

November 2009

The End of Republican Governance and the Rise of Imperial Cities

José Maria Monzón

Follow this and additional works at: <https://digitalcommons.law.seattleu.edu/sjsj>

Recommended Citation

Monzón, José Maria (2009) "The End of Republican Governance and the Rise of Imperial Cities," *Seattle Journal for Social Justice*: Vol. 8: Iss. 1, Article 4.

Available at: <https://digitalcommons.law.seattleu.edu/sjsj/vol8/iss1/4>

This Article is brought to you for free and open access by the Student Publications and Programs at Seattle University School of Law Digital Commons. It has been accepted for inclusion in Seattle Journal for Social Justice by an authorized editor of Seattle University School of Law Digital Commons.

The End of Republican Governance and the Rise of Imperial Cities

José María Monzón
University of Buenos Aires School of Law

I. INTRODUCTION

This paper seeks to demonstrate how select cities—henceforth referred to as Imperial Cities—are able, via the accumulation of various kinds of wealth, to construct political and social power that is competitive with that of the state within which these cities are located. The association of this political and social power with affluence results in the transformation of the state's social hierarchy structure as well as the transformation of access to legal protection within these cities and in the rest of the state. In turn, this merging of political power with the metropolitan social structure gives Imperial Cities a number of general traits. First, they have a leading role in dictating the state's national policy, mostly on subjects that concern the invisible frontiers that divide affluent societies from poor societies. Second, Imperial Cities—more so than elsewhere in the state—are preoccupied with wealth as an identifier of the ruling elite. In particular, an Imperial City citizen's individual consumption is a test of his or her rank in the social hierarchy. Third, Imperial Cities contain inner circles of power, free of real obstacles based on race, gender, religion, or political opinion, and only wealth keeps their members united. Fourth, public debates on rights are functional to Imperial Cities' policies because these discussions conceal the actual gap in the real satisfaction of individual rights.

The outcome of this situation is the growth of dual sources of power: one that rests in the Imperial Cities and another that resides with states as a whole. Thus, the existence of republican governance masks the real structure of political power; in this way, the existence of Imperial Cities

represents a critical threat to true representative democracy. On one hand, the existence of these cities means that the old concept of sovereignty based on territory has become an empty term. While sovereignty was thought of as an essential element of the state, the entire political discourse was centered on the importance of the dominion of the geographical space. But with the rise of Imperial Cities, political discourse tends to pay attention to information because information is a relevant capital for the transnational elite to build structures of power. The function of political and economic information is crucial within the finance world; territory is not as significant as it was in past decades, and geographical space is substituted by virtual space that is construed on information. On the other hand, political discourse praises representative government as a useful instrument to support the state's role—mainly through federalism—and citizens' aspirations to equal access to rights; it is a “keep the customer satisfied” policy. Within these cities there is an extended offer of rights, but relatively few citizens can benefit from them. In this way, Imperial Cities compete with the power of the state because their wealthy, transnational elite not only control the market, but they also dominate the systems that maintain social order—essentially creating a peaceful contemporary oligarchy. Because this oligarchy is contained within a widespread set of metropolises, this oligarchy can also function as a sort of imperialism of capitalism in which its members have heightened rights and citizenship status.

The Imperial Cities, as this article conceives of them, are a modern cultural phenomenon. Their importance rests mainly in their capability to influence state policy and to form a type of imperialism with both local and international effects. Mostly, these effects are achieved through peaceful means, usually through a domination of culture and knowledge. In order to define an Imperial City, we must identify some common characteristics. The most immediate of these are: (1) a large population (perhaps the most visible characteristic and necessarily the most defining one), (2) a harbor location (usually), (3) its recognition as an important commercial and

financial center, (4) a transnational elite, and (5) a way of life that forms a shared identity for all the city's inhabitants. These key features can expand with the help of different structures of power: cultural, political, economic, and especially educational. Altogether, they form a global structure of cultural dominance and a corresponding colonial system in select fields of study. Military dominance becomes a last resort, limited to a determined space. Ultimately, Imperial Cities act as *microstates* (states within states), always in search of opportunities to shape state policy. What defines modern Imperial Cities is their role as microstates; but this also distinguishes them from the role once played by Athens, Rome, Paris, and London (although some similarities can be found, as we shall examine later).

From a macrolevel perspective, an Imperial City's form of dominance can only develop through a formal democratic system which gives an appearance of equal access, participation, and distribution of power.¹ In the assumption of democracy as a general political formula for all states, there exists the role given to constitutions in modern legal systems, whose importance relies on the rights bestowed to citizens and on the legal limitations of state power. A balance of limitations on state power—whose main example is the *état de siege*²—with citizen rights and freedoms often represents a pragmatic, Janus-faced political formula. Like the power structure created in the beginning of the Roman Empire to support the power of the emperor behind a republican mask, such a formula is a means to solve serious political problems of authority and governance but still maintain a structure of contemporary power. However, diverse historical events—such as widespread wars or economic and financial crises—of the last centuries drove states to concentrate power and to give relevance to determined cities where crucial decisions were made, a process which seems both prudent and natural.³ This transfer of state power to these centers of political, economic, and financial importance gave birth to the Imperial Cities.

From a microlevel context, it is observed that these cities are built as locations for a new, ruling elite. Imperial Cities are not homogenous places; but they still contain inner *microcities*—places that once were quarters without borders and now are closed quarters—like those that can be seen in Latin America.⁴ These microcities are quarters—often placed in the outskirts of main cities—where wealthy people gather with schools and supermarkets, protected by private security agents.⁵ While Imperial Cities can form microstates, it is the microcities that actually contain the Imperial City elite in their domestic capacity. These microcities demonstrate the fragmentation of space through invisible limits—a conception used by Santos⁶—where people gather based on a criterion of wealth.⁷ This arrangement further compromises the real existence of an egalitarian society as it is usually conceived.

Combining both levels of analysis reveals a community which outwardly projects a common way of life and a shared identity but which is internally fragmented by tangible yet invisible boundaries. These boundaries project themselves beyond the city limits via the Imperial City's structure of dominance, political influence, and cultural colonialism. This structure is spread by the ruling elites, mostly through education and mass communication. The creation of the necessary conditions for the construction of Imperial Cities as microstates also suggests a process which began centuries ago.

The first section of this paper presents a study of the Imperial Cities' genealogy as a means to understand what has happened to create the present situation. The second section describes how this situation has led to the construction of a stratified notion of citizenship in which the elite benefit from effective entitlement of rights regardless of citizenship while the rest of the population only retains an illusion of these entitlements. Next, the paper explains how capitalism (used here as the pursuit of wealth) dictates the laws and moral norms of Imperial Cities, thus achieving the goals of the affluent society while allowing the disenfranchisement of those without

wealth. As a result of this capitalist worldview and its resulting norms, consumerism has emerged as a new means of control, with the scope of one's citizenship and rights being defined by how much one can consume. Access to education and market information, this paper then argues, are essential to maintaining one's wealth and hence one's rights. The last section explores how these circumstances have formed a mask of republican governance in order to allow oligarchies to continue to exert political control without risking revolution.

