World Communities

The paper before you is a mere outline. I wanted to present it at this early stage, because, if it is to be developed further, it will re-orient mywhole research for the next three years or so. Before I get deeper into that, I need your advice.

When we stopped discussing the Chicago Constitution, I had begun to feel slightly discouraged about the whole thing. It seemed increasingly difficult to develop the Constitution farther along these lines. It was very good the way it was, but that was that.

Now with the experience of the ocean constitution I think I would like to try an entirely new approach to world government. Norman Cousins - Title of book

The gist of the paper is on page 12 and 12 a. The world federalism I have in mind now is not based on Nations. It is not even based on regions. It is not based on any territorial concept at all, it is based on functional world communities

Chicago Days

each one of which is potentially a world government. The contradiction between national sovereignty and world community does not come into play the same way. This kind of federalism can be decentralized and "minimalist", since the interlocking units on which it is based really do the work, which Nation states really cannot do any longer.

All of this would be as utopian as the old form of world federalism was, if we had not actually already started on the road, if the ocean regime were not something that is already tangibly realistic.

The paper begins by making a distinction betw-en principles, structural parts andmechanistic parts or operational parts in a Constitution. The first two, I claim, are generalizable, i.e., can be carried over to other world communities

and to world government in general, the third one is not generalizable. And also: what is not generalizable is not structural.

Perhaps I have overworked this point, which, in a way, is obvious. because it seemed to me to offer a logical proof that the annoying boundary problem, on which we have spent so much time, really led us up a wrong path. As though we were going to create another territorial statewith its boundaries.

Having identified the structural elements of the constitution, I then tried to generalize them.

First and foremost: the concept of the common heritage of mankind. This, I think, is going to be the key to a world constitution. Energy and resources must be the commonproperty or the common heritage of mankind: not at all in the sense of state property: which would be

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totallyinappropriate on a world level and is, at any rate, an obsolete concept, but in the sense of social property in Yugoslavia, and in the sense that energy and resources must be planned for, distributed and controlled socially, on a world scale. Otherwise you can't have an environment policy,.

I have tried to point out that this makes a basic difference with regard to development theory and policy. And this, of course, is in the air anyway. We have to catch up with the transformation development theory is undergoing in the context of the second development decade. For example, there is a man whom I would like to get out hrhere: He is a minister in the Netherlands Government, who recently, wrote: "..."

So then: let us asuume we have one world community, the oeean regime, and one

one model constitution.

what would be the other world communities? This is one of the issues I would like to have discussed here. The four that I mentioned on p. 11 of my paper are merely illustrative. There is nothing manadory in this listing.

In the meantime, for instance it occurred to me that one of the Communities definitely should be the World University. In the post industrial society, in the learning society, the University must be a sovereign . A sovereign, on a world-scale, does not mean that it must have territory; it means, that it must participate in decision-making.

Since Science and technology are "the common heritage of mankind," they must be managed by a world university which must participate in decision-making. So what we need is a constitution for

world university...

I am reasonably sure that there must be a world community for communiations: including satellite communications, and all other forms of transnational communication The Constitution for this community would supersede the Space Treaty and extend it, just as the ocean constitution does with ocean space, extend it into national space. This would be the community that could take care of high-jacking...An any rate, there is not doubt that communications have to be handled under a transnational constitution.

Energy management, production and management, mght be the responsibility of a fourth Community -- especially with fusion reactors, engendering practically illimited energy, around the corner

I would split off energy from the management of other resources, merely in order to keep the management problem

in manageable dimensions. But suppose that we have one world community for energy management, and one for land-based resources, we then would have five altogether. They would be inerlocked and overlapping, but that is quite all right. On the contrary, that is quite positive and it is this that makes for a "peace system".

Now: within, alongside, or across these world communities, nation states could well continue to exist. Their existence would be unpoisoned. They would do what they can do. They would be "sovereign" self-managing entities. They would see to it that the world remains culturally pluralistic. They would satisfy some of mankind's needs -- just as Churches to today. What is useless in nations for these purposes -- armies and huge bureaucracies -- would wither away.

Supposing, then, that we have four or five or six world communities who take care of transnational problems

which only they can handle, the next problem then is to articulate the interlocking functions of these communities in one world government, and to interlock the whole system with the still existing system of gerritorial states and regions.

How this can be done I have tried to show in the third part of the paper, in the model outline. National (territorial) and functional (transnational) structures theremove as though in a counterpoint composition, and this is I think the way it should be.

while trying to use all the available building blocks, both from the functional and the territorial systems and while trying not to erect huge superbureaucracies, but to keep the new, polyvalent world federalism decentralized, yet I have tried to apply to it the same structure as

that of the ocean regime: that is, a rotating bi-cameral system, which corresponds to the requirements of polyvalent federalism.

At this level, however, you don't get straight "functional representation" in your rotating second chamber, you get, so to speak, a meta-functional representation.

Which leads me to point out that this whole thing of course is not, has nothing to do with the old "functional" approach as advocated by Mitrani and others. It is a constitutional and highly structural approach, even though it constitutionalizes functions.

Time span: I think one might get a working world government of this sourt somewhere between 30 and 50 years from now. That is, I imagine that there will be a rudimentary ocean regime working within five years from now. The other

communities might take shape within the next ten to fifteen years -- the process may be slowed down because there are boundto be other convulsions of the nation-state order in the meantime: Vietnams, international civil wars, etc. Nor do I think these will cease all at once with the establishment of "world government." They will cease gradually and, at any rate, they will change form and nature. Inter-national warfare among self-contained territorial units is over. It is over already now, and it won't come back.

This I think is all I want to say in this introduction. I would like your guidance on the following questions: what are the world communities? Do you think the general structure ofthe ocean regime can be applied to them? Where are the basis= differences, if any?

Can you suggest improvements in the way of putting

them together? Do you have an alternative approach to world government?

EMB

World Communities

We have dealt with the issue of weather control and modification on various occasions. As far as my own work is concerned, it was in the context of the "World Communities" project, attempting to articulate the management of resources and technologies which are, or ought to be, Common Heritage of Mankind. Weather control and modification is in fact becoming a "resource" that is quite enormously valuable. We have a number of examples during this conference; I came across one, concerning cloud seeding in the Philippines which produced, after two months, twelve million acre-feet of rain, and this is calculated to have increased the sugar crop by approximately by 43 million dollars. What the Japanese have to say about this, is another issue, to which the Taubenfeld paper draws attention, and I'll be back to this in a minute.

We have also dealt with these issues in the context of our project == not yet quite off the ground -- on disarmament and Environment: Managing the Dual-Purpose Agent. For weather control and modification is an extraordinary striking example of a dual-purpose agent: that is, a technology usable, without any conversion, for peace and development on the one hand, as a weapon, both tactical and total, on the other.

In that connection I draw your attention to Senate Resolution 281, introduced by Senator Pell, prohibiting the use of weather modification for military purposes. I quoted the comment of the former Deputy Director of he Arms Control and Disarmament Agency, who pointed out:

> Your draft treaty applies not only to experimentation or use of any environmental or geophysical modification activity "as a weapon of war," but also to research. Does this take sufficient account of the nearly identical nature of the techniques involved in civilian and military applications of

these activities? It may be impossible to distinguish between research and perhaps testing on such applications as cloud seeding, for military or civilian purposes. How would it be possible to avoid the consequences of hampering research on what might be highly desirable civilian applications?

There is only one way out of this dilemma, and that is, internationalization of the management of the peaceful uses of the technology or the resource. This is true of weather control and modification as it is true of all other dual-purpose agents.

Dean Mann in his paper quotes the recommendations of the NAS Review Panel on Climate and Weather Modifications which include "The establishment of a coordinated national and international system for investigating the inadvertent effects of man-made pollutants, with a target date of 1980 for the determination of the extent, trend, and magnitude of the effect of various crucial pollutants on local weather conditions and on the climate of the world." This, certainly, is a step in the right direction, but is it enough?

At the twenty-second Pugwash conference, a Soviet and an American scientist submitted a joint paper in which they state:

> It is therefore important that we take steps to establish institutions which accelerate the beneficial uses of weather modification and at the same time agree not to use this new knowledge as a form of warfare. For this

purpose they propose a Treaty banning the military use and the establishment of an international weather instituts at which scientists from all countries could collaborate specifically in carrying out research on weather modification and in evaluating

the existing national research programs.

This is the best proposal I have seen yet, but it is rather summary. The paper does not tell us what kind of institution is needed, and how it will differ from the rather elaborate already existing national-international infrastructure that Wendell Mordy described in his paper.

The issues that need to be taken care of, as they emerge from the Taubenfeld paper, seem to be the following:

The monitoring and control of involuntary weather modification, such as the effects of industrial, jet traffic and population concentration, agricultural development and energy production, or major engineering projects on weather and climate;

the control of intentional weather modification for peaceful purposes, such as rain making, for crop increase and hurricane and hail control;

the prohibition of weather modification for warlike purposes, such as "Operation Pop-eye" in Vietnam.

In all three categories the effects may be intranational, but even local modifications may be cumulative and international in their effects; they may be transnational, between two mor more neighboring nations; or they may be global in their effects, such as the melting of the polar ice cap.

Quite an order. For this we need: Internationalization of monitoring and surveillance mechanisms;

international decision-making on testing;

international machinery for the adjudication of conflicts and compensations.

There seems little doubt that the existing national/international infrastructure is not adequate to these tasks. If only because the exis-ing institutions are <u>scientific</u> whereas the issues involved have a

scientific, an economic, and a very sensitive political components. So the existing ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ organizations must be structured into a new type of international organization that comprizes science, economic interests, and politics.

It would not be too difficult to describe the type of organization needed; it is quite easy to predict that it won't be created in the near future. The issues involved are too esoteric, and a lot of public education will be needed before action will be taken.

Four ~~Two~~ concluding remarks: One: that the control of the use of weather modification technologies as a weapon can only be achieved by way of what is called "passive disarmament," that is, as a by-product of the international management of the peaceful uses of these technologies; second, that the lack of international control over the peaceful uses may be just as devastating as the use of weather modification as a weapon; third, that the establishment of international management machinery will not weaken national activities; on the contrary, national and international activities will re-inforce and strengthen one another; and fourth, and as an illustration of this third point, when we are dealing with technologies as advanced and sophisticated as those involved in weather control and modification, the gap between developed and developing nations will be felt in a particularly painful way, and since no global arrangements can be successful without the political cooperation of the developing nations, every effort must be made without delay, to bring them up to date scientifically in this new and challenging field of activities.

