms to gain entry into the profitable business resulting in these small companies becoming part of and coming under one of the companies (BBC.com). The music industry is a suitable case which highlights how anti-market groups like the large multinational companies monopolize to homogenize the preferences of the public (Gilbert).

Moreover, radio play is significantly crucial to the success of many artists. The Telecommunications Act of 1996 in the United States allowed for the unlimited ownership of radio channels by companies that again facilitates large strongholds being formed in the industry. This deregulation complicates matters for new artists to enter the business. The Big Four have connections to the radio stations that make it difficult for music from smaller labels to get played on the radio. Companies would then have to vigorously advertise their releases so that radios pick them up for airplay which tremendously adds to their expenditures and further increases pressure on artists to perform (BBC.com). Large scale success for small companies is hence hindered and results in the concentration of industry power within these few hands as the four companies together control over eighty-five of the music that is heard and bought all over the world (Finn 193).

Multi-national companies are mostly always in the pursuit of profit that places immense pressure on artists to perform and produce music in a manner that deems them a global success. There are many stories of artists that had their contracts annulled early on into their careers as their record songs do not bring in enough revenue as desired by the company and its shareholders. Such artists could have their careers cast off due to their contracts being dropped and the debts they may owe the label. Small companies may allow their bands to take any desired path to build careers, but large multinational companies may want to realize their potential faster, generate more profit, and accumulate capital for the long run. The contracts that

large companies take on with artists that are based outside the United States use other ways to earn money as well like for example the selling of merchandise on artist tours. This guarantees revenues of enormous levels for these companies. In response to these competitive practices, a lashing out of local music has occurred and governments have also planned accordingly to make sure local acts are favored in the face of music produced by large influential companies that will most likely be successful. MTV Asia began to play ninety percent of local music, keeping international music away so that local music receives some support as well. Similarly in France most of the top selling albums were local. French artists received government funding and benefits like policies that enforced that half of the music played on French radio is French (BBC.com). Taxes were placed on international concerts so that, in essence, money that was being made by the American industry was put back into the French industry in order to avoid the crushing of local talent and tradition by the globalized popular western hits.

The globalized economy is increasingly competitive, pushing advertising companies to seek different and creative ways to publicize their goods and services. One of the ways this is done is by getting famous artists to sign up for endorsement contracts, so that an artist represents a certain product by being its brand ambassador (Havien). Timothy Taylor, in his book *Sounds of Capitalism*, explores the pronounced use of music in advertising that has now caused the line between music for advertising and advertising music to be blurred. Large companies that have great social and material capital utilize music to advertise their brands so that particular songs and music become renowned to be associated with one particular brand or brand identity. Celebrities advertise for products, varying from food items to international fashion brands, so that a certain impression of power, fame and status attracts consumers towards these items. Furthermore, music artists have become growingly associated as celebrities in the glamorized world of cinema, film, performance and music. This affects the image keeping of various musicians so that they can be portrayed as glorified and popular global artists (BBC.com). This brings in the notion of capitalistic virtues whereby the image of the artist itself is sold so that consumers purchase their music.

Another effect of capitalism can be seen in the change of the role of music in the workplace. In the pre-industrial days, music had always served a function in the workplace. People sang in song while they worked and labored with the rhythm. However, with the advent

of industrial capitalism and the factory systems, music was prohibited during work. Factory production was meant to be coordinated and in time thus requiring a strict regulatory discipline in the workplace sans music (Korczynski and Jones, 2006, p 146). Measures to encourage song were implemented but solely outside of the workplace. With the Second World War, this changed and music made its way back to the workplace. The possible explanation for this could be that popular music was broadcast for the sake of social progress. The radio was developed which commercialized the production and distribution of music. This can be examined with regards to the accommodation of British employers and organized labor *. Another possible explanation that brings in Adorno's work is that the production and consumption of music reinforced in the workplace the existing capitalist power relations where workers were to be silent and passive and receive music through a manner that establishes capitalist relations (Korczynski and Jones, 2006, p 147). The 'Big Split' between leisure and work in the industrial capitalist society prescribed work to be hardship and enduring and the benefits of work were monetary awards that could be used for entertainment at leisure time (Korczynski 314).

Adorno suggested that the current trends in music favor popular music that is standardized, repetitive and simplistic. He stated that music in capitalistic times has become 'corrupted by the allure of commercial success and now it conspires with authority against freedom'. Moreover he is of the radical view that the only enjoyment in music is the appreciation of its exchange value that is pleasure from music is derived from the notion that the music is valuable rather than from enjoying the music itself (Adorno 1938). Standardization was a technique of technical rationality whereby which culture was stripped off its novelty. Adorno argued against the type of mass culture that was produced under monopoly capitalism that listeners' taste developed in response to consumer manipulation and product standardization (Andrae 2005 p36). Capitalism is sustainable because of this false consciousness that contributes towards social domination. This is debatable as there are many music works that do challenge the status quo. The following image is a crude yet apt depiction of the standard recipe for making popular music and its video in the genre of RnB (rhythm and blues):

Microsoft Hit Wizard! - R&B Edition

Microsoft Hit Wizard! - R&B Edition
Create a hit single in only 2 minutes!

Step 1 - Select the proper sound parameters:

R&B Sound Parameters

Number of "Yeah U-huh" per minute:

Number of "Moddafokka" per minute:

Number of "Horny" per minute:

The main subject is:

Gangsta's

Bitches

Gangsta's & Bitches

Mother

None

Steal melody from:

Queen

Led Zeppelin

Red Hot Chili Peppers

Knight Rider Theme

Age of intended audience:

8 - 10 years old

10 - 12 years old

12 - 14 years old

Lyrics for the background brotha's:

"Yeah U-huh"

"Moddafokka"

Bush sounds

Random

Step 2 - Select the proper video clip parameters:

R&B Video Clip Parameters

Number of horny girls: girls

Average kilograms of gold around the neck: kg

Total number of Brotha's:

The car is a:

Mercedes

BMW

Ferrari

Rolls Royce

The outfits are:

Gold

Silver

Camouflage

Kind of water in the clip:

Swimming pool

Jacuzzi

Sea and beach

Do the girls have to shake their asses?

Yes

No

Performing 'artist' must have committed at least one murder

Let me help you create another pathetic 'thirteen in a dozen' R&B hit single!

Desired profit (\$): Millions

Step 3 - Select "CREATE" and a real hit will be created, guaranteed!

There is no doubt that music is constantly changing, and in this business there are some outright winners and losers as are in the competitive nature of a free-market economy. The losers would be amongst those artists who earned their incomes through the sale of traditional forms of music commodities like compact discs, cassettes, records etc but who now find it difficult to do so with the growing use of digital media formats. The winners would include the large companies that handle the music industry, as well as the digital age consumer who can access unlimited music without a hassle and free of cost. What consumers are still willing to pay for are live performances because of which the call for concerts has gone up causing an explosion in music festivals and unprecedented demand for tickets and new events (Addley). Live music is the fastest growing part of the music industry (Stone 214). Frey proposes that rise in real

disposable incomes and increased time for leisure may be factors that have led to the increased demand of music festivals (Frey 29).

Globalization can be viewed as a threat and a challenge to the different musical styles that exist in the world. Australian aborigines feel the effects of an ever-shrinking world due to tourism and technological change that globalization brings about (Neuenfeldt 116). These indigenous people will have to face an extreme struggle to ensure that their cultural traditions live on in the face of a highly globalized and increasingly homogenized world. However, they can utilize the new technologies that are a part of globalization to keep their traditions alive and maintain the originality of their communities (Neuenfeldt 116). Capitalism and globalization will progress together, though not always at the same pace. Since globalization involves the movement and exchange of capital and investment, capitalism on a global scale would supplement it- the two are driving forces for each other. The field of music can greatly benefit from these two forces as different styles of music evolve and spread from one region to another, with the access to music becoming ever easier. The intertwined connections between the global society makes it trouble-free to share ideas, information and cultural perspectives. On the other hand, the discussion above points fairly towards globalization as a form of cultural imperialism since richer countries can maintain an influence over poorer countries even in the music industry simply by owning large record label multi nationals that have a wide span of control. Globalization fades national cultures and traditions as it promotes and facilitates the creation of a homogenized world culture. Even though world music could be a counter to this argument, the threat to the local in the face of the global is legitimately real despite the response of increased local acts sprouting up to resist the international.

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Title: Palestinian Refugees and the Right of Return: A
Legal Human Right?

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Course : Anthropology of Rights

Code : Anth 234

“Return is a legal and legitimate demand. We will not accept anything other than returning to our lands and properties. I refuse to return to ‘67 territories because I will return then as a refugee.”

(Quotations from Palestinian refugees worldwide, participating in public meetings as part of the Civitas project) (Palestine Solidarity Campaign Factsheet, 2010)

On the eve of the first Israeli-Arab war in 1948, more than 700,000 Palestinians were brutally expelled or ruthlessly forced to flee from their homes in territories which were then a part of Palestine but today form modern-day Israel. This marked the start of one of the most long-lasting, demanding and vicious refugee problems the world has had the ill fortune of facing. It was exacerbated by the additional displacement of thousands as a direct consequence of the Six-Day war and the resultant 1967 Palestinian exodus. The first fifty years have been marked by a harrowing contradiction in the reactions, actions and stances of various members of the global community: while on the one hand the Palestinians and those sympathetic to their plight have raised their voices repeatedly, a deafening silence on part of some and shocking mishandling on part of the others have led to an astonishing intensification of turmoil. However, the aim of this essay is not to merely restate and reiterate the troubles of the Palestinian refugees – it is instead to focus on an aspect that forms the central ethos of the demands of Palestinian refugees like the one quoted above, and a demand that has sparked heated debate worldwide, putting the concerned parties at two seemingly irreconcilable extremes of the spectrum. This demand: the right of return for all Palestinian refugees to their original homes, their original properties and most importantly, to their original homeland, Palestine, is an inalienable right close to the hearts of its advocates. While the refugees base this right in international law, Israel has rejected this demand repeatedly, discarding the Palestinian interpretations of any components of international law. The consequent dispute is truly one-of-a-kind; one that has put the issue of the right of return of a massive population at the forefront of all human and refugee rights debates globally, and this essay targets this exact issue.

The essay below questions the validity of the right of return as a fundamental right for Palestinian refugees by looking into and analyzing the legality of the right demanded. In this regard, it specifically assesses this claim under the purview of the UN Resolution 194, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights,

and other relevant international conventions along with a number of other factors. It presents the stance and legal interpretations put forth by both major parties (the Palestinian camp and the Israeli camp) regarding the right of return, and illustrates that the right is indeed enshrined in customary international law. However, the essay concludes by highlighting certain key considerations that limit the scope of the right and by warning that while the right of return is valid, the real resolution of the problem lies in pressurizing Israel to recognize the right, to enforce it and in the ultimate resolution of the Israel-Palestine conflict itself. Hence, it is stressed that the right of return is not an end but a means to an end – the end being the achievement of the right to self-determination for the people of Palestine.

Establishing Legality and Validity

The Palestinian camp and the advocates for a Palestinian right of return have presented a number of arguments and utilized a number of components of international law to secure a right to return of return for Palestinian refugees. First and foremost, the famous UN General Assembly 194 is explicitly quoted and reaffirmed repeatedly to build arguments in favor of the provision of right of return in international law. It forms the clearest and most targeted piece of international law that affirms the right of the Palestinian refugees to be repatriated. It does so in Article 11 stating:

“The refugees wishing to return to their homes and live in peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss of or damage to property which, under the principles of international law or in equity, should be made good by the Governments or authorities responsible.” (Said, 2000)

The resolution has been reaffirmed by the United Nations over forty times up till now and forms the basis for all discussion. In fact, this resolution even instructed the UN Conciliation Commission for Palestine to facilitate repatriation, resettlement, compensation, and economic and social rehabilitation. It gives refugees the choice to decide whether to be resettled or to receive compensation (Badil, 2002). A number of other resolution of the UN General Assembly also clearly mention the Palestinian right of return – for instance, in 1967 the UN General Assembly Resolution 237 called upon the Israeli government to facilitate the return of those who had fled the areas since outbreak of hostilities, and the UN General Assembly Resolution 3236

(subsection 2) confirms that the Palestinian refugees are entitled to their property and to the income derived from that property.

Interestingly, Israel's admission in to the UN was predicated upon its acceptance and implementation of the resolutions, especially UN Resolution 194 – all of which Israel has unashamedly disregarded. While on the one hand, this shows the importance attached to the right by the international community, it also highlights Israel's violation of international law. Israel bases its rejection of these resolutions in the labeling of these laws as “soft laws” that are not binding on member states (Kent, 2013). However, as part of customary international law, these resolutions are binding on all countries. Moreover, while these soft laws are not law per se, they are in cases reflections of existing law, or formative of the *opinio juris* or State practice that generates new customary law (Evans, 2014).

Secondly, the Palestinian's have also quoted humanitarian law to show the existence of the right of return. The most prominent of these include the 1907 Hague and the 1949 Geneva Conventions that clearly provide for the right of return of all displaced persons once hostilities have ended regardless of how they came to be displaced during the period of conflict. Article 43 of the Hague Regulations formed the first written law to formally codify the right of return and subsequently this was incorporated and reiterated by customary humanitarian law including the Geneva Conventions and the Protocols. This rule states that a belligerent occupant must in all cases preserve the legal and social status quo in the occupied territory to the maximum extent possible, pending the final legal resolution of the conflict (Badil, 2002).

Palestinians and the proponents of this right have hence also repeatedly resorted specifically to the Article 49 of the Fourth Geneva Convention to substantiate the legality of their right of return. The Geneva Convention targets the protection of civilian persons in time of war and the Article 49 of the Fourth Geneva Convention states that:

“Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory... are prohibited, regardless of their motive... Persons thus evacuated must be transferred back to their homes as soon as hostilities in the area in question have ceased.”

(Palestine Solidarity Campaign Factsheet, 2010)

This clearly shows that Palestinians reiterate that they were expelled from their lands and properties – they did not flee as the Israelis reiterate. An important point to be noted is that Israel is a signatory to this particular document and hence is bound by law to enforce the rights set within.

Moreover, at the very basic level, the right of return is enshrined in the Universal Declaration of Human Rights. In Article 13(2), the UDHR states that:

“Everyone has right to leave any country, including his own, and return to his own country.”
(The Universal Declaration of Human Rights)

Moreover, in line with the Resolution 194, Article 17 (2) clearly states that:

“No one shall be arbitrarily deprived of his property.” (The Universal Declaration of Human Rights)

This right has been clearly violated by the Israeli forces during both the 1948 exodus and the subsequent 1967 exodus where Palestinian citizens were deprived of their properties and have remained deprived of these properties ever since. Moreover, the article 12 of the International Covenant on Civil and Political Rights has also been violated by the Israeli authorities as this article focuses on precluding the possibility of arbitrarily depriving anyone of the right to enter his own country. Additionally, the UN Declaration on the Rights of Indigenous People is also violated as Article 3 of this key document states:

“states shall provide effective mechanisms for prevention of, and redress for...: (b) any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) any form of forced population transfer which has the aim or effect of violating or undermining any of their rights...” (United Nations Declaration on the Rights of Indigenous Peoples, 2008)

However, again, the Israeli camp has but rejected the legality of the right of return on the basis of these documents. They base their objections on temporal issues: these conventions passed after the war hold Israel up to standards developed decades after the relevant events and are hence not applicable to the conflict (Kent, 2013). Israel and its allies reject the Geneva Conventions of 1949 vehemently owing to this reason and to another: they also predicate their rejection of Article 49 and the ICCPR Article 12 and UNDRIP Article 3 on the absence of force in either of

the exoduses. Israel insists that the Palestinians fled voluntarily and were not forced to abandon their properties – a distinction they say exempts them from any charges of use of force and usurpation of land.

In addition to the above, a second type of right of return is accorded by the humanitarian law. This applies when persons have been displaced through a forcible expulsion (at gunpoint or through deliberate military action to push away a population) – the only remedy is the full implementation of the right of return (Badil, 2002). Israel, however, again denies this right on the same basis as defined above: denial of use of force.

Next, a consideration that furthers the legality of the right of return while simultaneously also presenting a moral case for its acceptance as one is its strong interrelation with other rights, a pivotal feature of all human rights. The rejection of this one right has set in motion the rejection of a range of fundamental rights. A lamentable fact is that almost all fundamental UNDHR rights granted to Palestinians as members of the global community have been violated due to the prolonged conflict. The prime victims have been the Article 3, 5 and 18 of this document - these cover the right to life and security; right to freedom from torture or degrading treatment; and the right to practice one's religion freely. The situation is fraught with such blatant violations: from the threat to life due to constant bombings to the degrading treatment of Palestinians at security check-posts, the life of a Palestinian refugee is but an image of the life a being devoid of rights (Peled, 2012). Israel has essentially violated the *jus cogens* norms which include prohibition of the use of force, the law of genocide, principle of racial non-discrimination and crimes against humanity (Legal Information Institute). Rights for refugees set out in the Refugee Convention such as the right to freedom of movement; the right to work, housing, education; and the right to protect from discrimination are also ignored. Be it the expulsion of Palestinians from Kuwait or refusal of many Arab countries themselves to sign the Protocol for the Treatment of Palestinians in Arab States (The Casablanca Protocol) illustrates the gravity of the situation and the dire need to address the key demands of the Palestinian refugees. The recognition of the right to return is an essential precursor to the elimination of these violations and to the assurance of Palestinians attaining the "good life".