II. THE CONSTRUCTION OF THE IMPERIAL CITIES

For many decades, if not centuries, the notion of the modern industrial metropolis has captured the attention of many prominent social scientists and commentators.⁸ Diverse and contradictory theories and views have been proposed, but some general descriptive elements exist.⁹ Paris and London, during the modern age, collaborated to shape the political power of France and England, as once did Athens and Rome for their empires.¹⁰ The ancient ruling oligarchies proved to be a model for other emerging ruling classes, their main goal being to act on behalf of the state, kingdom, or empire.¹¹ In this way, cultural, political, and legal systems were related to each other through a common set of problems and methods of resolution. In fact, there are five general methods of resolution to common problems found in Imperial Cities: (1) egalitarianism, (2) the establishment of formal freedoms, (3) legalism, (4) parliamentarianism, and (5) educational colonialism.

Egalitarianism, as a common source of resolution, is a popular political slogan. It is an appeal to extend to all human beings the possibility to release or compensate for their natural and artificial differences, in order to achieve an original situation of full equality. It is also a means to achieve social peace and common welfare. In practice, however, most of the differences are accepted, reproduced, and supported by the social system. The solution to these contexts is thought to come from legal norms, though

history demonstrates that such relief is limited. Rome is the best example of this situation. Invasions from the east pushed non-Roman communities inside the frontiers; then, these romanized communities saved the empire. This example shows the role that imagination plays when pursuing social justice and common welfare, despite divisions based on race, gender, religious faith, and political affiliation. Legal systems that forbid segregation cannot sustain circumstances that invoke segregation as a matter of culture and education. In this way, an extended citizenship created to solve the problems of factual inequalities opens the door to other rights, thus creating a highly stratified society born from the concentration of wealth. Though London can demonstrate the success of an open ruling class,¹² there is little chance for low-income or underclass residents of immigrant descent to gain access to the vested rights of the British Constitution. The actual debate on *Britishness* exposes the challenges in defining what it means to be British, where multiculturalism expands in a society thought to be founded on common culture, religion, and race.¹³

However, egalitarianism basically depends on education mediated by the economic conditions of those who teach and those who they educate.¹⁴ The liberal tradition based on equal access to education has come to an end. Education depends on the material conditions of schools, colleges, universities, teachers, professors, and students; access to quality education depends more on the costs a family can afford than on the legal rights given to all individuals. That is why faith in egalitarianism cannot solve current problems. In a certain way, it is a utopian solution for social conflicts, and the nostalgia of paradise. The French Revolution portrayed egalitarianism as a way to overcome social and natural inequalities and give access to a common and extended wealth, a path to freedom from all kinds of serfdom, and a fulfillment of social justice, without realizing that even utopian societies founded on egalitarianism could not escape hierarchy and social control. The “conspiracy of the equals” during the French Revolution was cruelly suffocated. Nowadays, tolerance—praised as the modern means to a

peaceful community—replaces egalitarianism ideals. This is why the former depends on the latter, and the reason why if tolerance is not achieved it is because egalitarianism could not succeed.

A second common source of resolution is the establishment of *formal freedoms*, such as the right to education and the right to free speech. These vested rights sought to prevent revolutions and show a break with the state's former regime, framing through political and judicial decisions the limits of tolerated dissent.¹⁵ By supporting the state's power and reducing the possibility of serious conflicts, these legal freedoms came to represent an essential element of any state's survival.¹⁶ England is a good example of how a ruling class can suppress violent revolts against a monarchy. The success of the British ruling class lies in her capacity to combine traditionalism and empiricism, the former by the aristocracy and the latter by the bourgeoisie—two issues that could not be joined after the French Revolution by France's new ruling class.¹⁷

A third common source of resolution is the use of *legalism* to assure a nonviolent and timely resolution of disputes between individuals. This process fits hand-in-hand with the bourgeoisie's aspiration of expanding and guaranteeing commercial exchanges and agreements.¹⁸ The rule of law also guaranteed a due process of law for those accused before a tribunal. The codification process initiated by Prussia and France in the eighteenth century established a set of legal rules to solve daily legal problems. Their legal codes—thought of as a permanent legal system—had to be reformed due to the rapidly evolving interests and desires of society, mainly due to the outcomes of industrial progress, the advancement of technology, the colonial experience, and the effects of socialist ideology. These are some of the reasons why the new transnational elite encourages ample formal freedoms to individuals while creating a transitional rule of law that protects business in spite of the country where the business takes place.

A fourth common source of resolution for the mega-metropolis is the use of *parliamentarism* as a form of open political participation. The

establishment of certain democratic norms gives every citizen the right to be elected to a government office, though these norms mask the governance of the oligarchies.¹⁹ Parliamentarism is founded on an imaginary society where all citizens can participate and discuss the main issues of government. It can be said that this imaginary society has its precedent in Athens, but two issues are often forgotten: most of Athens' inhabitants were not citizens, and the city was not overpopulated. In our time, legal norms are the outcome of negotiations where few individuals debate or profit from the enactment of the law itself. On the one hand, lobbying provides the means to gain political and economic advantages in a competing space. On the other hand, the time and costs associated with these negotiations can only be supported with information and money—two elements that are not in the hands of most citizens.

A fifth common source of resolution is the use of *educational colonialism* to support a hierarchy of values based on the possession of wealth. Such a system creates a hierarchy of sciences as a result of the interests of the ruling class. It also establishes a corresponding hierarchy of human activities where the most economically successful activities are the most valued, thus assuring that these areas of knowledge are well transmitted and disseminated.²⁰ England, and France to a lesser extent, demonstrated how the conscientiousness of education was a means to obtain national loyalty. The different administration of knowledge by distinguishing “education at home” and “education abroad” proved to be useful to limit access to full education to colonial members of the empire. “Education at home” was a prize for colonial elites, in the same way postgraduate education in the U.S. is a prize for Latin American elites.

These characteristics, whose enumeration is not exhaustive, show a peculiar ambivalence. One of the main characteristics of contemporary cultures is that most of their constituent elements have contradictory effects. Too many rights can be seen as a legal advantage for every individual; but at the same time, rights collide with rights—free speech with religious

creeds, labor with private life, and so on. Egalitarianism can protect subjectivity but it also enlarges egotism. Formal freedoms are truly a legal conquest, though their material conditions can deprive them of their effectiveness. Legalism does not stand as a barrier to totalitarian regimes; constitutions can enforce inequalities. Parliamentarism is a useful institution when it offers solutions to real problems and controls governmental offices, but it can negate or postpone solutions when oligarchies have control of them. Educational colonialism, while bringing access to basic and necessary knowledge, can reduce the possibilities of alternative conceptions by rejecting non-majoritarian points of view. However, as this paper will shortly explain, these dualities should not be insurmountable obstacles for explaining why they are the relevant elements in the construction of Imperial Cities.

III. THE SIGNIFICANCE OF CITIZENSHIP

At first glance, Rome may be considered the earliest model of an Imperial City. However, an in-depth appreciation of Rome's history shows important differences between this ancient metropolis and its present-day counterparts. While Rome is similar to modern Imperial Cities in that affluence and noble birth were not the only means of attaining upper-class status, Roman culture still did not mitigate its conception of citizenship. In the modern world, citizenship is no longer a prerequisite for national identity and personal prosperity as it was in Rome, because different classes of "citizenship" have emerged. This section will explain why this stratification of citizenship is of such benefit to the Imperial City elite.