THE WORLD COMMUNITIES

by

Elisabeth Mann Borgese

I.

The Human Universe

We used to look at the world this way: Man. Man founded the family. Then families gathered in tribes. Then tribes merged in cities. Cities united in nations. Nations began to join in regional federations. These, eventually, will establish one super world federation. Each step at its time. Whenever there is a sufficient quanity of love, custom, tradition, community, law.

By these criteria, the world federation is a long way off. And in the meantime, Americans keep destroying Vietnams of various sizes and descriptions, and destroying themselves; Soviet tanks move into Czechoslovakias, and six thousand children starve in Biafra every day.

But it is not a good story anyway. It is a childish story. A childish way of looking at the world. For this is what children do. They start from the "I." The family is an inflated ego; the nation, a big family, the world, a super-nation.

Even a minimum exposure to contemporary science suggests a different story.

Mankind is a system. A universe that started expanding with a whimper somewhere in the East, maybe a million years ago. An expanding, very loosely integrated universe, with all sorts of motions and pulsations. Forming clusters, constellations, solar systems,

planets, molecules, atoms. More or less interacting, according to the amount of energy or information available. With field forces acting on systems and subsystems: sometimes aligning them, so they move (or evolve) on parallel lines: the patriarchal family within the monarchic State in a monotheistic universe. Sometimes -- at a different phase of pulsation -- they move (or evolve) in opposite directions: the nation-State, let us assume, twards a state of condensation, solidification, while the city, or the family, dissolve. The State, maybe, taking on many of the functions of the family: economic functions, social, educational functions, etc., thus initiating a process of re-grouping, re-clustering of the human universe.

Other clusters, still, may pulsate in different phases. There may be neo-clusters, pseudo-clusters: even anti-clusters which come to naught when they meet normal clusters and bring them to naught in the process.

The over-all picture, in this present phase of pulsation, is that the system as a whole, the human universe, tends to solidify, tends toward more structured articulations while the clusters, neo-clusters and pseudo-clusters we call "States" and "Nations" tend to dissolve; and the "cities" and the "families" within them, and the "individuals" within these, are in crisis.

If we look at the cluster called "Nation," in

this phase of loosening up, in this process of "cultural revolution" in the widest sense, with the divisive self-assertion of racial, linguistic, cultural minorities, of students, economic interests, etc.; and if we look at the human universe, the "world community," in its process of economic and technological integration, we come to the conclusion that they are beginning to look somewhat alike. But it is a complicated likeness, irredescent. In some aspects, the world community is way past the point at which the national community began to jell. Some of the problems faced by the national communities in their phase of "condensation" must be faced by the "condensing" world community today. And in still other aspects, it is the end phase, with its ripeness and sophistication, the "loosening up" phase, of the national community that resembles the phase of condensation -- starting from a high mark of sophistication and ripeness -- of the world community. This, in turn, reveals features of likeness between the end phase and the initial phase of the national community on the one hand, between the "condensing" world community and developing and primitive communities on the other, and, in the most general sense, between the postnational and the prenational world order.

Incfedible, what the United States was like, a mere hundred and sixty years ago. In an essay, "The Background of Federal Union" (Common Cause I,2, 1947)

Richard Hooker gives a lively re-evokation of the period After a survey of the cultural, linguistic, religious, economic divergencies among those people, or better, peoples, he describes their system of transportation and communication, or, rather, the lack thereof. "The poverty of facilities for communications was undoubtedly the most striking obstacle to closer union of the States....Long journeys involved a certain amount of hardship under the best of circumstances. The trip from Boston to New York, along what was the finest road throughout its course, took from four days to a week. In Pennsylvania the roads were frequently impassable, and south of the Potomac it was almost essential to travel by horseback. There were few bridges: a traveler from Boston to Philadelphia in 1789 crossed eight rivers by ferryboat. Stage-coaches from Richmond to New York averaged two or three miles an hour in daylight, and one mile at night. Water transportation was generally slow and often perilous. Of the congressmen journeying to Philadelphia in 1790, one from South Carolina sailed for sixteen days in continuous stroms, another was wrecked off the Capes of Chasaspeake, and two Georgians were set on shore at Cape May and forced to finish the remaining one hundred sixty miles by land. (But two New Englanders, coming by land, were badly injured when their stage upset) Mail service was still slower. It was not extraordinary for a letter to be two months

en route between Richmond and New York. South of Suffolk, Virginia, the mails passed twice weekly in the summer, and once a week in winter."

Compare this situation with the ease speed and comfort with which the delegates to the General Assembly of the United Nations reach their destination from all corners of the world and keep communicating with their far-away homelands!

When Italy became a nation, almost a century later, the situation was still pretty much the same. The trip from Bologna to Florence -- a pleasant half hour in a fast car on the panoramic super-highway, a masterpiece of modern Italian engineering -- took two days, on a road full of adventures, where bandits lurked behind deceiful rocks: a road that climbed so steep that the horses couldn't make it and teams of oxen had to be hitched to the stage-coach to pull it up. And yet, at that time already, James Fenimore Cooper, a traveler in Italy at that time, thought that thanks to the marvelous improvements of transport and communication systems an era of internationalism and cosmopolitanism was dawning that was bound to be beneficial to culture and civilization all over the world. "This is the age of cosmopolitanism, real or imagined, and Florence, just at this moment, is an epitome both of its spirit and of its representatives. So many people travel that one is apt to ask who can be left home."

The basic problems that the Italian communities had to face in becoming a community were much the same the world communities have to face today.

Take, for example, the problem of industrialization Beautiful, artistic, dreamy Italy had to be industrialized. National unity had to be based on social progress, on an improvement of the economic situation, on popular education. Just as world unity today, and world peace, must be based on social progress, on an improvement of the economic situation, the development of underdeveloped areas, education, the elimination of illiteracy.

This process of modernization, in which Lombardy was leading, could not but create imbalances, ruptures, hideousness. As it still does today, whenever there is collision between tradition and technology, between the old and the new. It is amazing how American travelers in Italy at that time were sensitive to the problem. Charles Norton, a Harvard scholar, noted in a letter in 1860, "With the ousting of its tyrants, with the new regime of constitutional monarchy, with the development of commerce, Italy is doing all she can to divest herself of her charm. The train whistle, right behind Santa Maria Novella and over the Campo Santo of Pisa, sounds just like Back Bay and Fitchburg station. It is amazing how the country is getting americanized!" There was no American imperialism at that time, though: not even Cokacola.

Another problem Italy had to face to become a Nation -- a problem that American travers understood fully well -- was the difference -- the abyss -- between the level of the cultural, social, and political intelligence of a small group of leaders on the one

hand and the masses of the people on the other, with their miserable living standards and a weltanschauung that had not moved since the Middle Ages. "One must not overlook the fact that the actual conditions of the popular masses in Piedmont" -- in Piedmont! Let alone Calabria or Sicily! --are so backward, both with regard to education and ambitions, that it is difficult to infuse them with an authentic interest for the cause of constitutional liberties or to induce them to sustain their role in the process of government," Norton wrote. "The people are led at a pace too rapid for them to follow. The different of views of the common people and those of men like Cavour and D' Azeglio is not a differente in degree but a difference in kind." As in Africa, in Latin America, in Asia today. "The danger for the kingdom of Sardenia does not arise so much from the hostilityof neighboring Austria" (today read: "Russia" or "America") "nor from the obtuse opposition of Rome but from the inevitable internal weakness which will be, for some time, the result of this forcible process to which it is obliged to submit." "The idea of Italy as a community is yet to be created," he wrote on another occasion, "and there would not be anything strange if the experiment were to fail." "The idea of the world community..." we would write today. And here Norton already foresaw the fall of the nascent monarchy and the advent of Fascism. "Constitutional monarchy might well lead to a constitutional republic, and this latter, to an

inconstitutional despotism."

Nor did the preoccupations and previsions of this quiet scholar stop at the limits of Italy. All of Europe, the whole world he saw engulfed by similar turmoil. "I very much doubt," he wrote whether our regime of free economic initiative, of unbridled competition and of uncontrolled individualism represents the highest stage of human progress," he wrote over a hundred yeara ago. "And one asks oneself whether our civilization will be able to difend itself against the forces that are aligning themselves in order to destroy many of the institutions in which it is embodies today, or whether we are not moving toward another period of decadence, fall, ruin, and reburth, like the period of the first thirteen centuries of our era."

That was one cluster, one puslation. Condensing, concentrating, gloriously materializing, and loosening up, regrouping. We might have used the history of Germay, of France, it would have been pretty much the same story

Let us look at the end phase: the political parties that made the nation great -- let's say, the Liberals, the Republicans, the Socialists, in Italy -- receding, giving way to international parties -- the Communists, the Catholics, taking their places in the new international intra-national alignment of the Colr War. The parliamentary system in crisis, cultural minorities acting up; the students in revolt. A syndrom, familiar by now. No matter where one looks, the picture is the same. In Canada. the tension between French-speaking

and English-speaking communities has reached a new pitch endangering the very existence of the State. In India, no week goes by without a linguistic riot: a cultural minority asserting its right to its own language and defending it with tooth and nail against the claims to prevalence of any majority culture.

About three hundred distinct languages are spoken in Nigeria, which according to some experts presents a test for democracy in Africa, comparable to India, thought to be the crucial test for constitutional democracy in Asia. Nigeria, we know, has fallen on evil days of genocide. With the sophisticated Ibo of Biafra trying to break away from the cuder Hausa of the North, Nigeria "reflects the common problem faced by all these countries in developing and maintaining their national unity against internal regional divisions and supranational regionalism," as Gwendolyn Carter put it in his introduction to the volume National Unity and Regionalism in Eight African States. Whereby intranational regionalism refers to"those divisions within a State that are sufficiently self-conscious to comment local loyalty" and supranational regionalism "refers to units embracing more than one State, such as the proposed East Africa Federation or even wider pan-African plans that may receive the support of individuals and groups within a State because they offer opportunities for improved economic growth or a stronger international polistion."

How nascent Africa resembles decadent Europe! The twofold pull, toward internal disintegration and wider, external integration is exactly the same:

the pre-national (Africa), a mirror image of the post-national (Europe).

