

Globalization and International Justice

Introduction by Luis Ernesto Derbez Bautista



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GLOBALIZATION AND INTERNATIONAL JUSTICE

Globalization and International Justice



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PREFACE

In recent years many different ways of explaining and documenting globalization, its nature and its effects have been sought by approaching it from different angles and perspectives. From the standpoint of international action and foreign policy implementation of a country like Mexico, interest has certainly focused especially on knowing what opportunities globalization offers and what its effects and repercussion are, particularly for the so-called economies in transition.

The Government of President Vicente Fox Quesada has been aware of how strategically important it is for Mexico to actively and decisively participate in the political, economic, technological and cultural processes taking place in the framework of globalization in the world today. That is why it has, with a clear sense of responsibility, assumed a role of active participation in world matters. Thus the sense of priority and urgency regarding the need to address the problems of international justice and its relationship with globalization processes as one of the new spheres of reflection and action for a country such as ours, precisely in the early years of the 21st century.

Reflection on the different processes involved in globalization and their implications for the economy, society, education and the administration of justice in the world is a priority task in which government institutions, academic institutions and organized civil society should participate. The relationship between international justice and globalization can and should be addressed from the standpoint of different disciplines.

This was precisely the basic purpose of holding the colloquium 'Globalization and International Justice' in Mexico City

on June 3, 4 and 5, 2004. It was jointly organized by the Mexican Foreign Affairs Ministry and the Pontifical Academy of Social Sciences. For the first time in its ten years of existence, the Pontifical Academy of Social Sciences agreed to hold a colloquium of this nature at a venue other than the Vatican. This decision reflects the importance of the relations between Mexico and the Vatican State, which are sustained by the shared commitment to strengthen multilateralism and international law as a means of achieving peace among nations.

During the colloquium sessions and following an intense exchange of ideas between the speakers and the audience formed by distinguished academics, lawmakers, public officials and representatives of Mexican civil society, emphasis was placed on the need to increase the shared responsibility of international organizations, States, local governments and organized civil society in defining and implementing development policies.

This book is the result of that exchange of ideas. All the colloquium speakers reviewed and enriched their papers with a view to offering a broader and more diverse public the possibility of exploring this important issue. It will enable the reader to delve more deeply into an analysis of the globalization processes that now occupy and preoccupy humanity, and to do so from the fundamental perspective of international justice.

IRMA ADRIANA GÓMEZ CAVAZOS

INTRODUCTION: REFLECTIONS ON GLOBALIZATION AND INTERNATIONAL JUSTICE

In the 21st century the lives of individuals and nations throughout the world are linked to each other more than ever before. Today we are experiencing veritable global interdependence. The volume and speed at which electronic communications are distributed through different cultures and continents is gaining ever-increasing importance and has multiple effects on different spheres worldwide.

In the initial years of this century, this global process has brought with it new international challenges that had no equivalent in the previous century. Today threats to the peace and security of nations comes not only from internal situations or conflicts between countries, but also from organized crime, pandemics that put the health of citizens at risk and environmental imbalances that know no borders.

At the same time, the economic well-being of the inhabitants is subject to a new trade and financial order defined by regional agreements that limit their benefits to nations favored by them. If we add the growing concentration of technological development in a few member nations of the regional agreements and their companies, and the fact that there are nations not even participating in the new financial and trade architecture, the existence of disadvantages for effectively competing and providing the inhabitants with jobs becomes evident. Additionally, the cultural syncretism created by modern communications is destroying historical concepts of nationality and making it necessary to redefine the concept of national sovereignty.

In contrast, globalization also offers great benefits for publicizing our culture, appreciating our traditions and, at the

same time, learning about other ways of viewing the world. This globalization process that encourages constant change marked by knowledge and technology has not only enabled the most advanced countries to benefit from new opportunities to generate development, but has also allowed the less advanced countries, which participate in this new trade and financial architecture in one way or another, also to benefit from this process. China, India, Korea, Mexico, Brazil and South Africa are some examples. In less than 20 years, these countries have succeeded in developing world class production sectors with high technological content. Access to the Internet has also revolutionized the way business is done in the world, enabling small rural communities in countries such as Bangladesh to carry out increasingly profitable economic activities.

In the sphere of education, new technologies have given children living in communities far from urban centers greater opportunities for access to knowledge, and these opportunities were unthinkable 20 years ago. In the field of medicine, numerous populations have benefited from scientific advances and technological innovation.

The existence of global markets and technological advances offer major opportunities for generating economic and social well-being. However, they also involve the risk of continuing to increase the gap between those who receive the benefits of the globalization process and those who do not have these opportunities because they lack access to education, health and new knowledge.

From the standpoint of social justice, a basic preliminary question that arises is whether globalization necessarily and inevitably increases economic and social inequalities among the nations of the world and within countries. And, if so, what are the possibilities of attenuating or reversing them? Can globalization be directed in a way that will incorporate a sense of economic justice, based on the creation of opportunities for all the earth's inhabitants in all countries?

It is evident that globalization has different impacts on institutions, including States and their political organization, affecting even the classical notions of sovereignty and justice. In this regard, it poses enormous challenges both for national governments and for international organizations in charge of promoting development, economic growth and stability, and international peace and security. The future of humanity depends on controversies and conflicts being settled in the framework of institutions, the rule of law and juridical security.

The international community should reflect on whether multilateral organizations such as the United Nations – with all its organisms, institutions, programs, funds and agencies – the Bretton Woods institutions, the World Trade Organization and other important inter-State actors are able to carry out the task of promoting development processes that will allow inequalities to be reduced.

The States also have the responsibility of ensuring that development policies are sustainable. All members of international society have the obligation, now more than ever before, to protect natural resources, an unavoidable commitment to ourselves and to the conservation of the environment, the heritage of future generations.

It is frequently indicated that international action in a globalized world comes up against limits. The fact that the major challenges today go beyond national borders obliges us to develop more and better mechanisms for cooperation and coordination among national governments.

International cooperation is possible when it shares a long-term vision aimed at building a free and democratic world that is peaceful, prosperous and just. Mexico and the Vatican State are united in their commitment to peace and development. Although they have principles and values resulting from a firm historical identity, this commitment is oriented toward hope for a better future.

In this complex scenario, Mexico has had to reformulate its strategy to integrate itself into the world in the century that is

just beginning. The size of its population, its growing trade influence, the dimension of its internal market, its recently discovered democratic potential and the prestige acquired by its policy for defending human rights, oblige the country to have a greater presence in directing world affairs. This presence should go beyond the traditional commitments enshrined in our foreign policy principles throughout the first two centuries of our existence as a nation.

* * *

This book offers a number of reflections on globalization and international justice and the major challenges of the present century. Its contributions invite us to pose some questions to be taken into account in building a consensus to maximize globalization benefits in a fair manner. What should the international community do to help more backward nations and the most vulnerable groups to gain access to the benefits that globalization offers? What should the governments do to narrow the gap of inequalities in access to information, education and health technologies?

Possible responses to these questions are of particular importance to building a more just international order in which the marginalization and exclusion of regions and communities in relation to the benefits of technological advances and the innovation that globalization has intensified can be overcome.

The international community must maintain and redouble its efforts to update and respect the international juridical framework. It is equally decisive to make both economic and financial multilateral institutions and those in charge of international peace and security more efficient, democratic and transparent.

I invite the reader to enter the pages of this book to analyze, together with the authors, the responses that we should give to these major questions together as governments, international organizations and individuals.

LUIS ERNESTO DERBEZ BAUTISTA

First Part

REFLECTIONS ON GLOBALIZATION,
INTERNATIONAL JUSTICE
AND LEGAL SECURITY

I. INTERNATIONAL JUSTICE IN GLOBAL ECONOMIC DEVELOPMENT: LESSONS FROM EXPERIENCE

EDMOND MALINVAUD¹

INTRODUCTION

In this colloquium we are invited to strain our respective capabilities in order to explore in common the ways for globalization to serve both socio-economic development and international justice. Nobody could dispute the idea that this is a daunting challenge.

My contribution to this undertaking, which leads us to look at globalization through the lenses of international justice, cannot much draw from my very limited competence about the philosophical foundations of justice and about their implications in the international field, although I shall dare to cautiously approach those two subjects in the next part 1 of this paper.

My contribution will mostly draw from two other sources. Firstly, what I learned from our work on globalization in the Pontifical Academy of Social Sciences, a work which culminated a year ago with our discussions on the governance of globalization.² Secondly, what I learned from my long association with public

¹ Paper delivered at the Colloquium 'Globalization and International Justice', Mexico City, 3-5 June 2004.

² E. Malinvaud and L. Sabourin, ed., *The Governance of Globalization*, Pontifical Academy of Social Sciences, Vatican City, 2004.

economics in France and from my participation, during the years 1994 to 1996, to a group in which, with two Nobel prize winners Amartya Sen and Joseph Stiglitz, and with five other economists, we produced a book sponsored by the UN headquarters on *Development Strategy and Management of the Market Economy*.³ I shall say more about that work in part 2, which will indeed concern lessons to be now drawn from the extensive knowledge that has accumulated over the years on development strategies.

In order to comment on the main problems now faced by international globalization I shall find it convenient in part 3 to take in turn the three classes of what are now called global public goods: the physical environment, financial stability and social public goods, notably human health and peace. Overall the purpose will be to reach a correct evaluation of what can be expected in the near future from global governance and how we ought to behave in order to take the best of it.

In the last part 4 I shall try to draw some conclusions. More precisely I shall first note that we may have put too much hope in universal recipes which, everywhere and under all circumstances, would have permitted to successfully meet the challenges of development, globalization and international justice. Experience seems to recommend instead that we recognize the value of enlightened pragmatism. This means that those closest to the problems should be recognized more competence and responsibility for solving them. At the international level the main responsibilities are often indirect: to collect information, to study what regional problems have in common, to organize collective deliberations about them and to diffuse relevant knowledge. There is certainly need for governmental and non-governmental international institutions. But they should not be expected to achieve more than what is possible for them in this still much divided world.

³ E. Malinvaud, J.-C. Milleron, M. Nabli, A. Sen, A. Sengupta, N. Stern, J. Stiglitz, K. Suzumura, *Development Strategy and the Management of the Market Economy*, Clarendon Press, Oxford, 1997.

1. JUSTICE IN THE INTERNATIONAL CONTEXT

1.1. *From the theories of justice to practical ethics*

(i) Even apart from international complications to which we shall come in a moment, *the theory of justice* is nowadays an unavoidable reference. Let us begin with two quotations from J. Rawls,⁴ 'Justice is the first virtue of social institutions, as truth is of systems of thought... Laws and institutions no matter how efficient and well arranged must be reformed or abolished if they are unjust' (p. 3). 'The principles of social justice... provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation. Let us say that a society is well-ordered when it is not only designed to advance the good of its members but when it is also effectively regulated by a public conception of justice' (p. 4).

Important progress have been made on the way to clarify what such conceptions of justice ought to be. Quoting now the French economic philosopher S.-C. Kolm:⁵ 'The second half of the twentieth century has been exceptionally fertile in proposals of particular theories, principles and criteria of justice' (p. 5). Moreover 'The modern theory of justice is at least as much economics as it is philosophy (which includes ethics)' (p. 3). The importance of normative economics, including its discussion of economic justice or fairness, on the one hand, of public economics, on the other, is indeed a clear witness of the role of economics in the theory of justice.⁶

However, when trying to draw the implications of this theory for practical ethics, we cannot avoid perplexity: the theory

⁴ *A Theory of Justice*, Harvard University Press, 1971.

⁵ S.-C. Kolm, *Modern Theories of Justice*, MIT Press, Cambridge, 1996.

⁶ It is also worth noting that Rawls refers to the economic literature, particularly to three economists, Pareto, Koopmans and Sen, when introducing his 'principle of efficiency', and his 'difference principle' which is often considered as a major contribution of his 1971 book.

often appears very abstract; it brings quite a few negative results pointing to fundamental logical difficulties;⁷ a first reading of its positive propositions appears distressing because what is recommended is so far away from what is actually observed.

Facing such problems, someone like me, who is not a specialist in the theory of justice and has to deal with its applications rather than with its foundations, must accept to stand at some distance from the theory in question. I shall do it in the following way. Firstly, I shall mention some of the main messages I am receiving from this theory. Secondly, I shall place these messages in the broader perspectives offered by the humanistic philosopher Paul Ricoeur.⁸ Thirdly, I shall explain what must be the position held by economists when they are appealed to for bringing their contribution to policy decisions. Finally, I shall interpret the new conception of utilitarianism as the philosophy economists had to develop in order to fulfil their task on such crucial issues of practical ethics as intergenerational solidarity.

(ii) Rather than attempting the hopeless task of surveying theories of justice since the ancient Greece and Aristotle's *Nichomachean Ethics*, I shall just borrow some simple messages resulting from the two, somewhat opposite, stands chosen by J. Rawls and S.-C. Kolm.

A Theory of Justice is a logical construction aimed at deriving from rational arguments the 'principles of justice'. According to the 'first principle' justice must provide 'the most extensive basic liberties'. Then a subsidiary second principle states that justice

⁷ Remember that K. Arrow, an economist, was the first one to clearly show (in 1951) a fundamental difficulty in defining a proper criterion for social choice. The very long entry on 'social choice' by A. Sen in the *New Palgrave Dictionary of Economics* (1987) shows that the problem was not taken lightly by our profession.

⁸ Paul Ricoeur, *Soi-même comme un autre*, Le Seuil, Paris, 1990; English edition, *Oneself as Another*, The University of Chicago Press, 1992.

must also insure 'the most restricted social and economic inequalities'. This leads Rawls to the following condensed formulation of his general conception of justice: 'All social primary goods – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored' (p. 303). He then adds that the principles and priority rules summarized in this formulation 'are no doubt incomplete... It suffices to observe that, when we come to nonideal theory we do not fall back straight away upon the general conception of justice... [But] the ranking of the principles of justice in ideal theory reflects back and guides the application of these principles to nonideal situations'.

For his part Kolm does not reject the role of rational argumentation, but he deliberately adopts an eclectic attitude. Let us read him: 'the ethical progress in justice consists in replacing irrational views by rational ones, weak rationalities by strong ones, and notably prejudice by judgment, ... emotion and intuition by reason' (p. 8). After this declaration he goes on to state substantial conclusions. Firstly: 'Reason implies the following structure. People competing claims are mostly for means to pursue their ends. These means are... rights, powers, opportunities, availabilities, capacities, or possibilities. Furthermore, choosing an unequal allocation that is not relevantly distinguishable from its opposite (permutation) implies the lack of a reason – or arbitrariness – which equality alone avoids. This explains Aristotle's dictum that justice is equality, ... apart from any other consideration'. But secondly, due to the variety of means and to other considerations: 'One cannot apply the same specific principle... to all cases, and several such principles must often be applied together – this requires rules of adjustment such as compromises, priorities, second-best egalitarianisms or application of one principle from the outcome of another' (p. 9). But there may be conflicting views on how to make the adjustment. For instance, considering dis-

tributive justice, 'The allocation of the human resource mobilizes two opposite moral criteria whose conflict sets an ethic of liberty against an ethic of solidarity. One principle is *process-freedom*, that is the liberty to benefit from the results of one's acts... The other principle... *shares equally* the benefit [from] this [human] resource' (p. 13).

(iii) Paul Ricoeur's book originated from a series of lectures given from 1986 to 1988 at the universities of Edinburgh, Munich and Rome (La Sapienza), finally at a summer seminar in France. It is made of ten studies, which begin with the philosophy of personal identity. Three studies (7, 8 and 9) deal with ethics and morals considered at three levels: the inner reflection of each person on his or her aims, duties, obligations and rights; the interpersonal relations inspired by solicitude and norms of reciprocity; the institutions which mediate such relations within a society, aim at justice and enforce legal obligations. Studying how the three levels interact may be viewed as the main purpose followed by Ricoeur. But in this paper we are concerned with what belongs to the third level.

Here Ricoeur takes a strong position against the idea that principles of justice could be derived from rational reasoning only. He shows logical impasses (apories) which mar the propositions formulated by Immanuel Kant. He rejects Rawls' construction as being based on the questionable premise of a fictitious social contract.⁹ He points instead to the relevance of a teleological perspective inspired by the sense of justice rooted in the mind of men and women who yearn for meaningful lives, with and for others, within just institutions. He stresses the role of ethical conflicts which arise along the road to the emergence of rules and laws placed in a deontological perspective.

⁹ Of course, such objections to the full theories of Kant and Rawls do not mean that the philosophical reflections of the two authors are not otherwise interesting.

The force of this approach is indisputable. But whatever can be said about the eventual resolution of conflicts then becomes crucial. Indeed, Ricoeur relies neither on political philosophy for giving a solution to be directly embodied in the theory of justice, nor on alternative philosophies for discovering universal principles in this respect. What matters, according to him, is on the one hand practical wisdom¹⁰ in judging each context in itself, on the other hand an ethic in the process by which argumentations and convictions are exchanged and progressively improved, up to the point where 'considered convictions' might have a fair degree of universality. And he concludes: 'the skill of conversation in which the ethics of argumentation is put to the test of the conflict of convictions makes up one of the faces of practical wisdom'.

(iv) What are the positions of economists with respect to issues discussed in moral philosophy? Of course the question has no simple answer. However, it is relevant because the truth differs from what is commonly believed outside of my profession. Actually few among us would pretend to well master all ethical issues. But many would appear more open-minded than the reader might expect. Some scattered notes relating to what was reported above may now bear witness to such an open attitude of mind.

In the first place, economists have a natural role to play in Ricoeur's scheme, namely to contribute to the formation of considered convictions. Actually this role is familiar to us. We do not claim to dictate what economic institutions or policies ought to be. We rather present evidence showing what their various effects are likely to be. The argumentations in which we are involved and the demands then addressed to us are worthy of consideration, since they play a large part in the determination of our methodology, as I shall explain shortly.

¹⁰ Something akin to what I am calling here 'practical ethics', perhaps an unfortunate expression of mine.

In the second place, economists now perfectly accept the idea that many primary goods (in the language of Rawls) or means (in that of Kolm) must be taken into account: reduction of disparities in personal consumptions and work efforts are far from characterizing all what matters for judging whether a society is just. This is precisely why for instance Partha Dasgupta distinguishes 'welfare', which aggregates only characteristics of that type, from 'well-being' which also takes account of other features, not only health and education (now commonly parts of human capital) but also civil rights, the extent of democracy and so on.¹¹

Most economists discussing ethical issues also endorse the Christian preferential option for the poor, which is at least going some way towards a literal interpretation of Rawls' 'general conception' and is particularly demanding for rich countries in their international dealings with developing countries.

But there is one point on which economists cannot agree, namely the inclination of many theorists of justice to impose 'lexicographical' orderings, for instance that 'fundamental' civil rights have absolute priority in comparison with other goals, or that Rawls 'first principle of justice' (the most extensive basic liberties) should be met before the second (the most restricted social and economic inequalities). As Dasgupta writes: 'It is all too easy to regard a right as inviolable when no evidence is required on the resource costs involved in protecting that right. So, one must acknowledge the necessity of trade-offs even for fundamental rights' (p. 17).

(v) It is now the place to try and briefly explain in a few simple words why economists use the set of instruments, aggregate concepts and statistics that was progressively developed during the last two centuries in order to help societies to face

¹¹ P. Dasgupta, *Human Well-Being and the Natural Environment*, Oxford University Press, 2001.

the challenge of practical ethics. A now quite relevant example will serve in the background to illustrate what we mean and how we operate.

Let us think of intergenerational solidarity over this new century in our world exposed not only to aging but, perhaps still more importantly, to the limitation of resources within a context of huge uncertainties about the phenomena involved. 'The problem is to strike a balance between the well-being of present and future generations'.¹² How could we hope to strike a balance if we were not precise on what we mean by the well-being of a generation? And if we were not precise about the objective constraints that will apply to the time profile of the use of resources during this century and beyond? And if we had no measurement in order to match these objective constraints, which will fix trade-offs in the set of what will be feasible, to match them with the requirements of intergenerational justice?

Faced with such questions economists developed a methodology along the past two centuries. This was not easy, because tensions between conflicting considerations were occurring all over the place. But questions and tensions were real: they had to be faced, one way or another. Roughly speaking we may characterize the building of this methodology as having involved many to and from movements between such poles and 'conceptualization of the challenges', 'informal and formal modelling', 'definition and measurement of observables'. And such work still goes on, because the methodology is still far from completion.

The requirements of justice (intergenerational justice in the example here chosen) motivate that part of the methodological program which concerns us for the moment. A lot is being learned in this respect by focusing attention on the characteri-

¹² P. Dasgupta, 'Intergenerational Well-Being', essay prepared for the 2004 session of the Pontifical Academy of Social Sciences.

zation of some 'social ethical evaluation function', meant to be maximized over the set of alternative feasible developments. This characterization should reflect what appear as significant stakes in public argumentations. In order to represent the respective importances given to these various stakes economists have long been speaking of utilities. Such is the origin of the word utilitarianism applied to the methodological approach.

In contradiction to what is often said by critics, utilitarianism is a lively, flexible and fruitful way of discussing what ought to be the requirements of justice when decisions have to be taken, and this in various contexts which are each revealing of some relevant feature to be embodied in emerging considered convictions. Substantiating this claim would lead me too far away in this paper.¹³

1.2. *The international context*

Over much of the twentieth century there has been a considerable widening and deepening in the scope of the international legal order. However, it would be hard to argue that justice was the predominant concern.¹⁴ Historically, the main mode to put order was through bilateral treaties: equally sovereign states pursuing their respective national interest would bargain and come to a form of transaction. Often the national interest of the strong was imposed to the weak. This applied also in the nineteenth and twentieth centuries with the appearance of multilat-

¹³ On this see chapter 14 in S.-C. Kolm (*op. cit.*). See also P. Dasgupta (2004, *op. cit.*) and the comments that followed. When drafting this piece I had the pleasure to sense the same spirit as mine in an article of philosopher Martha Nussbaum: 'Mill between Aristotle and Bentham', *Daedalus, Journal of the American Academy of Arts and Sciences*, Spring 2004.

¹⁴ Here I am drawing from J. Weiler, 'Governance without government: the normative challenge to the global legal order', in E. Malinvaud and L. Sabourin (2004).

eral agreements rooted in a certain worldview in order to vindicate some socio-economic interests: major states of North America and Europe frequently imposed their rule on lesser states leaving them with little or no margin of negotiation.

The development of international organizations more recently led to search for an orderly international community, although through many setbacks. More or less constraining international norms progressively replaced some of the national norms. This was by and large beneficial. But we could not accept without reservation today the claim that international normativity would meet the requirement of justice.

Indeed,¹⁵ although equality is generally accepted as a basic rule, inequality is an omnipresent reality. Global governance is undertaken only in a tentative incomplete way, and has to put up with a high degree of national disharmony. Elements of civil society develop beyond national borders, but poorly interact with national governments and international organizations. Behind these misalignments stands the lack of congruence between the national social realities of values, a lack which is made everyday more perceptible by globalization. It is common to hear declarations of universal social values. Yet it is a long journey from these declarations to generally understood and practised rules. Moreover regional groups tend to use at their discretion the diversity of social values for declaring and trying to enforce their own conceptions.

2. DEVELOPMENT STRATEGIES

It is not the place here to survey the literature of the last fifty years on economic development, as well as on the institutions and policies that are successful in promoting it. The views

¹⁵ H. Zacher, ed., 'Democracy: Elements for the development of the social doctrine of the church', Pontifical Academy of Social Sciences, 2004.

have dramatically changed in this respect, as is well known. I shall rather try and formulate where we now stand as a result of research and experience of the last decade.

2.1. Public management in the market economy

The book mentioned in the introduction of this paper aimed at reviewing some of the key questions that arise in formulating strategies for development in the contemporary world.¹⁶ Quoting the foreword signed by Amartya Sen and me will serve my purpose before I turn to an attempt at a synthesis of the most recent research.

‘(1) Public policy discussions should begin with the recognition of the essential role that the markets play in the efficient allocation of resources. International openness, as well as free domestic movement of goods and factors of production, are crucial... However, in some cases, markets either do not exist or fail to operate effectively – because of imperfect information, structural rigidities, insufficient infrastructure, or far-reaching externalities. Moreover demands of distributive equity may end up being neglected... Instances of market failure... highlight the need for public policy to be informed by rigorous analysis, particularly on their nature and causes... Development experiences point to a wide range of government failures as well, especially when the measures aim at supplanting market signals rather than modifying them appropriately.

(2) Development is a long-term endeavour. Nevertheless, many success stories demonstrate that substantial progress can be achieved within comparatively short periods – even one generation. The enhancement of human capabilities, in the broadest sense of the term is a key ingredient of successful development policies... The recognition of the basic objectives

¹⁶ E. Malinvaud *et al.* (1997).

of development does not... specify the kind of government involvement that is most likely to lead to fulfilment of these objectives. Nevertheless market economies may require some well designed planning by governments, as well as by other significant economic and social actors which aim at making sure that objectives are met...

(3) A serious danger to the sustainability of any development process is macroeconomic instability... In the long run, policies have to be, in general, guided by budgetary prudence and external payments constraints. This implies that development strategies should incorporate – rather than violate – conditions of macroeconomic stability...’.

2.2. *From the recent research on growth strategies*¹⁷

Development economics had its mottos, from ‘central planning’ in the fifties to ‘liberalization, deregulation and privatization’ in the nineties. This was an extreme manifestation of the rather widespread belief that simple generalizations could be drawn from experience and beneficially serve as recipes for policies aimed at economic development. Today we realize that such simple generalizations are not robust. However, this fact should not lead us to relax our efforts to learn from experience.

Reflections about the ‘Washington consensus’ is relevant in this context, all the more so as it was so often a focus of attention in recent debates (not however in E. Malinvaud *et al.*, 1997). Like many expressions penetrating ordinary discourse it happens to be used quite loosely, including with different meanings from what its initiator meant.¹⁸ So, it is worth recall-

¹⁷ This is much inspired by D. Rodrik, ‘Growth strategies’, CEPR discussion paper N° 4100, September 2003, intended to appear in *Handbook of Economic Growth*.

¹⁸ J. Williamson, ‘What Washington means by policy reform’, in Williamson, ed., *Latin American Adjustment: How Much Has Happened?* Institute for International Economics, Washington, 1990.

ing its ten original rules: 1. Fiscal discipline; 2. Reorientation of public expenditures; 3. Tax reform; 4. Interest rate liberalization; 5. Unified and competitive exchange rates; 6. Trade liberalization; 7. Openness to foreign direct investments; 8. Privatization; 9. Deregulation; 10. Secure property rights. It did not fully endorse the motto 'liberalization, deregulation and privatization' since the set of rules 4 to 6 is more restricted than 'liberalization', notably ignoring free international capital movements except for FDI. With rules 1, 2, 3 and 10 it was also asking for more. And the list was substantially increased by various authors who wrote about it a decade later.

The three first rules were meant to lead to macroeconomic stability, which was also stressed in the quote making here the foregoing subsection. The argument was developed by N. Stern,¹⁹ who did not speak for stringent fixed rules, like elimination of fiscal deficits, but pointed to the damages resulting from high inflation or high real interest rates. In themselves the three first rules say nothing about the size of the public sector. But rules 8 and 9 are very much in the spirit of the movement for a minimal State. The ideas promoted by the movement deserve a more direct examination.

This was indeed one of the main objectives of E. Malinvaud *et al.* (1997). In the last chapter N. Stern and J. Stiglitz²⁰ focus on precisely this objective. Their initial sentences are worth quoting: 'A well-functioning economy requires a mix of government and markets. The balance, structure and functioning of that mix is at the heart of a development strategy. The mix is not simply assigning certain areas to one or the other domain. The more appropriate analogy is that of a partnership, in which each partner is given areas of responsibility'. Surveying

¹⁹ 'Macroeconomic policy and the role of the State in a changing world', in E. Malinvaud *et al.* (1997).

²⁰ 'A framework for a development strategy in a market economy', pp. 253-95.

here the chapter would take us too far away from our main theme. To give a flavour of the text I may just refer to the basic institutional arrangements recommended for the public-private partnership: democracy and transparency, high standards and competence in public administration, high standards of corporate governance, a climate of confidence in relationships such as those implied in long-term contracts (p. 273-5). I may also point to the idea that assignment of responsibilities may evolve in some area, for instance for the provision of the physical infrastructure which was assumed fifty years ago to be a responsibility of government but is now seen as a public-private shared responsibility functioning in such a way as to avoid the disadvantages inherent in both public and private monopolies (p. 262-3).

D. Rodrik devoted most of his research to scrutinize development experience. Over and over again he pointed to the diversity of successful growth strategies, a fact that led him to assert that growth-promoting policies tended to be context specific. Indeed, despite a voluminous literature, cross-national regressions do not lead overall to much in terms of policies which would have been reliably and unambiguously found successful. In Rodrik (2003) he goes further and claims that two propositions emerge from experience, which for simplicity I am respectively calling 'the indeterminate mapping' and 'take-off *plus* sustained growth'.

The first proposition concerns the institutional implementation of good economic principles. These principles, widely accepted in a modern economic education, result from reflection and observation. They recommend for instance: establish property rights, align producer incentives with social costs and benefits, maintain macroeconomic stability, in redistributive programs minimize incentive distortions and target as closely as possible the intended beneficiaries. But Rodrik points to the fact that these principles come 'institution free'. Actually the pre-existing institutional landscape typically offers both con-

straints and opportunities which vary depending on the context and must be taken into account when deciding about implementation.

As long as the context is not defined, the mapping from the economic principles to the institutional arrangements that will promote growth is indeterminate. While the Washington consensus represents a logically consistent way of achieving interesting end goals, it is not the only program that has the potential of doing so. In view of the administrative and political constraints that such an ambitious agenda is likely to encounter, it is not implausible that there would be better ways of reaching the same goals. Rodrik then considers the Chinese program and quite a few other real examples which illustrate his proposition.

Rodrik's second proposition states that many cases were observed in which growth strongly accelerated during a decade or so, but that successes in long sustaining the initial take-off are uncommon. Therefore two kinds of experiences must be distinctly studied. Before embarking into the analysis of each one, Rodrik (2003) states four stylized facts: 1. Most often a growth spurt is associated with a narrow range of policy reforms; 2. The policy reforms that are associated with these growth transitions typically combine elements of orthodoxy with unorthodox institutional practices in which government implements some form of selectivity, such as China's two-track reform, Mauritius' export processing zone, or South Korea's system of 'financial restraint; 3. Institutional innovations do not travel well; indeed attempts to emulate successful policies elsewhere often fail; 4. Sustaining growth is more difficult than igniting it, and requires more extensive institutional reforms.

To kick-start growth an investment strategy is required, so that entrepreneurs get excited about investing in the home economy. The conventional view nowadays is to create an investment climate by removing government-imposed imperfections: arbitrary regulations, a large tax burden, high government wages,

corruption, and so on. But an alternative approach focuses on market imperfections inherent in low-income environments that block investment and entrepreneurship in non-traditional activities, even where the 'investment climate', as conventionally defined, looks to be good. The main problem often is to remove the learning barrier to industrialization and, for so doing, to create incentives to adapt existing foreign technologies. Large and sustained depreciations of the real exchange rates may constitute the most effective industrial policy there is.

The growth-spurring strategies must be complemented over time with a cumulative process of high-quality institution building to ensure that growth does not run out of steam and that the economy remains resilient to shocks. The relative importance of formal institutions increases as the scope of market exchange broadens and deepens. However, it remains true that appropriate regulation, social insurance, macroeconomic stability and the like can be provided through diverse institutional arrangements, that are functional equivalents, each being suited to a particular context.