Perhaps most importantly, Rome did not hesitate to establish a solid barrier against citizenship for foreigners or slaves. Access to magistracy was closed to the plebeian population. But after the plebeian revolts during the republic, they had their own magistracy. Ironically, slaves were to have important roles within the Roman Empire, mainly as a result of slave rebellions.²¹ In some cases, many of them became rich men or were able, as

freed men, to distinguish themselves as imperial officials.²² In addition, mixed marriages between foreigners and citizens allowed rich plebeians access to the nobility caste, an arrangement that seemed to satisfy the need of upward social mobility for the sake of the nobility's long-term survival.²³ Consequently, affluence and noble birth were not the only means to upward social mobility. Last, acknowledgement should be made of the well-established role played by eunuchs in the upper realms of the Roman social hierarchy, who could ascend to high dignities but could not be emperors.²⁴ These apparent contradictions in Roman culture must be understood as practical solutions for the daily conflicts that emerged from the expansion of the empire. Nowadays, they might be difficult to justify because modern legal education thinks first of norms and then of practical consequences.

Second, the extension of citizenship was a process that opened the gates to dynamic social mobility. Rome did not seek to altogether eliminate the specific character of its rival cities; many of its enemies signed treaties in order to preserve their own cultural, political, and social structures.²⁵ The culture Rome helped to create was ultimately the result of its willingness to embrace outside cultures: *romanitas* is a term that describes the integration of diverse ways of life thought to be relevant to the empire.²⁶ These three aspects (the cultural, political, and social structures) are useful in discerning what modern Imperial Cities have in common with Rome's earlier model, as well as how they differ. Imperial Rome was born from factual conflicts and needs; the construction of a common destiny was the goal of a ruling class who knew how to adapt political institutions to the needs of the empire. In contrast, Imperial Cities seek their own destiny in spite of the state where they are located; the transnational ruling class only has a shared welfare. There is no ideology or religious creed to support their identity, only their praise of wealth and of consumerism. Perhaps this is not the last stage of capitalism, but rather a symbol of a new kind of capitalism.

Modern citizenship, as it is read in legal norms and definitions, is an essential attribute to individuals. But contrary to the ancient Roman norm of

offering non-citizens opportunities to gain wealth and status, the modern conception of citizenship has not opened the gates to dynamic and constant upward social mobility. Although contemporary legal discourse emphasizes legal citizenship as a relevant element for social mobility, different classes of “citizenship” have emerged, representing an erosion of citizenship as a prerequisite for national identity and personal prosperity.²⁷

This condition is the result of two sets of circumstances—one legal and the other practical. First is the extension and specification of legal rights regardless of one’s citizenship, meaning that every resident of the state has an equal possibility to benefit from them. In other words, entitlement to these rights does not derive from the status of citizenship. What is instead required is a set of extra qualities that are foreclosed from most individuals, wealth being the most important. Wealth creates a strict membership through varied structures of dominance such as education and labor; each member is given a number of rights whose actual possession cannot be inherited. Instead, possession depends on actual wealth and on one’s personal aptitude to survive economic and financial crises. Thus, the effectiveness of rights relies more on personal conditions than on general conditions, an inherently contradictory situation which most contemporary legal systems would like to assume is a temporary failure.

The second set of factors contributing to this modern erosion of citizenship emerges from practical obstacles, such as an overall lack of wealth, poor public education, and local forms of discrimination. Factors such as these lead to a fragmentation of rights because they breed a system of inherited and informal differentiation in citizenship—the more you have the more you enjoy, the less you have the less you enjoy. Thus, discreet forms of exile are born, such as the loss of one’s labor or one’s poor quality of formal education, both of which diminish the entitlement and awareness of citizenship and rights. Although there was no formal division between slaves and freedmen/freedwomen, many current social circumstances reflect the worst of this ancient division. Without firm recognition of these

boundaries, not only does the underclass suffer from partial citizenship, they remain unaware of their inferior status and the resulting structure of dominance. Imperial Cities require this social division, and this situation can only be created through the legal system.

This structure of dominance, facilitated by leading legal norms, emphasizes equality in order to mask the inequalities born from the rise of the modern Imperial Cities. Likewise, legal discourse adequately defines the extent of these social conflicts by explaining why the present situation as a whole cannot be reformed.²⁸ Hence, the ideal of egalitarianism faces the separation between those who have an effective and full citizenship and those who share portions of it according to the amount of wealth they possess.

Another consequence of the fragmentation of citizenship is the fragmentation of identity.²⁹ Though it is assumed that there is only one class of citizenship, there is in fact more than one. The opportunity to integrate a national (or metropolitan) identity disintegrates as differentiation between citizens and immigrants grows and becomes accepted. What defines an identity breaks into pieces when an individual is required to act with different masks. These masks prove to be essential in order to live in contemporary Imperial Cities. However, these masks are not needed by the ruling elite, where an integrated identity is based on full and exquisite consumption. A complete identity is a natural effect of the possession of wealth.

The final outcome of these circumstances is the construction of a stratified citizenship, in which the elite benefit from effective entitlement of rights regardless of citizenship while the rest of the population maintains the illusion of inclusive entitlement to rights. Those with inferior citizenship often find themselves forced to adapt to a variety of social roles as a result of the fragmented identity that accompanies their fragmented citizenship. Only the elite are able to proceed through their day-to-day lives with full political and psychological autonomy. These conditions can be supported

only if the legal discourse confronts them as an inevitable and temporary step to full egalitarianism.

IV. CAPITALISM'S DOMINANCE THROUGH THE LEGAL NORM

A study of current legal discourse shows the predominant role of the state in the modern western tradition. This is the result of two key developments: the capitalist worldview and the philosophical foundations of the *Illustration*.³⁰ I prefer to use this term, rather than Enlightenment, because it gives relevance to the role of urban elite culture in modern times and explains the appearance of mass culture as its opposite. While the capitalist worldview established the predominance of economics in both everyday life and in state policy, the *Illustration* created the new philosophical foundations of modernity—endless progress and individual freedom from all kinds of serfdom.³¹ Wealth is seen as an appropriate and worthy means for familial stability and economic progress; its place within social values illustrates the freedom of mind that was born in early capitalism. Andrew Carnegie—one of the most important American financial moguls and a well known philanthropist—wrote, “not evil, but good, has come to the race from the accumulation of wealth by those who have the ability and energy that produce it.”³² This notion principally signified the independence of commercial and banking activities from theological and ethical limits, a crucial transformation meant to elevate economics from its subordinated role to one of independence and eventual supremacy.³³ This change of mind also helps to distinguish Imperial Cities from the cities of antiquity.