Thus in Belgium the nationality crisis has assumed a gravity which,as Paul-Henri Spaak recently wrote "with a melancholy born of disquiet," cannot be overstated. The Walloons and the Flemish, forced into a unitary State by historic hap penstances in 1830, are asking themselves today whether the reasons for staying together are as important today as would be the reasons for parting ways. The problem of linguistic and cultural autonomy not only pitches a historically disadvantaged minority (the Flemish) against a dominant, French speaking majority (the Walloons) , but within that minority, within the Flemish speaking towns, the French, a minority within the minority, are acting up and taking their case -- and this is symptomatic for the twofold pull -- not to a national court, but to the supranational Human Rights Court at Strasbourg!

Czechoslovakia has just yielded to Slovak pressures by transforming the unitary structure of its State into a federation, with equal rights and autonomies to both Czechs and Slovaks. Yugoslavia, which has been exemplary in decentralizing and granting self-government and complete cultural autonomy to its five republics and two autonomous regions, yet is further plagued by what is called there, significantly, the "internationality problem." Now it is the Albanians who would like to create a sixth republic within the federal structure. Hungarians in Rumania, Germans in Hungary, Ukrainians in the Soviet Union....In Scotland, nationalism is stirring. The Scottish National Party has doubled

its membership annually for the past five years. The Basques in Spain unleashed a wave of violent the like of whichhas not been seen since the days of the civil war. Not even pacific Switzerland is immune. The Jura separatists are demonstrating for independence from the tyranny of...Bern. Five thousand federal troups had to be mobilized to keep the rebels in line, but a dramatic situation arose when thirty-one officers threatened to resign unless the troups were withdrawn. Between loyalty to the Swiss Army and loyalty to the Jura Liberation Front (sic!) they chose the latter. (Corriere della Sera, Nov. 15, 1968).

The existence os such cultural minorities is a serious challenge to the homogeneity and equality of all citizens which democratic theory presupposes, says C.J. Friedrich in his essay "International Politics and Foreign Policy in Developed (Western) Systems." And, he continues, confirming the twofold pull, "in Europe such minorities have tended to reinforce the idea of an over-arching, supranational European community, especially since quite a few of them are survivals from an older European order containing supranational communities of language, religion, and so forth. In the period between the two world wars such minorities, often with distinct political aspirations, constituted almost 10 per cent (32 million) of the European population.

It is in this context that the Negro problem of the United State must be considered: Black Power, separatism, self-government and all. Here, too, the double pull is at work. A page of the New York times fashion section

recently showed the Blacks of Harlem proudly sporting "New Breed" clothing, in African design. They were beautiful. One of the captions read: "The wearing of native costum by U.N. members has influenced Harlem dress." Nothing could describe the double pull, toward wider integration and toward internal disintegration, more vividly that that page in the New York Times.

To make a complicated problem still mor complicated, the issue of cultural minorities is overlaid with socio-economic, religious, class and race problems, as well as with the student revolution: problems cutting across frontiers and linking up what might otherwise appear as isolated and disconnected causes. This makes the picture still more pre-national: Meioaeval. For those were the forces that shaped history at the time, let us say, of the Thurty Years' War, when the modern nation-State emerged from the ruins of the Roman Empire. Catholics, Lutherans, Calvinists, peasants, aristocrats, dynasties, burgers, merchants, soldiers. Students. There was student self-government at that time. The University was a sort of corporate company, including both professors and students. They made their own curriculum, a right they wrested -- in Paris, for example, from the Chancellor. There was student power, organized in a conjuratio. And student power was international. Students hitch-hiked all over the place -- from the Sorbonne to Antwerp to London. from Spain to Italy. They called it "begging a ride." They were bearded and long-haired, just like our students. And they carried their guitars. Why, even the music they

liked and composed and sang was more like ours than any heard in the centuries in between.

At the same time this "cultural revolution" which transcends both the political revolutions of the 17th and 18th centuries and the economic revolutions of the 19th and 20th, makes each nation-State afflicted with a minority or subculture problem (and most nations are) look like the world community as a whole. This world community, infact, is unified today by technology and its network of communications more tightly than the nation-State was at the hayday of its glory and power. And technology is doing to the world community much more than shortening distances. It is becoming a kind of universal "language" which a high dignitary of the Catholic Church, Cardinal Frings, recently compared to the koinae, the language universally understood during the earliest days of Christianity. "The Church today finds herself face to face with a new kind of koinae, that is, a universal way of thinking and speaking. This koinae is the product of the progress of technology, which is valid across all frontiers and iron curtains." This world community, on the other hand, with its universal language, which is technology, is horizontally divided into two classes. There is an international class, the jet set, inhabiting the nonterritorial empire, or subculture, of American Express credit cards and diners clubs, of airports and Hilton Hotels. Amazingly alike, all over the world. And then there is the national class. The picturesque, photographable, folkloristic poor. Those who don't travel and don't speak English. The "national" -- a mixture of cultural , economic, social, religious and racial elements, take, in the world community, the place the minority occupies within the national State.

Their claim to "sovereignty, against the disintegrating "foreign policies" of the overdeveloped, in truth "international" powers and the increasing encroachment of worldwide economic interests,presents a new form of class struggle.

This, in turn, gives rise to the so-called wars of national liberation, corresponding, exactly, to the race and minority riots and guerillas at the national level, with which they therefore inevitably link up into a novel cluster of problems.

And the world community does not know what to do about them, especially at a time when such wars of national liberation tend to escalate into major wars, involving the superpowers and their atomic arsenals.

If only we had a world government, idealists say, with a world police force enforcing disarmament and world law and order, we wouldn't have to worry.

As if it were that simple. Look at the nation-State, these same idealists say, it is a community that successfully claims the monopoly of the legitimate use of physical force in a given territory. There is law and order, because there is a law enforcement machinery and a police. That is what is needed at the world level.

There can be no doubt: the world community as embodied in the United Nations, has taken significant steps in the direction of disarmament, of arms control and the establishment of a world police force. The U.N. peace keeping operations in Cyprus, West Irian or the Congo are in a way without precedent. Disappointment and frustration over the impotence of the United Nations in more central areas should not becloud our appreciation where such appreciation is due. Plans for standing and stand-by U.N. troups have already been developed and adopted by a number of

nations. Swedish troups are ready, at the moment of this writing, to be called for peace keeping operations in Vietnam, as soon as the UnitedNations decide to call them up. A considerable body of experience in peace keeping with international forces had been built up in the United Nations. Support from nations great and small is encouraging, nor is there any lack of enthusiasm on the part of the young generations of men and women who would gladly serve constructively in a U.N. force while they rather go to jail than serve, destructively, in their own national forces.

In the policing area, then, the world community has been "condensing" evolving, however gropingly, in the direction of "statehood."

What, on the other hand, has been happening in the states?

The police is in deep troubles in most developed countries. Riots and riot controls are escalating. There is an arms race of sorts between "people" and "police." The bigger the danger of disruption by race riots, anti-war demonstration, civil disobedience, the hugher the appropriations for riot controls: the more alarmong the alienation between the community and a police force that looks -- and acts -- more and more like an occupation army. This, in turn, raises the level of fear, suspicion, alienation and violence in the community. Hence the reasonable demand, on the part of progressives and liberals, that the police should be recruited locally, not by an

alienated central government, from among the poor and the minorities, not from a dominant class or group, and that it should be disarmed. The recognition is gaining ground that much of the answer to todays troubled cities lies "not in the law of the police blotter" but in the laws that govern education, jobs, housing and public facilities of all kinds. In other words, while the world community is moving toward more enforcement, the national community, with the specter of the police state looming large, is trying to move in the opposite direction: toward less enforcement, until, also in this area, the two begin to look somewhat aline.

On the national plane, furthermore, there is an increasing awareness of the fact that police enforcement is not something self-sufficient or self-contained but that it is part of the general structure of criminal justice; and it is this general structure that is in crisis in most overdeveloped nations. In the United States, where more people are killed in what is classified as criminal homicides every year than there are soldiers killed in Vietnam and, among youth between the ages of seventeen and twenty-four homicide is the most frequent cause of death, yet the majority of criminals elude the administration of criminal justice. For every one hundred major crimes known to the police, approximately only 25 per cent ever end up in arrests. The great majority of crimes in our society are handled outside the law. Criminal courts are only taking care of a tiny fragment of criminal behavior.

Just as the international police force takes care of only a tiny fragment of international violence. National criminal justice, furthermore, usually apprehends the poor; the rich, the great offenders settle out of court. Just as international policing apprehends the underdeveloped. The big powers settle out of court, if and when they want to settle.

In spite of this, national criminal courts are overloaded with cases, entailing procrastinations and delays. There is a wide-spread feeling that criminal justice is no longer fulfilling any of its stated functions: neither punishment nor deterrence nor rehabilitation. In an attempt to remedy the situation, experts, such as, for instance, Judge Schaefer of the Illinois Supreme court suggest that there are a great number of cases that can be treated outside of the criminal system. The President's Crime Commission said that there ought to be a way to divert out early a number of persons who are in the criminal system and treat them in the community rather than in the criminal process. There is a tendency, thus, to limit the scope of the state's criminal jurisdiction and to consider police work most successful where it is social work and crimes prevention.

At this point, again, the national community, loosening up, meets the world community, condensing; for the world community is undoubtedly in the process of extending the scope of its jurisdiction: from nations, as the only legitimate subjects of inter-

national law, to nongovernmental or intergovernmental organizations, the emerging, much larger number of new subjects of international law, to the individual: from public law to half-public half-private to private law; from the obligations arising from traditional peace treaties to those contingent on the proscription of war crimes and crimes against humanity and the protection of fundamental human rights and freedoms.

Service in the U.N. forces has unexpected psychological effects on the normal "soldier." Here he is enjoined, for the first time in his experience, to obtain results with a minimum of force and violence. Here he is sent to the fray with the instruction that "there is no enemy," an approach that requires of the soldier a considerable amount of mental re-orientation, and this is the only object of the "training" for service in the U.N. forces. No solder, no officer who has completed his service has ever been the same as before. As the U.N. forces expand, this mental re-orientation is bound to feed back to the military mind of the national community. This is a by-product, albeit an important one. The main point, however, is that practical experience in the field has led U.N. thinking to a rather profound transformation of the whole concept of peace-keeping: from a military, paramilitary, or police type of operation to a constructive activity aiming at economic and social development, at planning for peaceful change. It is this transformation of the concept of peace-

keeping that induces a transformation of the nature of the armed forces and of the role, or the relevance, of the "monopoly of the legitimate use of physical force in a given territory."