3. GLOBAL PUBLIC GOODS

Economists speak of public goods to designate those goods and services that are provided to a more or less large number of agents for collective use, which means in particular that use by one agent does not exclude use by another. In a purely private market economy too little of these goods would be produced and provided. This is why public institutions have to be in charge of the provision of public services. For instance fundamental research is publicly financed in order to increase public knowledge, and safety rules are enforced for public security. Similarly some public institutions have to control pollutions which damage the quality of air and water, or to control the noise level for the tranquillity of residents.

Globalization has the effect of making everybody more aware of the increasing importance of international public goods or bads, transfrontier peace or epidemics for instance, more aware also of the difficulty of international coordination in this respect. Here we shall take in turn three categories which deserve attention within the context of the broader question: how to control the trend of world environmental and social stresses?²¹

3.1. Global commons and the management of natural resources

Commons here refer to natural resources that are freely available for common use, open pastures being the traditional example in economic writings. Many of the life-support services provided by nature are freely available. Some, like climate, are essentially global and affected by human activity. In order to illustrate why some international common property resources are overused and what can be done to correct this deficiency, World Bank (2003) mentions in particular offshore fisheries, many of which are now greatly depleted by overfishing: this market failure is easily explained by the difficulty of establishing property rights on such resources. But in other cases policy failures may also be involved: excessive emissions, which affect the environment, particularly the climate, follow from excessive use of energy, which is largely due to inappropriate energy and transport policies.

The management of natural resources is faced with two particularly difficult features. There are irreversibilities, such as the disappearance of some species. More generally the costs of abating pollutions and other public bads increase more than

²¹ The question runs through the World Development Report 2003, *Sustainable Development in a Dynamic World – Transforming Institutions, Growth and Quality of Life*, here designated as World Bank (2003).

proportionately with the level of abatement. Many resources are exhaustible: what is consumed now will not be available for future generations. More generally most environmental problems concern long-term horizons, which means that large uncertainties will affect the results of present policies that may nevertheless be absolutely required.

Some public and private agents speak and behave as if the physical sustainability of our development was not an issue. They argue that the green revolution in agriculture disproved the fears of the 1950s and 1960s concerning the ability of many developing countries such as China, India and Indonesia to feed their rapidly increasing populations. They also point to the fact that no key natural resource ran out from Earth so far, notwithstanding the forecasts made in the 1960s and 1970s by the Club of Rome. There are actually many signs showing that benign neglect now would be irresponsible: the damages of air pollution are increasing; fresh water is increasingly scarce; arable soils are degraded; large forests are destroyed; biodiversity decreases; most scientists now agree that recent trends in climate change reveal the beginning of a large phenomenon of global warming partly due to human activity since the industrial revolution. A very serious and cautious analysis of the overall problem was led by a group of economists and ecologists.²² They concluded that, although the evidence was far from conclusive, there is some support for the view that current consumption levels might imperil the quality of life of future generations.

How can we curb these disturbing trends or find ways to adapt to them? Such is the dominant theme in World Bank (2003). I can only give a flavor of this important document and focus on three of its chapters. 'Managing a broader portfolio of

²² Arrow, Dasgupta, Goulder, Daily, Ehrlich, Heal, Levin, Mäler, Schneider, Starrett and Walker, 'Are we consuming too much?', forthcoming in the *Journal of Economic Perspectives*, 2004.

assets', the title of chapter 2, suggests two ideas: natural resources are assets that need to be prudently managed; good management should look at the whole portfolio of these assets, taking advantage of substitutabilities among them. Actually the second idea goes farther in as much as the whole book does not isolate natural resources from other assets such as human capital and social capital, which are considered as part of the portfolio. In its extensive analysis of substitutabilities the chapter carefully avoids to support wishful thinking: 'because assets generally complement each other and because the returns to a particular asset diminish, the rate at which one asset can be substituted for another... tends to diminish as well; there are limits to a long-term strategy that focuses primarily on replacing natural assets by human-made assets; ... the limits... are borne out empirically; ... ignoring complementarity of environmental assets [would lead to irreversibly breach] thresholds; ... the degradation of the Aral Sea highlights what can go wrong when there is inadequate recognition of the role of environmental assets' (pp. 19-20).

Chapter 3 (Institutions for sustainable development) is very much in accordance with the quotes given in section 2.1 here from E. Malinvaud *et al.* (1997). It moreover stresses the importance of coordination and inclusiveness. It ends with such sentences as the following: 'With greater access to education, agricultural land, and security of tenure, people... can be more forward looking; ... they can better accumulate, manage and protect a variety of assets, including environmental and social assets; ... they can become more cooperative, creative, and willing to take risk' (p. 58).

Chapter 8 (Global problems and local concerns) insists on 'designing institutions to solve global problems' (pp. 157-63). It goes as far as stating in its conclusion: 'Despite [the lack of a central authority for coordination and enforcement], there are encouraging examples of successful transnational institution building to tackle transborder environmental problems' (p. 182). But it also focuses on one important issue: how to miti-

gate the risk of climate change and how to adapt to it if this risk materializes (pp. 172-182). Let us consider a bit this particular issue for which international cooperation is now hesitant.

Let us even limit attention to greenhouse gas emission, as a factor of global warming, and to the Kyoto Protocol. There are large uncertainties about the effect of this emission on global warming and about the consequences that would follow from warming. But it is known that future increases in the concentration of greenhouse gases around the earth will not be reversed before many decades and that emissions are largely due to human activity. Seven years ago in Tokyo after a real international effort a protocol was reached, proposing country commitments to given targets on the volume of emission that they would not exceed annually by 2008-12. Some countries accepted to commit themselves to the target, but others refused, so that implementation of the protocol now becomes doubtful.

This case is representative of the challenge confronting us with respect to the management of global natural resources. When we lucidly consider the fate of future generations we cannot ignore possible more or less disturbing, even perhaps catastrophic, scenarios. In response to the risk of such dangers materializing, what we contemplated doing thus far would amount to reducing by just a tiny part the consumption of natural resources, but would also initiate a responsible process for more stringent action if and when the likelihood of the unfortunate scenarios would increase. However, we balk up and so take chances, the possible bad consequences of which would fall upon our more or less distant descendants. More precisely in the case of the Kyoto Protocol, some countries claim to exempt themselves from taking part in a collective action for mitigating the possible damage caused by greenhouse gas emission.

3.2. *Financial stability*

Globalization means more and more macroeconomic interdependence, which also means a larger domain of expan-

sion for business cycles. But rather than surveying all the public good aspects of macroeconomic globalization, I shall focus here on the major problem raised for emerging countries by financial instability, particularly during the last decade. I am not much of an expert on this problem, but I cannot ignore it when speaking in Mexico.

In broad and simple terms, there is a large suspicion that international financial governance turned out to be neither fully effective in emerging countries, nor fair to them. As you know, the worth and implications of this suspicion are debated. I shall, however, present without reservation my own understanding. I shall deal in turn with effectiveness, with fairness and with policies to be followed by emerging countries in the present international context.²³

Acute financial crises, which afflicted some emerging countries starting with Mexico in 1994-95, have been explained by two main features: volatility of the flows channeled through international capital markets and the crucial part played by foreign exchange rates, which also turned out to be quite volatile. The dominant pattern was to see that, after a rather long period during which the exchange rate against the dollar had been maintained about constant, competitiveness had been so much damaged that the challenge was no longer sustainable: a deep devaluation was suddenly accepted.

A convincing explanation of the phenomenon runs as follows. Since the collapse of the Bretton Woods international monetary system industrial countries learned how to live within a system of floating exchange rates. But the latter option was not really open to most emerging countries, because fluctuations of their exchange rate would be destabilizing for them: an

²³ For a fuller presentation see E. Malinvaud, 'Vers quelques principes éthiques pour la gouvernance de la mondialisation financières', with a long English summary, in E. Malinvaud and L. Sabourin, ed. (2004), *op. cit.*

initial devaluation would quickly generate consequences which would magnify it; not only would it shift demands for assets away from those denominated in national currency, but also with large debts being denominated in dollar the burden of the service of those debts would increase and lead to more borrowings in dollar. This uncomfortable position of emerging countries reflected the fact that their financial system was not yet robust enough.

Applied to these countries, the motto 'liberalization, deregulation and privatization' had led the premature liberalization of transborder capital flows. In as much as they had been carrying the motto and were slow in detecting the unsustainability of existing exchange rates, the IMF civil servants and managing board may be taken as in part responsible for the crises. To that extent they are also responsible for the injustices generated by the crises. Similarly those private agents in OECD countries who speculated against the moneys of emerging countries before realignment of their exchange rates may be said to have behaved unfairly.

It would be too long to elaborate here on all the internationally just requirements for global financial stability. It suffices to say that, given the international context characterized in section 1.2, emerging countries should not expect too much from the international community. Thinking about an international lender of last resort is to indulge in fiction. A pessimistic scenario is even conceivable in which the International Financial Institutions would be infected with donors' fatigue. Analysis of past crises and of the context have implications for both national political authorities and residents of emerging countries.

Authorities should be increasingly cautious, even recognizing their part of responsibility in the occurrence and/or the seriousness of the financial crises experienced by their country. Caution will have to concern especially management of the exchange rate regime, macroeconomic stabilization, surveillance and consolidation of the financial system. In

these domains good governance has to be pragmatic rather than ideological.

Residents should, of course, abide by the legal norms in their country and by a demanding business ethics. But they should also remember that, even in a globalized world, they have a special duty of solidarity toward those close neighbours who are the fellow citizens. Such a duty implies to maintain or strengthen, within reasonable limits, the national preference in the choice of real and financial investments.

3.3. Global social public goods

World Bank (2003) insists on the importance of such assets as interpersonal trust, social networks, mutual understanding and shared values, which are all meaningful in international exchanges. Here I shall be very brief because what I have to add is obvious.

Human health is recognized not only as a direct element of well-being but also as a factor of development. Globalization fosters the international propagation of epidemics, not to speak of trade in narcotics that was already widespread long ago. On the other hand, doctors' NGO and medicines produced by the pharmaceutical industry should be of great help in order to eradicate diseases from poor countries. Progress would indeed be welcome in two well identified directions: some say that it is possible to increase the role and effectiveness of WHO in surveying and controlling epidemics; more determined action should be taken in order for good medicines to be available at low prices in poor countries, all the more so as it would mean only a moderate drop in the revenue earned from patents by the pharmaceutical industry.

After the many wars of the twentieth century, present news hardly show evidence of any trend to conflicts calming down. Peace must remain as the highest value for the international community.

4. SUMMARY AND CONCLUSIONS

As was argued in section 1.1, practical ethics, which is certainly enlightened by the theory of justice, actually needs much more, especially reasoned rules for evaluating just trade-offs between the well-beings of present and future generations and common sense for measuring the well-being of a representative person of a given generation.

Section 1.2 stated that we are still a long way from an international order based on commonly accepted values. To achieve progress toward such a goal it is wise to focus on two intermediate objectives. On the one hand, we should aim simultaneously at unification of the system of values and at construction of appropriate international institutions. On the other hand we should make steps forward where and when we see the possibility of doing so with reasonable chances that the move will be irreversible.

According to part 2, experience of the last decades now suggests that achieving development, with a beneficial public management of the market economy, is a complex long-term challenge. Experience also shows that success resulted from a diversity of strategies, pragmatically chosen in order to implement good economic principles within different contexts. Experience finally proves that sustaining growth is more difficult than igniting it, and requires more extensive institutional reforms.

Section 3.1 exhibited many signs showing that benign neglect of the environment and of the limitation of natural resources would now be irresponsible. For appropriate policies it is fruitful to think in terms of managing a portfolio of assets, taking however attention to limits in substitutabilities between these assets. It is now urgent to pragmatically enter a process of international coordination based on national commitments to achieve targets containing greenhouse gas emission and other major damage to the environment or depletion of resources.

Section 3.2 argued that stabilization of exchange rates and foreign capital flows is required for well-being in emerging countries. At least in the near future these countries should not expect from the international community more help than it is able or likely to provide. Caution and consolidation of national financial systems is recommended to public authorities. Respect of moral norms, including national solidarity, is recommended to private agents.

To sum up, I am repeating two main general lessons announced in my introduction. Firstly, we put in the past too much emphasis on universal recipes which would have permitted to meet the challenges of development and globalization. Reality is too complex to lend itself to such simple treatments. This already suggests that those closest to the problems should be recognized more competence and responsibility for solving them. Secondly, reinforcing the last point, we see that the international community is not mature enough, morally and otherwise, to provide the just and tight governance that many had wished to see. For still a number of years, the main achievements will remain indirect. Going deeper into just international governance is possible in some regions or domain, as shown by the European Union, the postal union or the exploration of the space. There is certainly need for a broader, better balanced and more powerful leadership of governmental and non-governmental international institutions. But, given the present state of our much divided world, we cannot expect much in this direction in terms of quick results.

II. GLOBALIZATION, RULE OF LAW AND LEGAL SECURITY

*The Role of the Judicial Powers*¹

OLGA SÁNCHEZ CORDERO DE GARCÍA VILLEGAS

‘... to the extent that the rights of an increasing share of humanity are articulated in terms of trade and not as authentic rights, globalization contradicts and encroaches on the enlightened principle of universality, conceived as the ideal of human emancipation and, in this sense, of moral progress’.

GERARDO PISARELLO

WHAT IS GLOBALIZATION?

Our era is one that can unquestionably be likened to the Chinese curse ‘may you live in interesting times’.

Overwhelming scientific and technological advances, the speed of communications, and the abrupt changes that our societies undergo on a daily basis, all instilled with the phenomenon of globalization, have not only contributed to upgrading people’s living conditions but, at the same time, have complicated the ways in which we relate to each other, communicate with each other and understand ourselves; they have confronted us with a set of highly complex and asymmetric, diverse and unequal relationships.

¹ I thank Dr. Sergio López Ayllón for his invaluable collaboration in preparing this document.

International trade, global economic and financial relations, the Internet – which is becoming our essential daily reference – international justice and growing concern regarding the protection of human rights, among many other concerns, clearly demonstrate the human complexity that fits the Chinese proverb.

These phenomena have consequently brought about a change in the regulation of human relations, both at the state and international level. The legal sphere has been no exception, since the mechanisms that lie above and below the state level and define it produce a variety of sources that involve important changes in the traditional concept of law, as well as new forms of understanding it and enforcing it. The idea of living in a ‘globalized’ world has gained general acceptance.

Following its relatively recent incorporation into daily discourse, ‘globalization’ appears as a consummated and, it could almost be said, irreversible fact. However, the meaning of the expression is still vague and its explicative value, if it has any, is at least controversial.

It is therefore not surprising that its use has become a kind of ‘master key’ used to explain everything at opposite ends of the ideological spectrum. Perhaps globalization seeks to express awareness of the deep changes that have taken place in the world in recent decades and have affected the daily life of all the earth’s inhabitants. Even though we have witnessed the exponential growth of bibliography on globalization in recent years, there is no generally accepted theory on the phenomenon.

However, three major lines of thought that seek to explain globalization can be identified: that of the ‘globalizers’, that of the ‘skeptics’ and that of the ‘transformers’.²

² See the thought-provoking book by Boaventura de Sousa Santos. *La Globalización del derecho. Los nuevos caminos de la regulación y la emancipación*. Tr. César Rodríguez. Facultad de Derecho, Ciencias Políticas y Sociales, Universidad Nacional de Colombia. ILSA, Bogotá, 2002.

'Globalizers' share the conviction that the economy is building a new form of social organization that will replace nation-states as the primary economic and political units of the world.

'Skeptics', in turn, maintain that globalization is a myth, since the current levels of economic interdependence are not the highest in history. According to these authors, what we are seeing is a process of regionalization into three major economic blocs (North America, Europe and Asia Pacific); the 'internationalization' – rather than globalization – has been possible thanks to the action and support of the nation-states on which it depends to a great extent.

Finally, the 'transformers' maintain that the processes now being experienced have no historical precedent, that the governments and societies should adjust to a world in which there is no longer a clear distinction between what is national and what is international, and that globalization is deeply transforming the power of the state, world politics and the lifestyle of the earth's inhabitants.

This diversity in positions, as well as the many possible meanings involved in the concept of 'globalization' (historical stage, paradigm, economic process, etc.) obliges us to propose the concept we will be using from now on in this paper. The proposal is, of course, not intended to be a dogmatic definition that would preclude any discussion on the topic, but rather an effort to clarify the point of view from which we will be approaching this issue.

Closely following the concept proposed by David Held and his coauthors,³ we understand globalization as 'a set of processes that embodies a transformation in the time and spatial organization of social relations and transactions, generating transcon-

³ Others have used another term, referring to 'philia' for the concept of 'globalization'. We prefer to use the above terms, since we believe that one cannot talk about 'love' for globalization.

tinental, interregional and inter-country flows and networks of economic, political and cultural activity and interaction’.

This is a concept in which the *flows* are the movement of goods, services, persons, symbols and information in space and time; and the *networks* refer to interactions that are regulated or follow a pattern among independent agents (persons, companies, organizations or governments).

This concept linked to the ‘transformation’ thesis has great value in my opinion, because it takes into account the restructuring of human activity in time and space. Thus, it is of crucial importance to understand that there is a continuum going from local affairs to global matters, passing through national affairs and regional matters.⁴

At one end are the flows, the relations and the networks organized on a local or national base; at the other, are the relations, transactions and networks that arise on a broader scale and expand to the transboundary level (regional and transcontinental), where, strictly speaking, globalized phenomena take place. However, their linkage with local and national matters is, in the final analysis, what is producing structural changes in the organization of human activity. In other words, although it would be difficult to claim that exchanges at local or national levels constitute part of globalization, it is clear that these local and national exchanges are being modified when they are directly or indirectly linked to those that arise on a larger scale.

In this sense, a double affirmation may be made: on the one hand, these regular links⁵ are the reason that what happens in one country or region affects the individuals and

⁴ Held, McGrew, Goldblatt and Perraton. *Global transformations: politics, economics and culture*. Cambridge, Polito Press, 1999.

⁵ Region is understood to mean the geographical, juridical or functional grouping of several states or nations identifiable by some common trait (language, religion, economy, politics, etc.) and with common interaction in relation to the rest of the world.

communities of localities that are in other parts of the world and vice versa. But, on the other hand, globalized phenomena always have a local effect. Thus, there is a complex and dynamic relationship of variable intensity between local affairs and global matters.

Recent studies have shown that globalization is neither uniform nor linear. On the contrary, it is highly complex and differential. Although globalization is commonly perceived more as an *event* than a *process*, this perception hides the fact that it actually has numerous and quite varied manifestations; that it is a complex framework of interactions that overlap and modify each other, forming a set of dynamic processes that restructure social action coordinates.

Below, we will view the relations that arise between this set of processes that involve globalization (particularly of the law) and the judicial powers.

II. THE GLOBALIZATION OF LAW AND JUDICIAL POWERS

In modern legal and political theory, there has always been a very close link, and sometimes even full unification, between law and the state, which makes it very difficult to think of one without the other. However, as we noted at the outset, there are phenomena linked to globalization that are generating new legal realities. We are referring not only to the complex relationship between national and international law, but also to phenomena such as the *lex mercatoria* which, according to some, would constitute an autonomous and self-enforcing body of legal rules, or the construction of supranational legal structures that generate authentic legal systems in the field of human rights or environment, for example.

These phenomena prompt us to pose various disturbing questions that can help us understand them. Some of these questions might be: Can law exist without the State? How would such law without the State be created and enforced?

How would it interact with national law? What would be the role of national courts in recognizing and enforcing it?

We should note, first of all, that the regulatory sphere of the state was traditionally conceived of as a territorial corporation in which a single legal order prevailed. Thanks to this form of state organization, it was possible to mobilize an enormous amount of resources that resulted in the material conditions (technology, investment and mass media) that allowed for increasingly greater separation in time and space. It multiplied the possibilities for human activities, increasing trade and generating conditions that would substantially modify the bases of time and spatial organization established by the state itself.

From this perspective, globalization simply means the appearance of social processes that develop 'outside' the spheres of time and spatial organization of the modern state. In other words, with globalization, the action of social subjects develops differentially in multiple time-space coordinates.

Many of these activities – perhaps the most significant part of them- take place in the state sphere and are consequently subject to its sphere of regulations. But others escape, at least partially, from the sphere where state regulations are valid. That makes it even more important to note that spheres of validity coexist simultaneously, thereby generating a complex interaction between local matters and global affairs. Consequently, most social relations that develop in the traditional state corporation's sphere of activities involve being subject to the exclusive control of the state and particularly to its regulatory powers. In this sphere, the state maintains a set of complex functions of governance, among which some of the most important appear below:

- Reduce risks to the security and health of human beings and their environment.
- Guarantee sufficient legal security (rule of law).
- Establish a symbolic system of reference in which a sense of civil identity and participation in collective decisions (democracy) develops.

- Foster economic development and reduce social inequality to generate collective well-being and upgrade the quality of life, among other functions.

But there are also spheres of action not subject to exclusive state control even though they are carried out, at least partially, in its territory. This is the level at which global flows take place and global interaction networks are established. The unique feature of these spheres is that they create regulatory areas that are not 'directly' issued by the State, but by other bodies, although they are equally compulsory for the individuals subject to them.

For example, lawyers who conduct certain types of business or activities (such as international trade arbitration) are subject to professional codes (sometimes unwritten) applicable apart from the codes of conduct established by local bars.

From another viewpoint, there are authentic horizontal regulatory systems that involve the complex interaction of regulations, because the national legal systems overlap. These systems are no longer the product of *one* state in particular, but rather of a set of actors, states among themselves, international governmental and nongovernmental organizations and even multinational corporations. Such is the case with legal aspects linked to economic integration, international trade, environment and human rights.

Nowadays, the likelihood of persons belonging to and, at the same time, being subject to various regulatory areas depends to a great extent on their position in the social strata. That is why it is justly claimed that some individuals are more 'globalized' than others, since their networks of relationships are more complex as a result of having more extensive fields of action. This simply means that globalization does not affect all members of modern society equally or each member in the same way. Individuals at the lowest social strata whose field of action is limited to basic survival activities are generally excluded from the processes to which we have referred.

The above consideration explains why the alleged uniformity stemming from globalization is not as important as some claim, since integration at various levels enables actors to employ different action strategies, depending on their specific interests. Similarly, this phenomenon does not affect all states equally. The degree of impact depends on the depth of its insertion in global systems.

The states with the greatest flows and number of agents who participate in different networks are relatively more 'globalized' than others; and the speed and intensity of the globalization process will consequently determine the complexity of a legal system.

The generation of these regulatory areas we have referred to as 'horizontal' may at first suggest we are approaching uniformity and, ultimately, the unification of law throughout the world. After all, although on a different territorial and time scale, the process would simply be another expression of recurring past efforts – which can practically be considered a constant in the evolution of law- to counteract regulatory dispersion and establish organized and identifiable bodies of law.

Many of these efforts have gone hand in hand with policies for political centralization or the redistribution of power and authority among different forces. Although we would not be unable to identify a sole process for concentrating global authority, there are numerous examples of institutions that possess and exercise political and legal responsibilities in regional and global integration processes. From this perspective, the globalization of law is boosted not only by the needs of the global economy, but also by the unequal distribution of power.

However, this initial linkage between globalization and law in terms of a process of growing legal uniformity and unification poses various questions. Do all the countries have the political, social and cultural prerequisites for this unification? Can we talk about true unification of law? Won't it amount to the unification of laws, but not practice in their enforcement?

Do these trends arise in the same manner in all spheres of law?

In fact, the trend toward a certain uniformity in legal institutions is simultaneously shared by a continuous increase in regulatory systems and legal cultures.

This increase is caused by numerous factors, including particularly those that appear below.

- Legal cultures always have a historical dimension, and the introduction of ‘global’ law, even through the replacement of the national legal system, therefore does not imply the complete disappearance of the previous legal culture, but necessarily calls for adaptation to local circumstances.
- The emergence or recognition of autonomous legal systems within and outside national borders.
- The emergence of new international institutions, together with ever-increasing numbers of governmental and non-governmental organizations, courts, committees, etc., that contribute through agreements, sentences, recommendations and opinions on the world legal panorama. Although they are formally subject to the decisions of the sovereign states that create them, many of these bodies work within their own dynamics.

Advanced legal integration processes, such as that exemplified by the current European Union, have demonstrated the difficulties of achieving true unification of law, or of at least reducing differences (harmonization) between different bodies of law.

In this frame of reference, globalization of law could mean not the total unification of law, but the creation of relatively autonomous areas that cut across the borders of nation-states and that, upon coming into contact with the spatial spheres of these states, generate an evolution in the set of legal systems.

It is obvious that there is no unanimous solution to the questions posed; but, even if there were, it would not exhaust discussion on the transformations to which law is subject because of the impact of globalization. Viewed in greater

depth, these changes force us to reformulate the paradigm that makes law and the State hierarchical and indivisible, and to replace it with a more complex vision that includes a systemic concept in the form of a network.

An alternative view of this paradigm, of which I provide a brief summary, has been proposed by the well-know Belgian professors François Ost and Michel van der Kerchove:⁶

The model, which in the opinion of these professors and is of course shared by us, is that, traditionally, the theoreticians of the state and the law worked under an essentially 'hierarchical', 'linear' and 'branching' concept of the legal system.⁷

This pyramidal and hierarchical concept is precisely what determines the relationships between national and international law, or between national law and 'infra' state legal systems that only gain recognition to the extent that they are incorporated into that model.

There are then at least three types of problems that question the pertinence of the pyramidal model:

1. First of all, the question of the *relationships between legal systems*.

From a strictly hierarchical and territorial perspective, interaction between the existing legal systems was only possible in terms of subordination, integration or indifference. Today, in contrast, we see complex interaction among regulations of different systems. In this way, the border between internal and external matters, which once seemed so clear, is becoming increasingly blurry.

⁶ It is important to insist that globalization implies that these links arise on a regular basis and not only in a random or fortuitous manner.

⁷ Ost, François and Miche van der Kerchove. *De la pyramide au réseau? Pour une théorie dialectique du droit*, Bruselas, Publications des Facultés universitaires Saint-Louis, 2002.

2. A second factor has to do with the *primacy of the constitution* over the rest of the internal legal regulations.

Although constitutions remain the foundation of national legal systems, little by little there has been greater openness to the recognition of other systems. Thus, for example, the recognition of international human rights agreements at the same level as constitutional provisions – which is still not actually a reality in our country – and the consequences assumed in processes of regional integration or recognition of international jurisdictions, force us to rethink the position constitutions hold in this pyramidal system.

Thus we find that constitutions must pass a type of ‘minimum legitimacy’ test for their contents, which are susceptible to being questioned not only by political mechanisms, but also by legal mechanisms.

3. A third aspect, of special importance, has to do with problems linked to the *interpretation and enforcement of regulations*.

Although the interpretation of regulations, especially by courts, takes place, according to traditional theory, in the framework of a rule of competence that grants them the possibility of creating individualized regulations, various theoreticians have demonstrated that, in reality, the power of the courts to recognize and even create regulations places them at the top of the pyramid.

The legal existence of a legislative regulation is not the result of its conforming to the constitution, but of its interpretation by the judge, and its validity does not come from a higher law, but from the process of producing laws at a lower level. In other words, courts become the actual central bodies in the process of recognizing, enforcing and validating legal regulations.

Thus without seeking to do erase the horizon proposed by the pyramidal model or radically denying its validity, it is clear that the complexity of the legal realities in the global world obligate us, in plain terms, to seek an alternative model in the

form of a network that will enable us to provide a better explanation for the phenomena we observe.

It should be noted that, in this model, the states remain at the center of the system, since their bodies (legislative, judicial and administrative) are responsible for recognizing and enforcing the legal rules. But in the logic of operations stemming from a system with division of powers, it is also necessary for the national courts to be ultimately responsible for recognizing and enforcing the legal rules applied to concrete cases.

In this model, the different nation-states are immersed in a complex network of interaction with all types of bodies. Thus, the principle of territoriality implicit in the state model and therefore necessarily constructed on the legal concept that identifies the law and the state is now clearly insufficient to explain the complexity of legal relations in at least the following examples:

- Creation of *international legal regulations* which constitute the systems of reference for regulating phenomena as important as trade, human rights and environment, but whose enforcement, in the final analysis, is located in a specific state territory.
- Progress in *regional economic integration processes* that are gradually building regulated territories less by supranational bodies than by new legal forms, such as the superimposition of legal spheres of competence in the same territory, the principle of subsidiarity (granting of undetermined functional competence to institutions at variable spatial scales) or even by the action of non-localized expert networks (for example, arbitrators). The most complete and complex case is the European Union, but more than 200 regional integration agreements have been reported to the World Trade Organization (WTO).
- *Centrifugal forces in nation-states*, which generate the formation of regional or federal legal systems and where the actual exercise of sovereignty, although constitutionally a single whole, is exercised in fragmented territorial units.

- Creation of ‘delocalized’ *private legal systems*, both in micro sectoral or local systems and in broad transnational networks (religious, sports, humanitarian, business, academic and professional legal systems) whose point of legal reference does not depend on a territorial anchor but rather on a status of voluntary adhesion. Probably the clearest example of this is the *lex mercatoria*.

In synthesis, we have argued that one of the consequences of globalization is the existence of multiple sources for creating law whose territorial enforcement, however, ultimately depends on its being recognized by the organs of the state, and particularly its courts.

It may be said that the courts are one of the central points of linkage, recognition and enforcement of legal regulations, regardless of their origin. As previously suggested, this is true in part because all global phenomena end up having a local expression and, on many occasions, this expression is reflected in judicial action. *Courts therefore constitute one of the anchors of globalization.*

It is obvious that the new global context imposes unprecedented conditions for the actions performed by courts. The traditional view that makes them mere law enforcers, based on a pyramidal, territorial model relatively impermeable to external conditions, needs to be reviewed extensively.

Just as new paradigms for understanding the law are generated, it is also necessary to advance in understanding the role of judicial powers in the globalized world, an issue we will now address.

III. THE FUNCTIONS OF THE JUDICIAL POWERS IN THE FRAMEWORK OF GLOBALIZATION

Our central thesis postulates that courts today not only carry out local actions, but also continually interact with local, national, regional and global matters. That is why some of

their decisions have a scope that 'delocalizes' and dynamically links them to the global sphere. Certainly not all the decisions adopted by the courts have this characteristic, but many of them may potentially have implications that go beyond settling a local dispute.

Not only judicial powers, but the functions of state bodies in general have undergone significant changes in the global context.

Traditionally, executive powers supported the major share of global interaction, followed by legislative power, which was limited to ratifying or correcting the results of foreign policy. To a great extent, international action seemed to be completely separate from domestic policy. This could certainly be explained by the two approaches typically used to define sovereignty: that which referred to the authority of the state to exercise power monopolistically within a given territorial sphere, and that which excluded the action of other entities of power (states) within the territorial sphere of a state in particular.

Today this concept has been disrupted, but the effects of this phenomenon have had a direct impact on the functions that have typically been attributed to state bodies.

In the current panorama, the executive and legislative powers concur, together with many other actors, in the process of generating rules and codes of conduct at the global sphere. And although these new regulations may be recognized and enforced *de facto* by different actors who have intervened in creating them, the question of their being incorporated and recognized in the state judicial systems remains open.

If attempts to answer the question are made from a traditional perspective, many unknowns would be solved by recognizing the function of the executive power and, in particular, the legislative power, as the legitimate vehicles for incorporating rules into the legal system. However, the question becomes much more complex if the transformations undergone in the judicial powers, in the terms described above, are taken into account.