These provisions, instruments and components of the international law show that while Israel staunchly rejects the right of return, the holistic view of the problem and the overall balance of

argument falls in favor of the Palestinian camp. The right of return is indeed enshrined in international law and needs to be recognized and provided urgently (Badil, 2002; Said, 2000; Palestine Solidarity Campaign Factsheet, 2010). The next section, however, puts forward certain key considerations in the implementation of the right of return.

Considerations and Analysis

However, while the above discussion has shown that under international law, especially customary international law, there exists an inalienable right of return from the Palestinian people, it is essential to consider the complex ground realities involved in the enforcement of this right. Firstly, the reality today vastly differs from those in 1948 - assimilating and rehabilitating a massive number of refugees from across the world might not be a viable option especially considering population growth coupled with resource constraints. As the UN CCP even suggested that the change of physical conditions in the area have mandated a change in the upper limit for the number of refugees whose return can be sought realistically (Benvenisti).

Moreover, a point that needs to be considered but is almost always sidelined is the lack of a long-term solution to the Israel-Palestine conflict in the right of return. The return assumes peaceful cohabitation and owing to precisely this, it is asserted here that the ultimate goal should be the right to self-determination. This is so because sustainable peace can only be secured realistically if a political solution that keeps on-board both parties concerned is negotiated and reached. Hence, while stressing on the right of return as an inalienable human right and pressurizing Israel to implement it is imperative, it must be recognized that solely the legality of the right neither ensures its full enforcement nor resolves the complex troubles of the Palestinian refugees. It must be taken as the precursor to the end goal, and not the goal itself. Additionally, in the case of enforcement, significant care must be taken to ensure the fundamental human rights of the Israeli population are not jeopardized as that would be an exercise in futility. Hence, in order to satisfy all stakeholders, emphasis must be on ensuring the enforcement of the paramount right of self-determination remains cognizant of the reality that is the large pre-existing Israeli population in the region. The following quotation from a Palestinian refugee encompasses this view:

“We want the right of return of the ‘48 refugees and a peaceful coexistence.”

(Palestine Solidarity Campaign Factsheet, 2010)

Conclusion

It can be seen that while Israel has consistently stressed on the absence of any legal grounds for the right of return for the Palestinian refugees, a survey of international law combined with the cumulative losses to the lives and rights of the Palestinian refugees indicates that the right to return is indeed a legal right. To conclude, it must then be reiterated that the onus is upon the international community to ensure that this legality and urgency is recognized and the right is provided to all Palestinian refugees without discrimination. It is imperative that pressure be applied on Israel to obey international law and that it is held accountable for its repeated violations as per relevant law. However, as the essay has shown, while the right of return is an anti-dote to the widespread human rights violations being committed in conflict-ridden areas, it is not a long-term solution and the ultimate area of focus for long-lasting peace and sustainable conflict resolution lies in securing the right of self-determination for the Palestinians. The right of return must not be seen as an end in itself but only as a means to a bigger end: peace in the region that ensures rights of both Palestinians and Israelis, and both Muslims and Jews.

(Words: 2681)

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Title : Globalization vs. Localization- The case of Al-Qaeda

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Course : Anthropology of Globalization

Code : Anth432

Globalization vs. Localization- The case of Al Qaeda

Introduction

In this world of technological advancement and nuclear weapons, we are more unsafe than ever. Terrorism, extremism and an overall sense of insecurity is ever looming on our heads, not because we are facing an imminent threat from an alien world or are terrified to our core with the chances of a zombie apocalypse, rather we, human beings, are afraid and terrorized from our fellow-beings. This threat of terror and fear is by no means a recent phenomenon as history is tainted red with the blood of human beings slaughtered by human beings, however what is new is the fact that terrorism has evolved over the years in its scale and scope and taken an entirely different shape. The new trend of terrorism is more global in its scope and has far-reaching repercussions than ever -thanks to the unprecedented advancement in science and technology and of course weaponry. What is also important is that this threat of insecurity which in the past had more of a nationalistic approach is no longer boundary-constrained or dependent upon the consent of nation states. With emergence in more and more non-state actors and transnational entities, there is an increase in the trend of terrorism that transcends boundaries. So as globalization has connected the world in an unprecedented manner, bringing people, cultures,

societies, religions, economics and politics together, the modern world is knitted in a close and complex system which also put greater number of people in danger by the very virtue of its closeness. This closeness of people and ideas on one hand manifests the trend of multiculturalism, whereas on the other hand the ideology of localism as an opposite force emerges to cancel out the effects of this globalized culture. So even though our world today is more global in its outlook than it ever was however there exists this strong opposite force, a sense of antagonism against globalization in order to protect and preserve the individual identity of those who find Western ideas and global identities as a serious threat to their own identity and values.

Terrorism is a tool or a means to an end for people who want to stop the affects of globalization and westernization sweeping over their ideas and values. This whole paradox of globalization vs. localization is closely related to Benjamin Barber's Jihad vs. Mc World analysis on contemporary world structure where he finds two inherently different set of ideologies in motion, trying to cancel out each others' effects in order to assert a single set of ideology. In order to understand this 'paradoxically interdependent' (Barber 2) relationship of globalization and localization, a profound analysis of Al-Qaeda as a case study has been taken to critically analyze the complexity of this relationship and how an organization plays its role in this context. As a religious fundamentalist and terrorist organization Al-Qaeda is one fine example to illustrate the discord of many by this westernized and Mc-Donalized world where the global interconnectedness infringes upon the ideas of purity and authenticity, be it in socio-cultural or religious terms. The analysis of Al-Qaeda however presents another interesting paradox in itself whereby its ideology makes it an opposing antagonistic force, set to discard global values but as

an organization it is highly dependent on the very tools of globalization and technology to which it regards its outright denunciation.

‘Globalization & its Discontents’

We have often come across the phrase that this world has been turned into a global village. The word village points at the closeness amongst the members of this globe despite its vastness. This closeness has been made possible due to globalization. Sociologist Anthony Giddens defined globalization as “the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa” (64). As a result distances have been wiped out, time differences have been met and access to information has been made possible. Globalization is not a new or rapid phenomenon rather it is a result of slow development of interactions and arrangements between different nations and economies in connection with trade and economic markets, national culture, tourism, travel policies, access to telecommunication and internet.

Despite the strong claims previously discussed, it may and will be argued in the essay that globalization is a threat to local or particular values, norms, cultures and politics etc. The global interactions in this so-called global village have exposed us to threats which were unseen or unheard of before, one being the phenomenon of global terrorism.

The central problem of today's global interactions is the tension between cultural homogenization and cultural heterogenization. One man's imagined community is another man's political prison (Appadurai).

Taking the case study of Al Qaeda, we will analyze how globalization has played its role in creation and reinforcement of ideas of localization, particularism and clash of identities.

Al-Qaeda

As the militant force of this globalized era, Al-Qaeda emerged on the world stage as a multinational terrorist group of the 21st century to which national boundaries did not matter (Hellmich 39). September 11, 2001 attacks truly magnified the position of Al-Qaeda as it was for the first time that the world witnessed an act of terrorism, so heinously deadly and at the same time artfully transnational. The world trade center catastrophe was brought on to USA, by a militant organization that was operating seven seas away, in a third world country. However, what Al-Qaeda did achieve to imprint on the minds of a highly Westernized and techno-advanced society of USA was that this non-state organization without the aid of government or invested army behind it, developed and deployed sophisticated methods and colossal resources to make an enormous impact. The operations of Al-Qaeda are highly global in their nature, and they will be discussed in detail however, before divulging into the global structure and operations of this organization, let us analyze the ideological framework on which Al-Qaeda basis its beliefs on and how it appeals to the young fundamentalist Muslims.

Ideology of Al-Qaeda

Although there is a worldwide familiarity regarding Al-Qaeda's actions and operations however there is little knowledge of what exactly the ideology of Al-Qaeda is: it is more than

just an Islamic extremist organization. Al-Qaeda's ideology is at best an ongoing process where it incorporates new set of ideas and reflects on events as they happen-in a way more like globalization itself. The core ideology of Al-Qaeda is however based on the process of adapting Islamic concepts to structural changes (Hellmich 42). Al-Qaeda operates on the belief of uniting Muslims to fight against the perceived oppression of Western attack on their social, cultural and religious boundaries.

With Osama Bin Laden, the notorious leader and founder of Al-Qaeda, the ideology's main fundamentals were laid down and have been greatly shaped by his beliefs and influence. Within the context of one man show Al-Qaeda's ideology grew by the events or beliefs which made an impact on Osama Bin Laden himself. The two most important ones included the influence of the "teachings of Abdallah 'Azzam, the leader of the Afghan mujahideen during the 1980s; and second, the Saudi opposition movement which arose in the early 1990s and sought to Islamize Saudi society in response to a perceived Western "cultural attack" on the Muslim world" (Shavit). These two important and somewhat interlinked forces played their role in synthesizing the ideology of Al-Qaeda to be an anti-Western one with a special focus on jihad.

According to Imtiaz Ali's research on Al-Qaeda and Terrorism, Al-Qaeda as an organization was founded by Osama bin Laden and Ayman al-Zawahiri in 1988 as an organization with sophisticated and modern means of operations. In his research he incorporated the fact that bin Laden built an army of around 5,000 trained terrorists who use 'modern methods.' The story for the origin of the word 'al Qaeda' tells the tale of bin Laden who took the task of 'managing the needs' of Mujahideen in Afghanistan and for that "he made a computer file called 'al- Qaeda' (literally, the 'base', as in data base)" (Ali 24).

Al-Qaeda set its agenda as pre-dominantly Islamic and pre-set against the secular values of Western societies since the very belief of Al-Qaeda revolved around the notion of uniting the Muslims under one Islamic state where there is the rule of Shariah. This call for an Islamic state is the most fundamental ideology of Al-Qaeda whereby it rejects all other forms of regime types as it holds dear the concept of an Islamic state. However, this call for Islamic state is a shared demand and ideology of many Islamic fundamentalist groups since they hold the belief that Islam moves beyond the confines of religiosity and effectively inspires the social and political structures. Theorists however argue that this call for a dawla Islamiya (Islamic state) based on the belief that a nizam Islami (Islamic system) forms the centre of Islam is at best, just an interpretation of the religion of Islam and an assumption held by most Islamic fundamentalists today. This assumption however, has not been revealed in Quran and the Hadith (collection of the traditions of the Prophet) (Hellmich 41). According to Christina Hellmich's research this whole concept of an Islamic state is the 'invention of tradition' and has little direct connections with the teachings of authentic Islam. She noted in her research that the neo-Arabic terms which are associated with this assumption of an Islamic state are the manifestation of Islamic fundamentalists as they do not exist in classical Islamic literature source. In arguing for this manifestation of tradition by Islamic fundamentalists, Hellmich goes on to describe the theoretical concept of Islamic fundamentalism to be an adaptation of Islamic concepts to "social-political advocacy" (Hellmich 41). In the words of Bassam Tibi, Islamic fundamentalism is an "ideology, which stands in the context of the oscillation in Islam between culture and politics, and is related to the politicisation of Islamic cultural concepts and symbols" (Hellmich 41). What Islamic fundamentalists have chosen to do is that they not only try to protect and preserve the values of Islam but also seek to indulge in a struggle where they can promote Islamic way of life

and thus be in a position to establish this Islamic state that has the socio-cultural values adherent to the teachings of Islam.

Pre-history of Al-Qaeda

Ideologically speaking, the prehistory of Al-Qaeda takes us back to the days when bin Laden started off as a member of a non-Wahabbi Muslim Brotherhood- “joining forces with Abdullah Azzam, a legendary Arab fighter against the USSR in Afghanistan” (Hellmich 43). Before long, Osama Bin Laden on more political-than-religious grounds left behind the Muslim Brotherhood and founded an Islamist organization came to be called as Al-Qaeda in the mid-1980s. Al-Qaeda’s ideological agenda back in the days of its inception was to act as-its name suggests- a ‘base’ for different Islamic fundamentalist groups to organize and coordinate their activities in pursuit of an Islamic state and way of life. So Al-Qaeda could be the data-base of all the networking organizations which could coordinate in an effective manner to carry out their activities (Hellmich).

Al-Qaeda’s emergence on the stage of global-world is the reflection of the need for an Islamic organization to protect and promote Islamic values and Muslim identity. This need was deeply felt in the face of rapid Westernization and modernization in the Arab peninsula during the 70s era. The debate of this need could be viewed in the light of the historical events of modernity and globalization which in a way not just contaminated the traditional ways of Arab life but altered the “Wahhabi puritanism” of Saudi Arabia, transforming the country into a modern state inspired of Western values and technology (Shavit).

The 1970s oil boom had a lot to do with the creation of two opposing forces, i.e., globalization and localization which were working at the same time, to penetrate deep into the Saudi society. These two forces with less consciousness enforced and re-enforced each other, as after altering the Arab society in 1970s, the oil boom gave rise to two distinct social groups in Saudi Arabia. The first social group, let's call them pro-globalists composed of "young, often Western-educated technocrats sought to develop Saudi infrastructure and adapt Saudi administrative, educational, and financial systems to Western standards" (Shavit). What these young Saudis saw in the wake of globalization was an opportunity to adapt the Western education and technology in pursuit of a similar advancement which the more developed Western world witnessed. They were, in other words, moving forward to advance, develop and grow by taking advantages of the new wave of globalization which was rapidly altering the lives, across the globe. The second social group comprised of ulemas who were not so sure about the fruits of this globalization and were particularly suspicious of this globalization of Westernization. These ulemas were learned individuals and were the graduates of the newly-established religious schools and universities (Shavit). They were of the view that the opportunities of globalization and development should be critically scrutinized first and then adopted in light of the teachings of Islam. The economic boom was equally enjoyed by both groups but the ulemas "feared that rapid modernization could endanger Saudi Arabia's Muslim identity" (Shavit). Unlike their predecessors who opposed modernization altogether, these young clerics were not against modernization per se, but were of the view that instead of following the Western version of global development naively, the new technologies should be harnessed to promote Islam. For one, they did not oppose television broadcasts, but demanded to use this means of mass communication to facilitate and promote Islam in a manner "that any

programming be Islamic in nature and free of Western influence” (Shavit). According to Uriya Shavit’s analysis of Al-Qaeda’s Saudi origins, these radical ulemas had critical view of the path of modernization which Saudi kingdom was following and this discontent united these Muslims under a similar ideology. The approach of these ulemas to modernization, according to Uriya was in fact, more Salafi in nature than Wahhabi. Uriya builds on this argument by pointing out the theological difference between Wahabism and Salafism with respect to their subtle differences which are often ignored:

Salafism refers to a school of thought developed in Egypt in the late nineteenth century that called for a return to the origins of Islam yet aimed to harmonize Islam with the scientific and technological aspects of modernity. Wahhabism is a Saudi puritan school which, in its idealization of the time of Muhammad, also rejects scientific and technical aspects of modernity (Shavit).

Considering modernization a Western conspiracy and adaptation of Western socio-cultural and economic values by Saudi kingdom an outright blunder, the ulema had a two-pronged strategy to put a stop to this Western influence. First, they wanted to eliminate any Western influences in Saudi Arabia and during the process Islamize all aspects of Saudi life, including education and judiciary. The second step was to launch an ideological counterattack to influence the Western world, through Islamic teachings (Shavit). This idea of restricting and eliminating western influence and counterattacking the Western values and system through an Islamic way of life is an ideology very much relatable to that of Al-Qaeda’s.

Afghan War and Armed Jihad

The 1979 Soviet invasion of Afghanistan proved to be a big blow to many Muslims who were already suspicious of modernization and globalization and considered these phenomenons to be Western conspiracy to attack the socio-cultural values of Muslims and now they saw Afghan invasion to be a progressive part of this conspiracy against Islam and Muslims.

The Afghan war provided the young religious and learned Saudi individuals with an opportunity to turn their ideologies to use and to struggle for Afghanistan in an attempt to defend Islam. “A few hundred traveled to Afghanistan to join Muslim guerilla fighters, the mujahideen. The United States, Saudi Arabia, and Pakistan assisted them financially and logistically” (Shavit). It is important here to stop and analyze the argument of how the forces of universalism and particularism reinforce each other and there is a paradoxical relationship between them. Consider the fact that these radical Muslims were against Western cultural attack on Saudi life and considered Saudi kingdom’s profound involvement with US to be an ill-fated and ill-decided match yet here they were fighting against Soviet invasion with the aid of similar forces of modernization and globalization i.e., US to which they opposed so much.