Here again the convergent-emergent national-international community re-evokes features of primitive society. For while a few thousand years of Western history have so warped our minds that we cannot conceive of a social or political order without a monopoly of force and coercion, it turns out that there are primitive communities, such as the Bergdama and Bushman, able to lead an orderly existence despite their lack of courts and despite the inability of their chiefs to punish offenders in other ways. One of the contemporary anthopologists responsible for this discovery defines the "political organization" as "that aspect of the total organization which is concerned with the establishment and maintenance of internal cooperation and external independence." (Isaac Schapera, Government and Politics in Tribal Societies). Another expert suggests that this "can be re-interpreted to mean that he observes a pattern in the development of 'mechanisms' making for orderly life in any community. In this pattern cooperative enterprises precede the organized exercise of coercive authority, which does not emerge until there is a wide range of activity and complexity of governmental organization"; "The discovery of societies in which there is order without monopoly of force or other characteristics of the 'classic'

nation-state model demands an inquiry of what factors make order in these societies. Several anthropologists offer explanations that are provocative for those interested in international relations." (Chadwick Alger, "Comparison of Intranational and International Politics," Approaches to Comparative and International Politics. R. Barry Farrell, ed. Chicago: NorthWestern University Press. 1966.)

This puts the emphasis on doing rather than prohibiting, on consensus rather than coercion: a result for the attainment of which everything seems to conspire, including the technological revolution. For the technological revolution has had the effect, among others, that every source of energy, every new invention for the control of economic, social, biological? metereological processes can be used constructively or destructively. The production of "arms," consequently, tends to become less "specialised," or "specialized" at a very much later stage of the scientific-industrial process, and such "specialization" tends to become decentralized, capable of being carried out in a basement room, thus eluding controls.

The world community moving in the direction of a State; the national community moving in the direction of a nonstate: both meeting in an area where the concept of State transforms itself into that of a community; where notions such as the monopoly of the legitimate use of physical force are losing their primary relevance, and consensus and cooperation necessarily take precedence over coercion.

That such a system, with its manifold aspects of economic

and technological interdependence, cannot be a war system seems obvious. War, which used to be "the extension of diplomacy with the admixture of different means -- to use v. Clausewitz's famous phrase -- is becoming so ruinously, absurdly expensive in every sense of the word that it rendering itself obsolete. This notion is in fact gaining ever wider acceptance. We may take it for granted. What is less obvious, less frequently acknowledged, is that diplomacy, too, is in crisis, is obsolete: precisely because war really was its extension or continuation; and a system that does not tolerate war, somehow does not accomodate diplomacy either. Or: Diplomacy no longer fulfils its function.

The symptoms are all too familiar. A systemic understanding of the phenomenon as a whole is generally lacking. It should be attempted in this context, because the break-down of diplomacy and the transformation of what used to be "foreign policy" represents another instance where the world community and the national community are moving toward each other.

In the United States the crisis ranges all the way from personnel and management through the conflict between Senate and Presidency to the general need for an "agonizing re-appraisal" of all foreign policy since the end of World War II, at least.

The crisis in personnel and management was recently exposed in a manual by the American Foreign Service Association. "If the next administration doesn't move

almost immediately -- certainly within those first 100 days -- the system's going to move in and we'll all become Hamlets unable to translate our ideas into action," AFRA's board chairman, L. Walker said, according to the New York Times of October 21, 1968, in an article entitled "Study finds U.S. Diplomacy out of Date."

As far as the Senate-White House struggle is concerned, it is enough to mention the name of William Fulbright; while the need for an "agonizing re-appraisal" is becoming more glaring than ever at the moment the Vietnam war comes to a halt and a new administration takes over in Washington.

The situation in the Soviet Union is not too different. A.D.Sacharof, still before the Czechoslovak crisis, predicted in his remarmable essay published by the New York Times during the summer 1968, "a first phase of growing ideological struggle in the socialist countries, between Stalinist and Maoist forces on the one hand and the realistic forces of Communism (together with the Leftist forces in the West) on the other," which will lead to a "deep ideological cleavage on the international, the national, and the inter-party plane." Optimistically, Sacharof is convinced that this struggle will end with the victory of the "realists" who will lay the basis for an entirely new foreign policy: a "new cooperative approach to international affairs, to end the present method of diplomacy.... International affairs must be conducted with a scientific method, in a democratic spirit."

China, actually, has a world revolutionary ideology

but no foreign policy in the traditional sense.

In the so-called free world, foreign policy is gagged and shackled to American economic interests; while for the Socialist countries it has been officially redefined, not to say abolished, by the "Brezhnev doctrine" of intervention. As in domestic policy, commercial and political gleichschaltung are achieving very similar catastrophic results in the field of "foreign" policy, bankrupting into armed occupation.

There are a few a-typical cases, like neutral Switzerland, whose "neutrality" has become some sort of crossbreed between a fossil and a myth; and France which manages -- thus far -- to keep its American-penetrated economy geared to a foreign policy that seems both consistent and independent even though, at times, as bizarre as the man who is responsible for it and with whom it is likely to be buried.

There remains, then, the numerically not negligible but economically weak group of non-aligned nations whose foreign policy basically is a reaction to the cold war on the one hand and , on the other, an extension of their "search for independent roads of internal development" (Leo Mates, "The Social Conditions Underlying the Policy of Non-Alignment," Medjunarodni problemi, No. 3, 1966). Whether they will succeed in this search and in this non-alignment seems today more questionable than ever, and certainly does not depend on their own good will alone.

The losal circumstances that occasion the crisis of foreign policy in various parts of the world are different. The crisis, however, is the same, East,

West, North and South. The crisis is both autochthonous and universal. Just like the crisis of the party system, of the parliamentary system; just like the student revolution or the cultural revolution.

If the underlying reason for this universal crisis of foreign policy is that it can exist only in a war system, this reason can be subdivided into a number of partial or contributing reasons.

First of all, diplomacy is incompatible with democracy. Or democracy is not geared to cope effectively with foreign affairs. This is a faat, rooted in history. Diplomacy was born with the nation-State. Permanent Embassies, curiously enough, were established just about the time permanent armies were created. The great diplomats, of the Tayllerand or Metternich type, flourished under great sovereigns and monarchs. When the sovereignty of godlike kings began to be undermined by liberalizing thinkers of the seventeenth and eighteenth century, this process affected the relations between king and people. Democratic theory was introvert. It did not touch upon relations between sovereigns or kings. When the king was ousted, the Executive branch of government was his legitimate heir. And it was to the Executive branch that foreign affairs, with its diplomacy, was entrusted. The theorists of democracy, from Locke to Rousseau to Mill, simply didn't care what was happening in that sector. Thus Rousseau, in <u>The Social Contract:</u> "What matters principally to every citizen is the observance of the laws internally, the maintenance of pricate property, and the security of the individual.

As long as all goes well with regard to these three points, let the government negotiate and make treaties with foreign powers. It is not from this quarter that the dangers will come which are most to be feared."

All, indeed, went fairly well, so long as foreign affairs, conducted, traditionally, historically, in an undemocratic, "closed," secret way,and quaint at that, with its top-hat and tail-coat style: aristocratic, ostentatious -- as long as all this remained marginal. "foreign." less important than the conduct of domestic affairs: a relation that could be measured quantitatively by the yardstick of the respective budgets. When foreign affairs began to impinge grievously on domestic affairs, with budgets for foreign aid, military aid and the arms race, sky-rocketing and squashing the implementation of pressing domestic programs and projects, then democracy was in trouble. The struggle between the Senate and the Executive branch for the control of foreign policy is a penalty we are paying for the negligence of the somewhat provincial fathers of democracy in this sector. The crisis is on.

The second reason is that politics in general, and foreign policy in particular, is no longer "political" in the classical sense but, as we have seen, it comrpizes, or is overlaid with, economic, scientific, cultural problems and issues. This changes the nature of diplomacy. ~~While~~ The "classical" diplomat was a "generalist," versed in law and manners, a great individual personality. Great individual personality is a feature generally disappearing from contemporary life. Its disappearance from the diplomatic scene is quite conspicuous. "Diplomacy" today -- as everything else -- is the product of technical staff work. The

"diplomat" depends on the specialist, the scientist, the economist, the statistician, the counter-espionage. "Secrecy" need hardly be imposed from on high; it is self-imposed, inasmuch as the "common man" is simply unable to cope with the complexities involved in the making of foreign policy. The gap between the ruler and the ruled is deepening; the authoritative character of po :y making, automatically further intensifie . is one consequence. On the other hand, the nonpolitical forces and interests impinging on the making of "foreign policy" are at the same time international, spanning the globe; and intranational. Science is. Economy is. This fact, in turn, underlies the third and fourth reason for the crisis of foreign policy and diplomacy.

The third reason is the inextricable connection between "domestic" and "foreign" policy. Every internal problem has an external aspect and vice versa, and there is a feed-back between decision making in the two areas -- if two areas they can still be called. "Foreign policy, furthermore, is no longer decided by governments dealing with governments, but by one country acting on the internal factions, parties, interests of another. When Alva Myrdal recently said, the election of the American President is too serious a business to be entrusted to Americans alone: the American President ought to be elected by the world community," she was joking. "Action Precedent" -- a Dutch experimental project testing Dutch public opinion on issues of American policy, and, in particular, on Dutch

preferences with regard to the American Presidency, is no joke. The project's director, Jan Dienrhof, was quite serious when he explained, "The American electorate is 1½ per cent of the world population. It is unacceptable that 1½ per cent of the world population decides who shall be the most powerful man in the world, who decides for us in matters of war and peace, racial relations and the fight against poverty. The United States President meddles in our affairs. We should meddle in his." (New York Times, Oc5ober 15, 1968). (On October 27 the Times reported that Humphrey had been elected in Holland: "Some 2,500 persons in 14 polling districts regarded as a cross-section of Dutch public opinion took part in the electinn by punching computer cards.")

Quite serious, likewise, was the State Department (Paris Edition of the Herald Tribune, August 28) when it "took the unusual step of publicly advising North Vietnam to stop 'trying to interfere in internal American affairs' by commenting on the Democratic invention." (From a Government that is meddling so solidly in the internal affairs of andher country as the U.S. is in Vietnam, such an exhortation may sound surprising.) And the article on "Diplomacy" in the Encyclopaedia Britannica (1965) points out: "The object ofthis new form of diplomacy, if such it could be called, was to gain control of a given country by intrigue conducted from within and fostered from without." Here, again, the end resembles the beginning. For this was the kind of "foreign policy" carried on by rulers at the dawn of the nation-State. The Catholic Church, incidentally, which never quite adapted to the era of the nation_State, continued this sort of foreign policy until the ana

of foreign policy until the anachronism turned into avantgardism. Witness the role of the Catholic Church in the foreign policy making of the United States during the Spanish Civil war or during the early phase of involvement in Vietnam.