Such a crucial change of mind first occurred because of the debates that arose in the late Middle Ages concerning the role of the merchant, the condemnation of usury, and the fair price—all regulations that were subject to theological and religious restrictions.³⁴ These debates opened the mind to a new valuation of commercial activity which was traditionally seen as improper conduct for noble men, a point of view that can be traced back to Plato.³⁵ In fact, many philosophers have argued about the right to search for

human sources of law and morality, independent of theological considerations.³⁶ The next influence on this transformation was the arrival of the bourgeoisie, which needed not only theological and philosophical foundations for its policies, but also legal justification. These requirements were met in subsequent eras by the religious reformers, who often advanced their religious missions along the same supply chains forged by merchants.³⁷ Further philosophical support was afforded by the contractarian theorists such as Hobbes, Locke, and Rousseau.³⁸

These two lines of philosophical thought gave rise to the conception of law as it existed three centuries ago.³⁹ Law, as it was conceived, was intended to bring a formal and pre-established solution to daily conflicts; legal systems were intended to be a means of peaceful resolution to major social problems.⁴⁰ While the law projected the goal of achieving good and just outcomes, laws were construed to favor capitalism. Capitalism is a significant element in Imperial Cities' economic policy, sharing a particularly close relationship between its legal and economic systems as was demonstrated by Marx. This relationship can be seen in fields like higher education and labor division.⁴¹ Higher education can provide the academic foundations of social and economic inequalities by limiting the debate on the present status quo, which is why Marx emphasized nonconformist points of views in order to alter the present social order. Unequal education cannot support individual upward mobility through work because it deprives individuals of useful tools needed for social ascension.

In this way, legal systems were construed to settle interpersonal disputes and to affirm the possession of property, require the acceptance of capitalism, and guarantee a social order founded predominantly on the right to hold private property. Legal norms and codes—especially the civil code derived from the French Revolution—ensured this legal conception in the Old and the New World. The French civil code dealt heavily with matrimony and property, two issues relevant to Napoleon which are similarly prevalent throughout Latin America.⁴² Facts reveal that the legal

process's best outcome usually relies on full-time and well-paid lawyers, another way in which capitalism controls access to the law.⁴³ The resolution of economic legal disputes, even in underdeveloped countries, is an affirmation of the prevalence of this wealth-driven conception of justice. Judges tend to be conservative, acting on behalf of the existing social and moral order.⁴⁴ The values they enforce through legal norms are the ones they, in their private lives, claim to be the right ones.⁴⁵ They do not challenge the existing political, social, and moral order. In this way, judges act as guardians of the written law enacted by the political oligarchies that continue to rule most nations.

The visible inequalities of judicial decisions increase the demands for just outcomes, but differentiated citizenship prevents this demand from reaching a point of critical mass. History teaches that money can not only purchase freedom, but can also protect it. Conversely, the absence of personal wealth opens the road to human serfdom.⁴⁶ This occurs because laws and moral norms are targeted towards the goals of the affluent society, which today means capitalism.

V. IN THE END, ALL IS CONSUMERISM

No word can better describe the context of today's urban culture than "consumerism." During the Renaissance, the prestige of wealth grew because of the firm belief that money led to social value, the functions it could perform, and the needs it could satisfy.⁴⁷ Consumption revealed individual and collective power. Thus, luxury became a social measure for individual success: the more you have, the more you can spend. Though there was a tendency to save, in the end, consumption prevailed as the reigning social value. As a consequence, contemporary thinkers argue that full citizenship is predominantly achieved by gaining open access to goods and rights—crucial to individuals who aspired to be Roman citizens.⁴⁸ The following section will focus on this conception of wealth as a measurement of one's worth as a citizen.

If we trace the path back to this conception, a Latin term can be found—*fortuna*. Fortuna was associated with predestination, but not in the biblical sense. Its importance in human life, especially in explaining the success of human activities, proved to be essential to the foundations of social Darwinism and biological positivism.⁴⁹ To the man of the Middle Ages, wealth meant the possession of land; meanwhile to the man of the sixteenth century it meant the possession of money.⁵⁰ The axis of the economy passed from one whose main interest was expenditure to one whose main interest was income.

Related to this new concept of life is the assertion that success is essential to human life, though it is not conceived as an equal condition of all human beings. Social Darwinism is thought to be the suitable heir of this conception. So today, while we are concerned by the culture of success in which we live, we must remind ourselves that success is merely the contemporary manifestation of *fortuna*. Associated with this idea is a popular concept: the *struggle for life*. This concept, translated to political terms, means fighting, rivalry, and strong competition, where wealth is the main result and defeat means to be out of the competition. In brief, the struggle for life is the result of the capitalist mindset, which emerged as a movement supporting the independence of mind and conduct, as well as the dominion over nature and society through the possession of wealth.

Now we have the context for the complete profile of the citizen; consumerism and citizenship are interchangeable terms. Thus, the teachings of Plato remain true: states are merely a manifestation of man because the state grows out of human individuals; the former are the reflection of the latter.⁵¹ Thus, if individuals and the state praise the possession of wealth, education will do the same. This peculiar structure of dominance tragically assures there will be no change in the future and there will be no alternative way of living.⁵² By making every citizen a consumer, we go from a republic of citizens to a republic of consumers. Appreciating this subtle revolution is crucial to comprehending our contemporary history.

VI. THE NEED FOR IMPERIAL CITIES AND ROLE OF INFORMATION

History teaches that conquests by war or alliances by treaties were often done to empower nations. The drive to expand power across the world was done not only to preserve and expand wealth but also to bring peace so as to increase and guarantee commercial ties, mainly along a nation's or city's borders.⁵³ Only the processes of national unification put cities under one sovereign; the federal power turned out to be the basis of those unions.⁵⁴

On one hand, this process of unification and federalism reveals the increasing relevance of the Imperial Cities, especially in the context of commerce. This is one reason why we see modern history as a history of cities, more than what is seen in ancient Greece or Rome. Many cities have gained importance because of trade, the proximity of harbors, or geographic position. Wealth was created predominantly by the activities of merchants and bankers.⁵⁵ It is important to note that many Imperial Cities were not centers for the production of goods. The role they performed was more often directly devoted to the principal activities of the markets located within their borders: loaning, saving, selling, and purchasing.⁵⁶

This shift in focus from industrial production to commercial trade demonstrated a change in the axis of political power. The orders of the old society were transformed into classes defined by their relationship with wealth.⁵⁷ This redefinition of class represented an independence from the clergy and the old nobility and what they represented. Therefore, cities became a place where wealth could expand without any religious or legal restrictions and where this new conception of class was cultivated. This development put economics on the top of scientific discovery because economics could help the cities progress.⁵⁸ The economic doctrines born with the rising bourgeoisie paved the way to the subsequent industrial revolution and to capitalism.⁵⁹ The reduction of costs resulting from the Industrial Revolution was crucial; by establishing new ways of economic production, human labor tended, in the long run, to experience better conditions, high wages, and an extension of the benefits that once were only

available to the nobility and the bourgeoisie. The control over the economic processes influenced the national and international perspective of states, particularly those with access to major maritime shipping channels.

Information is of vital importance to a society establishing new methods of economic production because it reveals the present and probable performance of the markets. Information about things to come is a commodity itself. If there were a way to improve wealth, it is through information, which is why insider trading is irrepressible in spite of ethical and legal judgment. In this way, the collection of information is a useful tool to improve one's personal chances to win.

However, it is an illusion to state the more information you have the less risk you possess. Because nature's regularities can be altered by the action of human beings, the indeterminacy of nature's conduct is more the rule than the exception. Hence, although risks derived from nature can be foretold, they can also be unpredictable. The same can be said of human conduct. Regardless, the more information you have about natural and human conduct, the more predictable they become. For example, although collective conduct is still free from precise prediction or patterns of explanation, economic and political crises can be foreseen.