The twisted relation between Mujahideen, US and Pakistan continued to grow as the war progressed. Many Saudi Muslims—including Osama bin Laden—were going through a religious struggle through the course of which they became very much inspired by the teachings of ‘Abdallah ‘Azzam who preached Afghan Jihad and became the leader of Muslim mujahideen. Bin Laden’s inspiration turned him into a close ally of ‘Azzam's, and thanks to his family’s massive wealth, Bin Laden assisted ‘Azzam financially and logistically (Shavit).

The concept of Jihad was reshaped thoroughly by ‘Azzam according to his interpretation of Islam as he argued to consider Jihad as a “personal obligation (fard al-‘ayn) of every Muslim to defend Islamic lands against the penetration of the infidels” (Shavit). He preached that this duty to Allah was like any other offerings and an able-bodied man does not need to have a family approval to pursue Jihad, since it is an individual obligation (Shavit). ‘Azzam also “shifted the struggle from the sociocultural to military dimension” (Shavit). This was a very important development since not just Afghan Jihad was turned into an aggressive armed reaction from the Muslim Mujahedeen but also gave way to the increasing trend of armed Muslim struggles.

The armed struggle of Islamic religious organizations, including that of Al-Qaeda is a matter of expression for these forces in a response to what they perceive as Western socio-cultural attack. They represent how a particular group of people react when they feel a sense of encroachment by outside ideas and values, which they either oppose completely or are not comfortable to adopt for the time being. With increased integration of different cultures, religions and people, through globalization this feel of insecurity among a particular set of people, a particular culture and a particular religion is not that absurd. This kind of resentment and reaction portrays how the affect of one force—the universalism of ideas, values and norms come in direct conflict to its opposing force of particularism. This trend of conflict between these forces is set to be on the rise since the forces of universalism and globalization, bringing with them this sense of modernization— are on a continuous rise and seem unstoppable, so thus seem true for the opposing forces. “The tendencies of both Jihad and McWorld are at work, both visible sometimes in the same country at the very same instant” (Barber 3).

Al-Qaeda’s ideology, its prehistory along with the legacy of armed Jihad and Afghan war gave an insight of how globalization and localization as two opposing forces impact each other

and also supplement each other. Now let us analyze the paradoxical relationship between the ideological framework of Al-Qaeda and its operations.

Globalization's paradoxical relation with Al-Qaeda

Al-Qaeda's ideology and its pre-history shows how it based its agenda on protecting and promoting Islamic way of life and Muslim identity from the encroachment of Western cultural attack pawned upon the native (Arab and Afghan) societies through the forces of globalization. But is it the entire society? Not really. If ideologically speaking, the forces of globalization are all bad and modernity is out rightly reject able then how come Al-Qaeda's organizational structure, its scale and scope and the nature of its operations are all global? This can be explained well through Benjamin Barber's Jihad vs. McWorld analysis where he highlights the complicated relationship between the forces of globalization and localization. He describes and highlights not just the distinguishing factors of both forces but delved into the powerful and paradoxical interdependence of these two forces upon each other:

Progress moves in steps that sometimes lurch backwards; in history's twisting maze, Jihad not only revolts against but abets McWorld, while McWorld not only imperils but re-creates and reinforces Jihad. They produce their contraries and need one another (Barber 2)

Al-Qaeda in a way opposes the forces and affects of globalization but the truth is the organization has gained so much from the very phenomenon of globalization that it is hard to discern what opposes what. The Western globalization has given air to these anti-global forces

like that of Al-Qaeda which through their structure and operations re-enforces the patterns of globalization.

Global Structure of Al-Qaeda

As far as its structure is concerned Al Qaeda is largely a networked organization with some form of hierarchy, which is not very rigidly followed but the operations are planned, executed and reviewed according to the hierarchies (Sawyer and Foster 2004). What is truly great about the structure of Al-Qaeda which makes it resilient is that it has the “characteristics of a distributed social movement that is multigenerational, without a geographic center, and transnational in nature” (Sawyer and Foster 2002). In order to facilitate the parent organization, Al-Qaeda acts, like its name suggests, as a base organization whereby multiple and overlapping support networks contemplate, coordinate and communicate with it in order to mobilize their powers and capabilities, in lieu of achieving a unified goal. Since the appeal is common and emotional as well as religious, Al Qaeda has over the history managed to gain support from networked or branched organizations and also through its transnational recruitment system. This helps the organization in operating across countries and even across continents, in communicating and execution of operations, in radicalization and logistics.

The ability of al Qaeda to create a loosely coupled system of associate organizations and transform their mindset from concentration on territorial objectives to the objective of the global jihad against the West has greatly expanded the scope and power of the organization (Sawyer and Foster 2000).

Al-Qaeda's operational cells and the scale and scope of its operations are transnational and so is its communication. From London to Singapore to Sarajevo, Al-Qaeda's operations and operational cells spread across continents (Wedgwood 362). This freedom from the restriction of geographical limitations has enhanced the organization's abilities and capacities to manifold. Moreover it has enabled the organization to fight back the anti-terrorist policies and wars inflicted upon them. The communication system of Al Qaeda is technology-centric, making one wonder how the followers of this organization feel about this paradoxical relationship, whereby on one hand they thrive and struggle for more traditionalist way of life, live in caves and operate from remote areas and on the other hand, use the most sophisticated means of communication, be it youtube video messages or satellite phones. Similarly weapons used by Al Qaeda comes usually from Russia or USA and are highly modern, automated and sophisticated, and creates complicated situations where the manufacturers of the artillery are the prime target of the users of the artillery. Thus, we see a paradoxical relationship between Al Qaeda's ideological and operational stance and its style, scale and scope of operations and workings.

Concluding Remarks

Through the case of Al Qaeda the creation and enforcement of two inherently different phenomena have been discussed and analyzed, they being globalization vs. localization. So as globalization is on the rise, there is an increase in the sense of antagonism against globalization in order to protect and preserve the individual identity of those who find Western ideas and global identities as a serious threat to their own identity and values. Terrorism is then a tool or a

means to an end for these people who want to stop the affects of globalization and westernization sweeping over their ideas and values. This whole paradox of globalization vs. localization is inspired from Benjamin Barber's Jihad vs. Mc World analysis. The 'paradoxically interdependent' relationship of globalization and localization, through the case of Al Qaeda has been evidently established. The paradox of Al Qaeda's ideological and operational stance has also been discussed to show as to how the traditionalist approach of Al Qaeda, is clearly not what is reflected form the style, scale and scope of its operations and workings.

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Evolution of the French State

A Discussion of Transformation of the Institution of
Monarchy under the French Revolution
(1789-1848)

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21st May 2014

Introduction

The end of the 18th century was a period that marked drastic changes in the political and socioeconomic atmosphere of not only France but also the rest of Europe. A great many of these changes, particularly those that involved the transformation of the political landscape of Europe can be traced back to the momentous revolution that erupted in France towards the end of the 1780s. History would come to know this revolution as the French Revolution and as the name indicates, its impact was felt and eventually sustained most effectively within the area that was then under the jurisdiction of the House of Bourbons, an area that would later in history be consolidated as the French State. Some of these changes included the “demise” of the French monarchy, abolition of serfdom and a long line of legislative changes to sustain the changing French polity.

This essay seeks to discuss the aforementioned transformation of the French government as it faced the challenges imposed by the Revolution of 1789, the social classes that confronted the monarchy and the constitutional arrangements between the transforming government and the pressure groups of the time. Moreover, this essay seeks to analyze how power was acquired by Napoleon Bonaparte and the institutional arrangements of the Napoleonic era that spread from France to the rest of Europe by means of war as well as the contagious nature of the Revolution. Lastly, this essay will analyze the changes in the French state during the three waves of revolution of the 19th century that had their roots in The French Revolution of 1789.

Absolutist Monarchy of Pre-Revolutionary Era

The French monarchy in the 1770s and 1780s was one that relied on the hierarchical system of feudalism. Thus, despite the fact that most enlightened thinkers of the time agreed upon the need to abolish serfdom for economic progress, the monarch were unable to give in to this demand since they had to protect their own socio-economic interests at the expense of the demands of other rising social classes (Revolution, 23). According to Hobsbawm the new forces of enlightenment stood for “an effective exploitation of the land, for free enterprise and trade, for a standardized, efficient administration of a single homogenous national territory” (Revolution, 55). While Louis XVII attempted to incorporate such reforms, they failed due to inadequate application or due to the resistance by the landed aristocracy who had vested interests in feudalism (Revolution, 56). In addition, France became involved in the American War of Independence and French support for America in the war against Britain resulted in a fiscal crisis due to the servicing of the war debt (Revolution, 58). However, Lee says that one of the most crucial instigators of the revolution was the slump of the 1770s and 1780s. An amalgamation of bad harvest, severe drought and economic recession resulted in the increasing disparity between all social classes that were worse off now than they had been prior to the slump. This disparity was most apparent in the deterioration of the relationship between the Second Estate (aristocracy) and the Third Estate (bourgeoisie, peasantry and urban proletariat) who shared a growing resentment for each other based on the decline in the fortunes of each class (Lee, 2007,

2). Thus, the *ancien régime* was struggling against three different pressures: “from the new forces, from the entrenched, and increasingly stiff resistance of the older vested interests, and from foreign rivals” (Revolution, 24).

Third Estate becomes the National Assembly

The monarch facing an insurmountable pressure agreed to summon the Estates General who had thus far simultaneously been conflicting between each other as well as against the policies of the monarch (Lee, 2007, 1). The Third Estate called for the amalgamation of the three estates in order to implement reforms to revoke privileges and it eventually went on to declare themselves the national legislature with sovereign and constituent powers (Britannica, 154-5). The Third Estate was able to succeed against the First Estate based on the fact that it represented not only the educated and militant minority but also the “revolutionary peasantry” who formed 95 percent of the French population (Revolution, 60). This revolutionary peasantry was the *Sanculottes*, who were comprised of the urban poor and petty bourgeoisie. This group provided “the main striking force of the revolution - the actual demonstrators, rioters and constructors of the barricades” (Revolution, 63). The hungry urban poor sought an avenue to convert their desperation into a political pursuit and thus, they stood behind the Third Estate (Revolution, 61). The monarchy, meanwhile, was weakened to the extent that it could no longer preside over the normal process of governing France and tried to fight back. However, counter-revolution proved to be an even greater mobilizing factor for the urban masses. According to Hobsbawm “what turned an epidemic of peasant unrest into an irreversible convulsion was a combination of provincial town risings and wave of mass panic, spreading obscurely but rapidly across vast stretches of the country” (Revolution, 61). The mass upheaval resulted in a middle class and aristocracy who were ready to accept the abolition of feudalism. The formal manifesto of the Revolution was the Declaration of the Rights of Man and Citizen (Revolution, 62).

Bourgeoisie and the Rights of Man and Citizen (1789)

While this manifesto was against feudal privileges, it was not one that was based on the aspiration of a democratic or egalitarian society. It focused on the protection of private property rights and the representative assembly it proposed was not necessarily a democratically elected one. It would have preferred a constitutional monarchy that would ensure “guarantees for private enterprise and government by tax-payers and property-owners” (Revolution, 59.) Thus, the French Revolution program was led by a group of bourgeoisie with classical liberal ideas about individual freedom (pertaining to property rights) and the restriction of state’s capacity to curb it (Revolution, 58), which indicated their preference of a secular state with civic liberties (Revolution 59). The actual picture of the state that emerged from the negotiations between the monarchy, the bourgeoisie and the Third Estate was not quite as simple and unproblematic.

Constitutional Monarchy and Rise of the Jacobins

The opening years of the French Revolution (1789-92) are described by Lee as the “moderate” years when the National Assembly strived to bring political stability to France by controlling the radicals and removing the institutions of the *ancien régime*. The Constitution of 1791 reflected the ambition to create political and social harmony, and one of the ways to do so was decentralization by separation of the legislature from the executive. The latter comprised of the king and his minister (Lee, 2007, 7). Thus, while the moderate bourgeoisie, which the new Constituent Assembly was comprised of, were concentrated upon liberalization of the economy through the enclosure of the common lands, encouragement of rural entrepreneurs, banning of trade unions and abolition of guilds, however, politically they were not quite as liberal. The Constitution of 1791 prevented excessive democracy by a system of constitutional monarchy based on property-franchise of ‘active citizens’ (Revolution, 64). History, however, painted a different picture. The Constitution of 1791 formed a breaking point between the Right and the Left. The Right was comprised of a disgruntled king who, even with the support of the moderate bourgeoisie, was dissatisfied with the restraints upon his jurisdiction and opposed the Constituent Assembly on various legislations. The Left argued against a monarch and demanded a republic. This disparity was aggravated by the changeover in 1791 from Constituent to Legislative Assembly with a ‘self-denying ordinance’ ensuring that none of the members of the new Legislative Assembly were members of the Constituent Assembly. Of the new members, a major proportion was that of radicals comprising of Girondins and Jacobins (Lee, 2007, 8).

Second Phase of the Revolution and Fate of Girondins

France was pushed towards general war by the extreme right and the moderate left. For the monarch and the nobility, only foreign intervention could restore the *ancien régime* since neighboring monarchs would have to intervene in France as an act of prevention against the spread of the revolution to their countries. For the moderate liberals, especially the Girondins, “the liberation of France was merely the first installment of the universal triumph of liberty” and war was the means to export the revolution (Revolution, 65). Domestically, the war was used to consolidate the instability of the new regime by diverting attention to threats of external intervention. Moreover, war was a source of economic profit. Thus, most of the new Legislative Assembly, with the exception of a small left wing under Robespierre, preached war. War was declared in 1792 and the subsequent defeat led to further radicalization. Soon after, the monarchy was overthrown and Republic was proclaimed on 25 September 1792 with the armed action of Sansculotte masses in the streets of Paris. The Girondins were the dominant party of the new Convention, represented by Bourgeoisie and intellectuals (Revolution, 66). Having achieved their aim of overthrowing the monarchy and achieving a people’s republic with the advent of Year I of the revolutionary calendar, the Girondins felt it was a “time to halt and consolidate” (Lee, 2007, 8). In essence, the Girondins turned conservative and wished to contain the revolutionary action before it escalated under the influence of the Jacobins. Inevitably, the

Jacobins took control of the capital, where they enjoyed the support of the Parisian mob, and executed Girondin deputies (Lee, 2007, 9).

Reign of Terror and Jacobin Republic of Year II

With the Jacobin Republic, the center of the new government shifted predominantly to the left. The subsequent years of 1793-4 went down in history as the 'reign of terror', a period marked by violent imagery. The spontaneous demonstrations of the Sansculottes became institutionalized violence, making violence the monopoly of the government. Eventually, Terror came to be used as a tool to eliminate rival Jacobin factions until the power base was narrowed down to Robespierre alone. Such was the contradiction of the 'terror' whose claims of democracy and wider franchise were negated by the narrow power base in the hands of a few committees of the National Convention (Lee, 2007, 9). Despite all this, the middle class Frenchman stood behind the Terror as it appeared to be the only effective method of preserving their country and the Revolution from destruction by foreign invasion. The Republic of Year II coped with external and internal crisis by the invention of the total war: "the total mobilization of a nation's resources through conscription, rationing and a rigidly controlled war economy, and virtual abolition, at home or abroad, of the distinction between soldier and civilian." The peasantry saw the revolutionary war government of Jacobin Republic as an effective means of mobilizing people and attaining social justice (Revolution, 67-8).

The Jacobin Republic's Constitution of 1793, meant to sustain Sansculotte support, was a democratic document. It offered universal suffrage, formally abolished feudalism and promoted small businesses of the petty bourgeoisie (Revolution, 69).

Third Period of the Revolution and Thermidorian Reaction

The demise of the Jacobin Republic was inevitable since their support was made up of an alliance between the middle class and the labouring masses. War time called for the government to centralize and discipline at the expense of free and direct democracy, something the Sansculottes had consistently argued for. Thus, the masses were disgruntled by the centralized politics of the National Convention that essentially excluded them. Moreover, the economic restrictions to businesses agitated the middle class until no body of supporters remained for the Jacobins (Revolution, 70-1).

Thermidorian Reaction was a rebellion against the tyrannies of the Terror and the Jacobin Republic caused by panic among the deputies of the Convention who were afraid that they would be the next to be beheaded by the guillotine (Lee, 2007, 10). The execution of Robespierre marked the end of the Jacobin Republic and the resurfacing of moderates in the National Convention who wanted to resume the course of the Revolution that had been envisioned originally in 1789-91. To prevent further Jacobin groups from seizing control of the administration, the legislature and the executive were once again separated and the influence of the masses was curbed by tightening of the suffrage. The result of the new Constitution (1795)

was a Directory of five who had to achieve political and economic stability, something it was subsequently not able to achieve. While the Directory achieved some fiscal reforms, it was generally too weak as a government (Lee, 2007, 11). Its excessive reliance upon the army for the initiative and expansion that the middle class demanded provided a solution to its general weakness as a passive ruling government. However, it was precisely this reliance on the army that made the Directory vulnerable in the face of an effective military that eventually took over under the able leadership of Napoleon Bonaparte (Revolution, 72-3).

