

LEGAL SOCIOLOGICAL THOUGHT AGAINST THE CHALLENGES OF GLOBALIZATION

Zeljko Simic

Faculty for Business Studies and Law, "Union – Nikola Tesla" University, Belgrade

Abstract: *In this article, the author tries to recapitulate the echo of globalization in legal and sociological literature, concluding that legal philosophers are largely neutral regarding the phenomenon of terrorism and terror, warning in their studies of the widespread political and diplomatic practice of turning a deaf ear by states when it comes to the notorious norms of international public law and international relations. The author points out that even the philosophers of the law are not prone of any predictions regarding the apparent violation of international normative norms, not trying to anticipate the fate of law in the circumstances of the absolute power. The sociological theoretical thought, relying on its weight on the postulates of "interpretative sociology", as well as ethnomethodology as one of the off-springs of this school of thought, also circumvents a thorough analysis of the phenomenon of violence as a postmodern, almost implicit, and therefore a "legitimate" form of modern communication. In this sense, the author sets out the theoretical points of Jean Baudrillard, the French sociologist, philosopher and political scientist, who, making the essential difference between "globalization", on the one hand, and "mondialization", on the other, tried to demystify the etiopathological reasons for constituting violence as a specific feature of globalization. The causes of terrorism are seen by Baudrillard in the destruction of universal values that were dissolved in the Mondial, losing any commitment from the perspective of the idea of humanity. The author concludes that the only thing left for human nature is to transform, in the sense of self-knowledge and insight into the actual character of social forces, if it wants to remain free and meaningful, to the extent of the complexity, cleverness and elusiveness as totalitarian consciousness is transformed.*

Keywords: *law, sociology, globalization, mondialisme, violence, terrorism, terror, Baudrillard, evil, power, force, impuissance and imperialism.*

Even a flying glance at view of the reverberation of terrorism as a global phenomenon of the post-modern era shows there is an unequivocal impression that this phenomenon, regarding to which the opinions collide even in contemporary politics, in legal science, and in historiography, and in social psychology, is not at the center of the interest of those philosophers who are known for the most competent and most authoritative sociologists. Moreover,

the irresistible impression that their “role” has been unimpeded by the leading intellectuals from the end of the past and the beginning of this century, in which we have just stepped in, from the inevitable Noam Chomsky, through Jürgen Habermas up to Umberto Eco, and Leszek Kołakowski, who seems to have finally withdrawn from public life. In the works of all the theoreticians of the relationship between society, state and individual, especially in the writings of the dominant “interpretative sociology”, dominant topics are derived from the phenomenological philosophical corpus, as well as those that tend to the phenomena arising from the arsenal of post-psychoanalytic arsenals, among which interactivity occupies the central position. It’s like all of them (we are talking about the most prominent ones, such as Herbert Blumer, *Ralph Turner*, Erving Goffman, Howard Becker, *Alfred Schutz*, *Thomas Luckmann*, Harold Garfinkel, Pierre Bourdieu, Michel de Certeau, and *Anthony Giddens*) tacitly (because we are considering the sociological views of the philosophers of the most diverse provenance!) stand on the standpoint that the reality we testify most is best understood by the insight of ethno-methodology, which was successfully promoted by Garfinkel, while the soaring problem, which is so tragically and violently shaken by our modernity, such as “terrorism” is considered to be marginal.

Even in its prominent and comprehensive, synthetic “Sociology” dispersively influential *Anthony Giddens* devoted only a modest chapter to the problem of political violence, and therefore “terrorism” in which his optimistic tones, to put it mildly, seem utterly unfounded. He even does not mention “terrorism” as the most acute human disease, which threatens to become chronic, but puts emphasis on “nuclear weapons”, concluding that “our time is a time of major changes in the world order and that there are possibilities of reaching a less dangerous world” (*Anthony Giddens*, “Sociology”, CID, Podgorica, 2001, p. 234).

Giddens mentions the Michael McGuire’s warnings that in the future there is room for the world “to get rid of the nuclear weapons”, although such predictions have no basis in realistic, globalized reality.

In the light of these no superficial knowledge about more than the indicative “theory of ignorance” (the term stems from the famous “Krlzologija” by Stanko Lasic), continually carried out by sociological philosophers bypassing a more fundamental examination of the phenomenon of “terrorism”, the whole work, and in particular the writings he published at the end of his life, put Jean Baudrillard at the center of the attention of those who are eager to look at today’s widespread phenomenon more thoroughly and grasp it more seriously.