The fourth reason is that, given the interdependence of issues and the interdependence of crisis areas, bilateral relagions between nations, no matter now complex, just are no longer as important for war and peace as they used to be. Embassy budgets, in fact, are being drained in favor of a bureaucratic inflation at the center. Bilateral negotiations are being superseded by multilateral arrangements or "diplomacy by conference" as exemplified by the U.N. General Assembly and other universal or less than universal international assemblies and conferences. This, in turn, is increasingly developing in the direction of a "parliamentary diplomacy," where decisions are made not unanimously but by majorities -- which, on the one hand, raises the thus far unsolved problem of representation and voting in international assemblies; on the other it transforms the very essence of "foreign" policy, which now is not so much "the external aspect of self-contained systems" as "the internal aspect of supranational (regional and worldwide) systems of policy formation and control." (C.J. Friedrich, loc cit.) This takes foreign policy within the ken of democratic theory and outside the span of any of the three established branches of government of Western constitutional tradition.

It also takes us, at the end of this somewhat impressionistic survey of the human universe, back to

where we started from. Away from the notion of the nation-State as atomous or individual buildinb block. The nation-State re-grouping, xownward and upward. Away from the dichotomy "inside" and "outside," "national community"and "international community," "domestic policy" and "foreign policy." Politics is one and indivisible, in one and indivisible system or human universe. Based on cooperation, on consensus, therefore on self-government and autonomy, policy must be framed at the lowest possible level by the smallest possible units. Such units may be territorial: communes, municipalities, counties, nations, regions; or -- since politics is architectonic and comprises the economic and cultural order, science and technology -- these units may be functional: unions, corporations, universities, churches. cutting across national frontiers; cultural, racial or linguistic minority groups. national or international nongovernmental organizations: all those whose stirrings, whose claim for self-rule and autonomy we noted in the opening pages. Individual and collective membership in such units of organization will necessarily be overlapping. Far from making for confusion, overlapping membership makes for stability. Amthropologists tell us that overlapping membership is one of the factoss that guarantee stability, peace and order in primitive societies lacking in organs of enforcement. Such societies are so organized into a series of groups and relationships that people who are enemies on one basis are friends on another. Scholars in comparative politics and international relations tell us there is something the world community -- lacking organs of

enforcement like the primitive community -- could learn from it.

The world community, then, or the human universe is conceived as a community of communities within which each community is sustained by its inner strength and cohesion and enjoyes constitutionally established rights and instruments enabling it to govern itself autonomously, whereby autonomy is conceived not so much in its technical-constitutional as in its originative and philosophical, that is, organic and substantive sense.

And, as John XXIII described it in Pacem in Terris, "Just as within each political community the relations between individuals are governed by the principle of subsidiarity, so, too, the relations between the public authority of each political community and the public authority of the world community must be regulated by the light of the same principle. This means that the public authority of the world community must tackle problems of an economic, social, political or cultural character which are posed by the universal common good. For because of the vastness, complexity and urgency of these problems, the public authorities of the individual states are not in a position to tackle them with any hope of a positive solution. The public authority of the world community is not intended to limit the spheres of action of the individual political community, much less to take its place. On the contrary, its purpose is to create, on a world basis, an environment

in which the public authorities of each political community, its citizens and intermediate associations can carry out their tasks, fulfil their duties, and exercise their rights with greater security."

This new concept of the relationship between the national community, the cultural community, the socio-economic community, and the international community entails the demolition of a few hoary shiboleths -- to which we shall attend in the following chapter.

II.

Sovereignty, Territoriality, Property.

Sovereignty, Territoriality, Property

We have seen the human universe, the world community, moving in the direction of state boundary consolidation. Extending the scope of its jurisdiction. Reaching for its external police power. We have seen the nation-state moving in the direction of the world community, the human universe. Becoming up its police power, internal & external, and foreign policy and "federation", the base-meaning potential -- these being the basic means, internal and external, of national sovereignty -- is in a twilight: in need of a redefinition & the scope and function. For the [illegible] Source for communication theory at the moment is boring, is correspondence & need that can be mapped, in the sense of a 1-1 correspondence between the elements and between the paths connecting them, a kind of Leibnitzian monadology in which every monad represents more or less clearly and distinctly the whole.

How far is the development likely to go? Is it probable -- or desirable -- that the sovereign nation-state go forward to total dissolution and elimination? Will the nascent community "condense" to the point of becoming a sovereign super-state?

It is an easy prediction that neither is going to happen.

The nation-state is with us to stay, for a good long time. But the world community is not going to eventually [illegible] a nation-state in the traditional sense: in the sense that Western Europe has since the end of the Thirty-years War, its time & its form.

The people of the world, in some sense, might be considered to form a "nation;" but the world community cannot be a "state."

"Sovereignty," in the traditional sense, cannot be an appanage of the world government. "Sovereignty" is rooted in the concept of "territoriality," which is disappearing as a major factor in the political order. "Sovereignty" and "territoriality," in turn, are cognate to the concept of "property." All three emerged, absolutized, from the ashes of the feudal order. They are the hall-marks of an individualistic era of the latter portion, roughly, three hundred years: 1618-1918. From the beginning of the Thirty Years War to the end of World War I.

It is the theme, then, of this portion of the book that all three are in a common crisis today.

This, quite briefly, will be the content of this second Chapter.

The "nation," strangely enough, is something that is exceedingly difficult to define. Max Weber, one of the greatest sociologists of this Century, attempted it — and did not succeed. A nation, he said, cannot be defined unequivocally in terms of the empirical qualities common to those it comprises. A nation. The concept implies undoubtedly that a certain group of people have a specific feeling of solidarity with respect

to others. In all events, the concept belongs to the sphere of values.
There is no agreement, however, as to how these groups are to be delimited,
or what sort of common action is to result from the feeling of solidarity.
"Nation," which per se is not identical with "population of a state," i.e.,
with belonging to a political community. Many political communities -- e.g.
imperial Austria, Switzerland, Belgium -- are not "nation states" or
"national states" as divided up ~~into~~ so that their members belong to different
"states." Nor does the concept of nation coincide with that of "linguistic
community" either. For this is by no means sufficient in all cases -- it is
simply a fact that the English-~~speaking~~ language community! -- on the other hand,
a common language does not seem to be an indispensable requirement.
(We have "pure Negro" on the passport as an official document.
It may happen that "national" ties to people speaking the same language
are rejected, and Confucian honor or other man-cultured values
such as religion, or social structure or custom, prevent. It may be
based on "ethnic" elements, or, above all, völkisch pride, or memories
of common political destinies. ~~And here~~ (which Cicero to Brutus as an example.
And here the loyal French citizen of the Revolutionary days called on
Mars "comme Dieu des Français.") It is self evident, that per se, that
"national belonging" must not be based on blood relationship:
the most radical "nationals" are apt to ignore descent.
"Belonging to a certain specific anthropological type, finally,
is not simply identical, but it is neither sufficient nor the
possibility of a "nation" nor is it necessary."

There is nothing in this definition, that could stop us from considering mankind as a whole as a "nation," in so far as a "nation" can be a multinational, multilingual, and multiracial community. The only definite link with "a specific feeling of solidarity with regard to others" that makes mankind as such can be a nation is a question of values.

A state, on the other hand, – in our usual political definition – is "a body of people permanently occupying a definite territory and politically organized under a sovereign government almost entirely free and possessing certain powers to maintain order within the community." In these terms the world can never be a state: the "state" is clearly based on territoriality. But territoriality implies boundaries within which State authority rules and outside of which it holds no legitimate sway. Territoriality is meaningless without "extra territoriality." But there is nothing extra territorial to the world in the traditional sense, unless it be a distant star, the ocean floor, outer space and the celestial bodies. ~~It is not by~~ There is a strange logic in the fact that it is just in these two areas – outer and inner space – that the strongest impulse came toward a supranational order: But not on that delimitated clearly against these areas, but, on the contrary, include them, to exclude it only by to them, thus, really leave, ~~as before~~ logically, nothing "extra territorial." "All-territorial" however, means "non-territorial." The fact of territoriality as sole state-basis is based, thus, on the notion of the world community. Hence the world community cannot be a "state" in the traditional sense.

As a "sovereign government almost entirely free from external Control," too, implies the existence of something "external," in the absence

by which the concept transforms itself.

The concept of sovereignty, historically is ambiguous. In the making of the western Nation-state it had both an internal and an external meaning. Internally, it derived from the theory of Hobbes, Machiavelli, Austin and Bodin. It rested on a "monopoly of force," or "the nationalization of the army," as we say. It came into existence when power was successfully centralized to make possible obligatory. Externally, it meant the freedom, on the part of the sovereign, to pursue his own interests by all means, including war. Sovereignty, in this view, was first conceptualized by Grotius. The internal and external aspects of sovereignty have always been intimately connected: strong, centralized governments were more apt to conquer and administer vast empires than states where power was divided. The alternative "Federation or Empire," has, too, a double meaning: Federation & Confederation both "federalization" (internal division of power, "democratization" and "federation" (expansion by army, through the voluntary accretion of sovereign, equal communities), while "Empire" stands for a system of internal absolutism and external conquest.

Being an attribute of democracy as well as autocratic systems of empire as well as federation, sovereignty has no fixed seat. It may be vested in the rule, the ruler, or the ruled.

A constitution may be sovereign – even a principle. A king or other potentate may be sovereign (Bodin) so may be, ~~Rome by conquest of the French Revolution~~, the people. (Althusius, Rousseau)

According to classical federalist theory, (Jefferson, Bodin) sovereignty can be divided between the state constitution & Federation and Federal & each. According to other theorists, any such division is illogical and impossible. If sovereignty, as Hobbes and Bodin held it to be, is supreme and absolutely unrestricted authority, it cannot be divided legally, it being impossible to possess supreme authority and not to possess it at the same time.

"Divided sovereignty is an expression which explains and Constitutes nothing," says the leading theorist of Yugoslav Federalism, J. Đ.