Napoleonic Era – Fusion of the *Ancien Régime* and the Revolution

While Napoleon officially overtook the Directory through a *coup d' état* in 1799 (Lee, 2007, 11), the military under his leadership had long before achieved the status of a “revolutionary army”, a direct result of the Jacobin Republic which Napoleon advocated strongly (Revolution, 73). Hobsbawm delineates a series of successes by the French Army from 1794 to 1798 under Bonaparte that preserved the Revolution by conquest (Revolution, 86). Napoleon’s success in the Revolutionary War in addition to the political vulnerability of the Directory enabled him to seize power of the French State, and thus the years of the First Council began in 1799. The Revolution cleared away the obstacles of the *ancien régime* including *parlements* (legislative and judicial bodies of the *ancien régime*), corporations and other vested interests. Napoleon continued using the centralizing policies of the National Convention and the Directory in a way that allowed his person more effective powers than any French monarch had ever enjoyed. The Constitution of Year VIII (1799) envisaged a legislature with and an executive which limited the power of the three chambers and the three Counsuls respectively. Meanwhile, he maintained an appearance of democracy by means of a wide franchise (Lee, 2007, 12-3).

Napoleon incorporated certain facets of the *ancien régime* by combining the power base which he had received from the Revolution with the traditional authority of loyalty. He introduced a senate in local government, based on the old Council of State. He also adopted the title of *le Grand* following the example of the Bourbons. This title was also a means of maintaining popular support based on his military performance while removing party politics from French democratic system. He used the plebiscite to garner popular support for specific issues rather than a wider range of policies, such as the establishment of the Empire which was based on a majority of favorable votes (Lee, 2007, 13-4).

Napoleonic Economic Reforms

The Revolution and Directory guided Napoleon’s economic policies. He employed the *departments* of the Directory and rationalized them further in order to effectively supervise the financial system of France. Effective tax-collection, reformed currency and the establishment of Bank of France were part of Napoleon’s fiscal reforms to ensure that the financial crisis of the Bourbon era would not return (Lee, 2007, 14). While Napoleonic wars had been expensive, both in terms of monetary cost as well as cost in live, however they generally paid for themselves at

the expense of the foreigners whose territories were invaded (Revolution, 97). However, domestically, the financial burden had to be paid for by monetary inflation, loans and minimum special taxation. Unconvertible paper money, which was an invention of this era, along with the transformation of French bonds into currency helped carry the financial burden of the wars at the risk of inflation (Revolution, 94-5).

Napoleonic era also saw a turn to the economic policies of the Bourbons such as the emphasis on Agriculture as the base of the economy rather than the industry. Furthermore he preferred the system of mercantilism due to its massive scope of government intervention. Furthermore, he restored the practice of indirect taxation, a throwback to the Bourbon era (Lee, 2007, 14). Lee's explanation for this is the fact that Napoleon's dictatorial power depended on his military success and thus he had to focus his economic policies on supporting French war-making. With the Franco-British conflict in the background, Napoleonic economic reforms were also focused upon defeating Britain by sealing Europe off from British commerce (Lee, 2007, 15). Thus, the only way the French sought to offset the economic superiority of the British, was by using its own political and military resources which could capture a vast market that would exclude the English (Revolution, 84).

Social Structure of Napoleonic Era

The bourgeoisie continued to support Napoleonic regime after the Revolution since it considered the Consulate as "an improved and more stable version of the Directory." The peasantry was also compliant with Napoleon's efforts to maintain the major achievements of the Revolution such as the abolition of feudalism and the confirmation of possession of small-land holdings (Lee, 2007, 15)

Napoleonic era's social structure saw influences of the *ancien régime* in the form of the reestablishment of a social elite and the formation of a new hereditary aristocracy through the granting of hereditary fiefs. This was a compromise between the merit based career of the Revolution and the idea of 'service nobility' of the enlightened despots. Moreover, this bourgeoisie were provided with a sphere for upward mobility. In short, the way Napoleonic reforms molded the society was a pyramid of social classes, each bounded by its interest to the regime and thus allowing the emperor to permeate all levels by means of administrative and legal reorganization while maintaining popular support through military success (Lee, 2007, 16). Thus, Napoleon's regime was that of a self-made monarch who claimed to be the heir to the Revolution.

For the French, Napoleon represented "the most successful ruler in their long history" who not only had success abroad but also managed to establish and re-establish apparatus of the French institutions, making them more conservative, hierarchical and authoritarian (Revolution, 75). These importance and endurance of these new institutions can be understood considering that

fact that French legal code along with abolition of feudalism that had been introduced abroad by Napoleonic conquest remained long after the French occupation ended (Revolution, 90).

Defeat of Napoleon and “Return” of the Monarch

After a series of successful conquests by Napoleon’s army until 1812, he was finally defeated in Russia due to an unsustained army rather than the Tsar’s troops. The allied forces invaded France and occupied Paris in April 1814. The Emperor had no choice but to resign his powers and the failure at the battle of Waterloo concluded any chance of Napoleon’s restoration (Revolution, 87). The Bourbons were restored by 1814 however this time they had to make concessions to the demands of their subjects. Louis XVIII conceded to the constitution which outlined the major changes of the Revolution that had to be accepted by the returned constitutional monarch (Revolution, 101). The enduring legacy of the Revolution and Napoleon’s era was the lesson, for the rulers as well as the people, that Kings were not gods on earth and that the people could resist the control of the King (Revolution, 92). This was a fact made apparent by the existence of a constitutional monarchy in France post-1814.

Europe experienced a period of general peace between 1814 and 1820. The settlement of Europe after Napoleonic wars was anti-liberal, anti-national and anti-revolution. The French were not to be provoked into a new bout of Jacobinism. This was not necessary since the monarch itself was now much more afraid than it had been before and remained pacific for fear of another revolution (Revolution, 99-100). The only way France could threaten European stability was by mobilizing Jacobin energies, however, this would be too high a cost for France’s international ambitions and until 1848, no regime would jeopardize general peace for state interests (Revolution, 106).

1830 Revolutionary Wave

The first wave of revolution hit Europe starting from 1820s. The second wave of revolution (1829-34) saw the overthrow of the Bourbons in France (Revolution, 110). This took place when the elections in France returned a majority against Charles X, the monarch of the time, and he dissolved the new Chamber in order to govern by decree, resulting in a violent uproar which was to be known as the July Revolution. The “Three Glorious Days” (July 27-29) saw students and workers raising barricades and taking over Paris. The July Revolution was the work of liberals. Subsequently, the Duke of Orleans who was known for his liberal sentiments despite belonging to the Bourbon family was crowned as King, a position offered to him by the two Chambers. Thus, a revolution that had sprung up from the people’s discontent resulted in the establishment of a bourgeois monarchy (Larousse Encyclopedia of Modern History, 1981, 292).

Despite the restoration of the monarchy in France, the 1830 revolution marked the defeat of the aristocracy by the liberal bourgeoisie. The new political system was based on liberal institutions safeguarded against democracy by property or educational qualifications under a constitutional monarchy. However, the ruling class for the next fifty years was to be the grande bourgeoisie

accepted by an aristocracy which agreed to promote primarily bourgeois policies and was agitated from time to time by lesser content petty-bourgeoisie or early labour movements (Revolution, 111). These labour movements emerged in this period which saw a rise in nationalism in Europe, a product of French Revolution. New nationalism in France was significantly strong among discontented lesser land owners or gentry as well as among an emerging national middle and lower middle class. New nationalism was crucial as it reflected the powerful forces of the groups mentioned above which were emerging into the political consciousness in the 1830s (Revolution, 133). These became politically significant towards the 1848 revolutionary wave.

1848 Revolutionary Wave

In February 1848, revolution broke out in Paris when a public banquet organized in the campaign for suffrage reform was forbidden by the police (Larousse Encyclopedia of Modern History, 1981, 305). Workers, artisans and students were the activists building barricades in the streets of Paris. The wealthier sections of the society were in sympathy with the rioters in the beginning but eventually found the rioting dangerously irrational and sought to divert the Revolution towards more specific objectives (Lee, 2007, 36). Thus, a split between the moderation seeking bourgeoisie and the rioting masses appeared and by June, the moderates had won. The Constitution which was approved in November declared the Republic to be democratic, indivisible and based on family, work, property and public order. It established universal suffrage, a single Legislative Assembly and a President of the Republic with executive powers. While not adopting Socialist reforms, the Constitution envisaged a more democratic education and strived to improve the condition of the working class (Larousse Encyclopedia of Modern History, 1981, 305). Radicals all over Europe who had pinned their hopes of liberation upon France were disappointed by the failure of France to play the revolutionary role and this, coinciding with increasing nationalism after the 1830s, resulted in the decentralization of the revolutionary movement in Europe in 1848 (Revolution, 120).

The failure of the 1848 revolutions was attributed by Hobsbawm to the fact that it was not a confrontation between the old regime and the united forces of progress; rather it was one between order and social revolution. Moreover, the bourgeoisie aimed at the acquisition of a liberal constitution in comparison to the more radical demands of the urban population. Eventually this conflict took the shape of opposing economic philosophies: the former argued for *laissez-faire* and the latter demanded state intervention. The new government was one dominated by middle-class liberals who gained the greatest representation in the new legislatures while socialists and radicals formed a minority (Lee, 2007, 40-1).

Conclusion

The course of French polity from pre 1789 Bourbon era to post 1848 constitutional monarch is a turbulent journey through which a stubborn monarch had to recognize the demands of a

previously subservient people. It could eventually no longer find legitimacy in the decree of God's will and had to seek it in the liberal constitutions. While the French Revolution has enduring legacies in the form of a revolutionary tradition of rioting, it also resulted in Napoleonic institutions as well as policies that rid France of feudal relics of the *ancien régime*. But one of the most enduring lessons of the French Revolution is the fact that the monarchy persisted in different forms, ranging from the stubborn and extravagant monarch of the pre-revolutionary era to Napoleon Bonaparte as the Emperor and then to the grudging constitutional monarch, but it survived nevertheless.

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Final Essay: Quality of Primary Education in Punjab

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ANTH 235: Introduction to Development Studies

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11/12/2013

Introduction

Pakistan has one of the youngest populations in the world with a median age of just 21 years, which should ideally result in a demographic dividend with positive economic returns (Atinc 2011). However, unfortunately due to a failure to invest in and thus raise the human capital of our youth, we have not been able to reap those promised benefits. In fact, Pakistan ranks 146 out of 187 countries on the Human Development Index 2012 (“International Human Development Indicators”). This paradox leads one to question the education system of Pakistan, which of course is one of the instrumental means of developing human capital. This essay, therefore, aims to ascertain whether there has been an adequate focus on the quality of education at the primary level by the government and local NGO’s in Lahore. Which ones in particular?

Definitions

Before proceeding, a few definitional clarifications are necessary. Education has been defined as a social institution, which enables and promotes the acquisitions of skills, knowledge and the broadening of personal horizons (Giddens 2009). The quality of education can be measured by factors such as teacher competence, resources for critical teaching, learning materials, systems for assessment, and sector governance (Awan and Ali 2013; UNESCO 2005). However, in order to narrow the focus of analysis, quality is being measured in this essay by solely teacher quality. Pre-service education, induction training, continuous professional development/in-service training, degree/educational institute, pedagogy, teacher planning, professional support received in schools, and assessments conducted have been used to measure teacher quality.

Methodology and Limitations

The methodology has consisted of primary research, which involved interviews with Ayesha Awan, and Mashallah Ali at the Society for Advancement of Education (SAHE), a research based NGO working for quality education in Pakistan. The principal of the School of Technical Sciences ([STS](#)) and two of its teachers were also interviewed while a focus group was conducted of 9 of their primary level students. STS was chosen, as it is a welfare school for low-income families in Lahore and was an example from which to learn about current levels of teacher quality in low-cost private schools. A telephonic interview was conducted with Mahreen Mahmood, the Area Management Head of Lahore at CARE Foundation, which builds school for underprivileged students and adopts government schools.

The secondary research includes NGO publications, government publications, USAID, UNESCO and EdQual reports, newspaper articles, and theories of development.

The limitations of this research also have to be kept in mind as only once aspect of quality is being looked at, though as previously mentioned, education quality is not just limited to the role of teachers. Furthermore, the focus has been on Lahore and the findings of urban areas cannot necessarily be generalized as is onto rural areas where the situation may be and is expected to be worse.

Secondary Research

Pakistan is a signatory of the Millenium Development Goals 2000 and the second goal of the MDGs is to achieve “universal primary education for all” by 2015 (Rigg 2008). Yet, Pakistan still has the second largest out of school population in the world and

one of the highest illiteracy rates (Awan and Ghaffar 2013). Moreover, this focus on access does not take into account that according to Hanushek and Wößmann there is a statistically and economically positive effect of the quality of education on economic growth that is far larger than the association between quantity of education and growth (cited in Tikly and Barrett 2009). As pointed out by Jeffery James, the MDGs seem to be confusing means with ends and while primary school might be a means to literacy, it cannot be an end as it alone does not ensure an adequate education (Rigg 2008). [Stats on education in Punjab would be good.](#)

Punjab has taken several initiatives such as identifying teacher training as an integral element to improve education quality (*USAID Situation Analysis* 2006). The Chief Minister's School Reforms Road Map however, focuses too heavily on data such as enrollment, teacher/student attendance, and assessment results and has taken such quantitative data alone to be a mark of improved quality. [\(source?\)](#)

The Directorate of Staff Development ([DSD](#)) has also been restructured by the Government of Punjab, and is focusing on in-service training such as the Continuous Professional Development ([CPD](#)) Program, whose goal is to enhance the professional capacity of teachers (*USAID Situation Analysis* 2006). The CPD reviews all teachers training material and ensures quality assurance mechanism for this training by creating in-school support networks. District Training and Support Centers are established to have a team of Teacher Educators, trained by Lead Trainers, who will then train primary school teachers that are part of a cluster of schools where training activities are coordinated and monitored (DSD 2007).

According to SAHE's assessment, CPD's training will remain limited unless there is an improvement in the quality of teacher education itself (SAHE 2012). While the District Teacher Educators deliver the training content, due to both poor knowledge and a poor command of English, the primary teachers are unable to understand the syllabus themselves (SAHE 2012). Furthermore, there is still a capacity gap, and often, inadequate facilities such as shortage of teachers and materials at the school level, large class sizes, and poor quality teachers making the training process ineffective (SAHE 2012). The system itself that is supporting teachers including the curriculum and textbooks lacks quality. However, it must be acknowledged that there has been an improvement in the regularity of teachers, reduction in student drop out, and improved teacher performance due to organization brought about by use of lesson plans and teacher learning materials (SAHE 2012).

Primary Research

Effect of Teacher Quality on Education

During the course of primary research, a correlation was established between low quality teachers and high absenteeism, high drop out rates, and lower retention. Mashallah mentioned that this was a problem all over Pakistan and not limited to Punjab as the fewer children retain in class, the less likely they are to actually stay in school. Ayesha Awan also confirmed the evaluation of the CPD that there was a lack of conceptual understanding at the level of the teachers, which led to their lower quality. The manager at CARE equated the role of good teachers with the role of good material in churning out a high quality product. Like Ayesha, she realized the pivotal role of a

teacher especially as children of illiterate parents lack support at home and she emphasized the importance of a better implementation of syllabus to produce critical thinking. The principal at STS trained the teachers herself to improve their teaching techniques based on her M.A in Child Psychology. She also ensured they made weekly, monthly, and yearly projections which they adhered to and got checked by her on a regular basis. This also made sure a substitute could fill in, in case a teacher was absent.

According to the EFA Global Monitoring Report, whether parents send their children to school or not, how regularly they attend, and how long they stay in school is heavily dependent on the quality of education (2005).

Comment [NK1]: Spell out education for all.

Teacher Qualifications

Unfortunately, the teacher qualifications required remained low despite the requirement being raised to B.A by the government of Punjab (“CM Roadmap”). In both STS and CARE compromise had to be made when they could not get graduates as it is not so easy to get highly educated teachers at low wages. At both schools, Fsc and Matric teachers receive induction training after being recruited. CARE provides subject based training to its teachers which is followed up by the academic department with class room observations with benchmarks, teacher evaluation forms, and student responses. While one of the teachers interviewed at STS had completed her BA and attended Oxford workshops on teaching techniques, the other had done her MA and had received 15-day classes from the Punjab Education Foundation.

Opportunities Available

CARE students have gone on to colleges and those that attained over 80% marks in their examinations get scholarships and have even become doctors, engineers, or, employees of multinationals such as Tescon. Less academically strong students are encouraged to get blue-collar jobs, which would still pay better than informal jobs.