Practically, the problem of violence is derived from the first works of this world-famous and challenging philosopher and sociologist, regardless of the stages through which he was passing, which, to put it mildly, are in the hallmark of extremely controversial spiritual worldviews: from the rising praises of the upcoming postmodernism (with “differences” versus “great narrations”), up to disappointingly resigned announcements about the apocalyptic proportions of the new epistemic era. Because of above mentioned reasons it is difficult, if not impossible, to shape his coherently constructed theory of “terrorism”, explicit and extremely non-systematic, Baudrillard gives rise to various hermeneutical approaches, although the impression is that it is justified to express one theoretical thread, existing since his most significant work, “Symbolic exchange and death” up to the “Spirit of Terrorism” and the “The intelligence of evil or the lucidity pact”: “As it resounds on the despondency

of the humiliated and offended, terrorism rests on the invisible despair of the privileged in the mondialization, in our own obedience to integral technology, virtual reality, networking and programs that may be described by an inclusive profile of a whole type of human kind that has become modular.” (Jean Baudrillard, “The Spirit of Terrorism”, Arhipelag, Belgrade, 2007, page 70).

Although he was relatively enthusiastically optimistic when it comes to “the end of great stories”, although he was trying to detonate significant radiation of the discursive concepts from various angles resulting from the entire philosophical tradition, from the antique era up to the German classical thought, Baudrillard reach out for metaphysical instruments, while trying to “distinguish” the phenomenon of terrorism. Because there is no other way to understand the use of the word “Evil” or the Hegelian “Spirit” in the titles of his later writings, except perhaps, as a tacit confession that he hurried from the beginning of his work by writing off the easy meaning of “vertical” terms for forming the conditions for the logical fullness of human life. Hence, the Baudrillard’s commitment when it comes to the aesthetic vision when he directly analyzes the ontological basis of the terrorist attack on the World Trade Center in New York on September 11, 2001. “Why the Twin Towers? Why two towers at the World Trade Center?”

All Manhattan’s tall buildings had been content to confront each other in a competitive verticality, hence the famous architectural panorama of the city. That scene changed after 1973, with the building of the World Trade Center. The image of the system was no longer the obelisk and the pyramid, but the punch card and the statistical graph. This architectural graphism embodies a system that is no longer competitive, but digital and countable, and from which competition has disappeared in favor of networks and monopoly.

The fact that there were two of them denotes the end of any original reference. If there had been only one, monopoly would not be so perfectly embodied. Only doubling the sign truly puts an end to what it designates. There is a peculiar fascination in this reduplication. However tall they may have been, the two towers signified a halt to verticality. They were not of the same breed as the other buildings. They culminated in the exact reflection of each other. The glass and steel facades of the Rockefeller Center buildings still mirrored each other in an endless specularly of the city. The Twin Towers no longer had any facade, any faces. When the rhetoric of verticality disappears also the rhetoric of the mirror. With these monoliths, perfectly balanced and blind, there remains only some kind of black box, a series finished on the figure two, as though architecture, like the system, was now merely a product of cloning, and of a changeless genetic code” (“Spirit of Terrorism”, pp. 31 - 32).

This extensive quotation of the great French philosopher was necessary for us not only to point out all the apparent paradoxality of his insights and the complexity of disbelief, but also to make sure that the phenomenon of “terrorism” is far too complex, stratified and contradictory to easily be reduced to only one cause. If, in the above example, the terrorist attack on New York has come from the phenomenological-aesthetic angle, in this we have expressed and we will just mention the Baudrillard’s phenomenon, which is recounted from an eminently meta-psychological perspective, whereby every thought of banal anti-Americanism is methodologically observed - reductionist, as well as the idea that the writer of the “Spirit of Terrorism” is associated with “conspiracy theorists”, The conspiracies which

the whole history is woven of, he only interprets. Thus, Baudrillard brings American feelings of absolute supremacy, on one hand, and the endemic vulnerability on the other: "The twin sister of compassion (as much a twin as the two towers) is arrogance. You weep over your own misfortune, and at the same time you are the strongest one into in a mysterious, interdependent relationship. And what gives you the right to be the strongest one, is the fact that you are victims already. This is the perfect alibi; it is whole mental hygiene of the victim, through which all guilt is resolved, and which allows one to use misfortune as though it were a credit card, in a manner of speaking ("The Spirit of Terrorism", pp. 46-47).