"If the explanation is sought in classical Bodinian terms, sovereignty is one, indivisible and non-transferable. Division kills sovereignty conceptually, it is its negation." Constitutions each still -- by the Thirties Clause or the ~~state~~ Federal Constitution -- transfer part of their 'sovereignty' to the organs of the Federation presume the division of something in itself indivisible.

But no matter whether ~~one emphasizes~~ it external or its internal aspect, whether one (emphasizes) it is King, Constitution or Citizen, whether it is considered divisible or indivisible, sovereignty has one (and must) absolute and permanent characteristic: it is Eminent, in its very essence, territoriality. King, Constitution, or Citizen are "sovereign" within a certain delimited territory, outside of it, the sovereign ~~cannot be~~ cannot be exercised.

Since the United Community is a non-territorial Community it can therefore have no sovereignty, in the traditional sense.

or: since sovereignty is compromised by an internal and an external factor, and, in the case of the world economy, the external factor equals zero, ~~the~~ sovereignty ceases to exist.

The most objective, most irrefutable, index which nations still can be ready to "renounce" their sovereignty and "pool it all" in a great international body, is simply ~~to what it~~ power in every sense.

Although, I mean not to "renounce" or "pool all", however, something evidently is happening to national sovereignty as we all national level. One again is then confronted a typical correspondence, mentioned above: this point-to-point, line-to-line mapping, with each moment showing, a reminder, the whole. "National sovereignty" has been eroded by technology, economic, cultural and political development. Powerful economic interest and organizations as multinationality and ownership, national decision-making. There are cartels, who "outlive wars, changes of governments, revolutions, and even the rise and fall of political ideologies," as one expert, Theodor H. Kreps pointed out in a essay "Experience and Limitations of International Cartels." The effects remain, - a series of supranational economic blocks, community & Community, each one is an government, is one result of doing business, is one reaction and trade barriers, superimposed on, and interlaced with one another in a systematic complexity... The boundaries thus formed by the Community empires are

not those of a political state but those of the international movement."

There are international ideological interests and political parties, cultural organizations and Churches who, in many instances, inspire a "dual" or "multiple citizenship" or the individual and create a dual or multiple loyalty: to Rome and to your own nation. To Moscow and to your own nation. To Jerusalem and to your own nation; implying, in some cases, international conflicts which may imply contradictions and difficult adjustments by conscience. This is what phenomena like those of multiple citizenship, in a variety of organisms and organizations and one begins to see the fact that must be studied.

In the political, juridical sociological, anthropological fields, various systems guaranteed [illegible] and to the division of government.

Besides the giant corporations of the international banks they have given rise to another, smaller "giant" of a different kind. The fact of the event. This interests and the range of their operations are "transnational" they show a deliberate national policies - sometimes contrary to national interest - as obvious. One may, but must not be a Marxist to realize that in Cuba Pepsi Express Corporation has something to do with a American policy known as Bahia de Cochinos and its success; that in those Mexican and Central American countries, as for instance Anderson Clayton and United Fruit or not totally disinterested in what happens - Bengal. These giants officially maintain a peaceful political as a sovereign nation-state. They make sense

the concept of national sovereignty.

But it is not only the world economy, big business, big labor, union organizations and cartels that are doing the job. Other forces are converging. – p. 11 – 14.

The ~~forces~~ economic, social, and cultural forces which undercut and overcome national sovereignty today are non-territorial: relationships. Association of individuals, [illegible] relationships. ~~their growing importance~~ ~~[illegible]~~

As they waxed in importance, territorially ~~[illegible]~~ or bounded political life [illegible] as the one and the major stage factor. – ~~[illegible]~~ ~~and~~ ~~But then~~ ~~the concept of national sovereignty and the concept of territoriality are inseparable: logically, and historically.~~

"Corporations are chips of the block of sovereignty" – a almost Hobbes prediction.

The crisis of the concept of territoriality as the basis of the political order has another consequence: and that is the crisis of the concept of private property. For private property is territorial sovereignty on a reduced scale.

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~~Like~~ Just as national sovereignty, property is a concept that appertains to the era of individualism. Hegel defines it as the expression of the "free will." He also knew that this concept was of recent origin [and that the feudal age recognized ownership of the use, not of the value of a property. There, property was functional, not absolute; and it is only insofar as it is functional that it is found in human nature, or in nature in general. True, ~~For~~ animals, as well as humans, "own" property ~~and~~ – whether territory, food stores, or [illegible], a ~~family~~ family – and have elaborate systems for their defense. But such property does not exceed the limits of the "functional," i.e. its only function being the security of the "owner," whether collective or individual, during the cycle of migration and season. Come fall, come winter, and the brood flies, or runs, and the territory is abandoned and is not fought.

Any sense of ownership is extinguished from the outset. Treatment of property

~~ownership~~ - or heritage - extends to more tangible goods: clearing, hoe & pig, "inheritance"

house: a common heritage of a group.

How & person's power, based on the shelter; not & "real estate".

A person's house an extension

Every primate shows for territory. Every individual, each of & body owns.

Then, more likely, was it simply our primate ~~[illegible]~~

~~Middle Age property as fundament, by it mean ownership~~.

Veblen suggests that "the earliest occurrence of ownership seems to fall in the early stages of barbarism, and the emergence of the institution of ownership is apparently a concomitant of the transition from a peaceable to a predatory habit of life."

~~In~~ the middle Age a distinction was made between "ownership" and "use" of property: "ownership", as absolute, individual, hereditary right, [Calvin] title to fundamental and common, i.e. in & Common interest of man. ~~& right of man to the earth~~ According to Thomas Aquinas, & right of man to the natural goods imply & power to manage, administer and use them goods. ~~&~~ But the duty of & Common, and of benefit to all. "With regard to external things, man ought to possess them not as his own, but as common, so that he is ready to part them on of his property to others who are in need." Locke, my object property right, about which there exists

& violation of & natural right, but it may regulate them in different ways, according to & requirements of & Common goods. Locke told defines property as anything that man removes out of & state that Nature has provided and left it in ("common property") and has mixed his labor with it and joined to it something that is his own." ~~Property has to be~~ As much as any one can make use of to any advantage of life before it

spirit, so must he may by his labour fix a property in.
otherwise: beyond this is more than he share and belong to others.
nothing so much by God for man to spoil or destroy."

"Property" has two limited quantitative and qualitative.
Quantity, by "use" is determined by the state of available
technology. Qualitatively, in that the "use" has "common-
to the interest of, and regulable by the community. The Lockean
technology, the principle of ~~the~~ by the many manners, the dissolving of moments,
poor, sovereign, individuals, all common to the dissolute the concept of
property & wealth. (common)
Capital ~~was the~~ first obstacle for the historical wealth, making the "private" individual aspect of property.
Locke observed for use, the appropriate of wealth
for labor. (Marx), ~~but the development was paradoxical~~ in other spirit

~~But~~ the new technology that limited the many property limited
and absolved in the poor, land lack, the limit of age, and the more of
purchased, and "common". For of wealth in product of
property in the component of nature
(limited, resource, to energy) and "labor" (technology, skill, organization
and drop), ~~and~~ and property owned of "ownership" and "use",
~~part of the of relationship, of the other~~, the increase in the second
part of each part, - that in "~~common~~" has dynamic and "common"
land to overwhelm the part part of each part. that in stable of
and property. Education. Learning, science combined in the second cause of "fluid obstacle".
created by "capital" wealth, the capital wealth as created by "natural wealth".
Each of the education, science, the each wealth rate in capital and.
The second obstacle, however, making the material of common
aspect of property as wealth. ~~The~~ Here the cultural Revolution
- ~~the~~ that the whole relation of the ~~in~~ the cycle.

Here, we see the radical to explain the upsurge of liberalism, ~~re-propose~~ Locke & Smith of private property

Concept of Common property.

It called Church, what politically side of Centuries led to advocacy of Capitalism and found property in the Creation[s] remains subject to pre-Capitalist doctrine. In new Creation / absolutism of property as was to absolutism of sovereignty. In other time Paul VI;

Encyclical Populorum progressio does not propose for other Centuries - Terra bona does not "Sovereignty": "... private property does not constitute for anyone an absolute and unconditional right. No one is justified in keeping for his exclusive use what he does not need when others lack necessities... The right to property must never be exercised to the detriment of the common good. If there should arise a conflict between acquired rights and primary communal exigencies, it is the responsibility of public authorities to look for a solution, with active participation of individuals and social groups... It is unfortunate that in these new conditions [of the industrial Capitalist] of society a system has been constructed which considers profit as the key motive for economic progress, competition as the supreme law of economics, and private ownership of the means of production as an absolute right which has no limits and carries no corresponding obligations.

Hawkins have to us some, pre-Capitalistic, pre-industrialistic concept of property & Archbishop of Canterbury, a couple of decades

earlier, declared all "elements of life" to be "common property." "There are four requisites of life which are provided by nature, even apart from man's labor; air, light, land, and water ... I am not persuaded that the right way to deal with this question is by nationalization of the land... but I am sure we need to assert the primacy of the community respecting land and water with a vigor of which recent political history shows no trace. Here, supremely, the principle of the old Christian tradition holds that the right of property is the right of administration or stewardship -- rather than the right of exclusive use."

"Stewardship" or "trusteeship" of property. Not ~~the old Gandhian~~; ~~except possibly as a~~ the old Gandhian concept of ownership whether of animate or inanimate, tangible or intangible goods. Divest the Gandhian heads, neither the shareholders, directors, managing agents, technicians and labourers jointly or severally, nor even the State is the absolute owner of an industry. The idea of God's ownership or the absence of ownership of any human being, or even of the whole of humanity, in anything whatever, rejects all claims either by shareholders, managers, experts or workers to dividends, Commissions, bonus, etc., in proportion to profit. Everyone will be entitled to the fulness of the requirements of the industry to the best of his capacity may help a wage (only he needs), but the wage should be in accordance with his needs, and not in accordance with the value of his contribution.

Gandhi's concept of property also rejects the right of a State or
dictator or worker to destroy that property wantonly, on the grounds that
they may do anything with what belongs to them. It is not only those
actually working an industry, furthermore, that are entitled to
its profits, but everything is to be shared with every one else, at
present and non-human life.

The same concept of the absence of ownership of any human
being has been embodied, for the first time, in a modern constitution
in Yugoslavia in 1963. Here it bears the name of "social
property," a concept distinct from that of the State-owned property
of the other communist countries. Social property belongs to no one; it
does not exist to the State Communism or State capitalism. It is individuals
or collectives who of property under social responsibility. Article 8
of the Yugoslav Constitution, for example, declares that minerals and
other natural resources are social property; article 20 establishes
that "land is a resource of common concern."