According to Thirlwall, the basic cause of poverty is low productivity of labor associated with low levels of physical and human capital and thereby better quality education should lead to higher standard of living (2008).

However, according to the 2011 Labor Force Survey, the unemployment rate and/or rate of informal employment paradoxically rises with increasing education which can be accredited to such low-quality content-centered education (Awan and Ghaffar 2013). According to Ayesha Awan, “Even those children who do manage to graduate from high school are not prepared for salaried employment” due to low quality education in Pakistan (Awan and Ghaffar 2013). They have been enmeshed in a system that produces rote learning, memorization, regurgitated knowledge and not independent high-order thinking. [Can you connect this with the idea of underemployment?](#)

Role of NGOs and Government

According to Ayesha Awan, NGOs should be limited to advocacy and research and they should only support the government, as the private sector cannot reach the most remote and disadvantaged populations the way the state can. She believes that NGOs do not end up building capacity of institutions.

The role of advocacy groups and local NGOs campaigning for educational change can be effective in holding governments accountable (Tikly and Barrett 2009). However as Fisher states, one cannot have overly optimistic expectations for NGOs in delivering welfare services as they can only compensate for a governments institutional weaknesses to a certain extent (1997). Fisher notes that the role one sees fit for NGOs depends on one's stance on development and as I view it as a flawed but still positive process, I believe NGOs can fill in certain gaps of the development process but not relied upon as sole agencies of development as they only end up creating a parallel structure to the public structure which at the end of the day does not fix anything (1997).

As for the role of government, the primary research showed that there was not enough collaboration between the NGOs and the government with a failure to implement public policies. STS had never heard of the DSD initiative of CPD. While CARE knew of CPD and thought it was a good program with a good curriculum, it found the implementation of this syllabus lacking as the training was too short for the teachers to actually understand the syllabus. However, CARE did borrow from CPD's syllabus and incorporated it in its own. Ayesha Awan lamented that the CPD will be an uphill battle because of the flaws in the education system itself and when you reach the lowest level of the structure i.e. teacher educators, there is a huge capacity gap. According to Allen and Thomas's categorization, the government of Punjab seems to be playing a role as both a primary agent of development, allocating funds to development departments and laying out regulations, as well as an enabling structure providing other development agencies with an infrastructure though economic policies (2000).

Conclusion

In assessing the relation between quality education and development, the effect on an individual's freedom and capabilities, which are more than skills, need to be taken into account (1999). Sen, as an alternative to economic growth, has used capabilities to measure development (1999). Sen identified education as having an instrumental role in generating income, increasing human security, and developing the capabilities that can be concerted into resources and thereby translated into different valuable outcomes (1999).

Instead of just academic achievement, broader social and economic gains such as labor market success need to be looked into (Tikly and Barrett 2009). Examining Lahore's context in light of this, we are facing high drop out rates, especially at higher levels, as this low quality education is perceived to have no relevance to the job market as well as high unemployment rates. It is a vicious trap as the teachers who are now responsible for educating the youth have also been produced out of this flawed educational system.

While government-run teacher education programs have made some headway, the institutes are not of a caliber to produce measurable impact on students learning (SAHE 2012). The budget for education has been raised from 2-4% which is positive but will not make any impact on development unless the issue of quality is not prioritized to produce students that can live up to their capabilities. Simply expanding education is no longer enough as ultimately success will be determined by implementation and institutionalization of teacher development activities at the individual school level

whereby teachers themselves initiate and plan activities to enhance their own and the student's learning (SAHE 2012).

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Comments: This is a well-written and well-researched paper. There were some points where I felt you could have engaged with development theories more, particularly those related to employment. You could have also included more secondary research on education in Punjab in particular. Overall, however, this was a well-researched paper.

Mark: 92

HIST 334: Final Exam

Shifa Amina Noor

Prof. Essam Fahim

15th May 2014

The Oneness of God as perceived and conveyed by the Prophet Muhammad in seventh century Arabia, is generally held to be the unquestionable, basic tenet of Islam. At first glance, it may seem that any religious, intellectual tradition which builds itself on the edifice of the uncompromising Oneness of God would be relatively simple and free of many of the problems faced by the earlier monotheisms like Judaism and Christianity. For if the God who Speaks is One Whole, and Unlike any Other, then His Self-Revelation must naturally be permeated by His characteristic Unity and Continuity. “Monotheism, however, is never as simple as most of its advocates would wish”.¹ As the intellectual history of Islamic civilization has shown, a whole host of intellectual problems, logical inconsistencies, differentiations and compromises awaited those who sought to affirm the One God of Islam. This affirmation, knowledge and worship of Allah alone, entailed certain novel types of demands on the faithful that could not have been adequately met by pre-existing social, legal, hermeneutical and intellectual structures. The nascent Islamic civilization could not, thus, sustain or flourish in an intellectual vacuum where the requisite conceptual, pragmatic and legal tools for a communal life centered on its specific *Imago Dei*, were absent. The development and maturation of three major pillars of Islamic intellectual history i.e. *kalam*, *fiqh* and *hadith* must also be understood in this light. These three strands of the Islamic intellectual tradition are neither perfectly simple, undifferentiated, and neatly bounded wholes, nor completely flawed systems that can be reduced to logical paradoxes, material factors or political rebellions. In order to understand the intellectual history of these three disciplines, it is essential to investigate the conditions in which they grew, and the motivations of that community and those agents who furthered these disciplines. This paper will be a brief descriptive analysis of the intellectual history of the *kalam*, *fiqh* and *hadith* traditions,

¹ Tim Winter, “Introduction” in *The Cambridge Companion to Classical Islamic Theology* (Cambridge University Press), 5.

in light of their contexts, their internal dynamics and internal tensions, and their relationships to one another, including any possible intellectual dimensions of overlap/conflict between them. Ultimately, the development of these three central disciplines of the Islamic intellectual tradition attests to the ingenuity, intellectual maturity and commitment of those scholars who were attempting to engage with the One God as He had revealed Himself to humanity.

We may begin from the central medium of God's Self Revelation i.e. the Qur'anic scripture, which represented a crucial verbal inroad from God to humanity, via the messenger Muhammad. As has been noted by Reinhart, the Qur'an "contains more exhortation than stipulation",² and it often poses a moral challenge to *act*, rather than providing a detailed and unambiguous "theory" of what the good is, of what God's nature is, of what precise relationship exists between God and His creation, and of other such speculative issues. Thus, from the very outset of the Islamic civilization in the seventh century, the means of accessing God were simultaneously widened and limited. On the one hand, the emphasis on pragmatic, ethical action in God's words suggested a lack of detailed emphasis on purely speculative theological issues. On the other hand, this emphasis on pragmatic action left much room open for creative and purposeful intellectual speculation and rationalization. Both of these tendencies were realized later in all three of the *kalam*, *hadith* and *fiqh* traditions, to their fullest. At the point of the Qur'anic revelation during Prophet Muhammad's life, their simultaneous potentiality in one scripture meant that intellectual issues of "belief" as such, understood in terms of the correctness/falsity of theological propositions, were not as important as issues of "faith", understood in terms of the active certainty in the knowledge imparted in the Qur'an.³ Thus, the Qur'anic ethos largely *assumes* what the good is and how to act upon it, rather than providing lengthy explanations of its nature and of why it should be pursued, or of God's nature and why He should be worshipped and obeyed.⁴

It was in response to, and engagement with, this primary religious resource, the Qur'anic scripture, that the Muslim intellectual tradition began to develop. Issues of "belief", in addition to "faith", soon became important for a number of reasons. One of them was the expansion of the Islamic community outside Arabia and its contact with other, indigenous religious and

² Kevin Reinhart, "Ethics and the Qur'an," *Encyclopedia of the Qur'an*, Vol.2 (2002), 55.

³ Shifa Amina Noor, "Class notes: Wilfred C. Smith on Faith, Belief and Knowledge".

⁴ Reinhart, "Ethics and the Qur'an", 55.

philosophical traditions. For example, “Iraq was already, before Islam, a battle-ground of ideas and theories which came from different directions. Hellenism, Hellenized Christianity, Gnosticism, Manichaeism and Buddhistic elements provided the stock ideas for philosophical, religious and moral speculation.”⁵ As Islam spread beyond the organic Arab milieu in which it had taken shape, the demand upon faith (which was rooted in certainty and action) to articulate itself in terms of doctrines and beliefs before the external, pre-Islamic civilizations arose. As early as the eighth century CE, in the time of Hasan al-Basri, it was no longer sufficient for the representatives of the Muslim community to take the certainty of the Qur’anic wisdom as they perceived it, as self-evident. Even the pragmatic-minded religiosity of al-Basri was made to engage with more speculative questions of God’s attributes, humanity’s free will, etc., which were not answered directly in the Qur’an.⁶ Thus, prolonged contact with the world beyond Arabia led to a gradual albeit selectively partial assimilation of certain pre-existing religious and philosophical frameworks into the nascent Islamic civilization.

At the same time, from the outset the religion of Islam made certain novel demands upon the community who upheld it. From “the time of the Ridda wars [seventh century CE]” to “the rise of the Piety-minded opposition to Marwani rule”, those Muslims who were “socially minded” i.e. who saw Islam as entailing a political and social responsibility, were accorded influential positions in the community.⁷ Unlike Christianity, which had divided “religious” and “worldly” life into two distinct spheres via the institution of monasticism, Islam brought with it “the aspiration of religion to form all ordinary life in its own mould”.⁸ Yet, even in this respect Islam resembled the ascetic spirit of “the Jews and Mazdeans”.⁹ A truly distinguishing feature of the new religion was its simultaneous exclusivity and inclusivity. On the one hand, the Oneness of the God of Islam was radical and uncompromising; no other god could be legitimately worshipped. On the other hand, “the Muslims, unlike the Jews, did not regard their own community as a unique and (in principle) hereditary body selected out from a world left otherwise without direct divine guidance”.¹⁰ The transformative spirit of Islam was, thus, in

⁵ Fazlur Rahman, *Islam* (London: Weidenfeld and Nicolson, 1966), 87.

⁶ Rahman, 87.

⁷ Marshall G.S. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization* (London: The University of Chicago Press, 1974), 317.

⁸ Hodgson, 317.

⁹ Hodgson, 317.

¹⁰ Hodgson, 317.

principle universal and expansive, and sought to “guide the practical policies of a cosmopolitan world.”¹¹ This pragmatic, socially transformative tendency later consolidated into a “Shari’ah-mindedness”,¹² which was especially relevant for the development of *fiqh* and Shari’ah within the Islamic intellectual tradition. However, when understood as a contextual factor for all three disciplines of *kalam*, *hadith* and *fiqh*, this “Shariah-mindedness” had origins which could be located in the very tenor and creed of the faith itself. As Hodgson has noted, this emphasis on transforming ordinary social life as a response to the moral challenge of the Qur’an, was to play a key role in the maturation of all three intellectual disciplines.

These aspirations and social impulses were one relevant contextual factor in the development of the Islamic intellectual tradition. However, the social and political constraints within the community proved to be an equally significant context for Islamic intellectual development. Nor can the term “Islamic community” be understood as a homogeneous unit composed of uniform agents equally committed to the Shari’ah minded vision. As Hallaq notes, a state sponsorship or validation of intellectual disciplines like law, theology etc. as operational in the modern period, was not conceivable in the early Islamic milieu.¹³ Instead, people, communities and social demands played a crucial role in fostering and upholding certain intellectual groups and individuals. The *alim* (pl. *ulama*) thus represented not so much a formal position or “seat” as much as a socially respected, “learned man” who was well-versed in “Islamic legal and religious studies”.¹⁴ “Under Abbasi conditions” which were more cosmopolitan as compared to the “less formal conditions of Marwani times”, the *ulama* eventually consolidated into a group of specialized religious scholars or “pious specialists”, who were distinct from the rest of the community and played a very important role in serving the expanding societal demands for legal, scriptural-traditional and, to some extent, theological codification.¹⁵ Thus, the *ulama* often had to play a mediating role between the masses and the rulers, and even the granting of *waqf* or endowments by private patrons was more likely in the case of scholars who were able to serve this demand, even though the *ulama* often had a tense relationship with the political rulers and the plutocracy, whom they saw as religiously inadequate

¹¹ Hodgson, 317.

¹² Hodgson, 318.

¹³ Wael B. Hallaq, *An Introduction to Islamic Law* (New York: Cambridge University Press, 2009), 7.

¹⁴ Hodgson, 513.

¹⁵ Hodgson, 326.

representatives of the Islamic faith.¹⁶ The intellectual project of the legal, theological and scriptural scholars of Islam was, therefore, heavily constrained by material, political and historical factors. Moreover, the “community of the believers”, the masses themselves, proved to be a relevant majority force, which may have steered the intellectual development of the Islamic tradition towards a more “simple median interpretation” which avoided heretical and speculative extremes of intellectual opinion.¹⁷

Thus, it was not within some ahistorical conduit but within this complex social, economic and political nexus that the *ulama* were attempting to know God’s Self-Revelation by a process of engagement, obedience and codification. Starting from the discipline of *kalam*, we may note that it was essentially concerned with God’s Self-Revelation in terms of His attributes, His existence and His relationship with His creation, particularly humankind. The earliest group to realize the need for a more systematic, *belief*-oriented understanding of these issues in light of an expanding Islamic civilization was the Mutazilites, an intellectual movement which originated around the seventh century and reached its peak by the first half of the ninth century. The underpinning assumption of the Mutazilite movement was that God could be “subsumed” under the “idea of human justice”, human reason and human comprehension.¹⁸ In other words, God was not beyond the human ethical and rational frameworks but could be accessed through them and was in fact bound to them. Thus, God could not contradict Himself or be unjust. This approach led the Mutazilites to a number of conclusions, the first being that they negated, with “a genuine anxiety to safeguard the idea of Divine transcendence” or *tanzih*, the existence of any “Divine attributes”.¹⁹ To the orthodoxy this would have seemed an absurd conclusion, but when viewed within the framework of logic, the Mutazilite conclusion was a rational one. For if God was indeed One and Unlike any other, then he must not share any of the “anthropomorphic” features wrongly attributed to Him; He must be “pure Essence”, completely continuous and undivided into any constituent “attributes”.²⁰ This further entailed the argument that since God cannot possess any attributes like Speech, the Qur’an cannot be God’s Speech, and therefore the

¹⁶ Hallaq, 44-45.

¹⁷ Winter, 8.

¹⁸ Rahman, 89.

¹⁹ Rahman, 89.

²⁰ Rahman, 89.

Qur'an must be the "created word" of God.²¹ Such a line of argument represented a certain degree of commitment, on the part of the Mutazilites, to the axioms of reason. It is not clear why this commitment arose (some scholars like Rahman have suggested Hellenistic and Greek philosophical influences).²² However, it is clear that in many respects the Mutazilite approach to knowing God's Self-Revelation was one that privileged "reason" over "revelation", or at the very least held rational thought on par with revealed scripture as a way of accessing God.²³ This also meant that human free-will was given more emphasis by the Mutazilites in their "theology"; while humans were responsible for their individual actions, God too was responsible and bound by His promise of rewarding the good and His threat of punishing the wicked that He had explicitly made in the Qur'an.²⁴ The Mutazilite approach to God's Self-Revelation thus started out from the somewhat paradoxical assumption of a completely transcendent God who was bound within human logical and ethical frameworks.

Naturally, the Mutazilite approach was not uncontested but strongly challenged by the "orthodoxy" who were represented, in this dialogue, "by Ibn Hanbal and his school", the Hanbalis.²⁵ A concrete enactment of the tension between the Hanbalis and the Mutazilites, is the purported flogging of the eminent jurist Ahmad ibn Hanbal himself (around 855 CE), for refusing to proclaim that the Qur'an was created, even under the pressure of a pro-Mutazilite Caliph Al-Mamun.²⁶ This tension also illustrates that, especially in the early centuries, up to the late 9th century CE, the lines of demarcation between *kalam*, *fiqh* and *hadith* were not as sharp and unambiguous as they would seem to be to contemporary readers. The Mutazilites' main concern was not to delineate a set of principles of *fiqh*, yet it was the Hanbali school, which became most well-known for its contribution to *fiqh* rather than to *kalam*, which felt the need to respond to the Mutazilites. This suggests that *fiqh* itself was not a purely technical, "legal" endeavor in the modern sense of the term, but that it rested, in the minds of its proponents, on a certain image of God which they were willing to defend from the Mutazilite *mutakallimun*. In many cases the Hanbali reaction to Mutazilite speculation was severe and even violent,²⁷ perhaps

²¹ Rahman, 90.

²² Rahman, 90.

²³ Rahman, 90.

²⁴ Rahman, 89.

²⁵ Rahman, 91.

²⁶ Rahman, 90.