From this new perspective, judicial powers acquire a very important role in the process of admitting rules in the legal system, since, in the final analysis, they decide on the form and terms in which the new regulations – including those from the legislative powers – can be incorporated into the legal system, and they set forth the conditions in which it will be possible to create and, if appropriate, admit new rules and practices into the legal system.

In accordance with this perspective, I would now like to identify some aspects which, in my opinion, are producing a change in the role of the judicial powers.

a) The recognition of international law

The creation of legal regulations can no longer be considered exclusively a function of the state. Although the state maintains a monopoly on the official issuing of such regulations within the state, many matters would encourage us to say that, in fact, various *infra* and *supra* state organs that create legal regulations are successful in having them recognized by states through diverse official receiving mechanisms. The intensity of this phenomenon, especially in the globalized spheres to which we have already referred, calls for a review of the matter at two levels: first at the level where international agreements are received and, subsequently, at the level where entities are created to settle disputes outside of state jurisdiction.

The states have always entered into international agreements, but their enforcement in domestic law was relatively limited, since so-called traditional international law basically regulated state-to-state relations, and the international instruments signed were aimed principally at the states themselves. This situation has changed dramatically.

As a result of globalization, the amount and intensity of exchanges between economic and social entities has increased significantly, which calls for a regulatory framework to ensure

that they operate appropriately. Consequently an increasingly important number of international agreements have been established to regulate matters that have a direct impact on domestic law.

There are also both internal and external social stakeholders who are directly interested in these agreements being fulfilled, which gives rise to interest groups that fight for their enforcement and supervise their implementation in the nation-states.

Traditional legal doctrine has attempted to explain the relationship with international law through theories that are now clearly insufficient for that purpose. Problems such as the reception of international agreements in domestic law and their hierarchy (topics which I have been able to discuss on other occasions thanks to this Ministry), reflect this insufficiency.

In this regard, I will only say that there are various arguments for and against each of the systems that deal with establishing the hierarchy of these types of regulations. What is essential to our argument, in my opinion, is that – regardless of the reception system and the specific problems it may generate – those who are at the end of the chain, establish the specific sphere of enforcement of international regulations, define their hierarchical position and determine their enforcement are the different national jurisdictions.

And there are increasingly more institutional mechanisms responsible for the enforcement and interpretation of international law, authentic international jurisdictions, *quasi* jurisdictional systems, such as those of the WTO, and others of international arbitration mechanisms.

At first sight, these mechanisms could be considered a way of eluding national jurisdictions. However, contrary to what is generally thought, I believe they are closely linked to them.

In no way am I denying that the courts occupy a central and irreplaceable position in modern legal regulations (which presupposes there is a set of global legal phenomena); instead, I am ratifying that, even in the cases in which the development

‘autonomous’ legal systems can be observed, such as the so-called *lex mercatoria*, national courts continue playing an important real or potential role to the degree that the legal actions and decisions of such systems can be submitted to a state jurisdiction.

Thus, I am ratifying that the courts have become a ‘juridical anchor’ of globalization.

The principal consequence, which cannot be overemphasized, is that their functions are no longer limited to those imposed by a *national legal system* and, at the same time, they are not limited to defending the legal interests of a nation-state. Instead, they have *direct responsibility* in building a *world or global legal system*. That is why they must be even more open to the supranational sphere and operate more effectively as a coordinating axis between national and supranational affairs.

This relationship (between national and international jurisdictions) should not be reduced to a mere subsidiary relationship, since the more integration increases among countries, the more necessary it will be to also devise more integrated ways of coordinating both jurisdictions. An example that reflects this process may be seen in the European Court of Justice, which does not replace national courts, but operates as the head of a complex legal system in which it intervenes selectively when asked to do so by the bodies of the European Union or the national courts themselves.

b) Justice and the economy

Another of the emblematic changes in this process for judicial powers is particularly evident in what could be called the central arena of globalization: the economy.

In this arena, courts are viewed as institutions of capital importance to guaranteeing a *general climate of stability and predictability*, which is not only favorable but essential to investment and trade, as long as – and here also the economic terminology is clear – they operate in an *efficient* manner.

It is obvious that the courts play an economic role, for example, when they settle business disputes that have direct economic consequences. However, their current functions in the economic sphere are of much greater scope, since they are in fact expected to facilitate an immense gamut of trade relations that globalization engenders.

Those dedicated to formulating public policies throughout the world seem to agree that the efficiency of the courts is of growing importance in view of the merciless struggle for trade and investment opportunities imposed by economic globalization, but, above all, they seem to agree that it is a way to improve the institutional and government capacities of nation-states. The underlying notion of this concept is that the lack of an effective and efficient legal system generates significant costs that hinder economic growth.

These costs stem from three main sources: losses in the value of property rights owing to the lack of predictable enforcement of the regulations; additional transaction costs for contracting in an environment in which the settlement of conflicts by a third party is dysfunctional; and corruption.

Ever increasing international factors have led to the conviction that the courts are important to economic development. Thus, international economic transactions are expected to cause a certain number of legal disputes that the courts could settle; but it is also a fact that international economic disputes – especially those of large amounts related to investment and trade – tend to be transferred out of national jurisdictions to international forums, particularly to *ad hoc* arbitration courts.

This prompts us to ask to what extent global economic competition requires legal and court systems to compete with each other to help attract (or, at least, not discourage) trade and investment.

In this context, it is obvious that the national courts play an important role as a factor in the general climate of economic and political stability, as well as legal certainty, which favors

investment, trade and, ultimately, economic growth. In other words, the perception that national courts are ineffective and inefficient or that their decisions or interpretations can reduce economic opportunities, has great weight in the decision-making of both domestic and foreign economic stakeholders.

In summary, the need for an appropriate legal infrastructure for international economic transactions does not imply that national or international courts themselves can offer solutions to problems. On the contrary, it is more likely that a very diverse set of both internal and international judicial or quasi-judicial institutions can be developed for that purpose. Whether or not these institutions are used will depend on various factors such as the rules of competition, the actors' perceptions of justice and efficiency, the nature of the parties' intentions, etc.

c) Justice and democracy

We have already indicated that in the modern state, judicial power fulfills much broader functions than those limited to the settlement of disputes between individuals. In particular, it is up to the courts to settle the increasingly frequent conflicts between citizens and the government. Through the so-called constitutional courts, it is their job to resolve openly political issues between government organs or levels, as well as to intervene in controversies that arise between political minorities and majorities.

However, this is insufficient to explain the new leading role being played by judges and courts in the era of globalization. The strong economic and political pressures that globalization generates lead to a relative weakening of nation-states; and that, in turn, contributes to the growing importance and power of courts. These have become an instrument to address not only political demands but, above all, moral and idealistic demands. Thus it is expected that the courts distinguish the

good from the bad and settle disputes using values intrinsic to the system or even outside of positive law. They have been transformed into the last refuge of a disenchanted democratic ideal; in the words of one author:⁸ into the *guardians of democratic promises*.

This role implies considerable risks to democracy itself. The images of an all powerful, omnipresent, decision-making court system may work against the courts themselves, because, in global times, it is very easy to fail in meeting social expectations. And although it is true that it is impossible to prevent the courts from becoming politicized (in a broad sense), it is also true that their effectiveness and legitimacy depend, if yet another paradox is allowable, on the case-by-case, apolitical exercise of their *political* power.

The growing importance of the judicial role to which globalization in this field contributes intensifies two particular and interrelated problems: *access* to the courts and the *number and types of disputes* that the courts must settle.

Traditionally, access to justice has been one of the serious problems facing societies with high levels of poverty and social inequality such as those in Latin America. Globalization, to the extent that it has contributed to increasing such inequalities (or, at least, has not yet clearly helped to reduce them), makes the issue of access more acute.

⁸ The structure of the legal system is hierarchical because its organs and its rules are situated at positions in which some are higher or lower than the others. This hierarchy is also linear in the sense that it involves relations in only one direction between its different hierarchical levels, thereby excluding all forms of inversion or retraction among them. It is branching because its different elements are engendered by multiplication from a single place of original creation. It is a stratified pyramid with different intermediate levels, firmly built on a territorial base at the top of which is the sovereign state and the constitution, from which law emanates downwards to govern the people.

In this matter, it is unrealistic to think that it will be possible to significantly increase the access of most of the population to the judicial apparatus, at least in the short term. First of all, there are sectors practically abandoned from justice, such as those in rural areas (although there are some entities that specifically deal with their demands), while urban groups of low socio-economic levels have modest or minimum access to so-called alternative or informal institutions. Many times, these institutions are the only alternative for these groups, since there is no possibility of subsequently taking cases to the courts when required.

We should then be in favor of juridical pluralism, expanded and tolerant law that incorporates the so-called *alternative dispute settlement mechanisms*, principally mediation, conciliation and arbitration. The incorporation of these mechanisms can enable better operation of courts, increase access to justice, provide greater citizen participation in solving their own disputes and finally install a peaceful, cooperative and democratic form of addressing social controversies.

The above considerations show that the problem of access is selective, not indiscriminate, but it will continue unresolved as long as there is no coordination between what we could call *informal justice* and formal justice to reverse the polarity in the petition for informal instead of formal justice, but also allow the possibility of taking claims from informal justice to formal justice.

In reference to the number and type of conflicts, societies are becoming increasingly complex and, above all, heterogeneous through the impacts of globalization. This presents a double challenge to the courts: on one hand, they must adapt to the growing work loads and to more difficult and complex matters, and, on the other, they must be able to differentiate and specialize their action on the basis of the social groups that come before them. In other words, judicial powers not only must continue their efforts to provide greater and better access to justice in the case of 'traditional' disputes they are familiar

with, but must also be prepared to deal with and adapt to 'new' disputes arising from the political and economic reforms of recent decades (for example, unfair practices in international trade) linked to globalization.

Fortunately, there is evidence that many of the countries of the region are responding to this challenge through the creation of a much more complex, intensive and differentiated institutional framework and justice apparatus.

Since I do not wish to take unfair advantage of the kindness this excellent forum has extended to me, I would like to stop reading my paper at this point without proceeding to the part on legal security. In any case, it will be included in the printed version the organizers told me you would receive. I wish to thank the Foreign Affairs Ministry and the Pontifical Academy of Social Sciences for the valuable opportunity of having been able to participate in this event, and I would like present a few ideas in conclusion, since the discussion will obviously remain open.

IV. GLOBALIZATION, COURTS AND LEGAL SECURITY

Legal security has traditionally be identified as one of the 'purposes of law'. In general terms, it assumes the certainty of persons subject to the law that their legal situation will not change except through previously established procedures. A more sociological perspective would identify legal security as one of the conditions for the rational of law – and consequently a condition specific to western law – linked to the predictability of behavior in society and one of the bases for economic and social activity. Legal security is one of the conditions necessary for the development of market economies.

The relationship between the rule of law and legal security is obvious. If the former presupposes a government of regulations at a given time and space, this only occurs to the extent they are made effective through a legitimate specialized appa-

ratus responsible for their enforcement (i.e. courts, police forces). Legal security is simply the practical translation of the efficacy of regulations as the regulators of behavior.

From this perspective, the relationship between globalization and legal security appears as a point of complex linkage. If globalization of law involves the creation of horizontal legal spaces, it is obvious that it may be impaired to the extent that the conditions for enforcing the 'globalized' regulations elude the mechanisms that the modern state has traditionally put into operation to ensure compliance with such regulations.

In other words, the generation of globalized regulatory spaces would presuppose the creation of enforcement mechanisms that are also global. However, one of the aspects in which the nation-states have proved to be most zealous of their sovereignty lies precisely in the control of law enforcement mechanisms, and only scarcely and not without serious resistance, have they established transnational enforcement systems, for example in criminal matters (e.g. the International Criminal Court) or trade matters (e.g. the WTO dispute settlement system).

From another perspective, there is evidence that in an interconnected world where actors are able to choose the forum where a dispute will be settled, they tend to prefer the forum that provides them with greater certainty on the probable outcome. Thus, the systems that are most stable and provide the greatest legal security are preferred over those that have a high degree of uncertainty. The action of judicial powers says a great deal about legal security. In defining the regulations considered valid in the legal system, it is a question of building a frame of reference that can be used by the actors to govern their interactions.

The work of court systems in building predictability should be approached both from a technical viewpoint and from an institutional viewpoint. In the first case, it is necessary to analyze the construction of the jurisdictional criteria produced by the rules that will be considered valid within the legal system. In the

second case, it is interesting to know how the court systems operate in constructing such rules; that is, the effective conditions necessary for the production of rules entrusted to the courts.

From a technical viewpoint, the analysis focuses on the way the judicial powers receive the regulations proposed not only by political actors (for example, the law), but also by social actors (for example, contracts). In this way, an attempt is made to explain if the reception or rejection of the proposed rules or regulations will help to generate greater certainty in society, so that the actors have a solid frame of reference for their relations. In this regard, the way national courts are linked to international bodies is particularly important, both from the standpoint of the reception and recognition of international law and in the way national courts react to the decisions of non-national dispute settlement bodies, particularly in cases of arbitration. A system in which the reception and recognition rules are clear unquestionably contributes to the generation of legal security.

It is also interesting to review the consistency in the settlements of the courts. It is a question of reviewing to see if the judicial powers have mechanisms to prevent the existence of contradictory criteria with regard to the interpretation of regulations and whether these mechanisms satisfactorily fulfill the task of building certainty. The fewer the contradictions produced by the judicial powers on the scope of the rules and regulations submitted to them by the social actors for consideration, the greater the certainty they generate. In any case, the mechanisms to settle disputes should be clearly established and generate reasonably predictable interpretation criteria.

With regard to the approach taken to the operation of the judicial powers, emphasis should be placed both on the time they require to hand down decisions and the effectiveness of their decisions. In the first case, the speed with which the courts settle the cases submitted to them for consideration has a direct

impact on the way in which social relations are produced. Thus, in a scenario where the process of justice is slow, the actors usually incorporate this variable into their transactions or their behavior in relation to fulfilling an obligation. Consequently, situations may arise in which a debtor may choose not to pay a debt, confident that the slow action of the judicial power will result in a reduction in the cost of the obligation. To the benefit of the debtor, it also produces a much firmer position for negotiating a reduction in the debt if the creditor cannot or does not wish to invest resources in collection. In other cases, the parties may end up accepting clauses that set forth excessive interest on loan arrears as a mechanism to discourage a debtor from using the slowness of the courts in his favor.

Efficacy in the fulfillment of decisions handed down by the courts also has a direct impact on the way transactions are carried out in society. When there is certainty regarding the possible direction of a jurisdictional decision, but no security that it will be carried out, the position of the actor becomes quite precarious. Once again it is necessary to weigh the advisability of investing resources to ensure the fulfillment of an obligation.

Finally, it can be argued that the judicial powers, through their action, can send signals on the definition and efficacy of the laws existing in society. Social actors consider this information a useful reference for determining their behavior in social relations. In this way, the inefficient action in the administration of justice can have an influence on the way in which obligations are fulfilled. When this situation is reviewed in a scenario characterized by the existence of a mixed market economy, the immediate question is how the action of the judicial power affects economic trade.

The scenario becomes even more complex if it is analyzed from the perspective of a national market in a global society. In this case, the national judicial institutions are not the only institutional bodies for settling disputes. On the contrary, the judicial powers must participate together with many other

institutions and procedures presented as options for settling disputes. Obviously, the parties will choose to submit their conflict to the body that offers them the best perspective for dealing with their case. In this same scenario, cases may arise in which the parties choose to establish guarantees for the fulfillment of obligations in places where there is greatest confidence in the institutional behavior of a judicial power.

In summary, one of the responsibilities of judicial powers is to help generate legal security in two spheres. First, in the external sphere they can build mechanisms for global legal certainty by becoming parties to a system that operates in a coordinated manner, sharing a vision based on the values that inspire democracy, the rule of law and a market economy. From an internal standpoint, the legal security they generate enables the anchoring of the global operations of economic actors on bases of justice and reciprocity.

V. CONCLUSION

To operate appropriately, delocalized spaces for action in which global or transboundary exchanges of goods, services, money and information take place necessarily involve the formation of rules that gradually transform into authentic horizontal legal systems whose effectiveness depends, to a great extent, on the interaction they establish with national legal systems. Thus, there are authentic 'global legal systems' (e.g. in matters of trade or human rights), or private legal systems that generate effective legal rules created in a decentralized manner (e.g. *lex mercatoria*, the Internet) whose recognition and efficacy, in the final analysis, goes through the national courts.

These horizontal legal systems are formed with the participation of nation-states, together with other entities, such as international intergovernmental bodies, nongovernmental organizations and transnational corporations.

As a result of globalization, the legal phenomenon is now much more complex and allows a diversity of sources that are generated by *supra* and *infra* state mechanisms. This involves a change in the way law is understood, no longer as a pyramidal and territorial system, but rather as a network system where the state remains at the center, although it can no longer reclaim an unshared and exclusive role.

Regardless of the system that receives international law in a country and the specific problems that it may generate, those at the end of the chain who establish the specific sphere of international regulations, define their situation and hierarchy, and determine their enforcement are the different national jurisdictions.

Economic growth must be based on at least two fundamental legal conditions: a transparent legal framework that guarantees property rights and a set of public institutions that efficiently ensure its protection, especially courts. Consequently, strengthening the institutions responsible for administering justice is of prime importance.

Judicial powers are one of the central points of linkage in a complex regulatory system that lies beyond the control of national legislative and administrative bodies. This can be explained somewhat by the fact that all global phenomena end up having a local expression, which sometimes translates into judicial action. Thus judges play a central role in recognizing, creating and enforcing 'global' law, and the courts constitute one of the most important anchors of globalization.⁹

In the new global environment, judicial decisions inform public policy and have consequences that affect the social system as a whole. Interpretation models therefore involve eco-

⁹ Fix Fierro, Héctor. 'Poder Judicial'. *Transiciones y diseños institucionales*, María del Refugio González y Sergio López Ayllón, editores, UNAM, Instituto de Investigaciones Jurídicas (Serie Doctrina Jurídica No. 3), México, 1999, pp. 170 y 171.

nomie and political contents that are not neutral. Thus, careful reflection on their implicit economic, political and social assumptions is indispensable, together with a large dose of transparency and clarity in the argument, to provide the economic and political stakeholders with a reasonable degree of certainty and predictability regarding the judicial decisions.

The central role placed by the judicial powers is not free of risks. One of them lies in generating too many expectations regarding their capacity for action, and consequently being affected by a loss of legitimacy when they are unable to settle some of the most urgent public issues presented to them. That is why it is important to insist on an appropriate policy for communication with society and the media to enable citizens to understand the necessarily limited framework of action in which their jurisdictional duties are carried out.

A policy of maximum transparency also needs to be established so as to enable appropriate accountability and develop confidence among the economic and political stakeholders, while, at the same time, duly safeguarding information which, for legitimate reasons, should be withheld or protected.

The link between national and international justice is continually growing stronger, both with regard to intergovernmental mechanisms (for example, the Inter-American Court of Human Rights) and to different arbitration mechanisms included in economic integration agreements and even private dispute settlement mechanisms. The different levels of the dispute settlement bodies continuously interact and can reinforce each other, or they can generate uncertainty and insecurity. Consequently clear lines of communication and coordination should be established to ensure that they recognize each other and institutional mechanisms should be established to ensure ongoing legal dialogue, which should lay down the bases for mutually consolidating their actions. In the same sense, the judicial powers should advocate having some of their most distinguished members designated, temporarily or permanently,

by the nation-states to serve as judges or arbitrators in international mechanisms. This would facilitate communication between different levels in the administration of justice.

Access to justice is one of the most heartfelt demands of the population. Ensuring this access in increasingly heterogeneous and complex societies represents a double challenge for the judicial powers. One on hand, responding to growing work loads and, on the other, differentiating and specializing their action on the basis of the social groups that come to them and present specific problems caused by globalization itself. Dealing with this problem requires expanded use of alternative dispute settlement mechanisms, which should be backed, finally, by formal courts and by generating greater links and coordination between formal and informal justice.

Since globalization differs and has greater influence in some specific sectors, consideration should be given to judicial specialization mechanisms in the most globalized fields, such as economic law (international trade, investment, economic competition, intellectual property, international contracts) environmental law, criminal law (especially crimes such as drug trafficking, terrorism and smuggling) and different international trade arbitration mechanisms.

Judicial powers are not free from the increased complexity allegedly involved in state activity in the modern world. That is why institutional mechanisms to create judicial networks both at the local, as well as the regional and global level, should be expanded and strengthened. These mechanisms enable the cross-fertilization of ideas, the sharing of experiences regarding solutions to similar problems and, above all, the strengthening of judicial institutions themselves through their international legitimacy. In particular it would enable the judicial powers of the region to take much more active and coordinated action in relation to the items of interest to them on the international agenda rather than being merely passive actors in regional and international changes.

Judicial powers should have their own mechanisms to assess the impact of their decisions on national economic and political systems. To date, these assessments have been geared more toward the interests of academics and international financial institutions. A study program aimed at generating empirical research should be established to enable them to identify the effects of judicial decisions on the national economy and public policies, on the generation of legal security and on access to justice. This accumulated knowledge should allow appropriate orientation of medium- and long-term judicial policies. At the same time, it should enable them to make proposals to modify the national and international legal environment and to ensure more effective action for justice.

The operation of market economies presupposes the existence of well-consolidated courts that could reduce transition costs. Thus, providing legal security through the effective and efficient administration of justice should be a value that guides the action of the national courts.

All these ideas have no purpose other than to make globalization a process that shifts its view toward the human face that all historic processes necessarily have. The courts of the world cannot ignore the fact that, as the main parties responsible for granting rights and settling disputes, we do not take into account what is mentioned in the epigraph at the beginning of this paper: if we do not attempt to transform the mercantile vision of rights into a more human perspective, we will be betraying all the most profound principles of enlightened thought, but, above all, we will be betraying our own nature as rational beings.

Thank you.

III. CONTRIBUTING TO BETTER GLOBALIZATION

EDUARDO ANINAT

I have altered the original presentation in an attempt to make a small contribution to the rich conceptual discussion that arose from all the presentations at the Colloquium. Consequently, I will divide the theme differently, but I will attempt to set forth an idea: how a more comprehensive view can contribute to the accelerated changes being brought about by globalization and do it in a manner beneficial to humanity.

I want to answer three questions, if I can within the limits of my capacity.

The first question is what we really understand as globalization. Are we talking about something new or, as the French say, only old wine, but in new bottles with new labels. I think it is an important question, since in this magnificent seminar we have seen distinct meanings and different concepts of the same term and, in my opinion, for good reasons.

Second, I want to link the theme of globalization with something of interest to all in a more universal world, in a more global world (if it does, in fact, exist). I am referring to the institutional framework of the international architecture that accompanies and attempts to regulate the economic face of globalization, and especially to the contribution made by the twins of Bretton Woods (the IMF and the World Bank).

Classically, these two bodies were conceived as an initial seed for the institutional framework of globalization: both the World Bank and the IMF. This also allows me to share with you

some impressions that may change the perception of some regarding the role these institutions play in actual practice; for example, in relation to their role with the underdeveloped countries and in relation to externalities and the Global Commons.¹

Third, I would like to make some comments that link the above-mentioned points with styles of social and economic development and particularly with leadership strategies for economic development. Here I am going to take the liberty of referring more to Latin America and Africa in an attempt to see if globalization reflects solid opportunities or only threats.

Finally I will try to bring these discussions down to public actors and politicians of flesh and blood. In particular, I will talk about the leadership role from a certain humanist concept as background.

I would like to visualize globalization as a kind of *bacteria or virus*, not in a negative sense or sense of disease, but in the sense of a kind of *propagation*, dissemination and scattering that is unexpected and on *many fronts*. A virus that gradually captures more parts of the subsystem to use the methodology of matrices: of the social body, human body and economic body.

In this sense, when globalization is discussed, some people approach the term under a more traditional concept in the language, such as internationalization.

Others observe the phenomenon from a different viewpoint. They approach globalization as a theory of pure change, a category of dynamic change. There are also others who approach it as a more technological concept. Finally, for others it is classified as progressive institutional evolution. So there is something for everyone.

What we can be sure of is that globalization has many faces and many components, and it acts on numerous fronts. I would dare to say that what is new about it could be its acting on mul-

¹ See text by Inge Kaul (editors) and other authors, published in 2006, 'The New Public Finance: responding to Global Challenges'.

multiple fronts of development and human life, including economic, financial, technological, cultural, political, and other fronts.

In contrast to the old concepts of internationalization (there are many), in postmodern globalization, what is new, distinct and strange is *the acceleration and the surprise* that this type of phenomena offers us (like a virus, as I noted). Both faces of globalization are valid: its surprising nature and its accelerating nature.

Here I am trying to place myself somewhat in opposition to some of the most determinist concepts, regardless of whether they come from a philosophical or a sociological viewpoint. We see that globalization accelerates, at least in its most visible expressions, precisely when a phenomenon occurs that no one (and certainly no actor in the economic or political sphere) has foreseen, which occurred at the end of the 20th century with important consequences. I am referring to the fall of the real socialist regimes, the disbanding of the Soviet Union and the fall of the Berlin wall.

That is to say, part of the 'globalization virus' reached us in a completely surprising, rapid and decisive manner!

Even with all the famous economic, sociological, political and modern analysis models you want to put on the table, it is well documented that no important analysis or power center was able to foresee the long-term force and consequences of the fall of the Berlin wall. So there is something in this phenomenon of bacteria or human transformation that is not easily grasped by the scientific and traditional categories of analysis. It has something of mystery, chance and complexity, as well. It is also a great lesson to be learned by determinist thinkers. They should take heed and consider their own case, and they should modernize and update their analytical categories.

When you travel in Latin America and the classical underdeveloped world of Africa, South-east Asia and India, you realize that for many families and persons, globalization still has a connotation of uncertainty. I believe this connotation of uncer-

tainty, of questioning, has not been sufficiently highlighted by the magnificent speakers we have so far heard and I would like to, at least, put it on the table. For them, globalization has a sense of acceleration and tension, but also a sense of great surprise and many encounters with the unknown, and it is affecting the economic, social and technological life of the nations.

And to be rigorous (in the philosophical-scientific spirit that reigns here), I think we should respect this component of probabilities, randomness and uncertainty that itself embodies the strange phenomenon called globalization.

To view the topic from another angle, some people have maintained that globalization is an entirely new phenomenon. I want to maintain the opposite position. It is as old as Marco Polo in many aspects.

In some aspects globalization is as old as our great grandparents and older. There is one aspect, for example, that now has power but does not dominate it all. I am referring to international trade of goods and services.

There is an aspect of globalization that certainly has a very strong economic component. This economic component is correlated with the theme of commercial transactions of merchandise and goods in numerous markets of many origins and an infinite number of destinations. But this is as old as international trade!

It has as many anecdotes as Marco Polo.

Marco Polo was pleasantly surprised by the customs, kingdoms and new goods that he carried and could bring back to Europe to astonish his fellow countrymen. Multi-border trade activity was already in full existence there.

We can also consider another stage of globalization in the 16th century. Spanish, Portuguese and other Europeans traveled along the western coast of Africa and through numerous random experiences found spices, conquered new places and reached the Philippines, for example. Trade, the discovery of goods and services, and even changes in national or tribal sovereignties were produced by these situations.

The voyages of Christopher Columbus. Not long ago I spent a long weekend in Montevideo, Uruguay. This place has many characteristics of a non-globalized city, and that gives it its charm. It has a special and nostalgic 'oldness'.

It has one of the best antique bookstores in South America. In one of these notable places, I found a magnificent collection of five volumes of narrations by Don Antonio de Herrera, who was the Chronicler of the Indies as provided for in the rules of the old Spanish Court.* These volumes include the successive voyages of Columbus according to the reports transmitted by the voyager himself and by others.

On Columbus' first trip when he reached these lands of the Caribbean and Central America and discovered a new world that not even he realized was new, and even newer, very significant synergies began taking place.

What draws the most attention in these old narrations of the Spaniard Herrera is that the indigenous people in the places Columbus visited on his first voyage competed among themselves in a quite beautiful way. And that was one of the difficulties of Commodore Columbus: the native inhabitants competed with each other to get Columbus to go inland in small boats on the rivers and bays in order for him to see other neighboring kingdoms and sometimes kingdoms far away. Everyone wanted to meet this man from Genoa and be surprised by what he brought. Columbus's problem was how to divide himself among so many people and places to establish relations or mutual knowledge with these kingdoms that *competed in friendliness* (and not in hostility). They competed in friendliness, in gifts and in personalized meetings with these adventure-loving European explorers.

* 'Historia General de los Hechos de los Castellanos en las Islas y Tierra Firme del Mar Océano', por Antonio de Herrera, Madrid, en casa de Pedro Madrigal (1591).

One could go back to the 16th and 17th centuries and also see far from positive aspects of globalization in the colonial period. I am referring to the slave trade in all its brutality, together with the establishment of sugar plantations in the northern part of South America, Central America and, particularly the Caribbean; and to how the primary crop of sugar (which has basically been produced in the same way since the mid 17th century), in turn, required a new complementary tool that was very harsh: slavery, the capture of inhabitants of Africa and their being brought to the tropical areas of America to work on the plantations.

A mixture was forged there among the indigenous, mestizo and African cultures on this new continent (in the Caribbean, Mexico, Central America and Brazil). There is vast literature on the sociology of sugar and how the slave trade changed the habitat in all these countries and, of course, in Africa.

Finally, there is the trade component at the end of the 19th century, where many of the European countries, the powers of the era, and also the United States, produced a strong demand for new products, food, raw materials and mining products. This resulted in the appearance of navigation that was different, more powerful and broader, with maritime transport in countries such as Uruguay, Argentina and all along the Rio de la Plata, certainly from Chile, Peru and Colombia to the poles of demand in North America and Europe.

At this colloquium, a distinguished Mexican colleague noted that the Viceroyalty of New Spain, which had headquarters in Mexico and extended from part of California to Panama and Central America, was where the first currency that circulated in the Philippines and in Hong Kong three or four centuries ago, the *Eight Reales*, originated. It came from Mexico because of the quality of its gold and silver mining. In exchange, many silks and other beautiful Asian articles were received by the Viceroyalty.

This concept of globalization as renovated, multi-border trade that crosses borders – which is now of such great impor-

tance – has vast historical background that has perhaps somehow become more complex now. But it already existed with ample development during the 19th century, just as emerging and forceful as it was in the two previous centuries. Consequently this part of globalization is not so innovative; although it now presents other complexities. (See for example the *theories of dependence and unequal exchange* or, in contrast, the *positivism* described in the works of Jeffrey Williamson in relation to Asia and the role of foreign trade.²

In this search for past concepts of globalization, we also have the role given to and contributed by the evolution of foreign investment, which, in many of our countries, politicians and leaders point to as a phenomenon linked only to current globalization. But that is not the case!

In the 19th century, sovereign bonds of our Latin American Republics (Argentina, Chile, Brazil and others) were already floating on the main financial markets of Europe, particularly in London, to construct initial railways, part (or a good part) of which, in turn, belonged to European investors. The development of railways here and in many other places was linked to penetration trade and transport with foreign capital, and it was not exempt from arbitration, jurisdiction conflicts, new laws and spheres of control, and regulation as was explained to us in the morning by an outstanding jurist. Colleagues, in this review of foreign investment and its globalizing pole, I am talking about themes that have been valid since the first half of the 19th century!

² Jeff Williamson is an academic leader who, applying quantitative economic models, has made contributions in New Economic History applied to Japan and other countries in Asia, where in general he shows the positive contributions that 'globalization' of foreign trade made to Asian economic development. For critical or negative analyses, see the abundant work of Andre Gunther Frank, Osvaldo Sunkel or Theotonio Dos Santos, among many other Latin American authors.

