Global Social Fascism
Violence, Law and Twenty-First Century Plunder

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GLOBAL SOCIAL FASCISM

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LARA MONTESINOS COLEMAN

Summary

Perseus wore a magic cap so that the monsters he hunted down might not see him. We draw the cap down over our eyes and ears so to deny that there are any monsters.

Karl Marx, *C*

June 2017. I am writing in the British Library in London. I came here to finish a book on corporate plunder in Colombia, but I feel I should leave and join the demonstration taking place a couple of miles away in Westminster. In the small hours of Thursday morning, a fire began in Grenfell Tower, a high-rise tower block housing more than six hundred people. Within hours, the entire building was in flames. Official figures put the death toll at six… thirty… fifty-eight… seventy-nine. They say many of those killed will be undocumented migrants and illegal sub-tenants who have simply 'disappeared' after the blaze.

The Grenfell catastrophe had long been foreseen by campaigners. It was the predictable

entrench and exacerbate social inequality and the attacks on the social safety nets once designed to protect people have had profoundly violent consequences.[14] Corporate and political elites have vastly increased their wealth. They have benefitted from generous tax cuts for corporations and the wealthy, alongside the incremental transfer of lucrative contracts for running once-public services.[15] Meanwhile, as Vickie Cooper and David Whyte underscore in their recent edited volume, *o n o A* the 'people most affected

of territories and resources. For instance, the expansion of the extractive-export model through mineral extraction and large-scale agribusiness has visited multiple forms of violence upon indigenous peoples, peasants and populations o

wages that barely cover the cost of food and rent. They undertake long and exhausting treks into work because deregulated housing 'markets' have pushed the cost of local accommodation beyond workers' reach. Extensive sub-contracting means most have to cover the costs of their own tools and uniforms, healthcare and social security.[44] In the union's discourse, these violences too are crimes against humanity. So is the widespread hunger generated by a food and agriculture industry designed for corporate profit rather than the wellbeing of the population.[45]v(t)-b50d516((87(t)-2.1i22)-16e5l2c.29558.805)1170251a8se u 9555

criteria for moral action and criteria for economic action.[57] Adam Smith's moral philosophy, for example, was worked out in perpetual tension with his political economy. In *o on* Smith made clear that societies must not only exercise the right to kill in order to generate terror of punishment for crimes against property, but also that 'the market … must necessarily at certain precise moments, "let die"'. Smith's metaphor of the market's 'invisible hand', which steers the natural order of things in accordance with providence, was an attempt to reconcile morality with a commercial society based upon selfishness and greed. That some must be abandoned, even to death, is covertly set out by Smith as the basis of social harmony.[58]

The intellectual authors of neoliberalism acknowledged implicitly that the free market ideal demanded 'the courage to turn away from the imploring hand of famine or to strike it down if it should violate the laws of property and the rati

therefore the natural necessity of the market out of fear of the destitution that such development brings'. Ideas of inviolable national sovereignty or the rights of indigenous peoples to collective territories are 'utterly without force or effect' in the face of global economic necessity. No covenant or charter could have prevented the Conquest of the Americas. War and Conquest are the only alternatives to the freedom of foreign investment.[63] For Von Mises, as for classical political economists, the laws that govern social reality are indifferent to human conceptions of justice. Human rights and substantive ideas of justice have no place in any understanding of the market.[64]

Even when legal rights are formally recognized, the ability to enforce these rights always

intelligence reorganisation plan placed paramilitary death squads directly under the orders of the military high command.[68] It was also accompanied by a series of legal refo

companies' requests to refuse to recognise local union committees. This is despite the Ministry's lack of jurisdiction over trade unions' internal affairs and despite Colombia's ratification of international labour conventions that grant unions autonomy to decide their own rules and elect their own representatives.[74] In 2003, when Coca-Cola FEMSA closed eleven out of sixteen Colombian bottling plants as part of the Coca-Cola Company's drive to achieve a more 'efficient' global franchise system, the company simply ignored legislation barring companies from closing factories or branches without authorisation from the Ministry of Social Protection. Over three thousand workers were laid off, with mass resignations achieved by forci2s

appropriate response given McIntyre's thought crime of holding 'revolutionary' views.[83] The parallels were perhaps even more pronounced in the case of Alfie Meadows, who suffered life-threatening injuries after being hit on the head by a police baton the same year. The Metropolitan Police subsequently charged Meadows and fellow student Zak King with violent disorder. Meadows and King were acquitted in 2013 after a jury accepted that they had been attempting to defend themselves and fellow protesters. Their acquittal highlighted the extent to which police had begun to make unlawful use of Section 2 of the 1986 Public Order Act, which defines the crime of violent disorder, in order to repress dissent. Eighteen out of nineteen students charged with violent disorder during the tuition fees protests were likewise acquitted. Counsel for Zak King described the use of the Public Order Act as a 'sledgehammer' against peaceful protestors that 'failed to differentiate between the actions of a crowd and individuals within it'.[84]

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Authoritarianism and coercive repression are not just initial means to impose unpopular neoliberal policies. In Latin America and beyond, state terrorism has certainly made it easier for the ruling class to implement a 'shock redistribution' of resources in favour of the wealthy.[85] Nevertheless, in both North and South, authoritarianism is 'a *n n* and

authoritarianism is simultaneously disguised by the

EU framework'. It is 'accorded supreme constitutional status'.[96]