²⁷ Hodgson, 392.

because their approach to God's Self-revelation rested on a fundamentally different image of God, as a God who was not bound by human ethical and rational frameworks but *under* whom human ideas of justice were "subsumed".²⁸ In emphasizing precisely those attributes of God which the Mutazilites had neglected e.g. "Divine Power, Will, Grace and determinism" rather than Divine Justice and the gift of human free-will, the Hanbali reaction was in danger of becoming reactionary and losing out on the organic wholeness of that image of God which it had sought to defend.²⁹ For this reason, the "piety represented by the Hanbalis never succeeded in swaying the whole community",³⁰ precisely because a solely tenacious assertion of human limitations and of God's freedom from these limitations, no longer sufficed to meet the need of an expanding civilization to articulate faith in terms of systematic beliefs. The Mutazilites had been more successful in addressing this need, but their extreme rationalization was equally alienating for the pragmatic, "populist"³¹ form of piety which still held sway within the community and which could not reduce God to human logical or ethical frameworks. Thus, both the Mutazilites and the Hanbali reaction did not become the dominant voices of the *kalam* tradition.

It was with the advent of Ashari *kalam*, which developed fully by the end of the tenth century CE, that a mature synthesis of both the Hanbali and Mutazilite intellectual demands began to be attempted. Himself a breakaway from the Mutazilite group, al-Ashari initiated a "theological" project that envisioned God's Self-Revelation within a framework that would, in principle, "safeguard recognition" of "divine transcendence at every cost", while catering to the rational need to make this "transcendence" coherent and systematic.³² In order to do this, the Asharis envisioned a "theory of existence" according to which the created universe was composed of isolated, atomistic points, between each of whom the only "gel" of continuity was the Will of the Creator God.³³ This appeared to solve the problem of free will, since human actions were indeed free, atomistic events given to humans by God, and the enactment and continuation of these actions/events presupposed a Creator God. Similar speculations

²⁸ Rahman, 89.

²⁹ Rahman, 90.

³⁰ Hodgson, 392.

³¹ Hodgson, 391.

³² Hodgson, 441.

³³ Hodgson, 443.

characterized the Ashari view of Divine Justice and attributes: God's Justice was not bound by human notions, nor were His characteristics. As God is a free Being, "He may punish or reward as He will" and his "Mercy" and "Justice" both balance each other.³⁴ Moreover, his "Essence" is not divorced from His "attributes" and to speak of attributes like "Mercy" with regard to God is not to speak in terms of any known anthropomorphic attributes.³⁵ Clearly, in logical or philosophical terms, the Ashari approach left the most significant problems of God's Oneness unaddressed. However, in terms of a rationalistic articulation of piety, the Asharis represented a creative and committed attempt to retain the image of an unbound, monotheistic God against the burgeoning demands of human reason and morality. One of the reasons for the success of the Ashari project in comparative terms to the Mutazilites and Hanbalis, was their close adherence to the pragmatic, populist form of piety represented by the Ahl-al Hadith, and their distancing, as far as possible within the demands of rationality, from the unpopular Faylasuf.³⁶ Thus, we see that *kalam*, *hadith* and *fiqh* were not isolated and that the communal recognition/success of one discipline like *kalam* may have been dependent on another like *fiqh* or *hadith*. In more absolute terms, even Ashari *kalam* was marginal in communal intellectual sway as compared to the pragmatic, Medinese Ahl al-Hadith movement.³⁷ Yet, speaking within the *kalam* tradition, we may say that it was the synthetic Ashari approach which eventually won out against its rivals, the rationalist Mutazilites, and the tenaciously pious Hanbalis.

The second and more influential pillar of the Islamic intellectual tradition, *fiqh*, was no less complex in its differentiation and development than the discipline of *kalam*. Firstly, we may note the difference between the oft-conflated terms *fiqh*, *shar* and *shari'ah* which comprise the Islamic "legal" tradition. *Fiqh*, literally is "a verbal noun meaning understanding or discerning"³⁸ which describes the process or "science" of knowing "the import of Revelation for human moral life"³⁹ rather than a static body of inviolable codes. *Shar'* refers to the event of Divine entry into human history via Revelation, and the moral imperatives that this entry poses, while *Shari'ah* refers to the "specific contents" of that moral imperative and of accessing God's will from a

³⁴ Rahman, 92.

³⁵ Rahman, 92.

³⁶ Hodgson, 440.

³⁷ Rahman, 94.

³⁸ Kevin Reinhart, "Islamic Law as Islamic Ethics", *The Journal of Religious Ethics*, Vol. 11, No. 2 (Fall, 1983), 187.

³⁹ Reinhart, "Islamic Law as Islamic Ethics", 188.

human perspective.⁴⁰ *Fiqh* thus encompasses a very different aspect of God's Self Revelation i.e. how to know, and act upon, the Will of God in a multiplicity of human contexts, while retaining the precedence of the scriptural media of God's Self-Revelation. Keeping this terminological and conceptual precision in mind, we may note that there are a number of ways to understand the differentiation of the *fiqh* tradition; one is to view *fiqh* as a composite of the four dominantly surviving legal "schools" in the Sunni tradition; Hanbali, Hanafi, Maliki and Shafi'i. However, as Vishanoff notes: "Disputes between legal schools pale in significance beside the profound hermeneutical differences that separated the law-oriented theorists from their theology-oriented opponents".⁴¹ A deeper way to understand the maturation of the *fiqh* tradition is to view those contrasting conceptual and "hermeneutical paradigms",⁴² and their respective intellectual presuppositions and concerns, which constituted the discipline of *fiqh*. Broadly speaking, there were two intellectual streams within the *fiqh* tradition, and the dialectic between these two currents guided the development and maturation of the discipline. The first broad current is the approach of the Ahl-al Hadith, or the "Hadith folk", who "in the first two centuries of the Islamic era" engaged in "quest for certainty about the authenticity of sunnaic texts" as a source of righteous conduct in line with the moral challenge of the Qur'an.⁴³ Their "hermeneutic" was one of certainty; true *ilm* was to be sought in the revealed scripture i.e. the Qur'an and in Muhammad's speech and conduct, and this in itself was sufficient "to allow a community of human beings to achieve a life of unmediated responsibility to God."⁴⁴ These traditionalist and "textualist" tendencies took shape in the primacy granted to the Prophet's companions and to those who were judged to be reliable transmitters by the community of Muslims. Reason was, therefore, considered unnecessary as a means to the knowledge of God's command; in order to know God's will, it was sufficient to have complete knowledge of the "unassailable" scriptural sources.⁴⁵ In its later stages, such "extreme" textualism came to be represented by the Hanbalis,

⁴⁰ Reinhart, "Islamic Law as Islamic Ethics", 189.

⁴¹ David R. Vishanoff, *The Formation of Islamic Hermeneutics: How Sunni Legal Theorists Imagined a Revealed Law* (New Haven, Connecticut: American Oriental Society, 2011), 13.

⁴² Vishanoff, 13.

⁴³ Bernard G. Weiss, *The Spirit of Islamic Law* (London: The University of Georgia Press), 96.

⁴⁴ Hodgson, 388.

⁴⁵ Weiss, 96.

who became forceful and vocal opponents of any speculative, ratiocinating tendencies within *fiqh* which sought to elevate reason above scripture.⁴⁶

The problems with such an approach that sought to rely solely on the unassailability of revealed scripture as a source of moral conduct, were not lost on other members of the Islamic intellectual community. In contrast with the Ahl-al Hadith, were the Ahl-al ray or “people of opinion”, who, while emphasizing the primacy of scripture, acknowledged that human reason was a necessary component in the understanding and comprehension of God’s will within a multiplicity of contexts. This approach came to be represented primarily by the Hanafis at Iraq, in the 8th century CE.⁴⁷ Here, from the origins of considered personal opinion, or *ra’y*, the principles and methods of *qiyas*, or analogical reasoning from scripture, and *ijtihad*, or personal exertion by a trained scholar within the confines of scriptural sources, began to develop.⁴⁸ “Personal opinion”, as defined in a limited sense, thus had an important role to play in the judgments passed by legal scholars upon those new cases that arose in light of the expanding Islamic civilization and its needs. While the ahl-al ray did not codify personal opinion into an “unassailable” principle, they did acknowledge its indispensability as a legal tool by employing it continuously, in tandem with scripture, as a way to arrive at concrete legal injunctions in specific cases. Thus, even before the initiation of al-Shafi’i’s project, *qiyas* was an accepted communal-legal principle in *practice* if not in explicit, codified terms,⁴⁹ and the ahl-al ray tendencies exemplified by the Hanafis played an important role in this assertion of the role of considered personal opinion and rationality within the domain of law.

Within this dialectic of “revelation” and “reason”, the discipline of *fiqh* matured. As Hallaq has noted, it was the “combination, viewed as a marriage between reason and revelation, [which] was the ultimate source of law” within the Islamic intellectual tradition.⁵⁰ The eminent jurist al-Shafi’i played a vital role in this dialectic. However, as has been widely misunderstood, his contribution was not that he was the first legal thinker of Islam, nor that he established *usul ul-fiqh* (the principles of *fiqh*) or worked out classical legal “theory”.⁵¹ Al-Shafi’i’s central

⁴⁶ Hodgson, 392.

⁴⁷ Rahman, 71.

⁴⁸ Rahman, 71.

⁴⁹ Rahman, 72.

⁵⁰ Hallaq, 15.

⁵¹ Vishanoff, 12.

contributions to the dialectic within *fiqh* were: to articulate a persistent and ineluctable problem for the discipline in precise terms, to canonize the Sunna and Qur'an in communal terms, and to provide a fresh hermeneutic of ambiguity as a more fruitful way of knowing God's command as a mode of God's Self-Revelation.⁵² The ahl-al ray and ahl-al hadith, while emphasizing reason and revelation, had not articulated a major problem for the intellectual community i.e. the lack of standardization in either scripture or personal opinion. The ahl al-hadith in particular had resorted to *ijma* or the consensus of the believers as a sufficient proof, along with the trustworthiness of transmitters, for the authority of scriptural and sunnaic revelation. Al-Shafi'i detected the threat of arbitrariness in both of these approaches, particularly in light of an expanding Muslim civilization with numerous intellectual circles. He could not ignore the disturbing intellectual problem that by "the middle of the 2nd/8th century... a large body of Hadith, claiming to emanate from the Prophet, had appeared on the scene."⁵³ The "existing methodology" was not sufficient to cater for the regional differences in the *hadith* that were being narrated, or the differences in the *ahkam* of jurists, and the appeal to *ijma* was itself limited within the arbitrary confines of a particular intellectual circle or community. Instead of relative communal assent or "lived Sunna", which was liable to mutations precisely because of its "lived" nature, reliable Hadith reports alone would serve as a scriptural sunnaic component. Thus, for al-Shafi'i there was a need for more systematic bases of *fiqh*, which eliminated uncertainty and arbitrariness as far as possible and which rested on a scriptural ground that was determined by standardized, trans-regionally applicable hermeneutical principles.⁵⁴ In this regard, al-Shafi'i appears to have been sympathetic to the motives of the ahl-al Hadith; the primary concern is to safeguard and crystallize the scriptural authority across time and space. However, in arguing for the need for a more systematic standardization of scripture and of the means of knowing God and His prophet, al-Shafi'i is also arguing for something beyond scripture and appealing to the faculty of "reason" rather than "revelation".

Of particular relevance is the development of a particular approach to God's speech and Self-Revelation i.e. al-Shafi'i's "hermeneutic of ambiguity", according to which "the language of revealed texts is often highly condensed and ambiguous, so that when the texts appear to be at

⁵² Vishanoff, 12.

⁵³ Rahman, 76.

⁵⁴ Rahman, 76.

odds with each other or with the opinions of jurists, their hidden implications can be drawn out, and their apparent meaning can be modified, until they fit into the discourse of the jurists without too much disruption.”⁵⁵ This is a “seminal contribution” to the discipline of *fiqh*, because it provides a way to link together the isolated *hadith* reports of different regions, or even apparently contradictory verses of the Qur’an, or the tension between juristic *ahkam* and scriptural rulings, into a coherent and systematic whole.⁵⁶ The utmost priority is still to uncover God’s command as God’s Self-Revelation. The urgency of the ahl-al hadith, and their emphasis on scripture as a sufficient source of moral knowledge, is retained, but there is now an added recognition of the potential layers of meaning in scripture, which are contingent also on the reader/interpreter’s limitations. This proved to be an interpretive system of both “power and flexibility”, for it “maximized in theory the ability of an imagined interpreter to ascribe strong and definite legal significance to a text [catering to the demands of the ahl-al hadith] while simultaneously maximizing his ability to depart from that definite meaning as needed [catering to the demands of the ahl-al ray].”⁵⁷ Al-Shafi’i thus brought into relationship the two competing interpretive strands of the Islamic legal tradition, and, although his contribution may viewed either as a “paradoxical” combination of opposites⁵⁸ or as a “marriage between reason and revelation”,⁵⁹ it was eventually al-Shafi’i’s “hermeneutic of ambiguity” which triumphed as the dominant paradigm for the *fiqh* tradition, “at the turn of the fifth/eleventh century”.⁶⁰ Al-Shafi’i was not the only hermeneutical paradigm in his own time, nor was his interpretive stress on the canonization of scripture and the layers of scriptural meaning, uncontested. Vishanoff notes that if the more “theology-oriented” paradigm of *kalam* had instead dominated, it could have, in principle, envisioned a very different relationship between revealed sources and “law”,⁶¹ with greater emphasis, perhaps, being placed on reason and certain knowledge rather than ambiguity. In fact, it was not the jurists like Al-Shafi’i but the Mutazilite *mutakallimun* who wrote texts approximating most closely to works of a comprehensive “legal theory”.⁶² However, the

⁵⁵ Vishanoff, 1-2.

⁵⁶ Vishanoff, 2.

⁵⁷ Vishanoff, 3.

⁵⁸ Vishanoff, 13.

⁵⁹ Hallaq, 15.

⁶⁰ Vishanoff, 13.

⁶¹ Vishanoff, 11.

⁶² George Makdisi, “The Juridical Theology of Shafi’i: Origins and Significance of Usul al-Fiqh”, *Studia Islamica* Vol. 59 (1984), 14.

dominance of al-Shafi'i's "law-oriented" paradigm of ambiguity can be seen as a "contingent result" of many factors,⁶³ like the anti-Falsafah sentiments after the Inquisition, which accentuated the anti-speculative and pragmatic form of piety dominant within the community, the differentiation of pro-Shafi'i Ashari *kalam* from the mainstream Mutazilites and its emergence as the winning voice in *kalam*, and the articulation of the uncompromisingly traditionalist, anti-speculative Qadari creed.⁶⁴ The intellectual context thus favored Al-Shafi'i's project in many ways, and Al-Shafi'i's approach to God's Self-Revelation was more likely to succeed because it retained that primacy and immediacy of scripture which was advocated by the influential Ahl al-Hadith movement, but also opened up the room for human agency, both via a critical reflection upon any arbitrary elements in the transmission of scripture, and also by introducing the approach of interpretive flexibility through a multi-layered understanding of meaning within scripture.

The development of the *hadith* tradition was deeply tied, and parallel to, the development of the *fiqh* tradition, and was also in one sense a counter-development/reaction to the more pro-Mutazilite strand of *kalam*. All three disciplines i.e. *kalam*, *hadith* and *fiqh*, rested on the assumption that scripture, i.e. the Qur'an and Sunna, were an indispensable source of knowledge or *ilm*, whether in the moral, legal or theological sphere. As such, the enterprise of *hadith* collection was one that had implications far outreaching the discipline of *hadith* science itself. The Ahl al-Hadith, or Hadith folk, whom we have seen were represented by the early Hanbalis, were not merely a "neutral" group of *hadith* collectors; they had certain underpinning theological and moral frameworks which they defended particularly against *kalam*, to the extent that the success of Ashari *kalam* was in some part reliant on the fact that it stayed the closest to the pragmatic ethos of the Ahl al-Hadith, out of all the other competing *mutakallimun* groups like the Mutazilites or the Maturidis. The spirit of the Hadith folk was one of populist piety which admitted no speculative, rationalistic intermediary between humanity and God's Self-Revelation, and in many ways most openly acknowledged the moral imperative of the Qur'an.⁶⁵ In their quest for immediacy and their reliance on the simple validation of *ahadith* by communal consensus or *ijma*, the Hadith folk could not admit any distracting, speculative questioning of

⁶³ Vishanoff, 11.

⁶⁴ Makdisi, 18-22.