This is another example of how this part of globalization somehow repeated itself at different times in the past.

What makes globalization different now?

It differs in the *sphere of scope*; that is, in the percentage of world populations, of world villages and cities and of world economic territories that are now involved in globalization of trade and investment versus the percentages that were affected and involved before in the classical eras (19th century, etc.) to which I have been referring. Let's take the case of bonds to finance railway construction and we compare that with financial change and transaction in currencies in real time by computer and a bank today. Or we compare it to the volume exchange of current commercial debt paper in the major financial centers and through the banking system.

To summarize this part, I would like to once again go back to my idea of globalization as an expanding, erratic, random and surprising virus; and, second, to how the virus today has a pronounced acceleration factor; which as an economist I describe in many of the derivatives which, however, I do not see in other *old* phenomena of internationalization.

Finally, the globalizing phenomenon is, in fact, strongly dominated by a technological bias.

What, then, dominates this phenomenon now? In my opinion it is technical and scientific change, which is generating challenges and tensions of great magnitude at the present time.

Globalization, Institutions and the Role of Bretton Woods

I move on to make comments on the second subject in my talk.

What role has been played and is now being played by the so-called Bretton Woods organizations in the United Nations family through monitoring, directing and regulating this phenomenon of globalization?

I would like to take a few minutes to share the story that the Bretton Woods architecture produced in the era of the

1940s, 1950s and 1960s. At least as I read it and understood it during almost four years in which I worked in the IMF managing director's office, and also as Finance Minister on the other side of the table when, as the representative of a member country of the IMF, I had to discuss policies with them.

I think the topic of how these two organizations were conceived and began is very important. People talk a lot about the IMF and the World Bank, but they have not taken the time to read their articles of agreement or the discussions prior to the original concept that led to their creation.

In contrast to what I said before, in this institutional case, we have the 'surprise' that they are institutions which – for the most part – have not changed very much since they were designed and formed in the second half of the 1940s. They have been adapted and adjusted numerous times but never before the mid 1960s. Their fundamental document is basically the same as the Keynes (English) and Foster Dulles (American) original.

They warrant comment as a way of looking at the theme of *governance and globalization* from a political-financial viewpoint.

There is, for example, the role of Sir John Maynard Keynes, who with enormous academic experience, good mathematical training and a new view of the modern economy (particularly of the macro-economy), thanks to having been a diplomat and essayist, conceived, discussed and designed – in response to government instructions – a global architecture for internationalization. It was not done passively or unilaterally, but rather with the participation of another diplomatic genius, the North American negotiator, to formulate a different postwar institutional framework and to achieve basically two major goals.

The first was to restore unhindered freedom of the movement of goods and services for foreign trade, so that the international trade of goods in the postwar era would once again become a driving force for global growth.

We should think of Europe destroyed, of the lines cut, of the enormous problems of maritime transport. What could be

more important than thinking of a new institutional framework that would make trade between the countries flourish again and trigger greater growth?

But they also viewed this free trade from the standpoint of stabilizing and eliminating the vulnerability of world development; of sustaining, in the context of internationalization, pro-market conditions in each country that would maintain a healthy balance in *macroeconomic* conditions.

Consequently, under this concept, the IMF was entrusted principally with directing the restoration of macroeconomic stability to make trade flourish without experiencing interruptions.

What was still lacking was the second component, which was aimed at reconstruction: public and private investment and its financing.

Thus, the World Bank, a twin institution, was entrusted with specializing in the other component, which was reconstruction through investment and healthy financing of multi-annual investment programs in the member countries.

From the outset, the IMF had always had (and still has) a short-term orientation. That is, it is careful not to distort trade and to keep the annual macro-economy balanced and stable.

In contrast, the World Bank sustains a somewhat longer-term concept through investment and the reconstruction of infrastructure in the long term. Long-term loans, bonds and other instruments are vital tools in the World Bank kit.

This is the first topic I summarize and I do it to clear away any ghosts that may be lurking, especially in Latin America, regarding the role of the IMF and of the World Bank, and to avoid confusion in identifying the corporate duties of each of them.

It refers to what the twin sisters of Bretton Woods can and cannot do according to their own different articles of agreement.

These institutions have not significantly changed their articles of agreement or their composition and voting powers; they have lagged somewhat behind, with only some additions.

They have become less dynamic in terms of the speed at which they adapt to new phenomena, some of which are those brought about by globalization, and to certain tensions linked to the topic.*

The IMF and the World Bank continue following a concept that originated in the postwar years. This topic should one day form part of the agenda discussion regarding the United Nations reform process.

That does not at all mean that the two institutions are not useful or that they cannot act. In fact, they do act more or less significantly on a day-to-day basis.

But they have not been allowed to create a new institutional framework to adapt to new tasks required by the new world order.³ There is varied literature in relation to this point and I will not dwell on it here.

I would now like to link the previous considerations to the role of the State, going back to the *collective* institutional framework. I do it now by viewing the role of collective policies in the context of a global world.

My reference work to the theme here is going to be much more imperfect than what a more sensitive scholar could do. I am going to use a scholar of the 20th century, Professor Richard Musgrave. This classical scholar of Harvard, today a wise man

* It is a simple abstraction, since it is well known that, for example, its Past President, Michel Camdessus, was able to involve the IMF in topics of support against extreme poverty and for over-indebted countries (PRGF window and HIPIC Initiative); and that its recent Past President Kohler expanded the IMF toward themes of cooperation. But neither they nor their predecessor made *in-depth or central changes in the basic concepts* of the original charters, regardless of how many operational and fragmentary amendments were gradually introduced.

³ Two of these new themes of tension are the consistent treatment of the externalities that movements of short-term financing capital bring about and the approach or public visions necessary for dealing with trans-boundary collective goods. (See Global Commons).

in California, did no more than brilliantly systematize the three classical functions of the State (and of public finances) revolving around the role of the national head of state.

The first major function is the task of stabilization; which is nothing more than a balanced macro-economy, but in general function. This is the branch of government that seeks to coordinate the aggregate so there are no imbalances, and progress continues.

The second function, according to him, is the branch which, through organized society as polis, attempts to correct market failures in microeconomic and sectoral terms; that is, what is called acting in response to externalities, negative or positive. It also has to do with the theme of optimum provision of special goods collectively demanded by society: clean air, diplomacy, defense, borders, legal organization, etc.

It turns out that he added a branch (additional, the third) to this thematic construction of two major areas. It is the branch of economic product distribution (either as wealth or flow).

The distribution branch is aimed at how the State intervenes so that a society's notions about what it considers social balances (worse, better or equal) in distribution have an effective equivalence and are consistent with the social rule that gives us a democratic political decision properly understood.

This has to do with the distribution of the tax burden, with tax payments, and with the allocation of fiscal spending for redistribution in social matters. In a broad sense, we can call it acts of distributive justice focused primarily from a central activity or coordinated perspective.

This last branch is what was left completely outside of Bretton Woods when it was designed and it is my favorite hypothesis for understanding many tensions today.

In the design and acts of agreement for the initial construction in the United Nations and in what has to do with Bretton Woods, the problem of distribution and equal opportunities at the citizen level was not central or even important. The world with power wanted to grow and to do it rapidly for reconstruction.

With the distribution area left out, we have consequently been acting within a global framework on a case-by-case basis. With distribution left out, and the organized world having been unable to reach agreements on these themes, we now have a weak side, which produces great tension because of the new challenges not met in the era of new globalization that brings its own social agenda.

I want to finish this part by indicating that we have not yet had a good, organized and in-depth world or international arrangement to address the third branch of all modern State organization: it is the theme of production benefits distribution. Paradoxically, in contrast, we do have this within our countries where each nation attempts to partially redistribute, adjusting the pure results generated by a market or a specific economic institutional framework in each case, in accordance with social norms.

In the global world this distribution is left to a case-by-case approach.

Let's see what this case-by-case basis refers to in a very brief manner:

– It refers to charity from one government to another; general contributions or those limited to the themes of campaigns against hunger or some pandemonium or plague that could potentially be transmitted across one or more borders; or to valuable but sporadic attempts (practically without any official follow-up) of appealing to the G-7 countries to increase their contribution quotas to Official Development Assistance toward the goal of 0.7% of their GDPs, etc.

They are attempts, and unquestionably praiseworthy and positive fragmented actions, but they sometimes create institutional noise as a side effect. Much of what they do is positive and we are lucky to have these mass international campaigns. But, by being fragmentary and *not yet fully responsive to a global humanist and structured concept*, they produce issues concerning very complex and unexpected institutional arrange-

ments. I do not have time to go into detail but I can give an example from real life in the world of inter-nation assistance for development.

As an IMF executive I had discussions with more than one donor country (part of G-7) that wanted a restrictive clause for a partial monetary transfer to a World Bank program aimed at an African country. They wanted to certify that the beneficiary country had operational conditions copied from their own mother institutions at home in Europe.

That is, they wanted to fulfill in the short term what the European country had been able to achieve only after decades. I asked the donor country if it was making its partial monetary aid contingent on preconceived goals that only the current authorities of its country seemed to deem advisable for the context and development of the beneficiary nation. If I read the Articles of Agreement of the 183 countries of the IMF and World Bank, I will not find this 'bilateral contingency' the donor wants. Thus, I told the donor country that I could not support its setting conditions on a case basis, regardless of how praiseworthy its monetary disbursement was.

What the donor wanted was detrimental to the comprehensive nature and common rules of programs implemented by multilateral entities. It attacked the universality and standard certification of international assistance.

The issue of Development Strategies and Leadership

Last night, with a large group of you good-naturedly presided over by our friend, the Foreign Affairs Minister of Mexico, we talked about the frustration of recent economic development experiments and the application of incomplete public policies in the 1980s and 1990s in Latin America and the Caribbean. Many Latin American nations, as well as Africa and parts of Asia, noted a tendency to associate globalization with greater vulnerability and an increase in social and economic tensions.

In my personal opinion, bearing in mind the development strategy, is that globalization is an instrument, a vehicle, just as a computer, an automobile, an airplane or a catheter are instruments. It enables positive things to be done, and also allows very negative and very harmful things that take advantage of the instrument.

Let's go to the field of ethics.

It is true that globalization with its enormous content of technological change and its internationalized expandability, has helped money laundering, drug trafficking and the proliferation of illicit activities that any respectable government or society would fight. And it would have to fight them with passion and decisive action in terms of citizen ethics.

That is so much the case, that in the organizations of Bretton Woods and the United Nations, an entire agenda revolving around fighting this phenomenon called money laundering has been produced, taking action to close the gaps in the global economic-financial system that produce the 'the internationalized evil'.

But globalization has also helped us learn to know new technologies, to disseminate new processes and also *to converge in the world of certain ideas that are useful* and of service to humankind.

In this sense, as a former Finance Minister and as someone who knows our countries, I believe I can testify to the way in which we are now able to share certain baggage of postmodern economic thought much better than we could have known about and shared this same baggage of tools decades ago. The policy makers of Latin America, Africa, Asia and many other parts of the world can no longer operate under the old and tattered banner of *I didn't know it could be done like that* or *I never knew about that tool* or *I knew nothing about those other experiences*. There is a much greater probability of being able to share experiences of success and also of failure and, consequently, of being able to publicize what works best and make it widely known.

This can be seen, for example, in the richest converging dialogue produced in our times within ECOSOC, United Nations.

Basically, our continent is now extensively debating the idea of advancing or stopping and reviewing everything. This is a very Latin American inclination that dates back many decades. We proceed gradually seeing how things work out.

To build a new society and attempt to build a new economy, which is a great challenge, it is always useful to question and evaluate objectively. But this exercise of continuous review can also produce a certain amount of disappointment, which should be borne in mind by directors and leaders.

What I would like to affirm is that we should think more humbly in consolidating what we have already discovered in the application of concrete economic policies and strategies. And after doing it with dignity and modesty, we should then move on to more visionary and revolutionary topics.

We should look through new prisms, respecting the baggage of concepts and policies we have gained and, above all, real experiences. We should discard what is bad, but also learn from it (just as the old theological canons unsuccessfully taught us to do), consolidating and advancing on what has already been built.

We should avoid going back to the old, very Latin American process of discarding what was done by our predecessors: the previous government, the previous team, the previous politicians, previous economists, and all the previous groups, because 'we are different', and then to re-improvise once again. What a mess this immobilizing and obsolete style has caused!

If we look at Europe, Japan, Canada and the United States – who we would agree are better off economically than we are – in their modern historical experiences, I think we will not see this behavior of 'discarding' all the lessons learned by their predecessors in the management of each government team.

Why then does this eager 'revisionist' stance always exist in the region of Latin America? What has it actually been good for?

This is a topic that would lead me far from the purpose of this colloquium, but it would be useful to convene a new forum to analyze it. These are topics of broad importance to be dealt with in the light of the new leadership required by the new and strong globalization that is invading us.

Epilogue

In fact, Latin America has the right and the obligation to build a much more just society. Its ancestral vocation is to fight for such a society.

The region has not been static and progress in several fields has been noted in the two decades of strong and accelerated globalization that we have already experienced (stabilization; social programs; greater openness to the exterior).

There is still a very long road to travel in the field of distribution, we know, and in building a society with truly equal opportunities. We must take advantage of the lessons learned from our own history to understand, select and advance, without remaining either in monastic contemplation or progressivist nihilism, *We must bring our good dreams down to earth.*

We need to advance on the basis of what has already been done and already learned.

Globalization – as we examined it – is an instrument and a platform, and it is not a goal in and of itself. It represents another era within the varied and very complex history of all humankind. Globalization should not then be understood as a value, or disregarded as a tool. It is a virus, a dynamic movement, a post-Newtonian force.

Globalization offers numerous and solid opportunities.

It opens up a full range of options and, in a positive manner, expands the horizon of possibilities to unsuspected degrees and in different areas.

I believe Latin American can and should take advantage of these new options in the fields of economics, finances, technol-

ogy and culture. And it should do so respecting and demanding respect for what our region brings and contributes the great world scenario.

It should proceed, valuing our history, promoting our diversity, our varied and rich environment, our complex geography and, above all, the baggage of deeply felt social and cultural values. And *solidarity* shines forth brightly among these Latin American values.

What better contribution could we make to postmodern globalization than making this wave of world changes a wave that will give priority to a global society that embodies more solidarity and is much more just?

Acknowledgements

First of all I would like to very sincerely thank Monsignor Sánchez Sorondo for having invited me on behalf of the Pontifical Academy in Mexico City and of course the distinguished Dr. Derbez, a long-time friend from the times when we were both officials in international organizations, one in the World Bank and the other very close by in the IMF.

I would like to thank the Academy, the Government of Mexico and the Mexican Foreign Affairs Ministry for the opportunity to present you with some reflections and ideas on globalization. I would like to focus my approach to them within a perspective of 'action and changes'.

Second Part

THE MAJOR CHALLENGES

IV. FUNCTIONAL DIFFERENTIATION, GLOBALIZATION AND SOCIAL INTEGRATION

The New Role of Information Systems

PEDRO MORANDÉ COURT

First of all, I want to say that it is a great honor for me to participate in this colloquium, and even more so after having heard such an intelligent keynote address by Doctor Sánchez Cordero on the globalization process in the legal sphere.

At the outset, I would like to clarify the meaning of the title of this paper, which, as it is formulated, may seem a little difficult to understand, a little abstruse. I am attending this meeting as a replacement for the speaker originally slated. Consequently, I did not choose the subject. I was asked to speak on 'systemic globalization and social integration', alluding to the fact that what occurs in the sphere of formal systems does not always have an equivalence in the real society of people.

However, owing to my great dissatisfaction as a sociologist with the most common conceptualization being made on the term and process of globalization, I decided to introduce into the title of the paper the concept of functional differentiation, which is seldom used in common language, because it seems excessively sociological, but sheds some light on what globalization really is. At least I would like to present it in a polemic spirit for further discussion. The slides that I prepared are linked to a set of statements and not to a set of themes which, as you will soon see, are all very controversial. I myself would

be very happy if they made a contribution to discussion on a phenomenon that we still do not understand in all its dimensions, and that is precisely the reason we are gathered here to open up areas for thought and discussion to help us grasp what we still do not understand.

The first question I would like to ask is: Who are the main actors in globalization? The answer seems evident because, it is usually said that globalization, just as its name indicates, affects everyone, it affects nations, persons, cultures, etc. But with this we immediately fall into a certain error of perspective because globalization is more precisely a phase, a stage in a historical process of long duration and does not include all the dimensions of social life. There are some that have been globalized and others that have not. It would then be more precise to say that, from a sociological viewpoint, what we now call globalization is nothing more than a phase in the process of functional differentiation characteristic of the modern society which began several centuries ago.

Obviously we will never be able to establish precise dates in social processes of long duration. But I would venture to indicate at least a symbolic date. Yesterday, Monsignor Sánchez mentioned those who think globalization began with the expansion of European peoples across the sea; that is, with Christopher Columbus in 1492. For those of us who are Spanish-speaking, we know that 1492 was also very important because Father Nebrija published the first grammar of the Spanish language and, according to the legend, went to deliver it to the king, saying that it would be the true arm of the government over its new domains.

And, in fact, globalization has to do with the spread of writing to the vernacular languages. Obviously, writing already existed, but only in Latin and Greek for university students and the erudite. Writing in vernacular language, in contrast, has a direct social impact. A deep transformation commences by transposing into writing the oral traditions that have always

had a strictly limited validity, thereby triggering a functional differentiation process that affected society then and has obviously continued its course. Through this process different subsystems are gradually formed and defined autonomously in relation to society as a whole. It is obviously a relative autonomy, because such subsystems are within society, not outside or in conflict with them. It is simply a way of gradually specializing communication within society.

If I could present a graphic image to describe the appearance of these subsystems – and I note that it is usually a terrible idea to describe social processes with graphic images because people's eyes stop at the edge of a space and do not focus on the reality of the social interaction – I would say that it would be more or less comparable to the urban impact on our current cities by the appearance of major highways and expressways. With them a particular type of circulation, communication, transformation of information are introduced and little by little begin to transform the behavior of society as a whole. Obviously this does not mean that everyone is going to be forced to use the expressways or that all the city's avenues are going to be transformed into expressways. The emergence of an expressway under those conditions would be impossible. It is only possible when it is introduced through a differentiation in the means of circulation. Thus, it can be said that the modern phenomenon that today is reaching its stage of globalization is progressive. It is invasive, if you will, but never monopolistic. It does not wipe out everything that existed, to replace it with something new. It is instead an innovation introduced in a form of organization that progressively achieves its autonomy and demonstrates its advantages.

Among the subsystems that have been formed we can recognize basically the political, economic and legal subsystems (and curiously, the legal subsystem has differentiated itself from the political subsystem, and in the paper presented this morning we heard that the limits of the political system and the legal

system may not coincide), the education system and that of science. These are the main subsystems that have differentiated themselves so far, but there is nothing to make us assume that the process will stop here and not continue along its course.

It can be said that the first two subsystems to reach functional autonomy were the political and economic subsystems, the first through the rule of law and the second through monetary economics. This explains why the discussion we have had over the last few centuries on a modern topic has practically concentrated on the tension between the State and the market and, even today, an important part of ideological discussion revolves around the question of how much State and how much market produce the best balance. But these subsystems were nothing more than the first two to become independent and achieve relative autonomy. It is evident that neither the rule of law nor monetary economics is capable of monopolizing all political phenomena or all economic phenomena around it.

Consider, for example, what occurred in Argentina some years ago, when the currency collapsed and debt payment ceased. It was truly surprising to sociologists. People went back to swapping for survival, and they did it in an organized manner. The collapse of the economic monetary system did not result in the total paralysis of the country. However, the people went back to very precarious forms of economic exchange, and even had to issue their own vouchers for exchange, because they had no backing from the State or any other institution. It is difficult to exchange large amounts under these conditions and even to survive. In many parts of the world there are probably people who still have no opportunity to enter into a monetary economy, but for those who have already done so and have gone through a crisis such as that described above, the only thing they want is for the chain of payments to be restored soon in order to get economic activity as a whole back to normal. I mention this case only as an example to show how the formation of functional subsystems in a society really operates.

One can live without them, but once they are introduced to society as a whole, one adjusts to their operation and remaining outside them may exact a high price.

Today the functional autonomy of other subsystems is becoming visible. The most important of all, I believe, is that of the sciences, especially strengthened by the biotechnology revolution, on which very little has been said at this symposium. And the health subsystem would also have to be added, since it has gradually gained autonomy. The same is true of the education subsystem, which is another good example for showing how functional subsystems operate. It is obvious that education begins in the family with the learning of language and shared daily living experience that gradually introduces us into our cultural tradition and makes us fit into it. None of this has changed. But when the education subsystem differentiates itself, society makes objective accreditation and certification of knowledge something that can be demanded. Any person can hold in high esteem the wisdom that his experience has given him, what he has learned from his family, from his culture, etc. But this knowledge or wisdom will be of very little use in his performance in society if it is not systematically accredited in conformity with the standard demanded by society to practice professionally.

Through these examples I want to show that the social panorama has become much too complex to continue using the concept based on tension between the State and the market. The contraposition between the State and civil society is also frequently used. But civil society is usually a residual concept that simply includes everything that is not the State. It is absolutely necessary to begin thinking with the concept of a complex society in which many of these functional systems have been able to specialize their operations and coexist, interact and mutually define each other.

A characteristic of functional organization is that the limits of the social subsystems are defined by the subsystems them-

selves; that is, by the codification of communications that allow their own operations and not by the territorial borders that characterize national societies, or by the regulatory system institutionalized within these borders. This is a point of the greatest importance, and I think Dr. Sánchez Cordero explained it clearly in relation to the model of society hierarchically structured around the principle of territoriality. It presupposes an overlapping of society, jurisdiction and territory, which has been disappearing since the sixteenth century. Its replacement has not been sudden or violent; new subsystems defined by the types of information they needed to carry out their own operations have simply been gradually added to this hierarchical vision. So the situation we now encounter and call globalization refers to a complex society in which it is difficult to identify a sole center of reference that serves as the basis for determining hierarchy.

Consequently, using a concept of the German sociologist, Niklas Luhmann, current society can be described as an 'acentric' society because it is no longer pyramidal. Or the term polycentric can also be used, because it has as many centers as points of observation introduced by different specialized subsystems. From the viewpoint of education, the center has no reason to coincide with the center perceived from the standpoint of the economy, science or politics. A feature of these specialized communication systems is that they surpass any jurisdictional or territorial limit. Science, the economy and education do not recognize jurisdictional limits, even when the States can legally regulate the activity within its territory.

It is obvious that all States regulate education, economic operations, taxes, capital transfers, etc. through the law. They also try to regulate the activities of science, although it is becoming increasingly difficult for them to do so. But it is not difficult to understand that none of these regulations is capable of defining, or codifying the information that circulates through these specialized channels of communication. Science

has its own code and if a law to restrict it exists in one State, it will seek another State where that law does not exist. Just consider the phenomenon of cloning that some countries have attempted to prohibit. Costa Rica has even presented a proposal to the United Nations to prohibit cloning in absolute terms at the international level for respectable moral reasons well worth consideration. But one cannot rule out the hypothesis, at least, that those who work in this field of science might not feel convinced by this prohibition imposed by the legal systems and would seek other places not covered by the prohibition or even work illegally.

The codes of science are defined by science. Answers to the questions of what science is, what status science has, what things are recognized as having scientific quality, and what the credibility of scientific knowledge is are all determined by the science system itself. Someone observing from the sphere of the economy, education or a particular church may not like it, of course, but the definition of what is of concern to science is decided by the science system itself. That is what has allowed the system to have become operable and to have been established as a relatively autonomous system in society's operations as whole.

In response to these trends, efforts have also been made to expand international jurisdiction, as explained in the paper presented to us this morning, in fields such as human rights, for example, and the creation of the International Criminal Court. But the effectiveness of this expansion in jurisdiction is very unpredictable, if not quite improbable. We know that the principal power in the world today does not accept this Court and obligates the countries that have accepted it to sign specific agreements renouncing the related prosecution if one of its citizens should happen to be involved.

Obviously, within the autonomy that can be achieved, a functionally differentiated legal system can seek certain forms of expanding jurisdiction beyond the territories of States, as has, in fact, occurred. But that does not necessary imply that

the merit of the legal definition alone will be successful in all matters and in involving all countries. What can be concluded is simply that the legal system is now developing much more internal complexity by distinguishing between international and local dimensions of the jurisdictional principle, in response to an environment that has also increased its complexity though the differentiation of other subsystems that do not deal with jurisdictional criteria in their internal organization. Reality even shows that society organizes and also coordinates crime and illegal behavior with functional criteria and not only in the case of crime organized by individuals or informal groups, but even by States themselves. The most shocking thing in the cases of torture revealed in the last few decades is that they were carried out by agents of the State, sent by their superiors to fulfill the ends of the State itself.

This is a clear example that the limits of the State and the limits of the rule of law do not always coincide or tend to coincide. Although it would seem to be a new phenomenon, it had already been set forth by Machiavelli. He was the first to realize that the identification between the State and the rule of law was very beneficial in normal times, but in the case of extraordinary situations the prince paradoxically had the right to suspend the rule of law. That is, at the outset of the modern world, he already recognized a seed of functional differentiation between the legal system and political system, which has now become quite common in many regions and in diverse cases.

These examples are not intended to be anything more than that, examples. Counterexamples could also be mentioned. I would just like to show that neither national societies nor their related States participate homogeneously in the process of globalization. The real leaders of globalization are instead the functionally differentiated subsystems. Public opinion commonly tends to think that globalization is the result of different pacts made by national societies in the framework of the United Nations and concern politics, trade, financial systems,

health, etc. Such pacts have undoubtedly attempted to legally regulate the phenomenon. But what the phenomenon of globalization has caused is the emergence of these codified information and communication subsystems independent of jurisdictional and territorial borders, thereby obligating the jurisdictional systems to recognize this new reality and adjust to it.

If the preceding analysis is consistent, then it must be concluded that the degree to which societies have integrated the globalization process depends on the degree to which the functional differentiation process has been internally produced in them. National societies show great asynchrony in this regard. It cannot be said that all of them are equally globalized because it cannot be said that all have equally undergone the functional differentiation process. There are various hypotheses regarding the reasons for this asynchrony. A case-by-case analysis would have to be made empirically to determine the degree of differentiation that has been produced in distinct societies. But what is clear, regardless of variations, is that a society that has not differentiated internally in terms of functional subsystems has no possibility of participating in the globalized world because the roads and circuits on which globalization information and communication travel has been decided by the functional subsystems themselves.

It seems to me that the emerging or developing countries have in general attained a reasonable level of globalization in their economies. Greater openness to international trade and participation in regional and multinational agreements and pacts, even though they may be relatively recent, seem to be a sound achievement if the figures on increases in international trade are taken into account. It could also be said that they have achieved a reasonable level of participation in political globalization. Practically all States belong to the United Nations, are recognized as States and participate in the system as a whole, although with restrictions, since, as we know, veto rights are held by only a few countries. The States are equal,

but not so equal. Nevertheless, it can be said that both in the economy and in politics, there is a reasonable process of incorporating emerging societies into the global systems.

However, behavior has not been the same in education or in science, where the deficiencies are still structural. As an example, I mention the case of my country, Chile, where 64 percent of the current students in higher education in the traditional system; that is, excluding the new system of private universities that has been added, are the first generation in their families to attend the university. This figure can be read two ways. On one hand, it shows the impressive efforts being made by society to invest in higher education to expand its coverage so that people whose parents did not have a higher education are now in the system. But, on the other hand, it shows how this is a gradual process of evolution whose effects cannot be managed at will by political institutions. Obviously, a first generation student in higher education cannot be expected to achieve the command of the discipline he studies at a level that would enable him to contribute original information or original modeling of the problems in his discipline, boosting the development of the science system as a whole. The probability of this occurring is quite remote. I think the figures of other emerging countries are, in general, quite similar.

Consequently, asynchrony is observed in relation to the social subsystems, in relation to the degree to which they have achieved specialization in their functions, and this asynchrony has made the distance between countries grow tremendously. That is why I dare to say, with apologies to those who think otherwise – I already warned you that I wanted to spur discussion – that globalization is not what produces inequality between countries even if that is shown by the figures analyzed yesterday on the increased distance between countries. This increase does not mean that it is caused by globalization. No causal relationship has been demonstrated. It seems more reasonable to think that the existing inequality has become more

visible, that it has become apparent when the coordination of the functional subsystems formed has extended beyond jurisdictional borders.

For the first time, we now have the capacity to make what occurs in the developed countries and in the developing countries comparable. In the sphere of education, as all of us who work in the university are aware, people used to carry out their studies in their own countries and were recognized or accredited by those same countries. Now, in contrast, we have to be accredited by others, with the enormous increase in requirements that involves.

As an illustration, I would like to use a case from my university, the Pontificia Universidad Católica de Chile, as an example. It charges an annual fee of approximately 3,500 dollars per student, which, when all types of subsidies are added, increases to more or less 7,000 dollars per student. This is what we spend each year per student. And, yet, we expect our graduates to be able to continue with graduate studies at universities like Harvard and obtain a doctorate with top grades as though they had been educated at Harvard, whose expense per student – although I do not know exactly how much it is now, but to give some idea of the amount – is more than 30,000 dollars. That is, with 7,000 dollars we are asked to perform similar to those who invest 30,000 dollars. While accreditation operated at the national level there was no international framework or criterion of comparison and it could be thought the education being provided in the national framework was good. But when specialized subsystems are created, as in the case of education, whose dynamics are determined by international knowledge and science transmission circuits, it becomes evident that what the emerging countries were investing in education is clearly insufficient to play an original and creative role in producing and using scientific information of the most recent generation. We know that what the emerging countries produce in the area of science and education is a much lower

percentage of the domestic product than what the developing countries invest, and not only in relation to what is done now, but also to what has been done for centuries.

Another example I wanted to mention is the case of plant health demands for the development of agribusiness exports. Many times we have good produce, the land is available and fertile, and we talk about the benefits of our natural resources. But upon entering the international circuit of globalization, we have to meet certain plant health conditions for which sufficient and sustained investment has not been made in our countries. Thus, it is not because we now have to certify the plant health conceptions of exports that the inequality appears. It was simply there, except that in a sphere of comparison that was tolerable within our borders. The same thing also occurs with certification in environmental, labor and many other spheres.

A characteristic of functionally differentiated societies is that their coordination requires higher and more complex information to keep the risk in the operations at acceptable levels. This is where the key to understanding functional differentiation seems to lie. The differentiation of subsystems is produced by specialization, by an increase in the specialized codification of functions, and it increasingly demands growth in equally specialized information. The possibility of coordinating the action of these subsystems depends precisely on the way in which society is capable of generating, managing and distributing the information necessary for operations which, precisely because of the quality of the information they control, can tolerate much higher risk levels.

Pre-modern societies could coordinate their operations through an unitary authority of representation. Not so many centuries ago, as in the case of Louis XIV, the king thought that he and the State were one and the same. In contrast, in the functionally differentiated society, it is obvious that there is no all-encompassing point of observation or awareness capable of gathering all the information necessary to observe and decide, in real time,

on the balance of society as a whole. I think this is the key point to understanding the complexity of modern society. It also explains why the social sciences have gradually been distancing themselves from the philosophical discussion, since philosophers still usually presume (and I must confess that I do not exclude myself from them) that with some basic personal concepts, the meaning of human life, rationality, awareness, etc., they are capable of observing the totality of the human phenomenon and of society as a whole, with all its distinctions and differentiations. This is impossible at the level of complexity in society today. The famous discussion on the existence of 'an invisible hand' or the 'cunning of reason', proposed by Hegel, seem to have been the last hope when, although there was no point of observation for omniscient subjects, at least reason pushed history in the direction of greater rationality and made specific paths converge toward situations of balance and general interest.