Although in its analysis of terrorism there is no reference to his theories about hyper-realism and simulation and *simulacra*, Baudrillard relied on methods, which brought him to these philosophers, similar to the maneuver he performed just before the American invasion of Iraq. To remind, he wrote an essay under the indicative title: "The Gulf war did not take place." When the invasion was over, Baudrillard wrote a more spectacular title: "The war did not take place" in which he tried to empower his ideas about the totalitarian nature of the virtual world, as well as the antinomy of political violence, and the terrorism itself. "The Americans lacked such a wound (at Pearl Harbor suffered an act of war, not a symbolic attack). An ideal reverse of fortune for a nation at last wounded at its heart and free, having atoned for it, to exert its power in all good conscience. Namely, a situation science fiction dreamed of from the beginning: that of some obscure force that would wipe them out and which, until that point, merely existed in their unconscious (or some other recess of their minds). And all of the sudden, it materializes by the mercy of terrorism! The axis of Evil takes hold of America's unconscious, and realizes by violence what was merely a fantasy and a dream thought! (Ibid.)

However, a deeper consideration of Baudrillard's understanding and interpretation of terrorism as the most controversial phenomenon of the modern era (as well as the stimulating aspects of his followers but not the adepts blindly following some of his complex philosophy!) reveals that one of the of the most influential postmodernistic philosophers disassembled this form of political violence based on sharp distinction between "global" and "mondial", which also confirms the assumptions that America is merely "the allegory or universal figure of any power incapable of bearing the spectre of opposition" as he cited in his late controversial writings. (Ibid.) In his bold books, for these reasons, the thing is not about the politicization of the problem, regardless of the fact that his opus is applicable for various, particular interests guided by interpretations. In many places, Baudrillard insists on the realization that current terrorism does not originate from the traditional history of anarchy, nihilism and fanaticism, but that it is the outbreak of postmodern mondialization. According to him, there is an extremely deceptive analogy between the terms "mondial" and "universal", since this latter implies the rights of man, freedom, culture, democracy, while under mondialization it is necessary to understand the technique, market, tourism, and information. Moreover, the author of "The Spirit of Terrorism" considers that mondialization is irreversible, while it is universally ahead on the road of disappearing." In fact, universalization is vanishing because of globalization. The latter puts an end to the universalization of values. This marks the triumph of a uniform thought over a universal one. What is globalized is first and foremost the market, the profusion of exchanges and of all sorts of products, the perpetual flow of money. Culturally, globalization gives way to promiscuity of

signs and values, to a form of pornography in fact. Indeed, the global spread of everything and nothing through networks is pornographic. No need for sexual obscenity anymore. All you have is a global interactive copulation. And, as a result of all this, there is no longer any difference between the global and the universal. The universal has become globalized, and human rights circulate exactly like any other global product (oil or capital for example) (Ibid, p. 62).

Obviously, if all his works written at the end of his life were carefully analyzed (he died in 2007), Baudrillard invested a huge and passionate theoretical effort to illuminate what is called *differentia specifica* in the logic between the universal and the mondial, considering that it is necessary to look for the causes of the emergence of modern terrorism, whose roots he does not even find in any previous historical period, in an epochal gap that suddenly appeared. Why Baudrillard so much complains about dispersion of the universal, and where the causes of his painful recollection towards the mondial can be sought? Was it, and how, might it have been possible for mondial to give birth to the perpetual terrorism in front of which we all become overwhelmed and confused? Baudrillard ironically observes that the universal was an idea. But when it became realized in the global, it disappeared as an idea, it committed suicide, and it vanished as an ideal goal. "Hence the violence of the mondial - the violence of the system that tracks down any form of negativity, singularity, including the ultimate form of singularity, the death itself - it is the violence of a society where conflict is forbidden, where death is not allowed - a violence that, in a sense, puts an end to violence itself, and strives to establish a world where anything related to the natural must disappear (whether it is in the body, sex, birth, or death). Rather than a global violence, we should call it a global virulence. Violence is viral: "It operates by contagion, by chain reaction, and it gradually destroys all our immunities and our powers to resist" (Ibid. p. 65).

According to Baudrillard, even wars - like the war in Afghanistan - primarily seek, on the side of political or economic strategies, to normalize savage, to conquer all territories. The aim is to reduce every disadvantaged zone, to colonize and indulge all wild spaces, whether they are geographically or the mental universe spaces. "The worst that can happen to global power is not to be attacked or destroyed, but to suffer a humiliation. Global power was humiliated on September 11 because the terrorists inflicted something the global system cannot give back. Military reprisals were only means of physical response but global power was symbolically defeated. War is a response to an aggression, but not to a symbolic challenge. A symbolic challenge is accepted and removed when the other is humiliated in return (but this cannot work when the other is crushed by bombs or locked behind bars in Guantanamo" (Ibid., pp. 68-69).