⁶⁵ Hodgson, 391.

their tenacious method, either. However, when al-Shafi'i articulated the problem of a lack of standardization in the scriptural tradition, the problem of relying solely on trustworthiness and *ijma* in *hadith* validation could no longer be ignored. "Largely because of al-Shafi'i's efforts, the verbal tradition or Hadith presently supplanted 'living tradition' as the vehicle of the Prophetic Sunna."⁶⁶ Eventually, crystallized verbal reports became the only valid source of Sunnaic scriptural knowledge rather than a living, mutating "tradition". Al-Shafi'i's intellectual concerns played an important role in this shift, but did not win out completely because even in the validation of verbal reports, *ijma* continued to be an indispensable tool by which the soundness of *ahadith* was measured.⁶⁷ The *hadith* tradition thus arrived at a compromise between the pious concerns of the Ahl al-Hadith and that of the juristic-minded Al-Shafi'i. Eventually, by the end of the 10th century CE, *fiqh* became the dominant discipline that was "synonymous with *ilm*", and it was scripture and law (as represented by "hadith and *fiqh*") rather than *kalam* or *falsafa*, which dominated the Islamic intellectual sphere.⁶⁸ This may have been because the orthodox voices in *kalam* and *hadith* e.g. the Mutazilites and the Hadith folk, emphasized "reason" and "revelation", respectively, at the unchallenged means of access to the Divine. *Fiqh*, particularly post-al-Shafi'i, changed the terms of the debate by agreeing that knowledge of God's will was necessary for *ilm*, but also asking the Muslim intellectual community the hermeneutical question of *how* the multi-layered language of an unbound, monotheistic God could be grasped by a limited but well-trained human mind.

Resting on this layered hermeneutic of ambiguity, *fiqh* began to consolidate some *usul*, or standard "root" principles of operation, in the eleventh century CE. The objective of the process of *fiqh* was to arrive at a *hukm* or specific, case-related judgment from four basic "roots": the foundational Qur'an in which "straightforward indicators" are searched; the Sunna of the Prophet, which after al-Shafi'i was only assumed to be validly contained in verbal *hadith* reports, and which models Qur'anic ethical guidelines; the *ijma* or consensus of an "authoritative body" to arrive at a legal ruling; and *qiyas* or analogical reasoning from scriptural precedent or syllogism.⁶⁹ These "*usul*" are also ordered in a top-down hierarchy with the Qur'an gaining precedence over *hadith* reports in principle, and so on. The structure of *fiqh*, which was an

⁶⁶ Rahman, 76.

⁶⁷ Rahman, 77.

⁶⁸ Makdisi, 17.

⁶⁹ Reinhart, "Islamic Law as Islamic Ethics", 189-190.

enterprise in understanding the will of God, thus became both layered and probabilistic as a result of the hermeneutic of ambiguity taking concrete shape. Jurists and *qadis* were aware that certainty was often beyond the pale of the interpreter, and that the formulations of the law were at best probabilistic “constructions”, grounded in a “toil” or *ijtihad* rather than in an unambiguous, univocal engagement with the Qur’anic or Sunnaic texts.⁷⁰ The mature *fiqh* tradition, with its characteristically developed *usul al-fiqh*, thus represented an integration of the demands of “reason” and “revelation”. On the one hand, the sense of moral urgency was felt in the need to arrive at *ahkam*, and the primacy of scriptural texts was retained in many ways, such that it curtailed arbitrary exercises of human reason via a hierarchy of *usul*. However, the human aspect of God’s Self-Revelation was not ignored. In particular, Al-Shafi’i’s articulation of the hermeneutical problem of Sunnaic and legal standardization, forced the Islamic intellectual tradition to bring extra-scriptural thought into a relationship with the primacy of scripture. Human limitation, combined with faith in God’s limitless capability, became an intellectual asset rather than an obstacle, which allowed for a layered interpretation of meaning. This created a system of simultaneous rigidity and flexibility, in which legal pluralism was restricted within the confines of Divine and Sunnaic (i.e. scriptural) precedence.

In conclusion, we may say that the Islamic intellectual tradition, when viewed as a systematic attempt to know, access, or engage with God, was neither a single, homogeneous whole, nor a neatly tri-partite composition of *kalam*, *fiqh* and *hadith*. Since these three disciplines were ultimately attempting to know One God, who Self-asserted His uncompromising Oneness, there were significant areas of intellectual overlap in terms of the “object” of their inquiry. However, as the problems encountered by the *mutakallimun* have shown, it was not an easy task to pin down the monotheistic God under the frameworks of reason, logic and rationality. Nor was it possible, as the ahl-al hadith attempted, to force the One God into an immediate encounter with humankind by a tenacious rejection of all non-scriptural, rational wisdom. The initial, Mutazilite *kalam* attempted to know God via his attributes by bounding God to His own Speech, while the nascent ahl-al hadith tried to access God, directly and immediately, without any interference from rational necessities. Eventually, the success of Asharis within *kalam*, and the winning out of Shafi’i’s verbal report standardization within the Sunnaic

⁷⁰ Weiss, 88.

tradition, depended on the ability of mature *kalam* and mature *hadith* to *transcend* their rational-speculative and tenaciously pious tendencies, and to engage these tendencies with other intellectual disciplines. Part of the reason why *fiqh* emerged as a dominant intellectual discipline, may have been its ability to become intertwined with both *hadith* and *rational interpretation*. *Fiqh* had an underpinning “theological” conception, which treated God as a “subject” with a free-will unbound by logic or ethics and which *fiqh* sought to uncover. At the same time, it acknowledged that both logic and ethical principles were indispensable to human beings, as tools to engage with God’s will and act upon it. Therefore, the God of *fiqh* was not a transcendent deity bound by rules of perfection. God was living, limitless and layered, as was His Speech, and the limitations He had placed upon human beings were endowments which, if complemented adequately and in a principled manner by scripture, could guide them towards righteous action. The emergence of *usul al-fiqh* by the 11th century CE thus represented the blooming and maturation of the Islamic intellectual tradition, for its aspiration was to re-unite the pragmatic and speculative potentialities inherent in the organic wholeness of Qur’anic scripture. In doing so, mature *fiqh* was also an attempt to make God coherent with Himself. The verbal noun *tawhid*, which describes a fundamental tenet of Islam, is also the name of this act of making One by relating apparent opposites. Mature *fiqh* thus represented an act of engagement with the monotheistic God of Islam, and the Islamic scripture, in a systematic, principled and pragmatic manner.

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Title: Evolution of the French State: Revolution, Radicalization,
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Evolution of the French State: Revolution, Radicalization, Reaction from 1789- 1848

The turbulent course of events during and after the French Revolution transformed the French state in a drastic and irreversible way. Insofar as the state existed as the embodiment of Louis XVI's *ancien regime* in executing royal government, through various offices and institutions of the state, the changes brought about by the French Revolution were impressionable and sweeping. The Revolution was not only a manifestation of the fiscal and agrarian crises of the decade coming to a head; it was also an attempt by the aristocracy to secure a position of primacy within the absolutist Bourbon state in the face of political and economic marginalization. If the aristocracy's pressure to reform Louis' state brought matters to the crisis that resulted in the calling of the Estates General, it was the self-conscious aspirations of the Third Estate, dominated by a bourgeois middle class, which ensured the inevitability of the collapse of the *ancien regime*. Initially aligned with the Third Estate, the aristocracy's failure to read and underestimate the independent aspirations of the bourgeois middle class was reflective of their lack of political foresight. Desperately reactionary attempts by Louis to dictate the conditions and course of political reform and the conflicting interests of the aristocracy with the Third Estate ultimately meant that the latter, supported and sympathized by the Parisian masses, would come to be the dominant social group in the decades of revolutionary activity from 1789 to 1848.

This paper looks at the trajectory of the evolution of the French state insofar as it came to be seen as the institutions representing the political and social aspirations of the competing social orders. It begins with a look at the state as it existed in the final years of crisis under Louis XVI. Though resolved into a self-conscious National Assembly, the leaders of the Third Estate held little actual power until reaction from Louis instigated the urban poor into the revolutionary force that would bring effective executive authority to the decrees of the Assembly in Paris. In this phase, the revolutionary aspirations of the Third Estate are limited to reforming the state into a constitutional monarchy that aligns with their interests. The second part of the essay looks at the radicalization of the Revolution stemming from an acute split between the Right and Left in the National Assembly due in part to frustrations over the separation of powers from Louis' royal prerogative and to the reaction of other absolutist European states.

The last part of this paper looks at the aftermath of the Thermidorian reaction and the French state after Napoleon's defeat in 1815 until 1848. In the final analysis, the failure of the aristocracy to anticipate the strength of the Third Estate, along with their rigidity in adapting to changing political realities, meant that the bourgeois middle class came to dominate the state. Even after the Terror, as the Revolution turned reactionary and conservative under Napoleon, the resurgence of men such as Talleyrand and Narbonne only signified the reality of a state that was balancing bourgeois aspiration of the one hand and preserving social order on the other.

The Crisis of the *Ancien Régime*

It would be a mischaracterization to state that Louis was totally opposed to reform as the crises of the 1780s came to a head. Yet, it would be a bigger mischaracterization to overestimate the enthusiasm of the monarchy to curtail its primacy in the face of constitutional reform. Turgot, Louis' First Minister and representative of the new forces of which an emerging bourgeoisie was the dominant faction, had proposed wide ranging economic reforms as early as 1774 (*Revolution*, 76). The failure of the liberalization reforms has been attributed to the strong opposition they received from the vested interests of the aristocracy (*Revolution*, 76). For their own part, the aristocracy's own position was less than ideal. In the face of fiscal crisis and inflation, their economic position, resting largely on rent from land, was teetering (Lee1982, 3). Politically, their lot was worse. The absolutist state under Louis was concerned, foremost, with the centralisation of state power under the royal prerogative to the extent that the political independence and representative institutions of the nobility—the estates and *parlements*—had been cut down as much as possible (*Revolution*, 77). In its place existed a newly emboldened middle class of nobles—the *noblesse de robe*—created by Louis for administering the finances of the state. Of these, Necker—Louis' Director General of Finance and Chief Minister to the Monarch—was the most famous. His ascendancy to these positions in the state has been attributed to a successful career as a financier and creditor to the French state and his opposition to Turgot's reforms in 1774-76 (Ward et al 1904, 25). The nobility's attempt to compensate for this was to form an alliance with this class of lower class of nobility and the clergy in the face of attempts by the bourgeoisie to break into and monopolise the administrative office of state that were becoming the reserve of the new *noblesse de robe* (Lee1982, 3).

The hostility between the Second and Third Estates was only eclipsed by their mutual distrust of a royal authority that was seeking to marginalise both classes in an attempt to consolidate political control in the face of an existential threat to the state in the decade of fiscal and agrarian crises. To the extent that Louis was forced to reconcile the grievances of the disaffected Estates by calling the Estates General in 1776, this opposition between the two Estates did not manifest itself too forcefully (Lee1982, 1). When it seemed clear to both that the central authority of Louis' state was nearing collapse, “the original antagonism between the Estates reasserted itself so violently that the first force [the competing interest of the Second and Third Estates] tore through the fabric of the *ancien régime*” (Lee 1982, 1). This violent reassertion first manifested itself with the attempts of the Third Estate to ensure that deliberations and verification of powers during the Estates General would be carried out jointly, not by order which allowed the First and Second Estates to retain their monopoly (*Revolution* 81). Louis's attempts to forestall this eventually proved ineffective—a sign of the withering away of his royal authority. Disunity among a large number of the nobility and the clergy gave the impetus to the leaders of the Third Estate, like Sieyes, to affect a large number of defections from the nobility and ensure the primacy of the Third Estate in the deliberate process (*Britannica*, 155). Louis' last desperate attempt to have the orders deliberate apart after The Oath of the Tennis Court was reflective of the almost complete erosion of royal authority. With the defection of influential nobles like the Duke of Orleans and clergymen such as Talleyrand, the National Assembly was perfected on July 2, 1789 (*Britannica*, 155).

Even as a self-conscious body, the National Assembly lacked any real coercive power—which is not to say that the Louis' state was any less impotent (*Revolution*, 83). The state was limping along with inertia that would only be overcome with the insurrection of July 1789. Having failed to make any impression in dissuading the members of the National Assembly, Louis' reaction was all the provocation that the Parisian masses, under the leadership of men like Camille Desmoulins and Danton, needed to start the revolutionary insurrection that would finally bring Louis' regime to an end (Lee 1982, 7). Barentin and others in the Court, eager for a strong royal reaction advised Louis to dismiss Necker and anticipated the unrest from this revelation by concentrating of loyal regiment of foreign troops under marshal de Broglie near Paris (Ward et al 1904, 162). Thus, Necker was dismissed, and with him the *noblesse de robe* ministers loyal to him. Montmorin, the Secretary for Foreign Affairs, Puysegur, Secretary for War, La Luzerne, Secretary for the Navy, and Saint-Priest, Minister of the King's Household, were dismissed at the same time (Ward et al 1904, 163). In reacting to the success of the Third Estate of renegotiating state power in the form of the National Assembly, "the party hostile to the National Assembly had thus prevailed with the King; but their success was momentary and their overthrow decisive" (Ward et al 1904, 163).

The reaction of the rioters in Paris was swift and fatal for Louis' regime. The fall of the Bastille was the symbolic end of Louis' state. When Necker was recalled by Louis, the reactionary factions who had advised his dismissal in the first place left the country as the first of the *emigres* (*Britannica*, 156). Bailly's election as mayor of Paris and Lafayette's appointment as the commandant of the National Guard brought the situation under relative control. The support of the rioters, led by the *sans-culottes*, left the Assembly in a strong position—one that the bourgeoisie would use to erode away feudal privileges and royal authority in the legislative process (*Revolution*, 84). At Lafayette's insistence, the Assembly granted, and with Necker's persuasion, Louis accepted a suspensive veto (*Britannica*, 156). Intrigue by the Duke of Orleans and other members of the nobility that had defected to the Third Estate led to more instability and rioting with eventually the royal family removing to Paris—something that Necker had advised at the opening of the Estate General in 1789 (Ward et al 1904, 186).

Even as the National Assembly passed the Universal Declaration of the Rights of Man, the bourgeois state envisioned by those in the National Assembly was one which was "against the hierarchical society of noble privilege, but not one in favour of democratic or egalitarian society" (*Revolution*, 80). For the moderates in the Assembly, who made up the majority, the reform of the state needed to extend only as far as a constitutional monarchy, distinct from but modelled on the English one—a constitutional monarchy "based on a propertied oligarchy expressing itself through a representative assembly...a secular state with civil liberties and guarantees for private enterprise" (*Revolution*, 80).

The radicalization of the revolutionary ideal

To be sure, though the Third Estate had won out in its struggle against the Second Estate, their revolutionary motivations were not self evident since the start. Louis had accepted the curtailing of royal prerogative and a constitutional monarchy in 1790. Yet, the state lacked coherence insofar as it existed as a unified entity in

administering the functions of government. Regional National Guards existed having sworn fealty to the National Assembly. The subordination of the Church to the civil authority of the Assembly and the confiscation of its lands brought fresh instability in the countryside (*Revolution*, 86). At any rate, in Paris and the countryside, the poor masses were the decisive force in influencing the course of events.

From 1789-91, the victorious bourgeoisie sought to embark on a process of standardization and rationalization of the state that would finally complete the reform that had been the impetus for their struggle, and later revolution, against the monarchy (*Revolution*, 85). In the Assembly, which had by now become the Legislative Assembly, the moderates espoused an economic policy that was entirely liberal. "Its policy for the peasantry was the enclosure of common lands and the encouragement of rural entrepreneurs, for the working class, the banning of trade unions, for the small crafts, the banning of guilds and corporations" (*Revolution*, 85). Perhaps this was to be expected after the dismal attempt of the National Assembly to govern, rioting was still a permanent feature of politics, the navy and military was disorganised, and the state was close to bankruptcy. Necker, after losing credibility with the Assembly and the dismal state of the fiscal deficit and inflation, had left France (Ward et al 1904, 225). Wounded in conscience and pride after the institution of the Civil Constitution of the Clergy (1790), Louis took the ill fated step of fleeing to Austria, only to be captured at Varennes to be tried and eventually executed in 1793 (*Revolution*, 86). In 1791, the Legislative Assembly was elected: the moderate Girondins numbered in the majority, and embarked on this program of rationalization (*Britannica*, 159). "Middle Class revolutionaries, frightened by the social implications of mass upheaval, began to think that the time for conservatism has come" (*Revolution*, 83).