Today we know that balances are highly unstable and require very much information to be able to make probable what by its very nature tends to be improbable. It demands greater control in the production and distribution of knowledge in each specialized sphere and, also, greater confidence in the technical capacities of those who adopt decisions in their respective spheres of competence. Increasingly, the person, the ordinary subject, is forced to trust. Obviously, he needs and seeks regulations among the distinct subsystems in order to have confidence that the information they manage has the necessary reliability and pertinence. At least in my case, I arrived at this meeting on a plane from my country. A person who boards a complex plane, such as those that transport passengers, has no capacity to verify anything on his own, neither the machinery, nor the people, nor the controllers. He has no alternative to blindly trusting that someone has certified their knowledge in their respective spheres and that this knowledge will be coordinated as necessary for the plane finally to maintain the parameters with which it was designed, in spite of the

enormous variability it will encounter around it during the flight, and that it will reach its destination.

These are the two sides of the globalization coin. On one hand, there is a demand for specialized information and knowledge; and, on the other, a great demand for reliability by those who do not directly belong to this specialized subsystem but need its benefits and services. From this point of view, it seems to me that the term 'information society' is much better than the term 'globalization' to describe the state of the current social evolution, because, in fact, the social function that was previously performed by representatives, the king, the pyramidal structure of the head of jurisdictional power, etc., is now assumed by the exchange of reliable information among distinct subsystems. But many times the concept of information society is interpreted superficially, simply to draw attention to the influence of mass media on society. And obviously they do have such influence. No one can deny it. But what most media have done has been to install show business in public space. None of us who work with specialized operations in a sphere of action are going to inform ourselves through mass media, but rather from other more pertinent channels of information. With the concept of information society, I do not want to make reference to the role that media play, but to the need for information itself to attain coordination of the social activities in an 'acentric' society.

In this first part I have tried to clarify what globalization is and who its leaders are. I think the concept of functional differentiation substantially helps to do this. But I was also asked to talk about social integration in the context of globalization.

Social Integration and Globalization

Does this phenomenon help obtain greater levels of social integration or, on the contrary, does it weaken such integration?

For centuries, society had seemingly solved the problems of social integration, not without difficulties, obviously, at the lev-

el of national societies, both in the economic, political and social spheres, and at the point of the maximum expression of integration called culture or civilization, and it was made to coincide with national society, the State and jurisdiction. It is common to talk about national cultures, that of Chileans, Peruvians, Argentines and Mexicans. Personally it has never seemed reasonable to me to make cultures coincide with jurisdictional or institutional borders, since, by their very nature, cultures tend to extend beyond them. But, in any case, although improperly, what I wanted to underscore was actually that national society appears to be the place of social integration by *antonomasia*.

There is no question today that it continues being of decisive importance to integration, as State-regulated social policies demonstrate, since they are the ones with the capacity to define, control, implement, follow up and assess social policies. Other functional entities such as the scientific system, or the economic system are unable to carry out these policies in a comparable way, since the integration of people into society is not their function. Several speakers have made note of it, since the autonomy achieved by the functional subsystems has enabled them to become international, and the social integration of small groups and communities that are under the jurisdiction of the States is of no special concern to them. This may be noted especially in the cases in which the internationalization has forced the deregulation of some activities, such as the job market, the monetary market or education canons, and these deregulations have not always been offset by specific activities carried out at the level of the nation-states. Although in other cases, they have, in fact, been offset.

However, the central ideal I would like to set forth is that the inclusion or exclusion of the people in distinct functional subsystems is quite different. One cannot talk about those excluded or included in general, except in discursive and ideological terms. The idea of exclusion operates in a completely

different way among subsystems. No one is excluded from the economic subsystem, for example, although exclusion can be talked about through the concept of informality. But informality is a way of doing economics; that is, the distinction between formal and informal is a distinction within inclusion. It is said that people who are in the informal sector do not have labor protection, do not have access to credit, etc., but even with these deficiencies, they still form part of the economy. As I mentioned a few minutes ago in relation to the example of Argentina, if a specialized functional system is not in operation, like the financial system, society will spontaneously seek to provide a substitute for it with other forms of participation and incorporation into the economic system.

In politics, in contrast, it is different. The voluntary nature of participation both in registering in the electoral systems when it is not automatic and participating in the elections themselves is becoming clearer each day. There are people who show no interest in registering or in participating, and it is common to talk about certain apathy of the population, especially among young people, and a general distancing of the population from public matters. What happened in the last election in Spain remains notable: the results of the election were decided not by those who were previously integrated, but by the marginal injection of an additional amount of votes by those who had previously voluntarily excluded themselves. Also consider the case of science. In this sphere, participation does not depend only on the will of the people, the degree of formality or informality of the processes, or the legal protection of the rights of those who participate, but rather on the extremely great amount of previous preparation needed in the scientific disciplines, in accordance with the international standards that science itself has determined. Consequently, inclusion or exclusion do not operate symmetrically in all the subsystems, but are instead quite variable.

Civil society presents an enormous supply of the inclusion of people for specific purposes. The importance of the growth achieved by NGOs, intermediate groups, and organizations in the so-called third sector (non profit) is enormous. Since the inclusion they offer has specific purposes, it is quite varied. In some societies they may acquire a substitution or compensatory nature in relation to what the State does not do or stops doing, and present the trait of being a circumstantial solution. But there are also networks motivated by religious beliefs, ethical imperatives, solidarity, cultural motivations or other reasons that acquire stability and permanence that lasts much longer than a mere reaction to circumstances. The study of civil society requires greatly varied empirical investigation projects in different regions of the world and it would be very difficult to compare or generalize their effective contribution to social integration.

However, what is common to all functionally specialized systems in order for them to contribute to the productive and stable inclusion of people is the production and management of specialized information and it implies ongoing research, education and training. In contrast with organizations that are usually included under the common heading of civil society, functional systems are not organized on the basis of volunteers, even when joining them is voluntary, since they must become stabilized over time in order for their benefits to be recognized by the other subsystems as a unique and specialized contribution that could not be replaced with equal standards of quality and efficiency.

Many anti-globalization speeches insinuate that those excluded are intentionally excluded by those who are included, or that there is a trend to exclude the greatest quantity of people in order to protect their position of being included. I do not deny that there may be cases of this type, perhaps especially in informal groups. But what usually occurs is that many of the persons do not meet the minimum conditions for inclusion in

conformity with the complexity of the information that the subsystems process, to make the inclusion, at least, productive and stable. In these conditions, what can be perceived is, instead, that inclusion in a subsystem increases the probability of inclusion in other subsystems. It does not guarantee it, but if someone has already formed equity and human capital to adapt to complex systems, it very probably will not be difficult for him to understand the operation of others. Exclusion, in contrast, operates as an adjustment variable. That is, exclusion is not done explicitly and intentionally, but is the consequence of the precariousness of inclusion when the conditions for productive and stable inclusion are not met sufficiently.

In Latin America, unlike other regions, family and kinship networks continue being the most effective structures of social inclusion. Since the family does not admit a functional organization within it, since it accepts its members simply because they belong to the family and it does not evaluate their behavior with criteria of efficiency or productivity, it is natural that it can fulfill this important role. However, the trends in the so-called 'demographic transition', which are appearing in our region later than in Europe, but have already begun producing effects, make people fear that the family will see its contribution to social inclusion weakened in the future. In the case of my country's census data, the most numerous households are already those with four persons; that is, possibly two parents and two children and if the matrimonial link is maintained, the fertility rate will be nearing the replacement level. At least comparatively in relation to past epochs, it is unlikely that a typical household of four members will have the same capacity for social integration as in the past.

However, even when the demographic structure of our societies would permit families to continue playing an important role in social inclusion for a long time, the functional organization of society has been taking away from families and kinship networks their prior traditional role of promoting

upward social mobility. In the poorest sectors, it may even become a burden, as shown by school performance analysis that indicate that the differences between schools is not due to the teaching quality or the administrative management as much as it is to the difference in equity previously accumulated by the students in their families. Consequently a distinction must be made between social inclusion and integration into the institutional structures of modern society. While the former guarantees survival, it does not sufficiently guarantee the investment in human capital necessary to achieve the integration of persons into the functional systems.

Facing the dilemma of whether the deregulation of national societies favors the exclusion or inclusion of persons and their better integration into society, it seems that the response is quite varied and cannot be generalized. It depends to a great extent on the specific environment of the subsystem in question. For example, in the educational sphere, deregulation has been offset by a complex system of public or private accreditation. There is freedom to create educational establishments, but their reliability has, in a compensatory manner, called for the creation of internationally comparable school performance tests, access to competitive bidding for public resources, and companies specialized in educational accreditation. So the greatest number of years of education or the extension of coverage does not necessarily represent an improvement in social integration, as shown by the 'illustrious unemployed' figures, and now the quality of education must also be accredited. The apparent deregulation has in fact become more complex regulation.

General forms of social integration at the international level have not yet emerged except in very specialized spheres of work such as transnational corporations, for example, or also in the case of professional associations and scientific societies. These forms of association usually fulfill very specific functions and only among the members who qualify to belong to them. But in no case do they cover the population as a whole,

which, as in the case of mass migrations to the United States or Europe, have produced a set of adaptation and integration problems that have not been solved and are being dealt with by charity institutions. The situation in the developing countries is usually even more dramatic. In this regard, If there are social integration difficulties for foreigners in the national spheres, how much more difficult can the same problems pose in areas where jurisdiction responsibilities are not clearly delimited.

It could then be said that, in general, current society is facing the following paradox: While inclusion/exclusion must be solved at the national level, functional organization is determining behavior; communication codes and expectations that surpass the national border. Most of the challenges related to governance that have been presented these few days seem to derive from this situation.

Information Systems and Society

This paradox seems to clarify the new role that information systems are playing in society, which I chose as the subtitle of this presentation. Information is the only general and effective way to coordinate expectations, actions and decisions in highly variable and complex situations, taking into account the value of timeliness implicit in the concept of information. The governance of society itself, not only of the legally recognized institutions, has come to depend increasingly on specialized information management. In this regard, the Internet and telephony have turned out to be the most efficient medium because of the interactivity in real time, although for the population the role of television appears more visible, where what you see is, for the most part, growing trivialization and glitter.

We do not have time to develop the concept of information here, but one innovative aspect is measuring one piece of information in relation to other pieces of information. Someone is informed if he knows what others do not know, but on a time-

ly basis, before others know it. And that is why approximating interactivity to real time is required. So far, this has only been attained by the Internet, which is gradually becoming an indispensable medium of globalization.

In my opinion, what is of most concern in our era and, in a certain sense, still needs to be thought out, is the sort of convergence taking place among science, technology and functionally specialized information for the sustainability and governance of present-day world society. The balance among these three elements of the trilogy, which are not subject to jurisdictional borders, strongly challenges national societies, either because scientific research achieves little impact (or information of little value) through them, or because of their lack of capacity to technologically transform knowledge and thereby be able to apply it to companies and economic growth.

This challenge also particularly affects reflection on society itself. Reflection that does not attain social value as information because of its timing or its possibility of generating response expectations that would give it added value becomes irrelevant. There are undoubtedly many great philosophers and thinkers in our present era. But their ideas seem to have less impact each day. Society does not know how to distinguish the intrinsic value of specific knowledge. To attribute value to knowledge, it has to be judged on the basis of the expected response the specific knowledge will produce. In my opinion, this is what explains the so-called 'decline in ideologies' or 'meta-narrations'. Ideologies have ended because these total, global visions of society no longer generate information value, since globalized society has become aware that, at the level of complexity it has reached, it is impossible to represent its unity.

I am afraid the same thing is occurring in the sphere of ethics, with global ethics discourses that are unable to generate information value and are advancing toward the same fate as ideologies and meta-narrations. We see, in contrast, the great expansion of ethics discussion in the field of bioethics, for

example, where what is at risk is a specific problem that must be solved, or also in the sphere of business ethics. But global discourse on ethics seems to have lost information value.

Final Considerations

I would like to conclude by saying that the paths to social integration may vary greatly according to the type of activity, the national social context and the nature of the functional subsystem in question. What they have in common is the need for investment in equity in a sustained manner over time to combine with efficiency and timeliness. But how this combination in distinct subsystems occurs seems to be subject to environmental conditions, opportunities, and historical circumstances. Each subsystem will probably resolve its situation in a different manner.

Obviously the time needed for the formation of equity to produce vanguard science is long and its cost is very high. It thus requires much greater social effort than what might be needed, for example, to produce a citizen enthusiastic about participating in the democratic procedures society may offer him. That is, investments in different spheres are not comparable. From this point of view, I think consideration should be given to the situation regarding social integration, exclusion and inclusion, with the production of information, with empirical data generating information in distinct functional spheres in order to appraise how the possibility of improving social integration is being specified in each of them.

As I said at the beginning, I have made no attempt to find any kind of consensus in what I have presented. It is only a personal view in which I wanted to introduce some ideas in the debate on globalization that I think have not been sufficiently included, especially functional differentiation of not only the State and the market or economy and politics, but also the set of other subsystems that seem to have already attained irreversible autonomy, as in the case of science and other fields.

V. GLOBALIZATION: CULTURE AND EDUCATION IN THE NEW MILLENNIUM

MARCELO M. SUÁREZ-OROZCO & DESIRÉE QIN-HILLIARD

Globalization defines our era. It is 'what happens when the movement of people, goods, or ideas among countries and regions accelerates' (Coatsworth, 2004). In recent years, globalization has come into focus, generating considerable interest and controversy in the social sciences, humanities, and policy circles and among the informed public at large (see, for example, Appadurai 1996; Bauman 1998; Baylis and Smith 1997; Bhagwati 2002; Castles and Davidson 2000; Giddens 2000; Hardt and Negri 2000, Inda and Rosaldo 2001; Jameson and Miyoshi 1999; King 1997; Lechner and Boli 1999; O'Meara, Mehlinger, and Krain 2000; Sassen 1998; Singer 2002; Tomlinson 1999). From terrorism to the environment, HIV-AIDS to Severe Acute Respiratory Syndrome (SARS), free trade to protectionism, population growth to poverty, energy and social justice, globalization seems deeply implicated in nearly all of the major issues of the new millennium.

While globalization has created a great deal of debate in economic, policy, and grassroots circles, many implications and applications of the phenomenon remain virtual terra incognita. Education is at the center of this uncharted continent. We have barely started to consider how these accelerating transnational dynamics are affecting education, particularly precollegiate education. Instead, educational systems worldwide continue mimicking and often mechanically copying from each other and bor-

rowing curricula (from trivial facts about history in middle school to trigonometry in high school), teaching methods ('chalk and talk'), and assessment tests (short answer and regurgitation). These practices would have been familiar to our forebears going to school two generations ago (Suárez-Orozco and Gardner 2003). Yet youth in school today, whether in Bali, Beijing, Beirut, Berlin, Boston, or Buenos Aires, will encounter a vastly different world from that of their grandparents.

Throughout most human prehistory and history, the vectors that organized and gave meaning to human lives and human imaginaries were structured primarily by local geography and topology, local kinship and social organization, local worldviews and religions. Even a few hundred years ago, a minute in human evolutionary time, the lives of our ancestors were largely shaped by local economies, local social relations, and local knowledge. Prior to the transoceanic explorations and conquests, villagers were likely to be born, raised, and schooled (however shortly), to work, marry, reproduce, and be buried in the same locale. They were largely oblivious to changes taking place even a few hundred miles away. Then 'the village was practically the beginning and end of his or her world: visitors were rare, few travelers passed by, and excursions from the village would, in all likelihood, have only been to the nearest market town. ... Contact with the outside world would have been the exception rather than the rule' (Held 2000). Today the world is another place. While human lives continue to be lived in local realities, these realities are increasingly being challenged and integrated into larger global networks of relationships. The forces of globalization are taxing youth, families, and education systems worldwide. All social systems are predicated on the need to impart values, morals, skills, and competencies to the next generation (see Gardner, 2004). The main thesis of this chapter is that the lives and experiences of youth growing up today will be linked to economic realities, social processes, technological and media innova-

tions, and cultural flows that traverse national boundaries with ever greater momentum. But first a word of caution. When it comes to globalization and education the world is unhappy in at least three different ways: First, today over 100 million children will not be enrolled in primary school as they should and some 300 million children will not be enrolled in high school. Second, even more troubling is that fact that untold millions of children will enroll in schools of hatred that will teach them pre-scientific and pre-rational knowledge that will do nothing to impart the higher order cognitive skills and interpersonal sensibilities that they will need to become productive, engaged, and critical citizen in our increasingly global village. Third, the advanced post-industrial democracies are unhappy in their very uneven record in educating for globalization the vast and growing waves of immigrant children that are now absolute majorities in global cities such as New York, Los Angeles, London, Frankfurt and many others.

These global transformations, we believe, will require youth to develop new skills that are far ahead of what most educational systems can now deliver. New and broader global visions are needed to prepare children and youth to be informed, engaged, and critical citizens in the new millennium. Education, then, will need both rethinking and restructuring if schooling is to best prepare the children and youth of the world to engage globalization's new challenges, opportunities, and costs. Education's challenge will be to shape the cognitive skills, interpersonal sensibilities, and cultural sophistication of children and youth whose lives will be both engaged in local contexts and responsive to larger transnational processes. We claim that two domains in particular will present the greatest challenges to schooling worldwide: the domain of *difference* and the domain of *complexity*.¹

¹ By 'local context', we mean local values, worldviews, and realms of the sacred.

The Domain of Difference

One of the paradoxes of globalization is that *difference* is becoming increasingly normative. Globalization and massive migrations are changing the ways we experience national identities and cultural belonging (see C. Suárez-Orozco, 2004). At the beginning of the twentieth century, W. E. B. Du Bois announced that 'the color line' would define the social agenda for the United States. At the beginning of the twenty-first century, that line is complicated by the increasingly fluid political and cultural borders that once separated both nation states and the people within them. These external and internal borders are increasingly becoming noisy and conflictive areas where cultural communication and miscommunication play out in schools, communities, and places of work and worship.

Globalization decisively unmakes the coherence that the modernist project of the nineteenth- and twentieth-century nation-state promised to deliver – the neat fit between territory, language, and identity (see Suárez-Orozco and Sommer 2002). Consider the following depiction of one of France's largest cities:

'To enter the rue du Bon Pasteur in the heart of this Mediterranean port is to leave France. Or rather, it is to leave a France still fixed in the imagination of many, a land where French is spoken and traditions of a secular society are enforced. The rue du Bon Pasteur – the Street of the Good Shepherd – is a haven owned, operated, and populated by Arab Muslims. Arabic is spoken here. All the women cover their hair with scarves. Men in robes and sandals sit together in cafes where they reach out to Arabia via satellite television. The kiosk on the corner sells a score of newspapers and magazines flown in daily from the Arab world. The Attaqwa mosque in the middle of the street calls so many worshippers to prayer every Friday that dozens of them are forced to lay out their prayer rugs on the street. That street reflects the political and social reality facing France.

Demography has transformed the country, whose population is about 7 percent Arab and Muslim, the highest percentage in Western Europe' (Sciolino 2003).

As Clifford Geertz has poetically noted, 'all modern nations – even Norway, even Japan – contradict themselves: They contain multitudes' (Shweder, Minow, and Markus 2002, back cover). These 'multitudes' challenge the structure and practices of the nation state (see Shweder, Minor, and Markus 2002) but may invigorate democracy's best promise when difference engenders serious engagement and debate. Managing difference is becoming one of the greatest challenges to multicultural countries. From France to Sweden, Brazil to Bolivia, Indonesia to Malaysia, the work of managing difference calls forth a new educational agenda. Children growing up in these and other settings are more likely than in any previous generation in human history to face a life of working and networking, loving and living with others from different national, linguistic, religious, and racial backgrounds. They are challenged to engage and work through competing and contrasting models, such as kinship, gender, language (monolingual and multilingual), and the complicated relationships between race, ethnicity, and inequality, in new ways. It is by interrupting 'thinking as usual' – the taken-for-granted understandings and world-views that shape cognitive and meta-cognitive styles and practices – that managing difference can do the most for youth growing up today.

Take, for example, the widely shared Western idea that individuals ought to autonomously and freely enter marriage agreements predicated on individual agency and love. A Swedish youngster might find it odd, maybe even bizarre, that for her Kurdish classmate, the idea of 'love marriage' would be culturally incomprehensible. Working through the cultural models and social practices that structure the idea of love marriage – a historically new and, until very recently, ethnographically rare practice – and the idea of 'arranged marriage' – the

preferred marriage practice found in most ethnographic and historical records – can open up more nuanced and sophisticated understandings of human nature and culture, history and kinship, social organization and values. If the child learns nothing else, she should know that there is nothing natural about love marriage!

Negotiating differences requires energy – the kind of energy that can be recycled and harnessed to bolster a cornerstone of human intelligence: the ability to consider multiple perspectives (Piaget 1936; Gardner 1999; Vygotsky 1978). Taking multiple perspectives, reversing mental routines, and articulating multiple hypotheses from a common set of facts and working through the logical and rational vectors that would best explain those preexisting facts are crucial features of human intelligence.² When distinct cultural models and social practices are deployed to address a common set of problems, youth gain the cognitive and meta-cognitive advantages inherent in examining and working on a problem from many angles. Freely, fully, and respectfully arguing within a framework of difference is likely to better equip youth to deal with the complexities of the day.

The Domain of Complexity

Globalization engenders complexity. Throughout the world it is generating more intricate demographic profiles (see C. Suárez-Orozco, 2004), economic realities (see Bloom, 2004; Coatsworth, 2004), political processes, technology and media (see Jenkins, 2004; Battro, 2004), cultural facts and artifacts (see Watson, 2004; Jenkins, 2004), and identities (see Maira, 2004; C. Suárez-Orozco, 2004). Many countries are indeed undergoing intense demographic transformations. Sweden, a

² As in the classic Agatha Christie mysteries, a set of seemingly unrelated facts can be woven into multiple possible scenarios accounting for some preexisting (mysterious) condition.

country of nine million people today, has a million immigrants, roughly half of them from the Muslim world (for other examples, see C. Suárez-Orozco, 2004). Economies likewise must adapt to the new, complex forces brought about by global capital. Local politics, too, are stretched in new ways – for example, when ‘absentee citizens’ in the diaspora exercise political power in the communities they left behind.

Globalization’s increasing complexity necessitates a new paradigm for learning and teaching. The mastery and mechanical regurgitation of rules and facts should give way to a paradigm in which cognitive flexibility and agility win the day. The skills needed for analyzing and mobilizing to solve problems from multiple perspectives will require individuals who are cognitively flexible, culturally sophisticated, and able to work collaboratively in groups made up of diverse individuals. Howard Gardner claims that the complexity behind many of globalization’s ‘big problems’ requires deep disciplinary grounding *as well as* the ability to achieve multidisciplinary understandings, collaborations, and solutions. ‘Trends in our increasingly globalized society’, writes Gardner (2004), ‘have brought interdisciplinary concerns to the fore. Issues like poverty reduction, anti-terrorism, privacy, prevention of disease, energy conservation, ecological balance – and the list could be expanded at will – all require input from and syntheses of various forms of disciplinary knowledge and methods. Educational institutions seek, in their ways, to respond to the demand for this kind of skill; and the more adventurous students are attracted to studies that call for a blend of disciplinary expertises’. Multitasking, learning how to learn, learning from failures, lifelong learning, and the ability to master and move across domains now have a premium.³

³ Whereas fifty years ago the typical successful professional spent most of his or her career within a single specialized domain and in many cases in a single corporation, today individuals are more likely to pursue multiple career pathways.

An education for globalization should therefore nurture the higher order cognitive and interpersonal skills required for problem finding, problem solving, articulating arguments, and deploying verifiable facts or artifacts to substantiate claims. These skills should be required of children and youth who will, as adults, fully engage the larger world and master its greatest challenges, transforming it for the betterment of humanity – regardless of national origin or cultural upbringing. This we term the convergence hypothesis: *globalization is de-territorializing the skills and competencies it rewards, thereby generating powerful centripetal forces on what students the world over need to know.*

Our aim in this chapter is to stimulate new thinking, research, and policy work in a domain that remains largely ignored by scholars of education. Millions of children and youth are growing up in a world where global processes are placing new demands on educational systems that are traditionally averse to change (see Gardner, 2004). There is virtually no scholarship on globalization and precollegiate education.⁴

⁴ There is, however, a small corpus of work on globalization and collegiate education. Some of this scholarship focuses on the ways globalization is challenging the historic role of higher education. Shapiro (2002), for example, claims that globalization will reshape universities in the twenty-first century. He suggests that globalization will undo the 'historical monopoly [of universities] over the provision, accreditation, and certification of higher education' (p. 12). Others examine how market forces and the new information, communication, and media technologies will inevitably generate a new agenda and new priorities in higher education in an international context (see for example, Currie and Newsom 1998; Green 2002; Shapiro 2002; Slaughter 1998 for issues related to the United States; Peach 2001 and de Wit 1995 for issues related to Europe; Waghid 2001 for Africa; Mok 2000 for Asia, Sabour 1999 for countries in the Middle East; and Gough 1999 for Australia). Green (2002) claims that colleges and universities will need to address new questions about 'how to educate students who will contribute to the civic life, both locally and globally, and understand that the fate of nations, individuals, and the planet are inextricably linked' (p. 8). Likewise,

While there is some research on policy, administration, and curriculum that address globalization and primary and secondary education worldwide (see for example Burbules and Torres 2000; Quashigah and Wilson 2001; Stromquist and Monkman 2000), generally these works fail to foreground how globalization is impacting the experiences of youth in and out of schools. Likewise, there is a small but growing literature on youth and globalization (see, for example, Amit-Talai and Wulff 1995; Bennett 2000; Jenkins 1992, 1998; Larson 2002; Maira and Soep, forthcoming). Alas, most of these works also fail to emphasize the role of education and schools in the lives of youth.

A number of researchers have begun to systematically examine how globalization is changing the lives of youth in

Slaughter (1998) claims that globalization is reshaping higher education, especially the relationships between basic and applied research, discovery, innovation, and profit making. He claims that globalization is giving supremacy to the 'technosciences' and uses the examples of telecommunications and biotechnologies as paradigms of the new agenda emerging in higher education worldwide. Universities are institutionalizing new priorities centering on technoscience because of its huge economic implications. At the same time, Slaughter sees a movement away from the university's traditional focus on the liberal and humanistic education of undergraduates. He argues that technoscience commands the greatest level of financial and symbolic support in universities because of new global market forces – 'big technoscience' translates into 'big money'. Issues with high stakes for profit making such as the role of intellectual property are more visible, protected, and regulated than ever before. Therefore it is not surprising that universities are 'increasingly working with industry on government-sponsored technoscience initiatives' (p. 57). Similarly, former Harvard president Derek Bok cautions against higher education institutions blurring the boundaries between the academic and the corporate worlds, creating problems such as secrecy and conflicts of interest (Bok 2003). Other scholars tend to focus on institutional and administrative considerations pertinent to higher education in the era of globalization (see Currie and Newson 1998). Yet others address how teacher education needs to be reconsidered and restructured to face the challenges of globalization (Kirkwood 2001; White & Walker 1999; McLaren & Farahmandpur 2001).

Latin America and the Caribbean (Welti 2002), in Arab countries (Booth 2002), in sub-Saharan Africa (Nsamenang 2002), and in Southeast Asia (Stevenson and Zusho 2002). More and more young people in these areas have access to global information; they copy the styles of U.S. teenagers (who themselves, as Jenkins [2004] informs us, borrow from youth elsewhere), sing English-language songs, have more leisure opportunities for dating, and are more likely to be playing similar computer games. In many of these places, rural households shrink as a result of youth migrating to urban areas in search of work and other opportunities.⁵ Gender roles are also transformed. While many observers see globalization as positive, promoting economic development and intercultural exchanges, there are also corrosive developments, such as globalization's threats to century-long traditions, religious identities, authority structures, values, and worldviews (see Arnett 2002; Brown, Larson, and Saraswathi 2002; Stevenson and Zusho 2002). It is increasingly obvious that in many corners of the world the winds of anti-globalization are blowing strong (Naidoo 2003; also see Watson, 2004).⁶

⁵ For example, Tashi Tenzing (2003) describes how globalization is changing the lives of young Sherpas at the foot of the Himalayas: 'Life for Sherpas has become increasingly complicated. Many of our young people are understandably tired of the hardship – the freezing winters and scarce food – and are no longer satisfied grazing yaks or growing potatoes in difficult terrain at high altitudes. The influx of Western tourists to Everest has exposed Sherpas to a new lifestyle, leading many to seek an easier, more cosmopolitan existence in the cities and abroad. Few people, especially working-age men, stay in the mountains. Indeed, I myself do not wish to make my livelihood, plowing high-altitude fields of barley. Indigenous crafts are dying out, and many Sherpa villages are now home only to the frail and elderly and the few relatives who remain to take care of them' (p. A27).

⁶ While everyone agrees that we must understand the sources of these reactions to globalization, there is little empirical understanding or theoretical framing of the conditions that generate and perpetuate anti-globalization attitudes and practices. Is globalization locally perceived as an oppor-

In the remainder of this chapter, we review some of the dominant themes in the scholarship on globalization and propose a tentative definition of the term. Then we examine the basic topics in the globalization literature that are pertinent to education and will, we claim, continue to generate scholarly interest in the decades to come. We claim that four domains are at the heart of the new global impulses affecting youth and education worldwide: the globalization of economy and capital; the globalization of media, information, and communication technologies; large-scale immigration; and the globalization of cultural production and consumption. Together these currents are reshaping the experiences of youth in and out of schools the world over. As a number of scholars have argued, youth are active players in the making of new globalizing spaces in culture, economy, and society.

Interdisciplinary Reflections on Globalization

Globalization is at the heart of any understanding of broad processes of social change taking place in disparate locales around the world. After September 11, 2001, some observers

tunity or a threat? Are the skills, habits of mind, and interpersonal sensibilities needed to thrive under globalization seen as compatible and easily integrated into local cultural structures, narratives, and rituals? Or are these seen as incompatible and threatening to local cultural and historical models and social practices? How are the media and popular culture implicated in the making of attitudes and perceptions toward globalization? What are the processes by which global formations are given local meanings, whether positive, neutral, negative, or mixed? What is the role of 'localization' – the emergence of local isomorphs of global forms – in facilitating or impeding global understandings? Are new hybrid cultural practices (blending local meaning and global formations) facilitating or impeding the global challenge? What role do the media and popular culture play in the making of the global-local nexus? While the focus of this line of work falls on individuals who are directly involved with education, we propose to construe education quite broadly to include a range of stakeholders.

announced the end of globalization (Rugman 2001; Gray 2002). While globalization, especially when narrowly defined as free markets and free capital flows, has generated doubts (Sen 2000), it may be premature to dismiss its relevance for judicious social science, education, and policy work. First, it remains the case that the major predicaments of the future will not likely be contained within the boundaries and paradigms of the twentieth-century nation-state. Carlo Rubbia makes a powerful case for the need for more ambitious globally coordinated and linked work in the domain of energy (Rubbia, this volume). In the field of health, the case of SARS illustrates an isomorphic need for global work. Within a few months of its original appearance (probably in Guangdong Province in coastal China some time toward the end of 2002), it became a worldwide health threat with serious economic, social, and political consequences not only in Guangdong but also in Beijing and in places as far away as Canada and Chinese diasporas throughout the world.⁷

Second, despite the economic slowdown and new international travel barriers after September 11, the general momentum toward increasing global integration in economic, communications, and security matters will likely continue into the future.⁸ As the Foreign Policy Association has noted, after September 11 'being there' is likely to be replaced by continued and growing communication and exchanges via means such as international telecommunications and the Internet. The asso-

⁷ By the end of May 2003 it was estimated that 'the economic damage caused by SARS could approach \$100 billion, making it one of the costliest diseases to emerge in the past decade' (Aoki 2003, p. C1).