Information, being a means to success, requires the entitlement of fundamental rights to obtain it.⁶⁰ Roman law had an extended classification of types of citizenship, according to its political priorities. Conversely, now, instead of classifications of citizenship we have an extended classification of access to information, which in fact differentiates more than the Roman norms did. Information is a relevant instrument to power and consequently to the enjoyment of rights. In this context, information makes it possible to prevent future losses or failures but requires having the time and wealth to purchase it, as well as the education to comprehend it. Time efficiency is protected by having centralized places where information is collected, and technological instruments through which to collect it. Essentially, wealth

has been preserved by daily newsletters that have informed the elite about the political and economic conditions of the states.

To avert bad financial outcomes and to mitigate the poor performance of the markets, states employed several incentives to locate their economic and financial hubs in Imperial Cities; accordingly, Imperial Cities' importance grew. Positioning economic and financial hubs within the borders of Imperial Cities gave these cities the power to influence state policy and also guaranteed long-term stability for the members of the ruling class; though, it could be taken as a necessary condition of them as economic crises still arose. These circumstances gave birth to new forms of oligarchies, which relied on the mask of the *republica* in order to endure. The Janus-faced formula proved to be useful, at least for the present situation.

VII. THE IMPERIAL CITIES CHALLENGE THE MYTH OF THE *REPUBLICA*

The governance of Imperial Cities is a particularly crucial question for three reasons. First, affluent people, as a ruling class, expand freedom on the one hand, while making it more exclusive on the other. This is a kind of political and social safety net in the face of possible future disturbances. Ultimately, the rich govern through an extended oligarchy in spite of the constant universal praise of democracy. Freedom is expansive because the ruling oligarchy recognizes some basic liberties in order to establish a minimum of social peace. For example, Roman emperors recognized some basic liberties in order to maintain social peace, though the success of this policy was limited for subsequent empires⁶¹—as was mentioned in the case of England and the debate on *Britishness*. Migrants as a whole do not share common values unless they are obliged to. They want to keep their own traditions, to be “at home” within foreign boundaries or territories.

Second, recognized freedoms are more exclusive than they were in past ages; therefore, understanding how to dissolve the Imperial City elite will hopefully lead to the expansion and broadening of rights regardless of class

and consumption. If legal freedoms are somehow restricted, rich citizens have better opportunities to overcome the restriction than the poor. Randolph S. Bourne, a controversial American intellectual of the nineteenth century, explained that:

If freedom means the right to do pretty much as one pleases, so long as one does not interfere with others, the immigrant has found freedom, and the ruling element has been singularly liberal in its treatment of the invading hordes. But if freedom means a democratic cooperation in determining the ideals and purposes and industrial and social institutions of a country, then the immigrant has not been free.⁶²

This quote explains the need for education in relation to freedom and the political superiority of the educated, especially in a newly-developed land.

Third, it should be considered that celebrating the possession of wealth emerged and spread from the Anglo-Saxon culture,⁶³ although, as we have noted, this attitude's foundation is rooted in the Renaissance. The celebration of wealth has led to the idea that the primary goal of wealth is to reduce the possibility of conflicts. As Russell H. Conwell, founder of Temple University and a wealthy Baptist minister, once wrote, "Love is the grandest thing on God's earth, but fortunate the lover who has plenty of money. Money is power: money has powers; and for a man to say, 'I do not want money,' is to say, 'I do not wish to do any good to my fellowmen.'"⁶⁴

However, the real and daily struggle for wealth cannot stop the rise of poverty and social inequalities. Within the affluent cities, where façade of upward social mobility prevails, the necessity of wealth negates such opportunity. But while domestic peace might be maintained, the pursuit of wealth increases the possibility of struggle outside of a nation's borders; most modern wars are the result of the desire for the economic control of the production of goods or commodities. That is why we cannot speak anymore of society; social and economic gaps divide its members more than in ages where slavery and differentiated citizenship were legally

established. Solid barriers have been construed in order to preserve proper spaces of freedom and to restrict where poor quarters exist—the *villas miserias* of Argentina or *favelas* of Brazil, for example.⁶⁵ This informal yet physical division of citizens is accepted by the affluent elite and determines who rules Imperial Cities and what kind of community can be constructed. The division between citizens alters the shape of most of these cities, essentially making them more divided than Greek or Roman cities were.

Unfortunately, the next step of the elites is likely to enlarge these divisions outside of the cities: the struggle for imperial power. Lenin commented that the enormous growth of industry and the remarkably rapid concentration of production in ever-larger enterprises were two of the most characteristic features of capitalism,⁶⁶ and that imperialism emerged as a direct continuation of these characteristics.⁶⁷ He then added that “Imperialism is capitalism at that stage of development at which the dominance of monopolies and finance capital is established.”⁶⁸ In brief, from their position, Imperial Cities make decisions that influence local and foreign economic processes through information about finance and capital markets, two critical elements to the capitalist system. These elements are also the basic components of empowerment for this kind of city. This kind of inner structure cannot be compared with that of the ancient cities we took as historical examples.

However, some similarities do appear between modern Imperial Cities and their ancient counterparts. The modern ruling class is transnational—an alternative description could be an association of local oligarchies—like the oligarchies who first ruled Greek cities and then the late Roman republic,⁶⁹ however, the modern ruling class cannot be taken as a revival of these ancient oligarchies. Modern oligarchies are masked with the façade of democracy—a faked democracy that still attracts and permits a limited satisfaction of freedoms. This is evident from the content of the contemporary political narrative; genuine quarrels within the inner circles of power do not rely on race, religion, political affiliation, or gender. They rest

on the determination of who is entitled to exert this masked power.⁷⁰ Thus, the daily fight for rights is limited to the rest of the population, where there is no chance of full satisfaction; rather, the elite's antagonism towards those fighting for rights preserves the status quo because there will always be a new right to claim.

Basically, microstates and Imperial Cities can function without a formal independence from the territory within which they find themselves. This process conceptualizes the inclusion of the global into the national as a partial and incipient *de-nationalization* of elements of the national identity.⁷¹ This means that, while Imperial Cities are subject to states' dominance, the cities' elite act as if they were really autonomous.

Autonomy is the essential aspect of self-government and for the Imperial Cities represents the end of the republican theory of nationhood.⁷² It is the proper way to self-govern when the burden of the cities' decisions rest far beyond their limits, while the profits remain close to them. Additionally, although local political constitutions are still a chart of fundamental rights and freedoms, their content tends to be transnationalized, giving more legal protection to the prominent citizens of the Imperial Cities and the corporations they own regardless of location or residence. These conditions have costs, conflicts, winners, and losers. Hence, when a financial crisis occurs, the state is the biggest loser because markets make their own corrections by letting losers go and winners take all. The supremacy of the political class obliges them to affirm the results of this crisis through the enactment of statutes that the legal system holds as a posteriori—just rewards for the ones who have enough *fortuna*. As Lawrence Friedman stated, “social forces do not ‘make’ law directly. First, they pass through the screen of legal culture.”⁷³

As it was noted in preceding paragraphs, the way culture is produced limits or enlarges the goals of the society. Ideals and social values advance a certain point of view, which is why education and the administration of knowledge is a crucial issue for the ruling class. For Imperial Cities, legal

culture controlled by the wealthy is a means to control conflicts derived from poverty and social inequalities.