The EU has adopted the IMF model of conditioning aid to neoliberal economic reforms. When Greece was on the verge of default in 2010, the EU and IMF agreed a bailout package with strict conditions such as the 'modernisation' of the public sector and more 'flexible' and 'efficient' labour markets.[97] However, in the aftermath of the Greek Crisis, a series of stricter 'economic governance' regulations were agreed. These were aimed at getting governments to *o* measures to 'detect, prevent, and correct 'problematic' economic trends' (which is to say 'excessive' budget deficits and 'high' unit labour costs), instead of retrospectively imposing austerity measures on crisis-hit countries in the style of the IMF-World Bank.[98] Thus when Greece's Syriza party was elected on an anti-austerity mandate in 2015, the Pe

In much of the Global South, international financial institutions have become *o* legislators. However, the concept of law as a neutral means to economic competitiveness has also made corporations into natural counterparts of government in drafting new legislation. Housing campaigners have highlighted the role of the global real estate corporation, Savills, in 'advising' the British government on drawing up the 2016 Housing and Planning Act.[104] The Housing and Planning Act has been criticised for its 'radical assault on the country's remaining public housing stock', socially cleansing poorer people from profitable areas, to the benefit of private equity firms and other global corporate landlords.[105] The 2012 Health and Social Care Act was likewise written with extensive input from international management consultants McKinsey and Company. The Health and Social Care Act abolished the state's duty to provide comprehensive healthcare and paved the way for reforms from which McKinsey and its clients stood to derive enormous commercial benefit.[106] In 2012 and 2013, McKinsey were one of a group of healthcare multinationals and other 'industry leaders' responsible for two World Economic Forum reports on the future of global healthcare. These proposals were quickly made into British government policy, bypassing parliamentary oversight.[107]

In Colombia, rights set out in the constitution were overwritten by economically-mandated reforms of law. In Britain, legally-mandated austerity has been judged to violate human rights and equalities legislation, as well as human rights conventions ratified by the UK.[108] Law has always been plural and contradictory. The clashes between liberal principles of human rights, freedom and equality and the capitalist order that demands inequality, coercion and premature death do not just reflect two different visions of humanity. They also reflect two very distinct constellations of meaning around the 'rule of law'. Principles of equality and human rights emerge – broadly speaking - from the ethical tradition of 'natural law', de6(n)-0.295585(g)9.7.1891(n)-07lo

origins of discourses of ‘the rights of man and citizen’ central to classical eighteenth century revolutionary declarations and anti-colonial struggles. This conception of law also underpins the ‘social’ theories of law developed by nineteenth century reformers and taken up by post-war welfare states and developmental states. Within this broad tradition, property rights can be limited or curtailed in the name of justice and social solidarity. We should not romanticise such conceptualisations. Je( )-20.1584(s)-1.26558(x)8(x)-1.22998(l)0325585(t)-2.2.1643((d)-0.29558.294974(c
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accordance with authoritarian neoliberal constitutionalism.[113] Democracy, Santos reminds us, is not done away with, even in highly repressive contexts such as Colombia. Rather, democracy is trivialized and hollowed-out, so as to make it almost impossible to threaten corporate power. te

1980s'. Long before the 2008 crisis, collective bargaining mechanisms had begun to be used to discipline labour rather than treating trade unions as equal partners (as they were considered under the post-World War Two rubric of social partnership between capital, labour and the state). Even before the 2008 crisis, European countries were witnessing welfare retrenchment and a shift from 'welfare' to 'workfare' (in accordance with a shift in emphasis from collective entitlement to a social safety net onto the individual responsibility to work).[118] UK Prime Minister Tony Blair was a leading proponent of the idea that Europe's social institutions needed to adapt to survive.[119] His New Labour government did not only introduce the fiscal rules that paved the way to austerity after the 2008 crisis. New Labour also presided over numerous privatising reforms, such as those that 'rapidly accelerated the fragmentation of the NHS and its permeation by private capital'.[120] These reforms, which went with a huge mid-term funding increase, were rationalized on the basis of the need to 'save' the NHS.[121]

Convergence between the 'social' neoliberalism of the EU and the humanistic rhetoric of mainstream development discourse can be found in projects such as the 'peace laboratories', established at the turn of this century in Colombia. These are regional programmes for 'development and peace', established as a joint initiative between the Colombian state and European Union, in association with the World Bank, transnational corporations and NGOs. They were designed to 'explore, with the instruments appropriate to the Social Rule of Law, the paths which Colombian society must go down to reach peace and generate sustainable

appearance of a compromise constituted by conditions, as costly as they are inescapable, imposed without discussion on the weaker party'.[125] Or as one peasant put it, in an interview with author and investigative journalist Gearóid Ó Loingsigh, they are like 'an alliance between the fox and the chickens: in the end the fox will eat the chickens'.[126]

Successive governments, the World Bank and EU talk about 'peace and development', as if development were the antidote to violence. Yet the model of development advocated in the name of 'peace' is the very model for which people were massacred in the first place. The paramilitary groups who took over entire regions like Magdalena Medio in close collaboration with the army were never mere armed mercenaries, but political organizations whose visions of 'development' overlapped with those of the government, World Bank, EU

reconceptualised as the basis for entirely anti-social economic decisions insulated almost entirely from democratic oversight.