⁸ September 11 has so far failed to stop the momentum toward increased economic globalization, at least as indexed by international trade. 'World trade is projected to grow by nearly 8% in the second half of this year (2002) and by 10% in the first six months of the next year' (Foreign Policy Association 2002, p. 10).

ciation also notes that 'the new global emphasis on fighting terrorism on military, diplomatic, and economic fronts could serve to increase levels of international political engagement over the coming years. Nor can forward momentum in the global economy be ruled out. Even as nations are struggling to pull themselves out of recession, they are continuing to strengthen the mechanisms for global integration' (Foreign Policy Association 2002).

Third, in a number of significant cases, nation-states continue to regroup in fundamental ways on supranational lines. For example, the European Union (EU) has grown from an original six-country entity in the early 1950s (including Germany, France, Belgium, Luxembourg, Italy, and the Netherlands) to the formal creation of the European Economic Community (EEC) and European Atomic Energy Community (EURATOM) in 1958. By the 1970s, it had added Denmark, Ireland, and the United Kingdom. Greece, Spain, and Portugal became members in the 1980s, and Austria, Finland, and Sweden in the 1990s. By the year 2004, ten new members were added, including Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, and Slovenia (see European Union 2002). Finally, the *potential* for globalization remains quite high (see Coatsworth, 2004).

But before scholars of education can begin to mine the analytic potential of this new work, it is necessary to attend to basic definitional and theoretical matters. The term *globalization* in its current usage is quite broad and lacks well-defined boundaries. Some simply equate globalization with free markets.⁹ Others use the term interchangeably with such concepts as *transnationalism* or *postnationality*. Still others use the term as a proxy for *imperialism* or *neocolonialism*. In the popular mind, *globaliza-*

⁹ For example, the eminent Harvard economist Dani Rodrik defines globalization as 'in essence, free trade and free flows of capital' (Rodrik 2002, p. 29).

tion is often a proxy for *Americanization*. Others use *globalization* to examine themes that in earlier scholarship came under the rubric of 'development' or 'world systems' theory.

Each scholarly discipline seems to privilege its own set of concerns. Anthropologists, for example, tend to approach globalization in relation to their inherent interest in culture (see Watson, 2004). Globalization tends to detach social practices and cultural formations from localized territories. One hundred years ago European and Euro – American anthropologists took long journeys to remote locations to study exotic social institutions and cultural beliefs. Today globalization delivers the 'exotic' to the anthropologist's own backyard. Turkish cultural formations are, in plain sight, as ubiquitous in parts of Frankfurt as they are in Istanbul. Likewise, Mexican culture is now alive and well in New York – where by the year 2000 roughly half a million Mexican citizens resided, with well over 300,000 in New York City alone (Smith 2002).

But globalization also delivers what is 'mundane' in the anthropologists' backyard to remote and out of the way places.¹⁰ This is sometimes referred to as the 'Coca-coloniza-

¹⁰ Large-scale immigration amplifies the already powerful worldwide changes generated by globalization. The synergy between globalization and immigration explains why 'New York culture' is alive in such Mexican states as Puebla and Guerrero. These regions of Mexico are being palpably transformed by the economic, social, and cultural adaptations of Mexican citizens in the diaspora. As Harvard historian John Coatsworth has noted, Mexican history today is being made in the United States (see Coatsworth 1998, pp. 75-78). The dimensions of these transformations are significant. For example, it is estimated that in the year 2002 Mexican citizens residing in the United States remitted to Mexico nearly 12 billion dollars in cash and other gifts. But these immigrants are also changing their home communities via 'social remittances' – i.e., new social practices and cultural models they acquire in the diaspora and remit back home (see Levitt 2001). These social remittances are changing an array of cultural formations such as gender relations, economic strategies at the household level, social ambitions and expectations, and the political process at the sending community level (see Smith 2002).

tion' or 'MacDonaldization' of the developing world (indeed as James Watson indicates [2004], MacDonald's has emerged as the very incarnation of globalization in part because 'on an average day the company serves nearly fifty million customers in over thirty thousand restaurants located in 118 countries. In the mid-1990s a new MacDonald's opened somewhere in the world every eight hours'). A cursory look through the programs of the American Anthropological Association meetings of the past few years suggests just how globalization has become a central concern for anthropologists. Indeed, over the past decade anthropologists have developed a taste for such topics as transnationalism (see Basch, Schiller, and Blanc 1995; Gupta and Ferguson 1992; Mahler 1995), cultural hybrids and dualities (Canclini, 1995/1989; Inda and Rosaldo 2002; Zentella 2002), mass media (Michaels, 2002; Yang, 2002; Larkin, 2002), immigration (see M. Suárez-Orozco 1989, 1991, 1994, 1996, 1998, 1999, 2000; C. Suárez-Orozco and M. Suárez-Orozco 2001; and M. Suárez-Orozco and Pérez 2002), and persisting cultural conflicts (Shweder 2000; Wikan 2000) – all brought about by globalization.¹¹

Economists, in contrast, study globalization because of their interest in trade, financial markets, and transnational capital flows (see Bhagwati 2002; Burtless, Lawrence, Litan, and Shapiro 1998; Feldstein 2002; Stiglitz 2002; and Rodrik 1997). Arguments over the economic causes and consequences of globalization are lengthy and sometimes polarizing. A plurality of

¹¹ Anthropology's involvement with the study of cultural forms and their dispersal across time and space has a long history. Much of the early literature privileged the study of 'culture contact' and 'cultural borrowing' via trading, invasions, or conquest. Franz Boas's early efforts, which resulted in the establishment of American anthropology as a major scholarly discipline in the early decades of the twentieth century, centered around theoretical debates over the 'diffusion' (versus 'multiple invention') of cultural forms (such as a fishing hook, folktale motif, or kinship term) across distinct 'culture areas'. This work was critical to the dismantling of earlier extravagant and racist theories of stages in the cultural evolution of societies.

economists see globalization – especially free trade – as the path to development and growth (Bhagwati 2002; Feldstein 2002; Burtless *et al.* 1998). Harvard president Lawrence Summers, an economist and former U.S. secretary of the treasury, argued in the 2003 Godkin Lecture that ‘the rate at which countries grow is substantially determined by their ability to integrate with the global economy, their capacity to maintain sustainable government finances, and their ability to put in place an institutional environment in which contracts can be enforced and property right can be established’ (see Abrams 2003).

Many other leading economists seem to agree. Burtless, Lawrence, Litan, and Shapiro (1998) argue that increased ‘economic interlinkages’ around the world have generated wealth and ‘helped promote capitalism and democracy’ in such varied places as Asia, Latin America, and Africa. These scholars claim that globalization demonstrates ‘the virtues of trade and markets’ while helping alleviate poverty and create new opportunities for economic growth and wellbeing. The insertion of China into the global economy has been hailed as a paradigm of the virtues of globalization in promoting both economic growth and human welfare: ‘In 1960, the average Chinese expected to live only 36 years. By 1999, the life expectancy has risen to 70 years, not far below the level of the United States. Literacy has risen from less than 50 percent to more than 80 percent’ (Rodrik 2002, p. 30). Economists who celebrate the merits of globalization generally reject proposed ‘globophobic’ policies because they would interrupt the expansion of free markets and create unnecessary detours en route to development (Burtless *et al.* 1998). For some economists, *lack* of globalization, not globalization itself, is the cause of poverty and misery in the developing world.¹²

¹² Lawrence Summers used those same words in his keynote address at the Pocantico Retreat on Globalization and Education, held in Tarrytown, New York, in April 2002 and organized by Howard Gardner and Marcelo M. Suárez-Orozco.

A small but influential group of economists, however, has been vocal in questioning the economic consequences of globalization (see, for example, Stiglitz 2002; Sen 2001; Rodrik 2002). These criticisms have tended to focus on (1) globalization's failure to generate economic growth in large sectors of the world, (2) its role in increased economic inequality within and across nations (see Bloom, 2004; Coatsworth, 2004), and (3) its role in the increasingly desperate fate of growing numbers of poor and disenfranchised people throughout the world: by 2002 '1.2 billion people around the world live[d] on less than \$1 a day[, and] 2.8 billion people [more than 45 percent of the world's population] live[d] on less than \$2 a day' (Stiglitz 2002, p. 25).¹³

These economists have also pointed out the unsavory fact that under globalization the fate of billions of people increasingly rests in the hands of the arbiters of global capitalism, especially the International Monetary Fund and financial interests in Wall Street, London, Geneva, and other global cities. These power brokers dictate the economic and social agendas of faraway countries with little accountability, huge asymmetries in decision-making powers, and a lack of concern for local institutional frameworks, needs, and priorities (Stiglitz 2002).

¹³ Despite the triumphal free-market rhetoric of the 1990s, for most of the world's developing countries, the 1990s were a decade of frustration and disappointment. The economies of Sub-Saharan Africa, with few exceptions, stubbornly refused to respond to the medicine meted out by the World Bank and the IMF. Latin American countries were buffered by a never-ending series of boom-and-bust cycles in capital markets and experienced growth rates significantly below their historical averages. Most of the former socialist economies ended the decade at lower levels of per-capita income than they started it – and even in the rare successes, such as Poland, poverty rates remained higher than under communism. East Asian economies such as South Korea, Thailand, and Malaysia, which had been hailed previously as 'miracles' were dealt a humiliating blow in the financial crisis of 1997. That this was also the decade in which globalization came into full swing is more than a minor inconvenience for its advocates. If globalization is such a boon for poor countries, why so many setbacks? (Rodrik 2002, p. 29).

Yet in the game of globalization, local factors may indeed be more important than ever before. Harvard economist Dani Rodrik (2002) has argued that free markets are not enough: 'Economies that have performed well over the long term owe their success not to geography or trade, but to institutions that have generated market-oriented incentives, protected property rights, and enabled stability' (p. 29). Regardless of their beliefs about the economic consequences of globalization or their recipes for making globalization 'work', nearly all respected economists agree that global 'poverty is now the defining issue' (Rodrik 2002, p. 29). As the work of David Bloom (2004) suggests, no serious debate on the economics of globalization and poverty can neglect the role of education in promoting development and well-being (see also Bloom and Cohen 2002).

Political scientists, for their part, have turned their attention to how globalization is challenging the workings of the state (Strange 1996; Waltz 1999; Berger and Dore 1996). Much of this scholarship focuses on the political consequences of global economic integration. Some have hypothesized that growing economic interdependence is inevitably generating certain similarities in the technologies, habits of work, and lifestyles that come to be privileged under globalization (Boyer 1996). These similarities would in turn seem to exert pressures on nation-states to 'preserve distinctive social, political, and economic organizations' (Boyer 1996, p. 29). Some observers even 'predict that the nation state will soon be obsolete and the government's room for maneuver will be limited' (p. 29). Yet other political scientists question the mechanistic assumption that growing economic interdependence leads to convergence in the political realm (Waltz 1999; Weiss, 1998).¹⁴

¹⁴ In the case of China, a country greatly transformed by the economics of globalization, political processes have remained carefully managed and controlled so as to avoid globalization's spilling over into the political domain (Yan 2002).

While some political scientists see economic integration as the very essence of globalization, others have come to see growing inequality as its most profound legacy, which should reaffirm the centrality of politics over economics. As 'the distribution of capabilities across states has become extremely lopsided, ... the inequalities of international politics enhance the political role of one country. Politics, as usual, prevails over economics' (Waltz 1999, p. 11).

Globalization challenges the nation-state in other ways. Transnational nongovernmental organizations (NGOs) are increasingly vocal and effective in shaping political debates and choices around a host of issues (Mol 2001; Warkentin 2001; Nye and Donahue 2000). International institutional systems such as human, civil, and cultural rights regimes reach beyond the confines of individual nation-states (Nye 2001; Coleman and Porter 1999). For example, an Argentine torturer accused of committing crimes in his own country can be arrested in Mexico and tried for crimes against humanity in Spain, as happened in February 2001 (see Robben 2004).

Likewise war, famously defined as 'the continuation of politics by other means', has since September 11 become thoroughly globalized. Both terrorism and the war on terrorism are global phenomena shifting from Kenya and Tanzania to New York and Washington and on to Bali, Saudi Arabia, Morocco, and Spain. Indeed, the attacks of September 11 seem to have ushered in a new globalized experiment in warfare, requiring transnational coordination and in the process creating unlikely partnerships. Al Qaeda itself is a paradigm of globalization – a network lacking any firm national or territorial base. It seems to be constituted of a set of loosely and rapidly changing interconnected financial, weapons procuring, ideological, and religious networks, heavily reliant for its operations on globalization's new information, communica-

tion, and transportation technologies.¹⁵ Al Qaeda's attacks generated a global response, bringing together such disparate nations as China, Russia, and the United States in a common cause. But in character with globalization's fluidity and speed of change, these alliances are fragile and constantly evolving, as the 2003 war in Iraq demonstrated when the European allies of the United States and the United Kingdom decided to take a different path in pursuing the UN objectives to disarm Iraq.

Another way globalization is reshaping the politics of the state is a result of large-scale immigration. Peoples in the diaspora – Mexicans in Los Angeles, Turks in Germany, or Algerians in France – have emerged as actors across national boundaries, shaping economic processes and the political agenda in both their countries of birth and their countries of choice. The power that diasporic communities exercise in their countries of origin has grown exponentially over the last few decades. Much of this flows from the fact that economic remittances from people in the diaspora have emerged as a critical source of foreign exchange for a growing list of countries, such as El Salvador, Haiti, the Dominican Republic, Mexico, and Tunisia. As a consequence, politics have new global dimensions. For example, Dominican politicians are fully cognizant that election campaigns in their country need to be waged in New York – where Dominicans are now the largest immigrant group – as well as in Santo Domingo.¹⁶ Congressman Tip O'Neill's adage 'All politics is local' is now somewhat anachronistic. Dual citi-

¹⁵ It has proven an illusive target, challenging traditional military strategies predicated upon the defense and control of 'space', either air, maritime, or territory.

¹⁶ The rough formula: a million people in the diaspora translate to about a billion dollars in remittances sent home every year might help explain the newfound interest among *inter alia*, Dominican, Salvadorian, and Mexican politicians in cultivating ties with their brothers and sisters living in the United States.

zenship agreements – enabling one to maintain citizenship rights in more than one nation-state – are complicating and making more interesting the politics of belonging (see Castles and Davidson 2000).

While each discipline has generated its own idiosyncratic use of the term *globalization*, certain characteristics seem to converge. Most scholars who study globalization today would agree that it is best characterized as a set of processes that tend to de-territorialize important economic, social, and cultural practices from their traditional boundaries in nation-states. It involves a kind of ‘post-geography’ (Bauman 1998).¹⁷ In summary, for the purpose of this chapter, we approach globalization as the processes of change structured by four interrelated forma-

¹⁷ While globalization is defined as economic, social, and cultural processes that are postnational, we do not mean to suggest that globalization augurs the demise of the state apparatus. Globalization certainly undermines the workings of the nation-state – from national economies to traditional ideas of citizenship and cultural production (see Castles and Davidson 2000; Sassen 1998). On one hand, the state apparatus does in some important ways appear somewhat irrelevant in the context of globalization – as, for example, when billions of dollars enter and exit national boundaries. On the other hand, states are responding to globalization by hyper-displays of power and theatrics. Arguably the most globalized spot in the world today – also, alas, the most heavily trafficked international border in the world – is the vast region that at once unites and separates the United States and Mexico. It is also the most heavily guarded border in history (Andreas 2000). The militarization of the border at a time of record border crossings suggests a process more complex than the simple erosion or demise of the nation-state. In the places that matter – that is, where states bump into each other – hyper-presence is the name of the game. This is the case in the United States, in post-Schengen Europe, and in Japan. (Per the Schengen agreement, there are no longer internal border controls among European Union member states. Hence, a French citizen needs no passport or visa to travel to Spain and vice versa). While internally Europe has become borderless, external controls – that is, keeping would-be migrants from entering Europe – have intensified. To claim that the state is waning is to miss one of the more intriguing paradoxes of state performance.

tions: (1) postnational forms of production and distribution of goods and services – fueled by growing levels of international trade, foreign direct investment, and capital flows; (2) information, communication, and media technologies that facilitate exchanges and instantaneously connect people across vast geographies and place a premium on knowledge-intensive work; (3) growing levels of worldwide migration; and (4) the resultant cultural transformations and exchanges that challenge traditional values and norms in both sending and receiving countries. These changes require new adaptations if youth are to interact in a civil and productive manner with those whose backgrounds may be extremely different from their own. Globalization is generating changes of a magnitude comparable to the emergence of agriculture ten thousand years ago or the industrial revolution two hundred years ago. It will demand fundamental rethinking of the aims and processes of education.

In this chapter we argue that we must examine the implications of the historical, cultural, technological, and demographic changes brought about by globalization for the experiences of children and youth in and out of schools. We must start with a historical perspective. Without a historical narrative it is difficult to distinguish what might be new and a break from previous cycles of globalization from what mimics and repeats previous processes. What, if anything, is *new* about globalization?¹⁸ A number of prominent scholars have claimed that globalization is best conceptualized as part of a long process of change – arguably centuries in the making (see for example, Hardt and Negri 2000; Jameson and Miyoshi 1999; Mignolo 1998; Sen

¹⁸ Is globalization simply ‘modernization’? Is it ‘Westernization’ in fast-forward? Is it ‘imperialism’ now driven by the extraordinarily high octane of American hyper-power? Is it unfettered American capitalism *sans frontiers*? Alternatively, is it a phenomenon or a set of phenomena of a completely different order? Are these processes of change drastically different from what occurred in the world centuries ago?

2000). They remind us that certain features of globalization today are not necessarily new. Neither large-scale immigration nor international capital flows are unprecedented.

In his recent essay 'Globalization, Growth, and Welfare in History', (2004) Harvard historian John Coatsworth examines the implications of globalization for human welfare, productivity, and equity from a historical and regional perspective. Coatsworth identifies four distinct cycles of globalization in the Western hemisphere: (1) the opening of transoceanic conquest, communication, and trade from 1492 to 1565; (2) the kidnapping and forced migration of Africans and the subsequent establishment of slave plantations in the new world from 1650 to 1790; (3) the export-led growth in the Belle Epoque between 1880 and 1930; (4) and a new globalization cycle beginning in the mid-1980s. Coatsworth argues that the current cycle of globalization, in regard to demographic and economic processes, is in fact quite weak as compared to previous cycles. For example, current migration flows are proportionally smaller than in previous periods: the foreign-born population of the Americas (including such varied countries as the United States, Argentina, and Brazil) a century ago was proportionally larger than at the turn of the millennium (Moya 1998). Furthermore, the current wave of globalization has been wanting in terms of economic growth in most Latin American countries. Over the last decade, growth has been elusive and inequality a constant and growing concern. Coatsworth's analysis suggests that globalization tends to exact short-term costs (paid in the currency of decreasing health and well-being and increasing inequality) while generating long-term growth especially in economic productivity.

Coatsworth's arguments are sobering and highly relevant to today's debates about globalization. He also offers a provocative suggestion: in terms of both the economics and demographics of globalization, the current cycle has not reached the potential predicted from previous trends. If anything, in many

regions of the world, globalization is more of a promise than a *fait accompli*. Finally, Coatsworth notes that education has a much more prominent role to play than in previous cycles of global change. Educators must develop an agenda to facilitate the incorporation of growing numbers of immigrant children worldwide and develop curricular and pedagogical programs to impart the cross-cultural skills children will need to thrive in their historical moment and emerge as agents of change to combat growing worldwide inequalities. Globalization without social justice hurts and threatens us all.

Whether one sees globalization as a promise yet to be realized or as a new international reality, surely economics are at the forefront of important changes worldwide. As Anthony Giddens noted in his BBC Reith Lectures, 'the level of world trade today is much higher than it ever was before, and involves a much wider range of goods and services' (Giddens 2000, p. 27).¹⁹

Poverty and inequality are the elephants in the globalization room (Naidoo 2003). While some regions of the world such as East Asia have 'managed globalization' quite well (Yan 2002) and in so doing have achieved unprecedented economic growth and well-being, in other regions of the

¹⁹ Indeed, 'a growing share of what countries produce is sold to foreigners as exports. Among rich or developed countries, the share of international trade in total output (exports plus imports of goods relative to GDP) rose from 27 to 39 percent between 1987 and 1997. For the developing countries, it rose from 10 to 17 percent' (World Bank 2001, p. 1). Likewise, foreign-direct investment (i.e., firms making investments in other countries) overall 'more than tripled between 1988 and 1998 from \$192 billion to \$610 billion' (World Bank 2001, p. 1). The most significant characteristic of economic globalization is 'in the level of finance and capital flows. Geared as it is to electronic money – money that exists only as digits in computers – the current world economy has no parallels in earlier times' (Giddens 2000, p. 27). From the time the reader got up this morning to the time she goes to bed tonight more than a trillion dollars will have crossed national boundaries (Giddens 2000).

world the forces of globalization seem to have conspired to intensify patterns of inequality and human suffering (see Bauman 1998; Dussel 2000; Mittelman 2000; Nader 1993).²⁰ What are the implications of these global economic dynamics for education? In his essay, 'Globalization and Education: An Economic Perspective', (2004) Harvard economist David Bloom argues that because of globalization, education is more important than ever before in history. He deploys a vast array of up-to-date data on the state of global education in much of the developing world. Bloom's materials prompt both optimism and caution. He claims that growing worldwide inequality, indexed by increasing gaps in income and well-being, generally mimics a continuing and growing global gap in education. While primary education enrollments have improved worldwide, consistency and quality of educational experiences remain 'patchy'. Furthermore, secondary education in developing countries remains quite weak.²¹ Bloom argues that increasing efforts to improve basic educa-

²⁰ The last decade of the twentieth century witnessed vast but uneven economic growth and increasing inequality (World Bank 2001). According to Giddens, 'the share of the poorest fifth of the world's population in the global income has dropped, from 2.3 percent to 1.4 percent between 1989 and 1998. The proportion taken by the richest fifth, on the other hand, has risen. In sub-Saharan Africa, 20 countries have lower incomes per head in real terms than they had in the late 1970s' (Giddens 2000, pp. 33-34). But how is globalization related to growing inequality? In his World Bank Presidential Fellows Lecture, Kumi Naidoo (2003) argues that 'globalization is exacerbating global inequality, and its "rules" – to the extent we can call them that – appear to be driven by the rich at the expense of the poor. The relentless lauding of so-called "free-trade" in fact masks a set of double standards that protect certain markets in wealthy countries and deny poor and developing countries the chance to benefit from the most promising segments of their own economies' (p. 2).

²¹ 'Overall, the proportion of adolescents in secondary schools in developing countries rose from 23% in 1970 to 52% in 1997 (United Nations Educational, Scientific, and Cultural Organization, 1999), but the proportion in developed countries is now above 90%' (Arnett 2002, p. 775).

tion (both in quantity and quality) in developing countries, such as in sub-Saharan Africa and South Asia, will surely help narrow income gaps with developed countries. Education, he claims, is 'clearly a strong trigger for positive development spirals'. He cites estimates that in the developing world, each additional year of basic education corresponds to a rise of over 10 percent in the individual's earning power. Bloom concludes his chapter by reflecting on the challenges and opportunities brought about by globalization. These include a more competitive world economy, the increasing importance of cross-national communication, and the rapid speed of change. Bloom points out that globalization also brings about opportunities for education, particularly in the ways that new technologies can be put to work to improve both the quantity and quality of education worldwide – a theme further developed by Antonio Battro (2004).

The current cycle of globalization is in part the product of new global media, information, and communication technologies that instantaneously connect people, organizations, and systems across vast distances. While in 1980 there were only two million computers worldwide, in 1995 the number totaled more than 150 million, 90 percent being personal computers (López, Smith, and Pagnucco 1995, p. 35). In 2000 eighty million new users logged on to the Internet for the first time (Foreign Policy Association 2002). The cost of telephone calls has plummeted, owing to satellite communication technology. For example, the price of a three-minute phone call from New York to London dropped from about \$250 in 1930 to about \$30 in 1970, and to less than 20 cents by the year 2000. In addition to creating and circulating images, information, and data, these technologies have the promise of freeing people from the constraints of space and time. These new technologies of globalization are rapidly and irrevocably changing the nature of learning, work, thought, entertainment, and the interpersonal patterning of social relations

(Gardner, Csikszentmihalyi, and Damon 2001; Turkle 1997; Watson, 2004).²²

The technologies of globalization present unique opportunities and challenges for education. In the essay 'Globalization, Digital Skills, and the Brain', (2004) Antonio Battro – the eminent Argentinean physician, psychologist, and brain scientist and one of the founders of the new field of mind, brain, and education – examines the extraordinary enabling potential that the digital world offers those with disabilities and children growing up in out-of-the-way places. Battro argues that the genius of computer technologies is their 'friendliness'. They open up new opportunities for education particularly among those who have traditionally been shut out, thus more fully developing their cognitive, emotional, and social potential. Battro claims that the ability to make simple change in the state of a system, what he calls 'the click option', is a universal skill that has both evolutionary and developmental origins.

Battro refers to computer use among a hunting and gathering Bushman group in the Kalahari Desert. Battro claims that a universal 'digital skill' develops quite early in life and that such 'universal digital skills' have important implications for education, particularly in their potential revolutionary effect for special education and for children living in remote areas. For example, a brain-computer interface permits a patient who suffers from locked-in syndrome (i.e., is cognitively intact but seriously impaired in motor abilities) to communicate with others through the computer. In this case the computer is used as 'a *functional prosthesis* or extension of the brain'. Other examples track the enabling qualities of computers among deaf children in remote locations of Latin America. Computers

²² Yet a paradox of globalization is that as it unites it also divides the world between those who can access and manipulate the new technologies and those who are left behind, 'stuck', so to speak, in local tools and local contexts (Bauman 1998).

allow hearing-disabled youth to become radio amateurs, something impossible in the past. Battro concludes that it is important for educators to fully mine the enabling potential afforded by the digital world.

However, it is also important for educators to note the potential challenges and 'disabling' effect of computers. In 'The Fellowship of the Microchip: Global Technologies as Evocative Objects', (2004) eminent Massachusetts Institute of Technology psychologist Sherry Turkle examines the phenomenological correlates of new information, communication, and media technologies as 'carriers of ideas and habits of mind'. Turkle offers careful analysis of the ambiguities and contradictions that computational and media technologies engender in human thought and affect. For example, while the Internet may offer people opportunities to become 'fluent with the manipulation of personae', it can also lead to diminished comfort in the self, and the software's functional opacity may lead to disempowerment. Turkle uses the example of PowerPoint to illustrate the potential constraining effects of technologies on learning. PowerPoint encourages presentation of a point instead of conversation and argument over an issue. She argues that by using informational technologies, students get far more than content; these technologies 'model styles of thought'. Turkle concludes that it is critical for educators and policy makers to understand that computational technologies 'both empower and limit this generation as they prepare for the responsibilities of global citizens'.

Another issue raised by globalization is the impact of these new technologies on local cultures around the world. The new technologies of globalization generate images, powerful and seductive, of the good life and the good things that make the good life and circulate them worldwide, creating new globalized structures of desire, modernist longings, and with them, feelings of relative deprivation. Youth from China to Argentina flock to see the same movies, visit the same Internet sites, and

often come to desire the same 'cool' brand-name clothes, music, and lifestyles. One of the dominant discourses in the study of globalization is the 'cultural homogeneity' hypothesis. It predicts that global processes of change enabled by new information and media technologies will inevitably lead to a more homogeneous world culture. Will the next generation of youth become global citizens eating MacDonald's hamburgers, drinking Starbucks coffee, and using a globalized English to communicate with each other online? If that is the case, then the diversity in the cultures and experiences of youth may disappear.

Two leading scholars of globalization and culture, Henry Jenkins and James Watson, complicate these ominous predictions by highlighting the critical role of local meaning-making systems in interrupting and reshaping global media and cultural exchanges, nearly always recasting them in autochthonous terms. In 'Pop Cosmopolitanism: Mapping Cultural Flows in an Age of Media Convergence', (2004) MIT communications scholar Henry Jenkins examines how the technologies of globalization are used to appropriate, decontextualize, recontextualize, and transform cultural images, facts, and artifacts and the resultant 'new modes of creativity and expression' in disparate settings. He characterizes the current rapid exchanges of images, facts, and artifacts across national and cultural borders as a form of 'media convergence'. Jenkins notes that media convergence tends to be multidirectional, reflecting the circulation of products from West to East, as well as a continuous concomitant cultural flow from East to West.²³ There are of course flows of cultural products across other axes, such as within Asian countries. Jenkins argues that the meanings of cultural images and products exchanged typically undergo

²³ Other cultural theorists in the Americas have examined similar South – North back-and – forth cultural flows, exchanges, and transformations in music (Flores 2000), art (Canclini 1995), and religion (Levitt 2002).

metamorphoses that are both 'unpredictable and contradictory'. For example, a teenager in the Philippines used Photoshop to create a series of images of Sesame Street's Bert interacting with Osama bin Laden and posted them on his home page. These images were later used by anti-American Pakistani demonstrators who (unaware of the Bert image in the background) waved signs of bin Laden as CNN videotaped them. These phenomena, Jenkins concludes, offer a theoretical challenge to the widely popular 'cultural imperialism' and the 'cultural homogeneity' hypotheses.

In his essay, 'Globalization in Asia: Anthropological Perspectives', (2004) Harvard social anthropologist James Watson develops a study of globalization in Asian societies and especially its repercussions for cultural practices and changing youth experiences. Watson illustrates the rapid social and cultural transformations occurring in Asia today with examples from a variety of domains such as food, sports, television, movies, Internet technology, clothing, and other aspects of globalization that are subtly changing youth's daily lives. Watson disagrees with the widely shared notion that globalization is destroying cultural diversity by homogenizing cultural practices the world over. He concludes that local vectors always transform global products rendering them meaningful in terms of local sensibilities, social practices, and cultural models. For example, the film *Titanic* was the most popular movie in China in 1997 because the majority of moviegoers identified the tragedy of the film with their personal experiences during the Cultural Revolution. Watson argues that to capture cultural changes, it is important to distinguish between form and content. He concludes that 'the sameness hypothesis is sustainable only if one ignores the internal meanings that people assign to cultural innovations'.