In the end, the only winner is the ruling oligarchy that must abandon some of her members and preserve the ones who are able to survive. This circumstance conceals the passive acceptance of predestination; wealth or poverty is not a human choice. No one can foretell the road to wealth, even if it is closed or restricted. The primacy of economical forces does the filthy work. In this sense, Marx reminds us that money can get what he as a man cannot.⁷⁴ Therefore, what is worthy is what leads to the accumulation of wealth and to the cultural hegemony of capitalism.

Schools of business perpetuate the capitalist model;⁷⁵ the ideals of capitalism can only be assured through currents of thought and institutions like business schools, because they tend to reproduce the capitalist system outside of the Imperial Cities. That is why contemporary imperialism can use peaceful means to preserve the power of the Imperial Cities. Sassen asserts that “[t]here is a specific kind of materiality underlying the world of new business activities even if they take place partly in electronic space . . . firms’ activities are simultaneously partly deterritorialized and partly deeply territorialized, they span the globe yet they are highly concentrated in very specific places.”⁷⁶ In sum, what Sassen exposes is the sort of power the Imperial Cities have—deterritorialized power. Deterritorialized power offers less risk than the traditional power structure, mostly because transnational economics and legal norms reduce the consequences of national political disturbances. Nevertheless, economic risk cannot be fully eradicated, for “no amount of increased information, transparency or supervision can prevent recurrent ‘runs,’ and panics in stock and bond markets, property markets or currency markets.”⁷⁷ Even when the shareholders of wealth can protect themselves across frontiers by establishing invisible legal and economical borders, they cannot totally escape from the consequences of the markets. Consequently, the existence of Imperial Cities represents the end of republican governance; and as

republican governance weakens more every day, these cities rise as an outstanding feature of this century.

¹ PIERRE GRIMAL, *THE CIVILIZATION OF ROME* 58 (George Allen & Unwin Ltd. eds., 1963).

² The *état de siege* is an extreme remedy to restore the state's order. Like the *dictadura* in Rome, it is limited in time but it is a political instrument to support the political and social status quo and to persecute political enemies. See GIORGIO AGAMBEN, *STATE OF EXCEPTION* 4–5 (Kevin Attell trans., The University of Chicago Press 2005) (2003).

³ The predominance of Rome is the outcome of a historical and complex process, in which it is observed the main role of her “manifest destiny.” GRIMAL, *supra* note 1, at 67–186 (discussing that in the future other cities will take this way); LÉON HOMO, *NOUVELLE HISTOIRE ROMAINE* [THE NEW ROMAN HISTORY] 269–316 (1969). This leading role of determined cities has not emerged from a planned political decision. Rather, it is a decision born from factual circumstances and also from the political capacity of their ruling classes.

⁴ Such close quarters are known in Argentina as *barrios cerrados* or *countries*, and in Brazil as *condominios fechados*. See Nelson Cesin, *Tiempos violentos. Delincuencia versus Autodefensa* [*Violent Times. Delinquency versus Autodefense*], BRECHA, Apr. 4, 1996, available at <http://www.asamblea.go.cr/biblio/cedil/estudios/2004/seguridad/seguridad%20ciudadana/Delincuencia%20versus%20autodefensa.htm>; Gustavo Valeriano Moraes, *A Estrutura Urbana e Sua Interligação Social com o Crime* [*The Urban Structure and its Interconnection with Social Crime*], in ANAIS DO XVII CONGRESSO NACIONAL DO CONPEDI (Nov. 2008) available at http://www.conpedi.org/manaus/arquivos/anais/brasil/07_387.pdf; Aldemar Batista Tavares de Sousa, *Cidade de Muros: Crime, Segregação e Cidadania em São Paulo* [*The City Walls: Crime, Segregation and Citizenship in São Paulo*] (2009) FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA, available at <http://www.forumseguranca.org.br/artigos/cidade-de-muros-crime-segregacao-e-cidadania-em-sao-paulo>.

⁵ See Cesin, *supra* note 4; Moraes, *supra* note 4.

⁶ Boaventura de Sousa Santos, *La Transición Postmoderna: Derecho y Política* [*The Postmodern Transition: Law and Politics*], in DOXA 6 (1989).

⁷ *Id.*; BOAVENTURA DE SOUSA SANTOS, REINVENTAR LA DEMOCRACIA, REINVENTAR EL ESTADO [REINVENTING DEMOCRACY, REINVENTING THE STATE] (2006).

⁸ Santos, *supra* note 6; see generally MARC AUGÉ, *NON-PLACES: INTRODUCTION TO AN ANTHROPOLOGY OF SUPERMODERNITY* (John Howe trans., Verso 1995) (1992); GEORGE RUDÉ, *PARIS AND LONDON IN THE 18TH CENTURY: STUDIES IN POPULAR PROTESTS* (Viking Press 1975) (1952); Diane E. Davis, *Insecure and Secure Cities: Towards a Reclassification of World Cities in a Global Era*, MASS. INST. TECH. INT. REV. 31, 33 (Spring 2008).

⁹ See JACQUES LE GOFF, *MERCADERES Y BANQUEROS DE LA EDAD MEDIA* [Middle Age Merchants and Bankers] (Editorial Universitaria de Buenos Aires, 9th ed. 1982),

available at <http://www.scribd.com/doc/15109835/Jacques-Le-Goff-Mercaderes-y-Banqueros-de-La-Edad-Media>; HENRI PIRENNE, LAS CIUDADES DE LA EDAD MEDIA [The Middle Age Cities] (Alianza ed., 6th ed. 1983), available at <http://www.scribd.com/doc/867355/Pirenne-Henry-Las-ciudades-de-la-edad-media>;

RAYMOND RUYER, ELOGIO DE LA SOCIEDAD DE CONSUMO [PRAISE OF THE CONSUMER SOCIETY] 139–213, 231–300 (Emecé eds. 1970); WERNER SOMBART, LUXURY AND CAPITALISM (W.R. Dittmar trans., 1967); R. H. TAWNEY, ACQUISITIVE SOCIETY (1920).

¹⁰ MICHAEL CRAWFORD, THE ROMAN REPUBLIC 36 (1978); see generally J. K. DAVIES, DEMOCRACY AND CLASSICAL GREECE (Harvard Univ. Press 2d ed. 1993) (1978); A. R. BURN, THE PELICAN HISTORY OF GREECE (Penguin Books 13th ed. 1983) (1965).

¹¹ RUDÉ, *supra* note 8.

¹² See generally PERRY ANDERSON, LA CULTURA REPRESIVA: ELEMENTOS DE LA CULTURA NACIONAL BRITÁNICA [The Repressive Culture: Components of the National British Culture] (1977).

¹³ See COMMISSION FOR RACIAL EQUALITY, CITIZENSHIP AND BELONGING: WHAT IS BRITISHNESS? (2005) available at http://www.ethnos.co.uk/what_is_britishness_CRE.pdf.