More recently, the concept of common property has entered the
arena of international law. The Treaty on Principles Governing the
Activity of States in the Exploration and Use of Outer
Space, Including the Moon and Other Celestial Bodies
(Jan. 27, 1967) declares outer space to be "the common province
of mankind" and establishes that "the exploration and use of

The Treaty Establishing the European Atomic Community (Euratom) provides that

"Special fissile material shall be the property of the Community. The Community's right of ownership shall extend to all special fissile material produced or imported by a Member State, person or undertaking" ~~by~~ "Member States, person or undertakings shall have the most extensive right of use ~~any~~ consumption of special fissile material which is consistent with their possession in a proper manner subject to the obligations imposed upon them by the provisions of this Treaty."

outer space, including the Moon and other celestial bodies, should be
carried out for the benefit and in the interests of all countries, irrespective
of their degree of economic or scientific development." Outer space, of course, is
not land, nor water, nor energy, nor other means of production; outer space — at least for a
time being — has no economic potential. And the principle thus remains somewhat
abstract. But the principle has been established, and is of important
fact. At the writing, the whole community is heatedly debating its
application to the ocean floor. It realizes and is subject thereto,
beyond a certain limit of national jurisdiction. This means food,
this means oil and minerals: a very tangible common property.
The ocean regime, which ~~a treaty for the oceans~~ will be established
should
to administer the common property is a treaty for all mankind.
As proposed by U Thant in his address of August 1, 1967,
would undoubtedly be a proper step forward, in the direction
extended
of a ~~fleeting~~ right of world community, transcending and transforming
the concept of sovereignty, of territoriality, and of property.

We have seen the human universe, the world community, moving in the direction of statehood: condensing. Extending the scope of its jurisdiction; reaching for increased police power. We have seen the nation-State moving in the direction of the world c ommunity, the human universe: loosening up, reducing its police power; internal law inforcement and foreign policy (with its "continuation" through war) -- these being the hallmarks, internal and external, of national sovereignty -- in a twilight, in need of a redefinition as to scope and functions. To borrow from communications theory, the correspondence, at this moment in history, is such that one can map it in the sense of a one to one correspondence between the elements and between the paths connecting them, a kind of Leibnitzian monodology in which every monad represents more or less clearly and distinctly the whole.

How far is this development likely to go? Is it probable -- or desirable -- that the sovereign nation-State go towards its total dissolution and elimination? Will the world community "condense" to the point of becoming a sovereign super-State?

It is an easy prediction that neither is going to happen. The nation-State is with us to stay, for a good long time. And the world community is not going to embody itself in a nation-State in the traditional sense: in the sense that Western European history, since the end of the Thirty-Years War, has given to that term.

The people of the world, in some sense might even be considered to form a "nation"; but the world community cannot be a "State." "Sovereignty," in the traditional sense, cannot be an appanage of world government. "Sov-

ereignty is rooted in the concept of "territoriality," which is disappearing as a major factor of the political order. "Sovereignty" and "territoriality," in turn, are linked to the concept of "property." All three emerged, absolutized, from the ashes of the feudal order. They are hallmarks of an individualistic era which lasted, roughly, three hundred years: 1618-1918: From the beginning of the Thirty-Years War to the end of World War I.

It is no chance, then, it is profoundly logical, that all three are in a common crisis today.

This, quite briefly, will be the content of this second chapter.

A "nation," strangely enough, is something that is exceedingly difficult to define. Max Weber, one of the greatest sociologists of this century, attempted it -- and did not succeed. A nation, he said, cannot be defined unequivocally in terms of the empirical qualities common to those who make up the nation. The concept implies undoubtedly that a certain group of people have a specific feeling of solidarity with regard to others. In other words, the concept belongs into the sphere of values. There is no agreement, however, as to how these groups are to be delimited, or what sort of common action is to result from this feeling of solidarity. "Nation," Weber points out, is not identical with "population of a State," i.e., with belonging to a political community. Many political communities -- e.g., Imperial Austria, Yugoslavia, comprize more than one "nation" or are "multinational." Other "nations" are divided so that their members, or minorities of their membership, belong to different "States." But the concept of "nation" does not coincide with that of "linguistic community" either; for this is by no means sufficient in all cases -- just think of the English speaking community! -- On the other hand, a common language does not seem to be an indispesnable requirement: the term "Swiss Nation"

can be found even in official documents. It may happen that "national" ties with people speaking the same language are rejected, and cohesion is based on other mass-cultural values, such as religion, or social structure, or custom in general. It may be based on "ethnic" elements, or, above all -- Weber points out -- on memories of common political destinies. Weber cites the Alsatians as an example who have been loyal French since the days of the Revolutionary Wars which are their "common heroic age." It is self-evident, he goes on, that "national belonging"must not be based on blood relationship: the most radical "nationalists" often are of foreign descent. "Belonging to a common specific anthropological type, finally, is not simply indifferent but it is neither sufficient as a foundation of a 'nation' nor is it necessary."

There is nothing in this definition, or nondefinition, that could stop us from considering mankind as a whole as a "nation," inasfar as a "nation can be a multinational, multilingual community. The only difficulty lies with "the specific feeling of solidarity with regard to others." The question whether mankind can or cannot be one "nation" is a question of values.

A state, on the other hand -- if we accept Webster's definition -- is "a body of people permanently occupying a definite territory and politically organized under a sovereign government almost entirely free and possessing certain powers to maintain order within the community." In these terms, the world can never be a state: the State is crearly based on territoriality. But territoriality implies boundaries within which State suthority rules and outside of which it holds no legitimate sway. Territoriality is meaningless without "extraterritoriality." But there is nothing extraterritorial to the world in the traditional sense, unless it be the Deep Seas, the Ocean Floor, Outer Space and the Celestial Bodies

There is a strange logic in the fact that -- as we shall see later -- it is just from these two areas -- outer and inner space -- that the strongest impulse comes toward a supranational order: which, however, does not delimit itself against these areas but, on the contrary, includes them, extending the rule of law to them, thus really leavling, logically, nothing extraterritorial. "All-territorial," however, means "non-territorial." The factor of territoriality, on which statehood is based, thus is eliminated at the level of the world community. Hence the world community cannot be a "State" in the traditional sense.

A "sovereign government almost entirely free from external controls" likewise implies the existence of something "external," in the absence of which the concept transforms itself.

The concept of sovereignty, historically, is ambiguous. In the making of the Western Nation STate it had both an internal and an external meaning. Internally, it -erived from the theories of Hobbes, Macchiavelli, Austin and Bodin. It rested on a "monopoly of force," on "the nationalization of the army," so to speak. It came into existence when power was sufficiently centralized to make jurisdiction obligatory. Externally, it meant the freedom, on the part of the sovereign, to pursue his own interests by all means, including war. Sovereignty, in this sense, was first conceptualized by Grotius. The internal and the external aspects of sovereignty have always been intimately connected: strong, centralized governments were more apt to conquer and administer vast empires than States where powers were divided. The alternative "Federalism or Empire," thus, too, has a double meaning. Federalism signifies both "federalization" (internal division of power, "democratization") and "federation" (expansion, if any, through the voluntary accretion of sovereign, equal communities); while "Empire" stands for a system of internal domination and external conquest.

Being an attribute of democratic as well as

autocratic societies, of empires ad well as federations, sovereignty has no fixed seat. It may be vested in the rule, the ruler, or the ruled. A constitution may be sovereign --even a principle. A king or other potentate may be sovereign (Bodin). So may be the people (Althusius, Rousseau). According to classical federalist theory (e.g., Jefferson) sovereignty can be divided between the States constituting a federation and the federation as such. According to other theories any such division is illogical and impossible. If sovereignty, as Hobbes and Bodin hold it to be, is supreme and absolutely unrestricted authority, it cannot be divided, it being impossible to possess supreme authority and not to possess it at the same time. "Divided sovereignty is an expression that explains and constitutes nothing," writes the leading theorist of Yugoslav federalism, Jovan Djordjevic. "If the explanation is sought in classical Bodinian terms, sovereignty is one, indivisible and non-transferable. Division kills sovereignty conceptually; it is its negation." Constituent acts which, like those of the Thirteen Colonies or the Founding Cantons in Switzerland, "transfer part of their sovereignty" to the organs of the Federation presume the division of something in itself indivisible.

But no matter whether its external or its internal aspects be emphasized, whether it be lodged in King, Constitution or Citizen; whether it be considered divisible or indivisible, national sovereignty has one absolute and permanent characteristic: it is linked, in its very essence, to territoriality. King, constitution, or citizen are "sovereign" within a certain delimited territory, outside of which this sovereignty cannot be exercised.

Since the world community is a nonterritorial community it can therefore have no sovereignty in the traditional sense. or:Since sovereignty is compounded by an internal

and an external factor and, in the case of the world community, the external factor equals zero, sovereignty ceased to exist.

The much debated and insoluble issue: whether nations will ever be ready to "renounce their sovereignty" and "turn it over to a world authority" is therefore quite simply posed in wrong terms.

Although it must not be "renounced" or "turned over," however, something evidently is happening to "sovereignty" also at the national level: due, again, to that mathematical or topological correspondence, mentioned above: that point-to-point, line-to-line mapping with each monade standing for or resembling the whole. "National sovereignty" has been eroded by technology, economic, cultural and political developments. Powerful economic interests and organizations are undercutting and overcutting national decision-making. There are cartels which "outlast wars, changes in government, revolutions, and even the rise and fall of political States," as one expert, Theodore Kreps points out in an essay "experience with Unilateral Action Toward International Cartels." Their efforts result "in a series of supranational economic States, commodity by commodity, each with its own government, its own rules of doing business, its own sanctions and trade barriers, superimposed on, and interlaced with one another in labyrinthine complexity...The boundaries that count in forming these commodity empires are not those of the political State but those of the international market."

Whether the giant corporations or the international cartels they have given rise to are, in themselves, "good" or "bad" is a different question. The fact is, they exist. Their interests and the range of their operations are "transnational." Their share in determining national policies -- sometimes contrary to national interests or goals -- is notorious. One may, but need not be a Marxist to realize that the Cuban Sugar Export Corporation had something to

do with American policy toward the Batista regime and its successor; that the Union miniere and British Petrol were rather sizable factors in the Congo crisis; or that Anderson Calyton and United Fruit are not totally disinterested in what happens in Brazil. These giants efficiently undercut the foreign policies of the sovereign nation-State. They make havoc of the concept of "national sovereignty."