Another novel feature of globalization is new patterns of large-scale immigration (see Basch *et al.* 1994; Castles and Davidson 2000; Portes and Rumbaut 2001; C. Suárez-Orozco

2000; C. Suárez-Orozco and M. Suárez-Orozco 2001; M. Suárez-Orozco and Páez 2002; M. Suárez-Orozco, C. Suárez-Orozco, and Qin-Hilliard 2001, vols. 1, 2 and 3).²⁴ Immigration generates new identities.²⁵ It is also a powerful metaphor for many of the processes that globalization seems to generate,

²⁴ Large-scale immigration is a world phenomenon that is transforming Africa, Asia, Europe, and the Americas. The United States is now in the midst of the largest wave of immigration in history. Nearly 30 percent of Frankfurt's population is immigrant. Amsterdam will be 50 percent immigrant by the year 2015. Leicester, England, is about to become the first city in Europe where 'whites' will no longer be the majority. Japan, long held as the exception to the North American and European rule that immigrant workers are needed to maintain economic vitality, is now facing a future in which immigrants will be needed to deal with the country's aging-population problem (Tsuda 2003). Immigration and globalization upset the symbolic order of the nation, interrupt taken-for-granted social practices, reshape political processes, engender new cultural attitudes, and channel the new anxieties of long-time citizens. It has a democratizing potential, but the potential for friction is equally obvious. Immigration means that foreign languages, foreign social practices (sometimes practices deeply destabilizing to liberal democracies, such as female genital mutilation among immigrants in Europe and the United States), and cultural models (such as marriage before legal adulthood) that generate anxieties and threaten the cultural imagination of the nation (Shweder, Minow, and Markus 2002). But at the same time the immigrants are needed. They are summoned to do the unpleasant jobs that over time have become culturally coded as 'immigrant jobs' (the Japanese call them the '3 k jobs' for the Japanese words for 'dirty, dangerous, and demanding'). Indeed, Western Europe faces one of the most delicious of paradoxes: while postfascist anti-immigrant sentiment continues to grow, according to Europe's leading demographers approximately fifty million new immigrant workers will need to be recruited over the next few decades to deal with the continent's peculiar demographic predicament – below-replacement fertility rates. Japan, long held as the exception to the North American and northern European predilection for immigrant labor will soon face its own predicament: regardless of cultural resistance to immigration, immigrants will be needed, and in large numbers, to deal with Japan's aging population problem.

²⁵ In the so-called 'global cities' (Sassen 1998), foreign languages, habits, and sensibilities are thriving. Newcomers learn to live everyday life with divided linguistic and cultural identifications, and native citizens learn

such as feelings of cultural disorientation, anxiety, and confusion about rapidly changing roles, cultural scripts, and social practices; 'identity threats'; and multiple identities (Arnett 2002). In some ways, to paraphrase Julia Kristeva (1991), globalization makes us all into dislocated 'immigrants', just as it makes us all feel a bit like 'strangers to ourselves'.

It is important to examine the issue of identity in the era of globalization, with a specific focus on the transformation brought about by large-scale immigration. In the essay 'Formulating Identity in a Globalized World', (2004) New York University cultural psychologist Carola Suárez-Orozco examines the impact of globalization and immigration on the vicissitudes of identity formation among youth. C. Suárez-Orozco contends that one of the challenges facing immigrant children in their adaptation to a new society is identity formation. Immigrant children face a complex task. They have to negotiate matters of identity while juggling multiple, often competing and clashing cultural codes. These include cultural models of the family and home, cultural models of the new country, and the larger globalized youth culture.

Large-scale immigration is often unsettling and generates backlash among native citizens. Immigrant children often have to face what C. Suárez-Orozco terms 'negative social mirroring' from members of the new country who may come to feel ambivalent, anxious, and xenophobic toward the new arrivals. Such social mirroring can have a negative impact on immigrant youth identity development. C. Suárez-Orozco argues that there is need to reframe the Eriksonian model of identity formation and development in light of new global forces and realities. Erickson (1968) proposed a stage-specific model of

to expect it in others. As acknowledged by the U.S. Census Bureau, a growing number of Americans identify themselves in terms of multiple cultural, racial, and ethnic belongings. This, nevertheless, causes unease in the American landscape.

identity formation that involved giving up certain earlier 'identifications' to achieve the autonomy, coherence, and independence that 'identity' confers. C. Suárez-Orozco argues that in a global world, identity is no longer best conceived as an achievement that involves overcoming or giving up certain cultural identifications. Instead, youth who are players in a global stage must cultivate the multiple identities that are required to function in diverse, often incommensurable cultural realities. Rather than theorizing identity as oriented toward 'either' the home culture 'or' the host culture, many immigrant youth today are articulating and performing complex multiple identifications that involve bringing together disparate cultural streams. Increasingly immigrants refuse to give up their cultural sensibilities and particularities in favor of complete identification with the host culture. These psychosocial dynamics interrupt the predictions of the classic theory of immigrant assimilation – as a unilinear process of change with inevitable diminished ethnic identifications (M. Suárez-Orozco 2000). Hence C. Suárez-Orozco's critique of the stage model of identity formation has implications for both psychological and sociocultural theories of immigrant assimilation.

Globalization means that the lives of children growing up today will be shaped in no small measure by global processes in economy, society and culture. Educational systems tied to the formation of nation-state citizens and consumers bonded to local systems to the neglect of larger global forces are likely to become obsolete, while those that proactively engage globalization's new challenges are more likely to thrive. Harvard psychologist and education scholar Howard Gardner (2004) has recently examined how education changes over time. Historically education has changed because of shifts in values (such as from religious to secular), scientific findings altering our understanding of the human mind (such as the development of psychometrics), or broader historical and social forces, such as globalization. Gardner argues that an important challenge posed by globaliza-

tion for education is the tension between the glacial pace of institutional change in ministries of education and schools and the rapid social, economic, and cultural transformations taking place around them. Gardner suggests that precollegiate education will need to encompass the following skills, abilities, and understandings: (1) understanding the global system; (2) the ability to think analytically and creatively within disciplines; (3) the ability to tackle problems and issues that do not respect disciplinary boundaries; (4) knowledge of other cultures and traditions, which should both be an end in itself and a means to interacting civilly and productively with individuals from different cultural backgrounds – both within one's own society and across the planet; (5) knowledge of and respect for one's own cultural traditions; (6) fostering of hybrid or blended identities; and (7) fostering of tolerance and appreciation across racial, linguistic, national, and cultural boundaries.

Taken together, the various new contributions to the study of globalization can also be read as a plea for new collaborative and interdisciplinary work on the complex relationship between globalization and education. It is obvious now new ideas, new empirical data, and new conceptual work that will inform scholarly debate, public policy, and the general citizenry about changes and choices we face in schools, neighborhoods, communities, and countries around the world.

Globalization will continue to be a powerful vector of worldwide change. We need better understanding of how education will be transformed by globalization and how it, in turn, can shape and manage the course or courses of globalization. We need a major research agenda to examine how education most broadly defined can best prepare children to engage in a global world. We need better theoretical understandings of globalization's multiple faces – economic, demographic, social, and cultural. We need more dialogue between scholars, practitioners, and policy makers. This especial volume is an important contribution to that vision.

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VI. LA RECHERCHE D'UNE NOUVELLE GOUVERNANCE DE LA MONDIALISATION SOUS LE PRISME DU CONFLIT IRAKIEN: PAUSE TEMPORAIRE OU RETOUR À BABEL?

LOUIS SABOURIN

Je vois ce que tu veux dire, Ménon, quel beau succès de dispute sophistique tu nous apportes là! C'est la théorie selon laquelle on ne peut chercher ni ce qu'on connaît ni ce qu'on ne connaît pas: ce qu'on connaît, parce que le connaissant on n'a pas besoin de le chercher; ce qu'on ne connaît pas parce qu'on ne sait même pas ce qu'on doit chercher.

SOCRATE

Introduction: le contexte international et le paradigme de la gouvernance mondiale

À l'instar de Ménon, il pourrait paraître superflu, sinon futile, de s'interroger sur la notion, les finalités et les dimensions d'une *nouvelle gouvernance de la mondialisation* alors que les phares de l'actualité internationale sont tournés vers l'Irak,¹ dans les sillons du 11 septembre 2001, de la guerre en Afghanistan, de la lutte anti-terroriste et du conflit israélo-palestinien.

¹ Ce texte a été terminé à la fin du mois de mars 2003. Il fera l'objet d'une mise à jour lors de sa présentation à l'Académie, au mois de mai 2003.

La présente réflexion, qui fait suite aux débats qui ont eu lieu au sein de l'Académie² a pour objectif d'examiner, sous l'angle politique, la recherche d'une nécessaire gouvernance de la mondialisation. La tâche est loin d'être simple. Jean-Paul II n'affirmait-il pas, à la suite du déclenchement de la guerre irakienne qu'il venait de condamner, que le monde est dans une situation d'incertitude et de danger.³ Dans de telles circonstances, la quête d'une gouvernance mieux coordonnée de la mondialisation risque non seulement de connaître un temps d'arrêt, mais aussi d'apparaître comme un objectif difficile sinon impossible à atteindre à brève échéance. Bien que l'on puisse prévoir une victoire de la coalition américano-britannique, plusieurs observateurs s'attendent à une période fort troublée au cours de laquelle le désordre international primera sur la stabilité en maints endroits du globe. La route vers Bagdad mènera-t-elle à Babel ou à la mise en place de jalons inédits dans le remodelage du système international contemporain?

Certaines constatations s'imposent déjà. *D'abord*, en plus de mettre en lumière les *limites d'un ordre mondial* qui devrait être axé sur la primauté de la paix et du droit ainsi que sur la quête de la démocratie et du développement, ce conflit hautement médiatisé, qui a rapidement mobilisé les peuples partout sur la planète, divisé les pays occidentaux entre eux de même que les États arabes mais galvanisé le monde musulman, risque, en plus de ralentir la croissance économique mondiale, de marginaliser et de repousser la solution d'autres crises ailleurs sur la planète.

² L. Sabourin *et al.*, *The Social Dimensions of Globalisation*, Proceedings of the Workshop on Globalisation, Pontifical Academy of Social Sciences, 2000; E. Malinvaud & L. Sabourin (ed), *Globalization. Ethical and Institutional Concerns*, Proceedings of the Seventh Plenary Session of the Pontifical Academy of Social Sciences, 2001; L. Sabourin (ed), *Globalisation and Inequalities*, Proceedings of the Colloquium, Pontifical Academy of Social Sciences, 2002.

³ *Le Monde*, 24 mars 2003.

Il démontrera, *en second lieu*, que la réponse de Socrate à Ménon à l'effet "qu'il faut toujours chercher la connaissance" demeure sans contredit la seule voie pour sortir de la situation "d'ingouvernance" mondiale dans laquelle se trouve présentement l'humanité, face à la faiblesse des Nations unies et de la plupart des États, vis-à-vis de la supériorité militaire, économique et technologique américaine,⁴ et aux hésitations qui entourent l'établissement sinon d'un nouvel ordre mondial, du moins de *nouveaux équilibres internationaux*.

Troisièmement, la communauté internationale vit à coup sûr un *temps fort de remise en cause des normes qui ont jeté les fondements du système westphalien, en 1648, et du système onusien, en 1945*. En souhaitant, à juste titre d'ailleurs, lutter contre un terrorisme international de type nouveau qui défie le système westphalien, le Président américain n'a pas hésité à décréter un *axe du mal* et à recourir à la *guerre préemptive* s'inscrivant ainsi à l'encontre de l'ordre onusien. Si les conséquences quant au désastre humanitaire en Irak et à l'après-guerre dans ce pays ainsi qu'au remodelage des forces politiques, économiques et sociales de même qu'aux nouveaux enjeux pétroliers du Moyen-Orient deviendront chaque jour plus apparentes, les effets sur le système westphalien et sur le système onusien seront moins perceptibles, mais probablement aussi profonds. Toutefois, les deux systèmes, à mes yeux, ne seront pas rapidement remplacés, non pas parce que d'aucuns ne le souhaiteraient pas, mais parce qu'il n'existe pas d'alternatives crédibles, fonctionnelles, gérables et acceptables universellement. Ce sont leur *esprit* et leurs *pratiques*,⁵ plutôt que leurs *structures*, qui seront progressivement altérés.

⁴ R. Rémond, *Du mur de Berlin aux tours de New York*, 2002; H. Kissinger, *La nouvelle puissance américaine*, 2003; E. Todd, *Après l'empire*, 2002; D. Wolton, *L'autre mondialisation*, 2003; M. Walzer, *Guerres justes et injustes*, 1999.

⁵ M. Verweij and T. E. Fosling (ed), "Special Issue: Deliberately Democratizing Multilateral Organization", *Governance: An International Journal of Policy, Administration and Institutions*, January 2003.

Quatrièmement, au-delà du conflit irakien, les défis qui attendent la gouvernance de la mondialisation demeureront complexes; ils exigeront des réflexions sérieuses et des actions concertées qui tiendront compte des valeurs éthiques universelles et ne marginaliseront pas les plus faibles et les plus pauvres. Il s'agit là d'un cahier de charges certes souhaitable et même indispensable, mais la réalité internationale où priment toujours le *pouvoir* et les *intérêts nationaux* risque encore une fois d'en repousser la mise en œuvre. Bien plus, il ne serait pas étonnant que les efforts en vue de trouver à court terme des compromis pour mieux cerner et maîtriser la mondialisation soient très influencés par la crise irakienne et par les nouveaux comportements des principales puissances, à commencer par celui de la super-puissance américaine, devenue très contestée mais quasiment incontestable. En matière de mondialisation, se dirige-t-on vers une meilleure gouvernance ou, du moins à brève échéance, assistera-t-on à un retour à Babel où la division et la confusion, le désordre et le déséquilibre seront la règle plutôt que l'exception à l'échelon international?

Le concept de gouvernance mondiale

En effet, mieux maîtriser et gérer la mondialisation est l'un des plus grands et imminents défis du XXI^e siècle. Non seulement il confronte l'ensemble du monde, mais il englobe désormais toutes les dimensions de la vie humaine et s'adresse à une multitude d'acteurs, aux positions et aux intérêts variés. Sujet polysémique d'une étendue parfois déroutante et complexe, il se caractérise par plusieurs approches et conceptions. Il se traduit également par plusieurs controverses. Il se heurte à des réticences toujours plus prononcées qui revendiquent justice sociale, dignité humaine, cohérence et responsabilité à l'égard du bien commun universel. D'où l'idée de la *gouvernance mondiale* pour mieux gérer la *mondialisation*.

Souvent associé à la notion de *bonne gouvernance*, le concept de gouvernance mondiale, ou de *gouvernance globale*, est étroitement lié à la mondialisation. Il résulte du besoin de mieux gérer les interconnexions entre les domaines de vie internationaux et l'interdépendance entre les paliers d'autorité ainsi que le nombre croissant d'entités corporatives et de mouvements civils.⁶

Utilisé par les représentants d'États, d'organisations et autres acteurs internationaux dès les années 1980, mais surtout depuis les années 1990, ce concept désigne, entre autres choses, "un système de régulation et de pilotage",⁷ au pouvoir mitigé, sur les plans tant politique, économique que social. La Commission des Nations unies sur la gouvernance mondiale, le Groupe de Lisbonne, le Programme des Nations unies sur le développement (PNUD), le Club de Rome figurent parmi ses principaux promoteurs.⁸

La gouvernance mondiale désigne, par ailleurs, *une approche en réseau des problèmes globaux et touche non seulement les gouvernements et les institutions internationales, mais également les firmes privées et les organisations non gouvernementales (ONG)*. C'est sans négliger le rôle des entités religieuses et des regroupements qui luttent pour la défense des droits humains, des minorités, des couches sociales défavorisées, de l'environnement et autres.

La gouvernance mondiale fait également référence aux *processus de modernisation et de réforme des institutions internationales*. Elle prône un développement plus efficient et durable, l'intégration des économies moins avancées et la légitimation de règles globales, sorte d'éthique mondiale sensée favoriser la

⁶ L. Sabourin, "La gouvernance globale: Astuce passagère ou prémices d'un modèle inédit de gestion en vue de mieux maîtriser la mondialisation?", 2000.

⁷ F. Bernard (dir.), *Dictionnaire critique de la mondialisation*, 2001, p. 173.

⁸ *Ibid.*, p. 174.

mise en valeur de principes universels. Elle présuppose un nouveau type de collaboration entre les acteurs de la scène politique internationale et ceux de la société civile.

La gouvernance mondiale se veut, en fait, une approche *pour multiplier les impacts positifs de la mondialisation et pour en limiter les effets négatifs*. Bien que l'interdépendance économique et politique se soit considérablement renforcée depuis les dernières décennies, elle semble avoir négligé la majeure partie des habitants de la planète, ce qui pousse les groupes anti-mondialisation à affirmer que le concept de gouvernance mondiale est une *stratégie* en vue d'inclure davantage les pays du Tiers-Monde dans le giron capitaliste afin de mieux les contrôler.

Malgré des échanges accrus en terme d'information, de technologies, de capitaux et de produits, la mondialisation *n'a pas contribué à réduire de façon suffisante la pauvreté et les inégalités* qui ne cessent de prendre de l'ampleur dans le monde. La mondialisation n'a pas réussi non plus à assurer la *sécurité des peuples* et la paix dans le monde de façon satisfaisante. De nombreuses tensions persistent à l'échelle planétaire, de nouveaux conflits émergent et de sérieuses problématiques, telles que le terrorisme et la détérioration de l'environnement, menacent désormais jusqu'aux pays les plus puissants du globe.

Plusieurs estiment que le monde actuel est engagé dans un tournant décisif de son histoire. L'ordre westphalien est en jeu. Il importe de repenser les principes de l'exercice et de la répartition du pouvoir, tels que mis en place en 1648, et de renouveler les modèles traditionnels de prise de décision fondés sur la primauté de la souveraineté des États.⁹ La forme contemporaine de gouvernance mondiale, essentiellement multilatéraliste,

⁹ K Valaskakis, "Tendance à long terme de la gouvernance mondiale: des traités de Westphalie à Seattle", dans OCDE, *La gouvernance au XXI^e siècle*, 2002, et "Les perspectives géopolitiques après les attentats de septembre", *Futuribles*, novembre 2001.

ne suffit plus à résoudre les problèmes de dimensions planétaires. Une refonte structurelle des institutions internationales est capitale. Elle devra toutefois aller de pair avec l'intégration de valeurs universelles, sans lesquelles la sécurité de l'humanité risque d'être compromise.

Comment donc orienter l'ordre mondial? Comment gérer la mondialisation? À qui revient cette responsabilité? Il n'existe pas de réponses faciles à ces questions. Pourtant, le défi est d'autant plus urgent que le contexte international subit des mutations profondes, notamment avec les événements du 11 septembre 2001, l'intervention militaire en Afghanistan et, maintenant, la guerre en Irak.

Ainsi, pour cerner les enjeux de la gouvernance mondiale de la mondialisation, j'examinerai, *dans un premier temps*, les dimensions multiples de la mondialisation. Dans *un deuxième temps*, j'analyserai le pourquoi d'une nouvelle gouvernance mondiale. Enfin, *dans un troisième temps*, je tenterai de donner un aperçu des solutions possibles et envisageables en la matière. La *conclusion* abordera quelques perspectives d'avenir à la lumière de l'évolution de la conjoncture internationale actuelle.

I. LES DIMENSIONS MULTIPLES DE LA MONDIALISATION

Du terme "globalization", néologisme inventé, en 1983, par l'économiste américain Theodore Levitt, pour désigner un environnement économique international nouveau, les linguistes français ont préféré utiliser le mot *mondialisation*. Or, depuis quelques années, on parle de plus en plus de *globalisation* pour désigner un phénomène aux visées englobantes, quasi totalitaires, qui touchent tous les aspects de la vie humaine.¹⁰

¹⁰ "Les racines de la mondialisation: De Rome à New York", *L'Histoire*, dossier spécial, novembre 2002, p. 33.

À ce propos, on évoque une *révolution informationnelle* qui, depuis 1980, a entraîné la *transnationalisation d'un nombre croissant d'entreprises*, le *désistement du politique* et la *transformation de l'économique*. Ainsi, selon Gélinas, *la globalisation est à la fois un système, un processus, une mythologie moderne, voire un alibi*. Aussi, juge-t-il nécessaire de faire une distinction entre mondialisation et globalisation. Il souligne, en parlant de la globalisation:

C'est l'aboutissement d'un long processus d'accumulation technologique et financière qui plonge ses racines loin dans la mondialisation capitaliste et jusque dans la mondialisation mercantiliste. Toutefois, il y a bris de continuité entre l'un et l'autre, en ce sens que c'est la première fois dans l'histoire moderne, et dans l'Histoire tout court, que l'on assiste à une telle concentration de la richesse matérielle aux mains d'un petit groupe d'individus qui prétendent s'arroger, par le biais du marché, le droit de contrôler tous les aspects multiformes de la vie humaine, la totalité des ressources de la planète et, par-là, le destin de l'humanité entière.¹¹

Plus spécifiquement, Moreau Defarges¹² indique que le trait fondamental de la mondialisation réside dans *l'explosion des flux*, certes des biens et des services, mais également de l'argent, des hommes, des informations, des idées et des représentations mentales. Ainsi, peut-on observer une augmentation substantielle de la production industrielle et manufacturière depuis les cinquante dernières années et des échanges incluant jusqu'aux biens culturels et aux produits touristiques, conçus sur mesure pour cultiver le rêve et entretenir la quête vers l'étranger.¹³

¹¹ J.B. Gélinas, *La globalisation du monde: laisser faire ou faire?*, 2000, p. 50.

¹² P. Moreau Defarges, *La mondialisation*, p. 28.

¹³ J.S. Nye & J.D. Donahue (ed.), *Governance in a Globalizing World*, 2000.

Cette explosion des flux s'explique, entre autres, par l'*abolition des règles et des contrôles douaniers* limitant la concurrence, mais aussi par l'assouplissement du système financier avec les Accords de Bretton Woods, (1944) et ceux de Kingston (1976).¹⁴ À cela s'ajoute le phénomène de la titrisation¹⁵ qui a contribué à la création de marchés mondiaux.

D'un autre côté, *l'ouverture des frontières a facilité les mouvements migratoires* incitant des milliers d'individus à quitter leur lieu d'origine pour s'établir dans un autre pays en quête de meilleurs salaires, d'emplois, de paix, de mieux-vivre et de mieux-être. Entre 70 à 85 millions de personnes travaillent à l'extérieur de leur pays d'origine et 50 autres millions de travailleurs se déplacent chaque année à travers le monde.¹⁶

Or, le migrant, s'il peut être une source de main-d'œuvre importante, amène avec lui sa misère, son instabilité, ses différences et parfois la subversion, sans oublier les tensions qu'il peut susciter au sein des États d'accueil. L'émergence de mouvements d'extrême droite dans nombre de pays occidentaux, notamment en Europe,¹⁷ en est un bon exemple.

Ainsi, la mondialisation implique aussi la migration des populations, le rapprochement avec l'étranger, la proximité des êtres humains, *le vivre ensemble et l'idée de devoir partager*.¹⁸ Cet-

¹⁴ Régime de parités fixes entre les monnaies établi avec les Accords de Bretton Woods, en juillet 1944, et à celui des taux de change flottants mis de l'avant à Kingston, en janvier 1976.

¹⁵ Mécanisme de transformation des avoirs financiers en titres, qui a facilité la mobilité de l'argent, des dettes et autres actifs (profits, matières premières, obligations, etc.).

¹⁶ R. Davies "People on the Move: Some Economic Aspects", *Transnational Associations*, 2001, pp. 191-192; S. Martin, "Heavy Traffic: International Migration In an Era of Globalization", *Brookings Review*, fall 2001, pp. 42-43.

¹⁷ "Pourquoi l'Europe a besoin des immigrés", *Courrier International*, juin 2001.

¹⁸ A. Sarat, "The Micropolitics of Identity/Difference: Recognition and Accommodation in Everyday Life", *Deadalus*, fall 2000, pp. 147-168.

te réalité est d'autant plus complexe qu'on recense non moins de 5000 groupes ethnoculturels dans le monde parlant plus de 6000 langues, dont 3000 sont encore enseignés aux enfants.¹⁹

Enfin, avec *l'avènement des nouvelles technologies*, les canaux de communication – le téléphone, la télécopie et l'internet notamment – se sont multipliés et diversifiés.²⁰ La circulation des nouvelles, des images et des idées, notamment par la télévision, s'en est trouvée plus rapide et plus large, ce qui a bouleversé et bouleverse encore les points de repère traditionnels des individus. Elle bouscule jusqu'aux valeurs fondamentales des êtres humains et les incite à se redéfinir. Malheureusement, ces flux d'idées pénètrent l'humanité de façon très inégale, faute de moyens et parfois d'oreilles attentives ou concernées. Elle est le résultat d'une mince couche d'acteurs, hommes d'affaires, savants, intellectuels et politiciens.

* * *

Différentes approches sont par ailleurs utilisées pour aborder la mondialisation. Du point de vue *historique*, la mondialisation remonterait au XV^e siècle, à l'époque des conquêtes européennes et du mercantilisme.²¹ Depuis, elle se serait transformée graduellement au fil du temps et au gré des inventions et des idéologies dictées principalement par les grandes puissances des derniers siècles. Ainsi, l'apparition du capitalisme en Angleterre et la révolution industrielle du XVIII^e siècle a donné une grande impulsion à la mondialisation, tout comme, à la fin XIX^e siècle, l'émergence du système de production et de

¹⁹ D. May-Nury-Lewis & W. Davis (dir.), *Le tour du monde en 150 peuples et plus*, 2002; "À la découverte des 6700 langues de la planète", *Courrier international*, hors série, mars-avril-mai 2003.

²⁰ F. Rajaei, *La mondialisation au banc des accusés: La condition humaine et la civilisation de l'information*, 2001.

²¹ "Les racines de la mondialisation de Rome à New York", *L'Histoire*, dossier spécial, novembre 2002.

consommation de masse américain, l'expansion des entreprises multinationales, l'irruption du pétrole et de l'électricité, le boom de l'acier et de l'industrie chimique, la recherche d'innovations et la nouvelle organisation du travail.

En outre, l'explosion des communications, l'internationalisation des marchés financiers, le développement exponentiel du commerce mondial et celui des investissements à l'étranger, la multiplication d'institutions et d'organismes internationaux, l'internationalisation de conflits, la globalisation de préoccupations écologiques et les fusions d'entités aux ramifications planétaires dans presque tous les domaines (matières premières, technologies, etc.) sont autant d'éléments qui ont contribué à l'amplification de la mondialisation au cours du XX^e siècle.²²

Parallèlement, les traités de Westphalie ont marqué la reconnaissance de la souveraineté des États et permis le développement graduel des rapports internationaux. Les fondateurs du droit international, Suarez et Vitoria, de leur côté, ont mis de l'avant la notion de communauté internationale et ont fait ressortir l'importance de la liberté du commerce et celle de réglementer les relations entre les acteurs.

Sur le *plan économique*, la mondialisation est perçue comme un phénomène qui a transformé la nature de l'activité économique. Elle se caractérise par l'expansion des échanges et la volonté de tout transformer en marchandises, même l'intangible, comme la culture, l'information et l'éducation.

Elle est orchestrée par une série d'acteurs, notamment les milliers de firmes transnationales, et leurs chefs, qui ont établi des affiliations parfois dans plusieurs pays et formé des alliances stratégiques. Pointées du doigt par plusieurs organisations à vocation sociale et humanitaire et accusées de concentrer les richesses et le pouvoir entre les mains d'une poignée d'acteurs, ces dernières exercent un pouvoir considérable

²² G. Rist, *Le Développement: Histoire d'une croyance occidentale*, 1996.

sur les législations nationales, visant à écarter tous contrôles. Leurs principales préoccupations se résumeraient, selon les dires de plusieurs acteurs de la société civile, à la conquête de nouveaux marchés et à l'augmentation des profits.

Certains parlent de triomphe de l'économique sur le politique, le social et le culturel. Loin d'être le résultat d'une évolution historique naturelle, l'actuel marché global serait l'aboutissement de politiques et de décisions volontaristes engendrées par des États, des institutions internationales telles le Fonds monétaire international (FMI) et l'Organisation mondiale du commerce (OMC), et autres regroupements régionaux, comme l'Accord de libre-échange nord américain (ALENA).

Dans cet ordre d'idées, le *marché global et libéralisé* fait figure de panacée, sa liberté étant un impératif pour assurer le développement de tous et surtout, la seule façon d'y parvenir.²³ En réalité, toutefois, il laisse plusieurs pays en proie à la pauvreté et est souvent désigné comme la source de nombreuses inégalités économiques.²⁴

Dans *l'angle du politique*,²⁵ la mondialisation aurait dépourvu les États d'une certaine partie de leur souveraineté au profit des multinationales et d'instances internationales diminuant du même coup leur marge de manœuvre et leur engagement social au sein de la société civile. Les décideurs de ces firmes et institutions n'étant pas élus, la démocratie s'en trouverait diminuée. En outre, parmi les autres acteurs de la scène politique ayant bénéficié de la décentralisation, on compte diverses instances locales et provinciales, différents groupes, notamment professionnels et syndicaux, de nombreuses ONG et des regroupements civils pour la défense des droits de l'homme, de

²³ A. Minc, *La mondialisation heureuse*, 1997.

²⁴ A.S. Bhalla (dir.), *Mondialisation, croissance et marginalisation*, 1998; O. Castel, *Le Sud dans la mondialisation: quelles alternatives?*, 2002.

²⁵ L. Zaki, "Une mondialisation sans grammaire politique", *Le Devoir*, 2 septembre 2002.

l'environnement, des femmes et autres, qui influencent, chacun à leur manière et de façon plus ou moins déterminante, l'orientation du monde. Plusieurs de ces dernières entités ont pris les devants du vaste mouvement anti-mondialisation.

En contrepartie, toutefois, la concertation entre les États et la mise en application de nombreux arrangements multilatéraux ont permis la diffusion de valeurs de justice, d'égalité et de droits humains dans plusieurs dictatures. Il semble également que la mondialisation ait encouragé la redéfinition du rôle des États. Maîtres encore sur leur territoire respectif à plusieurs égards, ces derniers restent les principaux acteurs des institutions chargées des différentes régulations régionales et internationales.

La mondialisation a aussi en fait agit sur la notion de raison d'État, juxtaposant aux intérêts territoriaux traditionnels d'autres intérêts d'ordre supraterritorial. Il n'empêche que parmi l'ensemble des États du monde, seuls quelques-uns bénéficient de ressources et de moyens suffisants pour décider du sort des autres, à commencer par les pays du G8 et, plus particulièrement, les États-Unis. Même l'Organisation des Nations unies (ONU), avec ses 191 membres (depuis les dernières adhésions du Timor oriental et de la Suisse, en septembre 2002), est obligée de se soumettre aux pressions des plus forts qui bénéficient d'un droit de veto.

Dans une *perspective sociale*, la mondialisation est souvent désignée comme une cause importante d'inégalités, de pauvreté, de baisse salariale et de perte d'emplois, vu les exigences de concurrence du marché. Elle aurait également eu plusieurs effets négatifs en matière de paix, de partage des savoirs et de cohésion sociale. Certains y trouvent l'explication de rebellions et d'actes terroristes, particulièrement depuis les attentats du 11 septembre 2001. D'où les nombreuses critiques à son sujet et la multiplication de manifestations anti-mondialisation, notamment lors de la tenue des grandes conférences internationales.²⁶

²⁶ "10 questions sur la mondialisation", *Courrier international*, spécial 10 ans, 2000.

D'autres évitent son rejet en bloc et réclament une approche plus humaine de la mondialisation, à commencer par la nécessité de *modifier le rôle des organismes économiques internationaux et des firmes transnationales ainsi que de changer l'attitude des pays industrialisés*.

D'aucuns soutiennent que c'est par la mondialisation que passeront inévitablement les solutions du développement durable, du partage équitable des richesses, de l'accès à l'éducation et aux soins de santé, à la justice, à la protection sociale, à la sécurité et à la protection de l'environnement. Ils expliquent que la mondialisation a contribué au mieux-être de plusieurs pays, à commencer par les dragons de l'Asie,²⁷ ainsi qu'à l'amélioration d'indicateurs sociaux, comme le taux de mortalité infantile dans un grand nombre de pays.²⁸

Un autre angle d'analyse se veut *culturel*. D'un côté, la mondialisation tend à uniformiser les cultures privilégiant des valeurs axées sur le marché, la production, la consommation et les médias de masse. Elle affecte bien souvent les façons de vivre et croyances traditionnelles des peuples, entraînant du même coup la méfiance et son rejet.