¹⁴ On the influence of American legal thought and American legal and economic education, see Álvaro Marín Marín, *La influencia de los sistemas universitarios de Norteamérica en la educación superior mexicana* [The Influence of the North American University Systems on Mexican Higher Education], <http://fuentes.csh.udg.mx/CUCSH/Sincronia/Marin.htm> (last visited Jul. 24, 2001); Roger Arturo Merino Acuña, *¿Recepción o Resistencia? Americanización y Análisis Económico del Derecho en el Perú* [Receptiveness or Resistance? Americanization and Economic Analysis of Peruvian Law], <http://www.jus.unitn.it/cardozo/Review/2008/Acuna.pdf> (last visited April 14, 2009); Timothy McLendon, *Law Schools as Agents of Change and Justice Reform in the Americas*, 20 FLA. J. INT'L L. 5, 8 (2008). M. C. Mirow explains that “successful codifications of private law were often exercises in comparative legislation. At the core of these exercises were the Code Napoleon and the European commentary sources that quickly grew around the main text. This however does not mean that Latin American countries merely translated and borrowed the Code, article by article. Rather, the Code Napoleon provided the structure and measure of the enterprise. The substantive rules adopted often varied from the French provisions, and in drafting and explaining such provisions, individuals noted the divergence from the French Code.” *The Code Napoleon: Buried but Ruling in Latin America*, 33 DENV. J. INT'L L. & POL'Y 179, 183 (2005).

¹⁵ RÜDIGER LAUTMANN, SOCIOLOGÍA Y JURISPRUDENCIA [SOCIOLOGY AND JURISPRUDENCE] 80–108 (Ernesto Garzón Valdés trans., Sur 1974); see also, VOLTAIRE, TREATISE ON TOLERANCE 29–35 (Simon Harvey trans., Cambridge Univ. Press 2000) (praising tolerance in order to diminish the number of maniacs and controversies).

¹⁶ LAUTMANN, *supra* note 15. The end of constitutionalism is to regulate and protect freedom. Cf. ROLANDO TAMAYO Y SALMORÁN, INTRODUCCIÓN AL ESTUDIO DE LA CONSTITUCIÓN [INTRODUCTION TO THE STATE OF THE CONSTITUTION], 259–60 (3rd ed., Universidad Nacional Autónoma de México 1989) (1979).

¹⁷ ANDERSON, *supra* note 12, at 8–12.

- ¹⁸ PIRENNE, *supra* note 9; SOMBART *supra* note 9, at 115–36.
- ¹⁹ See NICOS POULANTZAS, STATE, POWER, SOCIALISM 115–20 (Patrick Camiller trans., Verso 2000) (1978); NICOS POULANTZAS & JEAN-PIERRE COIN, PARA UN ANÁLISIS MARXISTA DEL ESTADO (G. Sánchez & M. Arranz trans., Pretextos 1978).
- ²⁰ Compare Marín, *supra* note 14, and HERBERT MARCUSE, CULTURA Y SOCIEDAD [CULTURE AND SOCIETY] 50–51 (6th ed. 1978), and Renato Ortiz, *La supremacía del inglés en las ciencias sociales* [The English Supremacy in the Social Sciences] (2009), with RUYER, *supra* note 9, at 139–213, 231–300.
- ²¹ MOSES FINLEY, ASPECTS OF ANTIQUITY: DISCOVERIES AND CONTROVERSIES 222, (2nd ed., Penguin Books 1977) (1960).
- ²² Moses Finley, *Was Greek Civilization Based on Slave Labour?*, 8 HISTORIA: ZEITSCHRIFT FÜR ALTE GESCHICHTE 145, 163 (1959); see HOMO, *supra* note 3.
- ²³ P. A. BRUNT, SOCIAL CONFLICTS IN THE ROMAN REPUBLIC 91–111 (W. W. Norton & Company 1971); CRAWFORD, *supra* note 10, at 33; HOMO, *supra* note 3, at 35–132.
- ²⁴ LOUIS BRÉHIER, LES INSTITUTIONS DE L'EMPIRE BYZANTIN [INSTITUTIONS OF THE BYZANTINE EMPIRE] 80–130 (Albin Michel ed. 1970).
- ²⁵ MAXIME LEMOSSE, LE RÉGIME DES RELATIONS INTERNATIONALES DANS LE HAUTE-EMPIRE ROMAIN [The International Relations in the Roman High-Empire Plan] 17–125 (Librairie Sirey ed. 1967).
- ²⁶ The term *romanitas* reflects the relevance of the Roman culture and the ideal her growth shaped in the minds of the people subjected to her *imperium*.
- ²⁷ Citizenship is an essential element of political freedoms, as was established by the French Constitution of 1793. (1795 Const. art. 6). Nowadays, immigration laws and the deprivation of poor citizens' rights tend to open the gate to the extension of the criminal law in Latin American states as well as in Europe. Cf. JESÚS MARÍA SILVA SÁNCHEZ, LA EXPANSIÓN DEL DERECHO PENAL: ASPECTOS DE LA POLÍTICA CRIMINAL EN LAS SOCIEDADES POSTINDUSTRIALES [The Expansion of Penal Law: Aspects of Criminal Policy in Postindustrial Societies] (1999).
- ²⁸ POULANTZAS, *supra* note 19, at 154–68.
- ²⁹ SANTOS, *supra* note 7, at 13.
- ³⁰ The European Enlightenment raised the importance of endless progress and of freedom from the old social, ethical, and religious ties that were the key of the ancient regime. In fact, it celebrated the political consolidation of the bourgeoisie. See Régine Pernoud, *Los Orígenes de la Burguesía* 109–50 (1962).
- ³¹ *Id.*
- ³² Andrew Carnegie, *Wealth*, CXLVIII N. Am. Rev. 653, 656 (1889), available at <http://alpha.furman.edu/~benson/docs/carnegie.htm>.
- ³³ ANDRÉ PIETTRE, LAS TRES EDADES DE LA ECONOMÍA [THE THREE AGES OF THE ECONOMY] 261–313 (Rialp, S.A. ed. 1962).
- ³⁴ See Pernoud, *supra* note 30, at 137–50; see SOMBART, *supra* note 9, at 119–44.
- ³⁵ PLATO, THE REPUBLIC, *Books V-IX* (Francis MacDonald Cornford trans., 1990).
- ³⁶ The need of a church was modified by establishing a personal relationship with God. As a consequence, biblical examples of prosperity satisfied the search of religious patterns of sainthood associated with wealth. Cf. ERNST TROELTSCH, PROTESTANTISM AND PROGRESS: THE SIGNIFICANCE OF PROTESTANTISM FOR THE RISE OF THE MODERN

WORLD 34–53 (Fortress Press 1986) (1912); SOMBART, *supra* note 9, at 39–62; MAX WEBER, THE PROTESTANT ETHIC AND THE SPIRIT OF CAPITALISM WITH OTHER WRITINGS ON THE RISE OF THE WEST 89–97 (Stephen Kalberg trans., 4th ed. 2009); *see also* LE GOFF, *supra* note 9, at 87–124.

³⁷ *See* A. G. DICKENS, THE ENGLISH REFORMATION 92 (Pennsylvania State Univ. Press 2d ed. 1989) (1964) (stating, “The spread of Protestant doctrines was greatly facilitated by the international connections, the anticlerical outlook, the mobility and relative political immunity of the merchant classes throughout Europe. Ideas, not in themselves economic, advanced naturally along the lines laid down by economic men; trade often built the circuit, if it did not supply the generators and the current.”).