But it is not only the world economy, Big Business, Big Labor, unions corporations and cartels that are doing the job. Other factors are concurring.

One of them is the supranational political party. Socialist internationals and Cominterns have a long history by now. But, until recently, it was not a very impressive one. All it took was a war, and the whole thing folded up. German workingman shoots French workingman. Polish and Russian companions cut one another's throats. This is what happened in 1914.

A quarter of a century later, the situation was quite different.

Who determined the policy of the "sovereign" French nation in the thirties?

The Popular Front Government existed because Stalin wanted it. It fell under the onslaught of the Ribbentrop-Moltov Pact in 1939 which disrupted the socialist-Communist alliance. All this, as is well known, created considerable confusion within the French Communist party itself, which led to a purge by the Third Comintern. Many of the French Communist leaders were replaced by more obedient followers of Stalin.

In the 1939-41 period, the Comintern orders stressed neutrality and opposition to any preparation to war against Hitler. French Communists engaged in slow-down and sit-down strikes on wharves, harbors and in factories. They were a decisive factor in the French collapse and the occupation by Germany.

With the German attack on the Soviet Union, Communist parties were directed once more to reverse their strategy. They joined their national underground and partisan movements. They led the resistance against Nazi occupation. The French Maquis owe much to Communist initiative and discipline. At the time of the liberation, the French Communists emerged at their strongest. The economic and social demands of the Resistance Charter, which was drawn up by the main resistance movements in 1944, were quite reminiscent of the older Popular Front.

Another factor are supranational Churches.

Was it the sovereign American nation that helped General Franco into the saddle, at a moment when the President and his entourage were fully awake to the growing danger of Nazi-Fascism in Europe, and national interest would clearly have dictated a policy apt to halt its expansion?

The Roman Catholic Church in the U.S. was almost united in supporting General Franco, in pressuring Congress and the Government into recognizing the dictator, breaking with the Republic and preventing the lifting of the arms embargo which might have saved the Republic.

Harold Ickes noted in his diary in 1938 that he had discussed the matter with congressional leaders who said that to lift the embargo from the Republican government would mean the loss of every Catholic vote that autumn. Ickes commented: "This proves up to the hilt what so many people have been saying, namely that the Catholic minorities in Great Britain and America have been dictating the international policy with respect to Spain." (Paul Blanshard, God and Man in Washington. Boston: Beacon Press, 1960).

Since the Second Vatican Council and the promulgagion of "Pacem in Terris" the policy of the Roman Catholic Church has been wholly in favor of peace. The Pope's interventions on behalf of peace are too numerous, too recent, and too well known to need being recalled here. Not since

the Middle Ages -- before the dawn of national sovereignty -- has the political power of the Catholic Church, and of other Churches as well, been so decisive as it is now, at the dusk of this concept. Could the two facts be connected somehow -- especially where the Church constitutes the only institutional or institutionalized link between peoples of one nation (as in Germany) whose sovereignty has been trodden down?

The economic, social and cultural forces which undercut and overcut "national sovereignty" today are nonterritorial: voluntary associations of individuals, based on contractual relationships. As they waxed in importance, territoriality, as the only or even the major factor in political life, was bound to wane.

The crisis of the concept of territoriality as the basis of the political order has another consequence: and that is the crisis of the concept of private property. Private property is territorial sovereignty on a reduced scale.

Just as national sovereignty, private property is a concept that appertains to the era of individualism. Hegel defines it as "an expression of the free will." He also knew that it was of quite recent date. It came into its own at the time of the absolute French monarchs who considered their sovereignty as absolute as their property.

True, animals as well as humans "own" property, whether territory, food stores, tools or embellishments, or a family or knowledge. They have elaborate systems for the defense of such property. But the property does not exceed the limits of the "functional," its only function being the security of the "owner," whether collective or individual, in running his cycle of migrations and seasons. Come fall, come winter, and the brood flies, or runs, and the territory is abandoned until another season. Any sense of ownership is extinguished from the

animal mind. Transmission of goods or inheritance is restricted to nontangible goods: learning to sing, learning how to paint a bower, build a shelter, use a tool: the common heritage of the group. As far as tangible goods are concerned, every generation starts from scratch. Every individual, each year, starts anew.

This, most likely, was the situation with primitive man. Veblen suggests that "the earliest occurrence of ownership seems to fall in the early stages of barbarism, and the emergence of the institution of ownership is apparently a concomitant of the transition from a peacable to a predatory habit of life."

In the Middle Ages a distinction was made between "ownership" and "use" of property: Ownership, theoretically, was absolute and individual; but practically this aboluteness was tempered by "use" which is functional and common, i.e., use must be exercised in the common interest of man. According to Thomas Aquinas, the rights of man over material goods imply the power to manage, administer and use these goods, but the use ought to be common and of benefit for all. "With regard to external things, man ought to possess them not as his own but as common, and always ready to put them at the disposal of others who are in need." Legislation may, not abolish property rights, which would be a violation of natural rights, but it may regulate their exercise in different ways, according to the requirements of the common good.

Locke defined property as anything that man removes out of the state that Nature has provided and left it in ("common property") and has mixed his labor with it, and joined to it womething that is his own." "As much as any one can make use of to any advantage of life before it spoils, so much he may by his labour fix a property in. Whatsoever is beyond this is more than his share and belongs to others. Nothing was made by God for man to spoil or destroy."

Property thus was limited quantitatively and qualitatively. Quantitatively, by "use" as determined by the state of available technology (so that nothing would spoil); qualitatively, in that this "use" was "common" -- in the interest of, and regulable by, the community.

Advancing technology and the perfection of the money market were bound to change this situation. And the abolutizing of monarchy, of power, of sovereignty, of individuality, all concurred to absolutizing the concept of property as well. Ownership was divorced from use ,or misuse, the appropriation of wealth from labor (Marx). Capital, the first abstraction from "natural" wealth, maximizes the "private" or individual aspect of property.

But technology, which tended to make property limitless and absolute in the past, tends today to limit it again and to make it functional and "common." For if wealth is a compound product of nature (territory, resources), or its abstraction, capital, and labor (skill, technology, organization and design), the former turned out to be relatively constant or static, the latter, dynamic and almost infinitely variable. But technology, science, organization and design are "common". Functional. Like "use."

Science, learning, education constitute a further, second level of abstraction. Created by "capital" wealth the way "capital" wealth was created by natural wealth. Today it is education, science, technology that creates further wealth, rather than capital as such. This second abstraction, however, maximizes the cultural or common aspect of property or wealth. Hence the "cultural revolution" -- to which we shall return in the next chapter. Hence the novel issues arising from the use of science, which is common property, i.e., limited functionally and to be used in the interest of, and regulable by, the community.

Here this indication may be sufficient to explain the upsurge of literature reproposing today the concept

of "common property."

The Catholic Church, while politically-siding for centuries with the advocates of capitalism and private property, has philosophically remained faithful to precapitalist doctrine. It never accepted the absoluteness of property any more than the absoluteness of sovereignty. In due time Paul VI's Encyclical "Populorum progressio" did to property just what "Pacem in Terris" had done to "sovereignty." "...Private property does not constitute for anyone an absolute and unconditioned right. No one is justified in keeping for his exclusive use what he does not need when others lack necessities....The right to property must never be exercised to the detriment of the common good. If there should arise a conflict between acquired rights and primary community exigencies, it is the responsibility of public authorities to look for a solution, with the active participation of individuals and social groups....It is unfortunate that in these new conditions /of industrialization/ of society a system has been constructed which considers profit as the key motive for economic progress, competition as the supreme law of economics, and private ownership of the means of production as an absolute right that has no limits and carries no corresponding obligations.

Harking back to the same, pre-capitalistic, pre-individualistic concepts of property, the Archbishop of Canterbury, a couple of decades earlier, declared all "elements of life" to be "common property." "There are four requisites of life which are provided by nature, even apart from man's labor: air, light, land, and water.... I am not persuaded that the right way to deal with this question is by nationalization of the land...but I am sure we need to assert the prior interest of the community respecting land and water with a vigor of which recent political history has shown no trace. Here, supremely, the principle of the old Christian tradition holds that the right of property is the right of administration or stewardship --

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Gandhi's concept of property also rejects the right of the State or directors or workers to destry that property wantonly, on the ground that they may do anything with what belongs to them. It is not only those actually working an industry, furthermore, that are entitled to its fruits, but everything is to be shared with every one else, not forgetting even non-human life.

An analogous concept of the <u>absence of ownership by any human being</u> was embodied for the first time in a modern Constitution in Yugoslavia in 1963. Here it bears the name of "social property," a concept distinct from that of the State-owned property of the other Communist countries. "Social property" belongs to no one. It does not lead to State Communism or State capitalism. It is individual or collective <u>use</u> of property under social responsibility. Article 8 of the Yugoslav Constitution, for example, declares that mineral and other natural resources are social property; article 20 establishes that "land is a resource of common concern."

Most recently, the concept of common property has entered the arena of international law.

The Treaty Establishing the European Atomic Community (Euratom) ordains that "special fissile material shall be the property of the Community. The Community's right of ownership shall extend to all special fissile material produced or imported by a Member State, person or undertaking." "Member States, persons or undertakings shall have the most extensive right of use and consumption of special fissile material which has come into their possession in a lawful manner subject to the obligations imposed upon them by the provisions of this Treaty."

The Treaty on Principles Governing the Activity of States in the Exploration and the Use of Outer Space, Including the Moon and Other Celestial Bodies (Jan. 27, 1967) declares outer space to be the "common province of mankind" and establishes that "the exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development."

Outer space, of course, is not land, nor water nor energy nor other means of production. Outer space -- at least for the time being -- has no economic potential. And the principle thus remains somewhat abstract. But the principle has been established, that is the important fact.

At this writing, the world community is heatedly debating its application to the ocean floor, the sea-bed and the subsoil thereof, beyond the limits of national jurisdiction. This means food. This means oil and minerals: a very tangible common property. The ocean regime, which should be established to administer this common property as the trustee for all mankind, as proposed by the Ambassador of Malta in his address before the General Assembly of the United Nations on November 1, 1967, would undoubtedly be a significant step forward, in the direction of an articulate, flexible system of

world communities, transcending and transforming the concepts of sovereignty, of territoriality, and of property.