In the face of opposition from the Left within the Assembly, the Girondins struggled to deal with the consequences of their economic policies. The rising price of bread and political unrest resulting from Louis' attempt to flee had brought matters to a head in Paris. This all changed with the outbreak of war in 1792. Within the Assembly, two opposing factions made the case for war. Of all of Louis' ministers, Narbonne, the minister for war, was the only one who held any importance with the Assembly. Following the Pilnitz Declaration, Narbonne made the case for war as a means of restoring the position of the crown, which had been curtailed even further after Louis had accepted the 1791 constitution (*Britannica*, 159). In the Assembly the Girondins made it the priority of state power to establish and salvage the Revolution in the face of intrigue and sabotage from reactionary European states. In addition to the ecumenical ideal of the Revolution for the rest of Europe, at home the war would also solve a myriad of problems. "It was tempting and obvious to ascribe the difficulties of the new regime to the plots of foreign émigrés and tyrants, and to divert popular discontent against these. More specifically, businessmen argued that the uncertain economic prospects, the devaluation of the currency and other troubles could only be remedied if the threat of intervention were dispersed" (*Revolution*, 87). For their part, those on the extreme Left, led by Robespierre, distrusted a war effort entrusted to Narbonne and opposed the war with Austria (Ward et al 1904, 222). In the face of the Assembly's confidence in Narbonne, Louis had no choice but to appoint a new cabinet of ministers which was chiefly Girondin in political temperament—De Grave became minister of war and bent to necessity, Louis declared war against Austria in 1792 (*Britannica*, 160). Defeat, which

was expected, and attributed to royal sabotage brought radicalization to bear on the politics of the Revolution (*Revolution*, 88). Disaffected with the Girondins' repeated overtures to Louis united the Jacobins in opposition to both the monarchy and the moderates. Led by Danton's vigilance committees, the *sans-culottes* carried out a massacre of political dissidents in September 1792. Complicit by its feeble response over these crimes, the Assembly was succeeded by the National Convention, the elections for which were carried out on almost universal suffrage (*Britannica*, 161).

The dominant group in the newly instituted Convention were the Girondins. After the animosity between the parties in the convention following the September massacre, the Jacobins came to represent only the most extreme leftists, even though the overwhelming majority of the Convention was republican (*Revolution*, 91). The split between the Girondins and the Jacobins became more acute as the war progressed. Narbonne and Dumouriez—the commander of the French army who had intrigued to lead a coup against the Convention—both defected to the British and Austrians respectively after the Convention declared war on Holland and Britain (*Britannica*, 162). Carnot, an avowed Jacobin in the convention, was tasked by Servan, the new minister of war, to organise the military effort (Ward et al 1904, 348). Since the abolition of the monarchy, the actual government of state functions was charged to the various committees of the Convention (*Britannica*, 161). Faced with a serious internal revolt in La Vendee, Danton moved to merge and strengthen the executive and legislative power in the Convention. The result was the creation of the General Committee on Safety in January 1793, after reductions and revisions this was reorganised as the nine-man Committee of Public Safety (*Revolution*, 91). The Committee, with sweeping inquisitorial powers, sought to quell all political opposition to the state. As the military situation became increasingly dire, Danton reached out to the Girondins one last time, to no avail. Republicans and leftists to the extreme, Hebert and Marat, wanted nothing short of crushing the Girondins. After much political manoeuvring, the *sans-culottes* in the revolutionary Paris Commune and the Convention carried out the arrests of prominent Girondin leaders and the Committee of Twelve which had been created to preside over the safety on the Committee of Public Safety. The ascendancy of the Jacobins was finally complete (*Britannica*, 163).

As the provinces rose in revolt, the military situation, and the fate of the Revolution, became more precarious. Danton led the Committee to rebuild a state on the verge of collapse. Of those who came to replace Danton after his fall, Carnot was the most instrumental in reversing the fortunes of the French state and, more importantly, of the military (*Britannica*, 163). Carnot's crowning achievement lay in instituting the *levee en masse* to conscript soldier for the army. His organization paved the way for almost two decades of uninterrupted military success for the French Revolutionary Army (Ward et al 1904, 354). By 1794, the finances of the state were secure, internal rebellion and the food shortage was under control—the *levee en masse* and the general price control had been instrumental in ensuring success in both objectives (*Revolution*, 90).

Danton's fall from the Committee had led to Robespierre becoming the most powerful man in the French State. "Robespierre was an acrid fanatic, and unlike Danton, who only cared to secure the practical results of the Revolution, he had a moral

and religious ideal which he intended to force on the nation. All who opposed him were corrupt; all who resented his ascendancy were traitors” (*Britannica*, 163). In unleashing the Reign of Terror in making terrorism legal and official, Robespierre deliberately sought to eliminate anyone whose power, political allegiance or past career could be an obstacle not only to his own primacy as the personification of the French Revolution, but also the continuity of the Jacobin Republic (Lee 1982, 9). In doing so, Robespierre alienated his support so much that his fall, and that of the Jacobin Republic, became almost inevitable. The Parisian *sans-culottes* which had been the decisive social force behind much of the Convention and the Committee’s decrees could only have been marginalised as the state continued to centralise and discipline in responding to the war effort (*Revolution*, 92). “The economic needs of the war [also] alienated popular support. In the town price-control and rationing benefited the masses; but the corresponding wage-freeze hurt them. In the countryside the systematic requisitioning of food alienated the peasantry” (*Revolution*, 93). After the execution of the Danton and the suppression of the Hebertists, only the war effort maintained Robespierre in his position of supremacy. As the military position became unassailable in 1794, the end for the Jacobins came swiftly—Robespierre, Saint Just, and a large number of the Paris Commune were executed on the ninth and tenth Thermidor (*Revolution*, 94).

In declaring and waging a people’s war, the Girondins had underestimated the effect of war mobilization with a mass social revolution (*Revolution*, 89). Though the Girondins were eager to avoid war with the British—Talleyrand had been dispatched to London to assure the British that France would annex no territories—their ecumenical ideals of the Revolution and their bourgeois aspirations meant that this was a hard commitment to keep (*Revolution* 89, *Britannica* 160). The bourgeois Girondins’ animosity towards the British manifested itself in a complex hostility, one which demanded a complete victory, because it “brought to power a French bourgeoisie whose appetites were, in a way, as limitless as those of the British” (*Revolution*, 108). The expansion of the war against Britain and Holland, and the dismal military situation that ensued thereafter only strengthened their opposition amongst the Left. As for the Jacobins, for the majority of the members of the National Convention and the masses in Paris and the countryside, the choice throughout the radical phase of the Revolution was one between the Robespierre’s draconian Terror and a complete disintegration of not only the Revolution but also the French state as it existed (*Revolution*, 90). “Very likely, but for the desperate crisis of France, many of them would have preferred a less iron regime and certainly and less firmly controlled economy...but even from the narrowest point of view, the prospects of the French middle class depended on those of a unified strong centralised national state” (*Revolution*, 91). To be sure, the Jacobin contributions to centralise and reassert the powers of the state stemmed from a deeper ideal of the revolution than that of the moderates. The 1793 Constitution was egalitarian in a more profound sense than the Universal Declaration of the Rights of Man. Its economic legacy was to entrench a class of small craftsmen and small entrepreneurs that were “economically retrogressive but devoted to the Revolution” (*Revolution*, 91). In so far as the consequences of the turbulent events of the revolutionary wars and the internal strife impeded the subsequent economic growth of the French state, the effect was to permanently stunt the growth of the French economy as a result of the disruptions of

the 1790s—the economy would recover under Napoleon but never make up for the lost impetus of the revolutionary period (*Revolution*, 124).

The liberal middle class was to remain revolutionary, or to at least acquiesce to the Jacobin extreme, beyond even the brink of an anti-bourgeois revolutionary state: in their puritanical idealism of what the Revolution embodied, the Jacobin regime could afford the Terror and concomitantly draconian laws, in the face of the failure of the Assembly and the Girondins at governing the state, because “in their time no class existed which could provide a coherent social alternative to theirs” (*Revolution*, 84). Even though *sans-culottes*, on whose back the Jacobins and their Terror ride, could not provide a feasible political alternative—their idealised and utopian of the past was unrealizable (*Revolution*, 85).

The reactionary turn

To state that the Right was instrumental in bringing an end to the Jacobins would be overestimating the agency of the reactionaries and moderates. The Thermidorian reaction was instigated by those who loudly professed their affinity for Jacobinism, yet also wanted to make peace with the moderates (*Britannica*, 166). “The problem which faced the French middle class for the remainder of what is technically described as the revolutionary period (1794-9) was how to achieve political stability and economic advance on the basis of the original liberal programme of 1789-91” (*Revolution*, 94). The election for the Convention in 1794 had resulted in a large majority of those who opposed Jacobinism—those who would wish the *ancien regime* or the Terror reinstated were few and far between (*Britannica*, 166). The Convention re-instituted itself in the form of a Directory of five, of whom Carnot was by far the most competent but not the most politically astute (Lee 1982, 12). The Directory was partisan from the start—Rewbell, Barras and La RevelliereLepeaux were full blooded Jacobins for good measure, only Carnot and Letourneur viewed moderation as essential to strengthening the state (Ward et al 1904, 492). Ultimately, “the great weakness of the Thermidorians was that they enjoyed no political support but at most toleration, squeezed as they were between a revived aristocratic reaction and the Jacobin-Sans-Culottes Paris poor who soon regretted the fall of Robespierre” (*Revolution*, 94). Under the newly set up parliamentary system, power was dispersed between two houses: the Council of Five Hundred and the Council of Ancients of 250 members (Ward et al 1904, 487). Composed of those who wanted to make peace and secure the Revolution of 1789-91, under the Directory, the legislature sought to overturn the extremes of the Jacobin state—political émigrés who did not pose a threat were rehabilitated, “the political disabilities imposed on the relatives of émigrés were repealed. Priests who would declare their submission to the Republic were restored to their rights as citizens. It seemed likely that peace would be made” (*Britannica*, 167). Among those who made a political rehabilitation—and would go on to have a career of longevity in the Directory, Consulate, Empire, and Kingdom—Talleyrand was the most notable, who took up the position of Minister of Foreign Affairs (Ward et al 1904, 493). His rehabilitation shows, perhaps, the clearest indication that the most politically astute of the displaced Estates had realised that a return to the *ancien regime* was simply unrealizable. Insofar as the

state was a set of institution to protect the vested interests of the dominant social groups, its prime directive was to uphold the bourgeois ideals of 1789-91 by retaining the Revolution and acquired the reactionary position to prevent a decent into Jacobinism. This assimilation of vested interests with the character of the Revolution was to become the dominant feature of Bonapartism that would characterise the French state for the foreseeable future (*Revolution* 95, 369).

The directory fell due to its worse feature: corruption. Apart from Carnot, all Directors and ministers were rabidly corrupt. For instance, Talleyrand has demanded a personal gratification of £ 50,000 from American commissioners to conclude a trade agreement with France—their rejection of these demands lead to their expulsion from France (Ward et al 1904, 493). In their corruption, and nonexistent support from the masses, the Directory was only sustained by its dependence on the military for quelling political conspiracies, the most famous of which was Babeuf's in 1796. Though dependent on the military for their support, Barras, Rewbell, and La RevelliereLepeaux, who had by now sunk Carnot into obscurity, deigned to keep the military and Napoleon as far away from Paris as possible. The expedition to Egypt—another brainchild of Talleyrand—was sanctioned for explicitly this reason (Ward et al 1904, 596). The singular importance of the military—which was in an almost unassailable position—for the Directory was that “it paid for itself; more than this, its loot paid for the government. Was it surprising that eventually the most intelligent and able of the army leaders, Napoleon Bonaparte, should have decided that the army could dispense altogether with the feeble civilian regime?” (*Revolution*, 95) Napoleon overthrew the directors in the coup d'état of the 18th Brumaire (1799) with the complicity and subterfuge of co-conspirators in Talleyrand, Roederer, and his brother, Lucien (Ward et al 1904, 673). “A shabby compound of brute force and imposture, the 18th Brumaire was condoned, nay applauded, by the French nation. Weary of Revolution, men sought no more than to be wisely and firmly governed (*Britannica*, 168). Napoleon would declare himself Consul for life in 1802 and Emperor in 1804. His reaction to the reform of the state was to leave an indelible mark on the legacy of the French state up to 1870. This was the Bonapartist mixture of co-opting revolutionary principles with the conservatism of the moderate bourgeoisie—Talleyrand continued, even Narbonne was recalled (Lee 1982, 15). After the debacle of the Directory's rule, this mixture worked with wondrous efficiency, France inherited a lasting Civil Code, rectified its tensions with the Church, and the most essential symbol of bourgeois stability, a National Bank (*Revolution*, 97). Napoleon's brought a decidedly more conservative, authoritarian, and hierarchical turn to bear on the ideas of the Revolution, what his predecessors had expected and hoped for, he has carried out (*Revolution*, 98). In the process, he destroyed one thing irrevocably. This was the “Jacobin Revolution, the dream of equality, liberty and fraternity, and people rising in its majesty to shake off oppression. It was a more powerful myth than his own...which inspired the revolutions of the nineteenth century, even in his own country” (*Revolution*, 98).

Towards 1848

The French state emerged from 1815 as a disaffected power. Insofar as the trajectory of the evolution of the French state has importance after this period, it was more

significant in how other European states reacted to revolutionary pressures in their own states. For the French state itself, the more lasting legacy was that of Napoleon's Consulate and Empire. "France as state, with its interests and aspirations confronted other states of the same kind, but on the other hand France as the Revolution appealed to the peoples of the world to overthrow tyranny and embrace liberty, and the forces of conservatism and reaction opposed to her" (*Revolution*, 102). The anti-French states were all eager to put a swift end to the Revolution both at home and abroad, however, the realities of the radicalization of the French Revolution from 1792-5 had made it abundantly clear to European states that the price of this, at the risk of their own political ambitions, was too great (*Revolution*, 109). The real legacy of Carnot's achievement in instituting the *levee en masse* was the creation of the trend of conscription and mass mobilization for total war in other European states to the extent that what had given the French a decisive edge over their numerically superior opponents was what ultimately allowed the coalition against France to succeed in 1815 (Lee 1982, 21). Furthermore, the process of rationalization and standardization of European states, the prelude to the nationalism of the latter half of the nineteenth century, was a crucial legacy of the French Revolution. Combined with the radical transformation of the political atmosphere of Europe in the wake of the French Revolution, these two developments would manifest themselves forcefully in determining the trajectory that other European states followed in ensuring a return to Jacobinism could not take place (*Revolution*, 101-126).

The most important problem to this end was how to ensure a lasting peace after two decades of almost continuous warfare. "The settlement of Europe after the Napoleonic Wars was no more just and moral than any other, but given the entirely anti-liberal and anti-national purpose of its makers, it was realistic and sensible. No attempt was made to exploit the total victory over the French, who must not be provoked into a new bout of Jacobinism" (*Revolution*, 129). For their part, France could have only rectified its own disaffection at the Concert of Europe by a return to liberal Jacobinism at home and nationalism abroad. Regimes were swept away in France in 1830 by revolution and again in 1848—this wave swept all European states—without the kind of popular Jacobinism that had been the defining feature of the 1790s. However, no French government was prepared to risk social order by mobilization these spontaneous outbreaks of revolutionary politics—the economic stagnation of the 1790s weighed heavily on the French moderates and no government between 1815 and 1848 was partial to undermining the general peace of Europe for her own political interests (*Revolution*, 135-136).

In Europe, the experience and legacy of the French Revolution and the failure of the 1848 Revolutions had established firm lessons for other states. An alternative had developed from the debacle of the 1790s and the continuous waves of revolutionary activity from 1818 to 1848. This was the move towards a politics of order from a politics of the people (*Capital*, 33-39). The bourgeoisies "discovered that it preferred order to the chance of implementing its full program, when faced with the threat to property...Conservative regimes were quite prepared to make concessions to the economic, legal, even the cultural liberalism of businessmen, so long as it implied no political retreat...The bourgeoisie ceased to be a revolutionary force" (*Capital*, 33). In

defending the social order, the conservatives and moderates had to learn the politics of the people. The election of Louis Napoleon with almost universal suffrage, after the failure of the 1848 Revolution, meant that now even radical democracy could be maintained with social order—France emerged as a populist empire which was now longer retrained by its past fear of Jacobin extremes (*Capital*, 39-40).

Conclusion

What had started as an attempt by both the aristocracy and the Third Estate to capture state power in Louis' archaic and absolutist regime eventually turned into a mass social revolution in which the bourgeoisie asserted themselves as the most important social group. The turn to revolution and radicalisation was as much due to the revolutionary nature of the Third Estate as Louis' ill-fated reaction to dictate the terms of reform in the state. For their part, the First and Second Estates lost out due to an underestimation of the Third Estate and the support they had among the masse. The few notable stories of aristocratic longevity in the bourgeois state after the Revolution – that of individuals like Talleyrand and Narbonne—is restricted to those who were politically expedient to realise that the Revolution has changed the state irrevocably. The Girondins failed to succeed in reforming the state along the ideals of 1789-91 because they could not reconcile their ecumenical ideas of the Revolution with the realities of mass mobilization of the Revolution at home. The Jacobins succeeds temporarily in creating the rationalization of the state that would outlast even Napoleon's Empire. Yet they ultimately failed to secure their ideal of the Revolution since they alienated the support on which their Jacobin idealism had appealed to the people, without any alternative. The appeal of their ideals faded with success in the Revolutionary Wars. In reforming the state for any good measure of longevity, only Napoleon was successful. Yet, his success depended on co-opting the Revolution for the protection of reactionary vested interests. His success could not have come without the price of a lasting Jacobin defeat.

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