³⁸ SANTOS, *supra* note 7, at 20–23.

³⁹ *See* PERNOD, *supra* note 30, at 145–50.

⁴⁰ *See* SOMBART, *supra* note 9, at 113–19.

⁴¹ *See* POULANTZAS, *supra* note 19 at 260–62; ANTHONY GIDDENS, THE CONSEQUENCES OF MODERNITY 11 (1990) (discussing the role of corporations in this process).

⁴² *See* Hermann Petzold-Pernía, *El Derecho Positivo Venezolano: Realidad Nacional e Influencia Jurídica Extranjera* [*The Venezuelan Positive Law: National Reality and Foreign Influence*], ANUARIO DE FILOSOFÍA JURÍDICA Y SOCIAL 215–40 (1985).

⁴³ LAUTMANN, *supra* note 15, at 111.

⁴⁴ *Id.* at 102–04; *see* Jürgen Habermas, Law and Morality, Lecture at Harvard University (Oct. 1–2, 1986) (Kenneth Baynes trans.), *available at* <http://www.tannerlectures.utah.edu/lectures/documents/habermas88.pdf>.

⁴⁵ *See* LAUTMANN, *supra* note 15, at 68–112.

⁴⁶ The upward mobility of the rich plebeian in the Roman republic to the noble ranks as well as the similar mobility of the freedmen during the empire, demonstrates wealth was a crucial means in order to get the higher social ranks. *But cf.* BRUNT, *supra* note 23, at 74–111; CRAWFORD, *supra* note 10, at 74–83.

⁴⁷ Pernoud, *supra* note 30.

⁴⁸ *See* Cecilia Diwan, *Consumir más es el Camino a la Inclusión* [*Consuming More is the Road to Inclusion*], LA NACIÓN, Nov. 5, 2008, *available at* http://www.lanacion.com.ar/nota.asp?nota_id=1066652 (interviewing Zygmunt Bauman).

⁴⁹ *See generally* LUIS JIMÉNEZ DE ASÚA, LOMBROSO (1960) (discussing the founder of criminology).

⁵⁰ The differences born with the possession of wealth allow its possessors a capacity to enjoy rights that is superior to that of the old nobility. *Compare* Pernoud, *supra* note 30, at 34, *with* ALFRED VON MARTIN, SOCIOLOGY OF THE RENAISSANCE (W. L. Luetkens trans., Harper Torch Books 1963) (1932).

⁵⁰ *See* SOMBART, *supra* note 9, at 113–71.

⁵¹ *See* PLATO, *supra* note 35.

⁵² A hegemonic culture based on consumerism needs wealth: as a means, a never-ending production of goods, and a relevant praise of egotism. *See* RUYER, *supra* note 9, at 231–300.

⁵³ SOMBART *supra* note 9, at 114–56.

⁵⁴ See LEMOSSE, *supra* note 25, at 127–78.

⁵⁵ LE GOFF, *supra* note 9, at 14–53; SOMBART, *supra* note 9, at 129–36.

⁵⁶ SOMBART, *supra* note 9, at 136.

⁵⁷ See ROLAND MOUSNIER, *SOCIAL HIERARCHIES: 1450 TO THE PRESENT* 35–40 (Margaret Clarke ed., Peter Evans trans., Schocken Books 1973) (1969).

⁵⁸ PIETTRE, *supra* note 33, at 281–92; LE GOFF, *supra* note 9, at 70–87.

⁵⁹ Pernoud, *supra* note 30, at 34; see SOMBART, *supra* note 9 at 58–171; WEBER, *supra* note 36, at 141–159.

⁶⁰ Information is related to education; the level of enjoyment depends on the level of incomes. See Sakiko Fukuda-Parr, Terra Lawson-Remer & Susan Randolph, *Measuring the Progressive Realization of Human Rights Obligations: An Index of Economic and Social Rights Fulfillment* (The Human Rights Inst., Working Paper 8, Aug. 2008), available at <http://www.econ.uconn.edu/working/8.pdf>.

⁶¹ See HOMO, *supra* note 3, at 311–33; see generally JÉRÔME CARCOPINO, *LES ÉTAPES DE L'IMPÉRIALISME ROMAIN* [THE STAGES OF ROMAN IMPERIALISM] (1961).

⁶² Randolph S. Bourne, *Trans-national America*, *Atlantic Monthly*, July 1916, at 86, available at <http://www.theatlantic.com/issues/16jul/bourne.htm>.

⁶³ See Josiah Strong, *Josiah Strong on Anglo-Saxon Predominance* (1891), available at <http://www.mtholyoke.edu/acad/intrel/protected/strong.htm> (“America is to have the great preponderance of numbers and of wealth, and by the logic of events will follow the scepter of controlling influence. This will be but the consummation of a movement as old as civilization—a result to which men have looked forward for centuries. John Adams records that nothing was ‘more ancient in his memory than the observation that arts, sciences and empire had traveled westward; and in conversation it was always added that their next leap would be over the Atlantic into America.’”).

⁶⁴ RUSSELL H. COMWELL, *ACRES OF DIAMONDS* 21–22 (1915).

⁶⁵ See Moraes, *supra* note 4; Sousa, *supra* note 4.

⁶⁶ VLADIMIR ILICH LENIN, *IMPERIALISM: THE HIGHEST STATE OF CAPITALISM* 16 (1939).

⁶⁷ See *id.* at 16–30. Lenin wrote that under capitalism the home market is inevitably bound up with the foreign market. Capitalism created a world market, and as the export of capital increased—as well as the foreign and colonial connections—the spheres of influence for the big monopolist combines expanded. In this way, things “naturally” gravitated towards an international agreement among these combines, and towards the formation of international cartels.

⁶⁸ *Id.* at 88–89.

⁶⁹ See NICOS POULANTZAS, *CLASES SOCIALES Y ALIANZAS POR EL PODER* [SOCIAL CLASSES AND ALLIANCES FOR POWER] 73–86 (Siglo XXI ed. 1977).

⁷⁰ *Id.*

⁷¹ Saskia Sassen, *Spatialities and Temporalities of the Global: Elements for a Theorization*, 12.1 *Pub. Culture* 215, 219 (Winter 2000).

⁷² This idea is a modern translation of the power Greek cities had in ancient times, the foundation of their growth and welfare as well as the basis of their decadence as long as the Roman Empire emerged. See BURN, *supra* note 10, at 369–90.

⁷³ LAWRENCE FRIEDMAN, *LAW AND SOCIETY: AN INTRODUCTION* 7 (1977).

⁷⁴ KARL MARX, *ECONOMIC AND PHILOSOPHIC MANUSCRIPTS OF 1844*, 165–69 (Dirk J. Struik ed., Martin Milligan trans., International Publishers 1973) (1964).

⁷⁵ See Acuña, *supra* note 14.

⁷⁶ Sassen, *supra* note 71, at 233.

⁷⁷ See Gerry Helleiner, *Small Countries and the New World Financial Architecture* 4, (Caribbean Reg'l Negotiating Mach., Working Paper 2000–4, 1999), available at http://www.utoronto.ca/cis/working_papers/2000-4.pdf.