Summing up the research results brought by "the sociological school" founded by Jean Baudrillard, with irrefutable arguments, we can think about today's successful evolution of a multitude of forms of political violence, filled with terrorism, into one group of mixed up procedures, actions, used when needed (formulating a penal-discipline network of various appearing weaves), around the axes at whose ends there are two poles in the form of two bearers of synonymous with the very essence of mondialism. The first is a subversion, and not like a "spirit of destabilization" that like poison pervades every touch of mondialization

pointed not only to what stands in its way, but also to the one whose potential of the posthumous judgment uses.

The second one is terrorism, with no doubt at all, as a product of a disastrously awakened, analogous “spirit of foolishness”, which, as the result of this chapter, represents a violent and symptomatic breakthrough of the fact that the man of the today’s West, driven by the mondial-technological unscrupulousness, has already lost his dignity of the free subject, and became an object in a simulacrum reality that is no longer controlled.

The thing we have discovered through the insights of contemporary sociological views as the effective essence of the force of terrorism - scattering of innocent victims - has in fact become the essence of the breathed, unscrupulous, virtualized existence of the mondialized individual: the existence of each such individual is maintained due to distant terrorism over some other individual at the other end of the world. In the widespread disorientation of the posthumous type of affair, terrorism has become the ultimate symptom of the internal mess of the individual deprived of the value and identity. The man itself and the remnants of humanity remain, after all, what remains of the continuum of subversive destabilization, of the terror of fearful government, and terrorist-inspiring vengeful kick back. A man of the Western civilization is wandering through his consumer life in which attractions cannot compensate for the fact that he is caught in a surveillance network of political control and violence, having been destabilized and destabilizing the world around him, fearing terrorism while he firmly affirms the terrorist government that provides him with empty comfort.

Regardless of what seems to us, by bringing this chapter to the end we have managed to prove the claim made at the very beginning of the consideration that modern sociological thought remained more or less “deaf” in front of the diverse challenges of a terrorist outburst at the end of the past and in the two decades of the century that we have stepped in, regardless of the fact that sociologists have precisely opted for the “theory of ignorance”, considering that the “terrain” is covered by various political and ideological traps, the insights we have made unequivocally indicate the fact that today’s terrorism is only the resilience of the world in which we live, if it is not already an extremely inadequate response from extreme groups to planetary state terror, to the fear of a system that is being systematically implemented in the name of universal human values that have given away place to mondialized surrogates a long time ago. The almost unanimous application of double standards and the silent suspension of the norms of the international law seem to have accelerated the spiral of terrorism, which creates an additional impression that the mondialistic uniform order, behind which is powerful corporal capital and terrorism - nurture, to live one from the other, to ensure legitimacy to each other, that all phenomena moving in a zealous circle, and that the international community cannot find adequate antibodies or the malicious goals of planetary processes, but nor for a violence whose end cannot be overlooked.

Without no desire to approach it in an apologetic way in order to treat his attitudes as axioms, we should mention the Jean Baudrillard’s words, the only one who did not close his eyes in front of the phenomenon of terrorism, but interpreted it using various methods, and often incompatible discursive stratagems, because of which his insights are no less theoretically provocative:

“Terrorism can be interpreted as the expression of the internal dislocation of a power that has become all-powerful – a global violence immanent in the world-system itself. Hence the attempt to extirpate is as an objective evil is delusional given that, in its very absurdity, it is the expression of the condemnation that power pronounces on itself.

That, as Brecht said for fascism (that it was made up of both fascism and anti-fascism), terrorism is made up of terrorism and anti-terrorism together.

And that, if it is the incarnation of fanaticism and violence, it is the incarnation of the violence of those who denounce it and at the same time of their impuissance, and of the absurdity of combating it frontally without having understood anything of this diabolic complicity and this reversibility of terror.

The violence you mete out is always the mirror of the violence you inflict on yourself. The violence you inflict on yourself is always the mirror of the violence you mete out.

“This is the intelligence of evil.” (Jean Baudrillard, ”The Intelligence of Evil or The Lucidity Pact, Belgrade, Arhipelag, 2009, pp.126-127).

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