Entre le rapprochement de l'autre et le respect de la différence, s'établit bien souvent un fossé, sources de tensions et de conflits, traduit par la volonté de préserver son identité, d'exister avec ses particularités culturelles, religieuses et autres. Ainsi, la mondialisation encourage la diversité, mais parfois l'animosité et les chocs de civilisations.²⁹

²⁷ A.S. Bhalla (dir.), *opus cit.*

²⁸ Selon les données de la Banque mondiale dans son *Rapport sur le développement dans le monde 2000/2001*, le taux de mortalité infantile est tombé de 107 naissances pour 1000 en 1970 à 59 en 1998.

²⁹ S.P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, 1996; H. Védérine, "Comment nier le choc Islam-Occident", *Le Monde*, 18 février, 2003.

Enfin, certains affirment que la mondialisation a permis le partage et la promotion de cultures et suscité l'intérêt d'une meilleure compréhension de la différence à travers la multiplication des expériences individuelles. Dans cette perspective, elle aurait intensifié les échanges interculturels.

Ces approches – historique, économique, politique, sociale et culturelle – sont loin d'être exhaustives.³⁰ De nombreux observateurs politiques préfèrent envisager la mondialisation sous les angles *idéologique*, *institutionnel*, *normatif* et *fonctionnel* ou se fonder sur les notions de *pouvoir*, de *nouvelles formes d'impérialisme* ou de *promotion des intérêts nationaux*.

Enfin, d'autres font une analyse plus théorique de la mondialisation. Ainsi, Scholte l'analyse sous cinq principaux volets, à savoir l'internationalisation, la libéralisation, l'universalisation, la modernisation et la supraterritorialité.³¹

L'*internationalisation* désigne la croissance des échanges entre pays, en termes de produits, de services, de capitaux et d'investissements. Elle souligne l'importance des rapports entre les États et l'interdépendance toujours grandissante qui les caractérise. Il évoque la multiplication des échanges d'idées, de connaissances et d'innovations technologiques ainsi que l'augmentation des mouvements de populations.

La *libéralisation* fait référence au processus de suppression des barrières, restrictions et contrôles de toutes sortes, particulièrement depuis le début des années 60, dans le but d'ouvrir les frontières étatiques au reste du monde et de permettre ainsi le libre marché.

L'*universalisation* tend au rapprochement des modes de vie et de pensée, favorisant l'échange de biens, de services et d'expériences à travers les cultures, mais également la diffusion

³⁰ D. Goulet, "The Evolving Nature of Development in the Light of Globalization", in L. Sabourin & al., *The Social Dimensions of Globalisation*, 2000, pp. 26-47.

³¹ J.A. Scholte, *Globalization A Critical Introduction*, 2000, pp. 15-16.

d'idéologies, de croyances et de valeurs. Ainsi, la mondialisation est parfois liée à de nouvelles façons de se vêtir, de consommer et de se divertir.

La *modernisation*, parfois appelée occidentalisation, s'apparente souvent à la mise en valeur des vues des pays les plus industrialisés et peut se traduire par une sorte d'ambition impérialiste qui dévalorise, voire cherche à détruire, les capacités locales d'autodétermination. Ainsi, pour certains, la mondialisation apparaît comme le triomphe de la modernité, alors que pour d'autres, elle engendre l'inquiétude et l'indignation contre une course débridée vers un matérialisme croissant des modes de vie et contre la transformation des traditions et convictions au nom de la compétitivité.

Selon Scholte, toutefois, ces conceptions de la mondialisation ne suffisent pas à traduire l'ensemble du phénomène. Il soutient que désormais la mondialisation se caractérise par l'étendue des rapports supraterritoriaux, d'où le concept de la *supraterritorialité*. Ce dernier se réfère à la reconfiguration des espaces géographiques, traditionnellement représentés en terme de territoires nationaux, et suppose une nouvelle organisation des rapports sociaux à travers le monde.

Or, il ne s'agit pas ici de cantonner la gouvernance de la mondialisation dans l'une ou l'autre de ces perspectives. Agir de la sorte n'aboutirait à rien de valable. La gouvernance de la mondialisation est à la fois toutes ces approches et aucune; toutes, parce que chacune exerce une véritable influence; aucune, car ni l'une ni l'autre n'a permis d'élaborer des solutions efficaces, unificatrices, durables dans le temps et capables de résoudre les grandes problématiques auxquelles le monde est confronté. À ce propos, Rajae propose une approche complexe et intégrée, dite *civilisationnelle*, pour mieux saisir l'ampleur de cette diversité:

L'approche complexe maintient que chacune des approches exclusives, ou paradigmes utilisés pour l'étude de la condition humaine présente une simple facette

de la réalité complexe de la nature humaine et de la société. Parallèlement, chacune nous donne un aperçu de la condition humaine à l'ère de la mondialisation.³²

Chose certaine, *la mondialisation va désormais bien au-delà de l'économique. Elle touche non seulement toute l'humanité, mais également tous les aspects qui la caractérisent, d'où l'idée de la diversité des mondialisations*³³ et des liens qu'elles entretiennent. Ces mondialisations évoquent également la nécessité de cohabiter, de gérer les différences et d'en limiter les craintes et les risques qui y sont associés.

Si la mondialisation est un incontournable, elle n'est pas un phénomène incontrôlable. L'homme a le devoir de repenser ses effets et son organisation, pour le bien de l'humanité entière, les plus pauvres comme les plus riches, car il est d'une évidence que personne n'est désormais à l'abri des souffrances, pas même les plus grandes puissances du monde. Schnapper souligne:

Ce qui a changé avec le 11 septembre, c'est d'abord la conscience plus aiguë que la mondialisation peut être, comme la langue ou la technique, la meilleure et la pire des choses. Elle ne saurait être ni passionnément célébrée ni radicalement condamnée, mais elle doit être interrogée, critiquée, réfléchie. C'est, ensuite, la conscience plus aiguë du rôle et de la nécessité du politique. Aucune société, même industrielle, moderne, postindustrielle, postmoderne ou providentielle, ne peut évacuer le politique en tant que lieu de la transcendance des intérêts particuliers et des choix collectifs légitimes, en tant que source de la volonté de porter ses valeurs et de défendre son existence contre les menaces extérieures.³⁴

³² F. Rajae, *opus cit.*, p. 46.

³³ F. de Bernard, "Problématique des mondialisations", dans F. Barret-Ducrocq (dir.), *Quelle mondialisation?*, 2002, pp. 60-69.

³⁴ D. Schnapper, "Citoyenneté et mondialisation", dans F. Barret-Ducrocq (dir.), *Quelle mondialisation?*, 2002, p. 80.

Or, la politique ne pourra être effective que si elle repose sur une volonté et des valeurs communes que sont notamment le respect de la vie humaine, la liberté et l'égalité. Cet ambitieux défi se conjugue inévitablement avec la promotion de cultures publiques et privées communes indispensables pour entretenir l'idée d'un mieux-vivre ensemble au sein d'un monde globalisé.

II. LE POURQUOI D'UNE NOUVELLE GOUVERNANCE MONDIALE?

La notion de gouvernance mondiale est apparue dans la foulée de changements profonds qui ont modifié la communauté internationale, entre autres, l'effondrement du mur de Berlin, l'implosion de l'ex-URSS, la fin du conflit Est-Ouest et l'intégration de nombreux pays au marché international. S'ajoutent également les récents attentats terroristes, le conflit afghan, la guerre en Irak et la recrudescence des tensions avec la Corée du Nord.

*Or, les organisations internationales actuelles, de façon individuelle, ne semblent pas en mesure d'assurer la direction de ce que plusieurs désignent comme le nouveau désordre international.*³⁵ Devant l'incapacité d'établir une structure de gouvernement mondial, certains ont d'abord cru qu'il serait possible de réformer le système onusien ou encore des institutions telles que le FMI et la Banque mondiale. Force est de constater, toutefois, que cela n'a pas réussi.³⁶

D'autres ont prôné l'établissement d'un système mondial permettant une meilleure intégration et une plus grande coor-

³⁵ L. Sabourin, "La mondialisation en quête de gouvernance démocratique: contradictions nationales, contraintes internationales", dans H. Zacher (éd), *Democracy: Some Acute Questions*, Proceedings of the Fourth Plenary Session of the Pontifical Academy of Social Sciences, 1999, pp. 371-399.

³⁶ World Bank, *Poverty Reduction in the 1990s, An Evaluation of Strategy and Performance*, 2000.

dination entre les entités, telles que les États, les multinationales, les ONG et les regroupements sociaux. Un tel projet se veut, en fait, une volonté d'assurer un développement plus juste, équitable et durable, de promouvoir une sécurité accrue à l'échelle internationale, d'envisager une démocratie plus effective et de permettre le renforcement des règles de droit dans le monde. Les enjeux à ces chapitres sont majeurs.

L'une des grandes problématiques de la mondialisation tient à la pérennité de la pauvreté et au creusement des inégalités entre différentes régions, entre plusieurs pays, de même qu'entre les classes à l'intérieur de la plupart des États. Si les disparités de moyens, de ressources et de revenus existaient bien avant l'ère de la mondialisation, d'aucuns affirment qu'elles se sont amplifiées, voire systématisées, avec l'avènement du processus et tout au long de son déploiement suivant les impératifs du marché et de la logique marchande.

Alors que la production de biens et de services dans le monde atteint des sommets inégalés et que les actifs financiers ne cessent d'augmenter depuis les années 80, les quatre cinquièmes des habitants de la planète subissent des pénuries de toutes sortes. Cet état de dénuement touche non moins de 127 pays sous-développés.³⁷ Ces derniers comptent près de 2,8 milliards de personnes qui se nourrissent, se logent et se soignent avec moins de deux dollars par jour et 1,3 milliard qui subsistent avec moins d'un dollar par jour, soit le seuil officiel international de pauvreté.³⁸

C'est donc 79% de la population mondiale qui se partage 16,6% du PIB mondial. Les pays de l'OCDE, mis à part les nouveaux venus, soit la Corée du Sud, la Hongrie, le Mexique, la Pologne et la République tchèque, représentent 14,7% des habitants du globe, mais possèdent 79,2% du PIB mondial.³⁹

³⁷ PNUD, *Rapport mondial sur le développement humain*, 1999, p. 36.

³⁸ *Ibid.*

³⁹ *L'État du monde*, 2000.

Selon le *Programme des Nations unies pour le développement* (1999), l'écart entre le cinquième des habitants des pays les plus pauvres et le cinquième des pays les plus riches était de 1 pour 30 en 1960, de 1 pour 60 en 1990 et de 1 pour 82 en 1995. D'ailleurs, la pauvreté et les inégalités frappent également les pays plus développés. Ainsi, presque tous les pays de l'OCDE ont vu s'aggraver les inégalités et le niveau de pauvreté à l'intérieur de leurs frontières depuis 1980, particulièrement les États-Unis et le Royaume-Uni.

En 20 ans, le revenu réel des 10% des Américains les plus riches a augmenté de 22%, alors que celui des 10% les plus pauvres a chuté de 21%. En Europe, la Commission estime à plus de 20% la proportion de la population vivant aujourd'hui à la limite du seuil de la pauvreté. De 1985 à 1995, ce taux a cru de 4% en Grande-Bretagne, de 3,9% en Italie et de 3% en Allemagne.⁴⁰

En plus de creuser les écarts entre les pays et à l'intérieur des pays, la mondialisation est souvent pointée du doigt pour entretenir la dépendance des périphéries plus pauvres aux centres plus riches; dépendance financière, monétaire, commerciale, industrielle, technologique, alimentaire, etc. Dans cet ordre d'idées, les économies du Tiers-monde font figure de réservoirs de matières premières, bassins inépuisables de main-d'œuvre bon marché, zones franches en termes fiscaux et réglementaires et marchés regroupant près de 4,6 milliards de consommateurs.⁴¹

Certains désignent cette dépendance comme faisant partie du système institué à Bretton Woods en 1944; un système sévèrement critiqué depuis les dernières années. Ainsi, il en va du FMI et de la Banque mondiale, la première de ces institutions étant originellement vouée au maintien de la stabilité monétai-

⁴⁰ M. Barillon, *ATTAC: Encore un effort pour réguler la mondialisation*, 2001, p. 47.

⁴¹ J. Gélinas, *opus cit*, p. 228.

re et l'autre, à l'éradication de la pauvreté. Dans son récent ouvrage, *La grande désillusion*, le professeur Stiglitz écrit:

Un demi-siècle après sa fondation, il est clair que le FMI a échoué dans sa mission. Il n'a pas fait ce qu'il était censé faire – fournir des fonds aux pays confrontés à une récession pour leur permettre de revenir à une situation de quasi plein emploi. En dépit des immenses progrès accomplis depuis cinquante ans dans la compréhension des processus économiques, et malgré les efforts du FMI, les crises dans le monde entier, se sont faites plus fréquentes depuis un quart de siècle, et aussi plus graves (si l'on excepte la Grande Dépression).⁴²

Selon Stiglitz, les différentes mesures adoptées par le FMI, notamment la libéralisation prématurée des marchés de capitaux, auraient contribué à l'instabilité mondiale allant parfois jusqu'à aggraver la situation de plusieurs pays. L'auteur dénonce également l'approche unique du FMI, applicable pour tous les cas, les négociations souvent unilatérales et le principe de "conditionnalité" qui n'a pas toujours réussi à stimuler la croissance des pays de façon satisfaisante, les erreurs de calendrier et de rythme dans l'application des mesures, l'insensibilité au contexte social des pays concernés et le peu de place qui leur ait accordé pour participer à l'élaboration de stratégies adaptées. Ainsi, selon Stiglitz:

Le problème n'est pas la mondialisation. C'est la façon dont elle est gérée. En particulier par les institutions économiques internationales, le FMI, la Banque mondiale et l'OMC, qui contribuent à fixer les règles du jeu. Elles l'ont fait trop souvent en fonction des intérêts des pays industriels avancés – et d'intérêts privés en leur sein – et non de ceux du monde en développement. Mais la question n'est pas seulement qu'elles ont servi ces intérêts: trop souvent, elles ont eu de la mondialisa-

⁴² J.E. Stiglitz, *La grande désillusion*, 2002, p. 40.

tion une vision étriquée, due à une idée très particulière de l'économie et de la société.⁴³

Cette vision unique, orientée vers un petit nombre de privilégiés, est d'ailleurs vivement dénoncée. Depuis Seattle, en 1999, les manifestations anti-mondialisation n'épargnent plus les principaux forums internationaux. En témoignent celles qui ont eu cours à Québec, en avril 2001, contre le projet d'un grand marché inter-américain, à Göteborg, en juin 2001, contre le sommet européen, et à Gênes, en juillet 2001, contre le G8. D'où la décision des maîtres du monde de se réunir à l'abri des contestations ou encore de recourir à différents moyens pour éloigner les dissidents. C'est donc à Doha, au Qatar, que se sont déroulées les négociations ministérielles de l'OMC, en novembre 2001. Quant au dernier G8, il s'est réuni dans une station des Rocheuses canadiennes, à Kanaskakis, où les manifestants ont été tenus au loin.

Pendant ce temps, le mouvement d'opposition continue de rassembler un très grand nombre d'organisations non-gouvernementales et d'associations diverses, suivant un mode d'organisation en réseaux. C'est le cas, par exemple, de l'Association pour la taxation des transactions financières et pour l'aide aux citoyens (ATTAC) et de l'Initiative contre la globalisation économique (INPEG) qui, malgré les critiques, regroupe un grand nombre de militants. Parmi les revendications de ces regroupements, se trouvent l'établissement d'un dialogue politique, une plus grande justice sociale et la réforme des institutions économiques internationales dans une logique davantage axée sur le développement durable. Ce mouvement de contestation s'apparente toutefois à une conjugaison de forces hétéroclites, pas toujours cohérentes, qui agit sans véritablement proposer d'alternatives concrètes.⁴⁴

⁴³ *Ibid.*, p. 279.

⁴⁴ "Mondialisation: Après Gênes, la bataille ne fait que commencer", *Courrier International*, numéro spécial, du 2 au 22 août 2001.

Ainsi, d'autres ont choisi de débattre de la mondialisation dans le cadre de réunions structurées à visage plus humain. C'est le cas des experts venus des quatre coins du globe pour participer aux rencontres, en 2002 et en 2003 du Forum social de Porto Alegre. Si ces forums sont loin d'avoir obtenu les résultats pratiques espérés par leurs organisateurs, ils représentent une contre-partie aux réunions des ténors économiques mondiaux qui se réunissent à Davos, à la même période de l'année.

Les groupes anti-mondialisation croient, comme l'affirmait Bourdieu, qu'il n'est pas impossible que la politique d'une petite oligarchie conduise à l'émergence progressive de forces politiques mondiales capables d'imposer peu à peu la création d'instances transnationales munies de pouvoir de contrôle et de subordination.⁴⁵ Un nouveau contrat social international est indispensable, selon eux.

Par ailleurs, les attentats terroristes du 11 septembre 2001, conjugués à des événements plus récents tels que ceux de Mombasa, de Moscou, de Tchétchénie et de Bali, sans négliger les guerres conventionnelles au Moyen-Orient et particulièrement celle en Irak, soulèvent une autre problématique majeure. *Dans quelle mesure la mondialisation intensifie-t-elle ou diminue-t-elle la sécurité de la population mondiale?*

D'un côté, on affirme que la mondialisation a contribué à répandre la paix dans plusieurs régions du monde. Les pays d'Amérique du Nord, de l'Union européenne et du Sud-est de l'Asie, par exemple, n'ont connu aucun conflit militaire majeur depuis près d'une cinquantaine d'années. En ce sens, la logique néolibérale, avec ses impératifs d'échanges et les nombreux réseaux de communication qui en découlent, a semé un idéal d'harmonie à travers un certain nombre d'États.⁴⁶

Au même titre, la présence d'institutions internationales et la mise en application de traités multilatéraux ont favorisé un

⁴⁵ P. Bourdieu, *Contre-feux: pour un mouvement social européen*, 2001.

⁴⁶ J.A Scholte, *opus cit*, pp. 208-209.

meilleur contrôle des armements. Le traité de non-prolifération des armes nucléaires, établi en 1968, constitue un bon exemple. À la fin de 1999, 129 pays avaient ratifié la Convention des armes chimiques de 1993. L'intensive campagne à travers le monde contre l'utilisation de mines anti-personnel démontrent, par ailleurs, qu'il est possible de mobiliser les populations pour un contrôle plus serré des armes.⁴⁷

Il n'empêche que le contrôle des armes, notamment chimiques et biologiques, pose un dilemme d'envergure. L'armada biologique, notamment, constitue un risque effroyable d'attaques terroristes. Il suffit de se procurer la souche d'un pathogène contagieux – comme le virus de la variole ou encore les bactéries responsables de la peste, du botulisme, de la tularémie ou de l'anthrax – et, avec un minimum de connaissances, en faire une culture à même une petite cuisine.⁴⁸ Jusqu'à quel point peut-on agir contre le terrorisme, intervenir unilatéralement, outrepasser les principes de droit international, entre autres celui de la souveraineté des États? En ce sens, quels sont les avantages et les limites du *droit d'ingérence*?

C'est ici qu'il faut mentionner les initiatives des Nations unies qui ont entrepris plusieurs opérations pour le maintien de la paix depuis les années 1950 et augmenté de façon substantielle leurs efforts en matière d'assistance humanitaire. S'ajoute également l'action de nombreuses instances de gouvernance régionale, comme l'Union africaine, la Communauté des États de l'Afrique de l'Ouest, l'Organisation des États américains, l'Association des nations de l'Asie du Sud-est, l'Organisation pour la Sécurité et la coopération en Europe ainsi que des ONG qui, par leurs actions, ont tenté de limiter les souffrances de guerre.

Le succès des initiatives en matière de paix est toutefois mitigé. Les reproches à l'égard des opérations de paix onu-

⁴⁷ *Ibid.*, p. 209.

⁴⁸ H.H. Mollaret, *L'arme biologique: bactéries, virus et terrorisme*, 2002.

siennes se sont multipliés depuis les dernières années. Les déboires des Nations unies au Cambodge, en Bosnie, en Somalie et en Haïti⁴⁹ ont notamment fait couler beaucoup d'encre, sans compter ceux de la guerre en République démocratique du Congo où on estime à 2,5 millions le nombre de victimes.⁵⁰ Conçue pour maintenir la paix et soutenir la coopération internationale, l'ONU n'a pas su réaliser pleinement son mandat. En fait, l'organisation semble de plus en plus marginalisée et dépassée par le désordre planétaire.⁵¹

L'exemple de l'Afrique est flagrant, constate De Senarclens.⁵² En 1986, l'Assemblée générale lançait le *Programme d'action des Nations unies pour la reconstruction et le développement de l'Afrique*. Cinq ans plus tard, le continent avait perdu 50 milliards de dollars en valeur d'exportation. L'année 1991 marqua, pour sa part, le lancement du *Nouvel agenda* pour le développement de l'Afrique; une stratégie encore une fois vouée à l'échec. Ainsi, en 2002, l'Assemblée constatait que les disparités sociales avaient augmenté au cours des dix dernières années. Quant aux indicateurs du développement humain, ils avaient décliné dans certaines régions.⁵³ Les pays africains n'avaient tout simplement pas porté une attention suffisante aux orientations proposées, alors que les pays riches n'avaient pas tenu leurs engagements en terme d'aide publique. Le récent projet du NEPAD, établi lors du G8 de 2002, constitue un espoir bien légitime mais qui risque, lui aussi, de faire long feu.

⁴⁹ Voir Boutros Boutros-Ghali, *Mes années à la maison de verre*, 1999.

⁵⁰ P. de Senarclens, "Comment maîtriser la mondialisation?", in G. Lachapelle (dir.), *Gérer la mondialisation. Les nouvelles stratégies étatiques*, ouvrage à paraître en 2003.

⁵¹ Boutros Boutros-Ghali, *opus cit.*

⁵² P. de Senarclens, *opus cit.*

⁵³ Notamment en Afrique subsaharienne: voir Banque mondiale, *Rapport sur le développement du monde 2000/2001, Combattre la pauvreté dans le monde*, 2001.

L'ONU conserve tout de même sa raison d'être. Elle continue de faire progresser le paradigme de la dignité humaine, celui des droits de la personne et celui de l'égalité de l'homme et de la femme. Elle accorde une légitimité aux luttes des individus et des ONG qui militent notamment pour le respect des droits humains et de l'environnement. Elle a créé, de plus, des tribunaux spéciaux et, tout récemment, la Cour pénale internationale pour juger de crimes contre l'humanité, les seuls à l'heure actuelle qui soient en mesure de punir les atrocités de leaders qui autrement continueraient de jouir de leur liberté en toute impunité.⁵⁴ En fait, résume De Senarclens:

Elles (les Nations unies) jouent un rôle de premier plan dans le développement et la promotion d'une idéologie universaliste, dont les principes idéaux sont inscrits dans un corpus de textes irrécusables – la Charte, la Déclaration universelle des droits de l'homme, les conventions qui s'en inspirent, puis les résolutions sur le développement économique et social.⁵⁵

Qu'à cela ne tienne, la mondialisation semble avoir eu des *effets négatifs en matière de sécurité*. Près de quarante pays connaissent actuellement les ravages de guerres civiles ayant pour cause la quête du pouvoir et du territoire et les divisions ethniques ou religieuses. Des États des Balkans, des Caraïbes, de l'Amérique centrale, de l'Afrique et du Moyen-Orient ont vu leur territoire envahi des forces militaires étrangères au cours des dernières années. L'Afghanistan, l'Angola, l'Indonésie, la Russie, le Sri Lanka, le Soudan et l'ex-Yougoslavie en sont des exemples flagrants. Qui plus est, les récentes décennies ont été marquées par plusieurs conflits internes, comme ceux qui divisent présentement la Colombie, la Côte d'Ivoire, la République démocratique du Congo, pour n'en donner que trois exemples.

⁵⁴ "Les juges de la CPI ont prêté serment", *Le Devoir*, 28 mars, 2003.

⁵⁵ P. de Senarclens, *opus cit.* p. 5.

Or, la sécurité de l'humanité va au-delà des questions de paix et de guerre. Elle est tout aussi liée à la capacité de subsistance des populations, à la stabilité financière, à l'emploi, aux conditions de travail, à la cohésion sociale, au respect des droits humains et à la protection de *l'environnement*. La vie humaine nécessite certaines conditions en matière de qualité de l'air, de l'eau, de sol et de coexistence avec les autres espèces vivantes que constituent la faune et la flore.

Les peuples du monde subissent de plus en plus les contre-coups du réchauffement de la planète, de la perforation de la couche d'ozone, de la contamination des océans, de la raréfaction de l'eau douce, de la dégradation des sols, de la déforestation, de la réduction de la biodiversité et d'autres pollutions sous toutes leurs formes. Les populations paraissent également de plus en plus impuissantes face à la mainmise des compagnies transnationales sur le patrimoine génétique, d'où les nombreuses polémiques à l'égard des organismes génétiquement modifiés (OGM).

Depuis les années 1950, le nombre de désastres naturels a augmenté de façon considérable. En 1950, on recensait 20 catastrophes ayant occasionné des pertes et un nombre de morts importants (inondations, tremblements de terre et autres). En 1970, ce nombre s'élevait à 47 pour atteindre, en 1990, non moins de 86 désastres.⁵⁶ Or, nombre de scientifiques n'hésitent pas à établir un lien entre ces catastrophes et l'augmentation de la pollution.

Ainsi, la mondialisation a encouragé la *découverte de technologies* qui ont donné à l'être humain certains pouvoirs lui permettant de mieux manipuler les forces de la nature sans toutefois lui donner la sagesse de méditer sur les effets à long terme que pouvaient encourir ses actions. De plus, si la mon-

⁵⁶ J.N. Abramovitz, "Averting Unnatural Disasters", in L.R. Brown, C. Flaving, H. French & al., *State of the World 2001*, pp. 124-125.

dialisation favorise aujourd'hui les débats, encourage la concertation et sensibilise la population mondiale en matière d'environnement, elle est loin de fournir l'encadrement nécessaire, voire d'offrir des législations effectives, permettant une meilleure gestion des biens communaux et leur préservation pour la survie de l'humanité.

Certes, les préoccupations environnementales prennent une place grandissante dans les discours politiques et économiques. Il est également possible d'observer un changement d'attitudes et de valeurs au sein de la société civile depuis une quarantaine d'années. En témoigne notamment l'augmentation des traités multilatéraux. On compte désormais près de 240 accords à caractère environnemental. Les deux tiers ont vu le jour suivant la première *Conférence des Nations unies sur l'environnement*, tenue à Stockholm, en 1972.⁵⁷ La signature de telles ententes et leur mise en application n'est toutefois pas chose simple. La polémique résultant des *Accords de Kyoto* constitue un bon exemple.

III. VERS DES SOLUTIONS POSSIBLES?

La première partie a mis en lumière les *dimensions multiples* de la mondialisation. Ces dimensions exigent donc des *réponses multiples* à tous les paliers, national, régional et international. Il n'y a pas une réponse singulière, comme le projet d'un gouvernement mondial, à des problématiques plurielles.

En fait, il faudra recourir à une multitude de solutions non seulement sur les plans structurel (ONU, organismes économiques internationaux) et juridictionnel (comme la Cour pénale internationale et les conventions dans de nombreux domaines),

⁵⁷ H. French & L. Mastny, "Controlling International Environmental Crime", in L.R. Brown, C. Flaving, H. French & al., *State of the World 2001*, p. 167.

mais aussi sur les plans opérationnel et fonctionnel. Sous l'angle du politique, une autre gouvernance mondiale exigera d'abord l'établissement progressif de *nouveaux équilibres internationaux*, notamment en Europe et en Asie, pour limiter l'hégémonie américaine, ainsi que la constitution "d'arrangements régionaux" ailleurs dans le monde. Comme plusieurs projets feront l'objet de débats lors d'autres sessions, je me limiterai ici à ceux qui *sont le plus souvent mentionnés* dans l'arène politique.⁵⁸

Ainsi, la pauvreté, les inégalités sociales, le terrorisme, les guerres civiles et la détérioration de l'environnement ne sont que quelques exemples des problématiques ayant une dimension planétaire. La santé, la génétique, l'internet et le système financier international, pour ne citer que quelques autres exemples, présentent d'autres défis majeurs.

Outre certaines organisations intergouvernementales aux pouvoirs limités, comme l'OMS, il n'existe encore aucun dispositif mondial pour assurer la prévention de la propagation d'épidémies ou encore la transmission de maladies tel que le VIH. Le potentiel énorme des activités du génie génétique n'est soumis à aucune réglementation internationale, au mieux à des législations nationales hétérogènes qui peuvent facilement être contournées. Aucune loi universelle ne régit par ailleurs le réseau mondial d'internet, sujet à la piraterie et au sabotage. Le système financier n'est pas non plus à l'abri des attaques spéculatives et les deux organismes qui pourraient exercer un certain pouvoir de coercition sur ce dernier, le FMI et la Banque mondiale, sont de plus en plus contestées.

Comment donc remettre la gestion de la mondialisation sur la voie de solutions réalistes? Telle était la question formulée récemment par Valaskakis.⁵⁹ Sa stratégie se résume en trois

⁵⁸ L. Sabourin, *Fédéralisme et mondialisation: la quête d'équilibres alternatifs, de nouveaux poids et contre-poids*, 1998.

⁵⁹ K. Valaskakis, "La planète est-elle encore gouvernable?", *Le Devoir*, 20 janvier 2003.

points. Selon lui, il importe d'abord de faire ressortir les liaisons stratégiques entre les différentes problématiques sectorielles qui caractérisent le monde actuel, par exemple, lier le terrorisme à l'injustice, l'économie à l'environnement, la gestion du privé à celle de public. Ensuite, il convient d'engager un véritable débat d'idées entre les protagonistes et les antagonistes de la mondialisation, notamment réunir les habitués de Davos et ceux de Porto Alegre pour se livrer à une prospective à moyen terme unifiée. Enfin, il faut s'interroger sur la structure de l'ordre mondial contemporain.

Fondé sur le Traité de Westphalie de 1648, le système international actuel consacre le principe de souveraineté nationale comme pierre angulaire de la régulation mondiale. À ce chapitre, les quelques 200 pays de la planète continuent de bénéficier de la pleine autorité de régulation sur leur territoire, du moins en principe, mais ce, dans un monde où les grands défis transcendent de plus en plus les frontières géographiques. Les mouvements transfrontaliers – de biens, de services, de capitaux et de personnes –, leur caractère asymétrique et l'ensemble des enjeux qui y sont liés ont néanmoins réduit la capacité des gouvernements nationaux à élaborer des politiques et des règles, entre autres avec l'émergence du droit international fondé sur la signature de traités entre États et avec l'émergence du multilatéralisme.

Ainsi, la montée progressive des droits de l'homme⁶⁰ a fait ressortir l'importance de valeurs humaines et morales dans la prise de décision nationale. Au même titre, l'avènement de principes, comme celui de la supraterritorialité, a affecté la légitimité des gouvernements nationaux en ce qui a trait plus particulièrement à la résolution de problématiques d'envergure planétaire.

⁶⁰ M.A. Glendon, "The Right to Work and the Limits of Law", in M. Archer (ed), *The Right to Work: Toward Full Employment*, Proceedings of the Third Plenary Session of the Pontifical Academy of Social Sciences, 1998; M.

À cela s'ajoute la multiplication d'autres acteurs de plus en plus influents, notamment des organisations internationales et régionales, des sociétés multinationales, des églises, des associations, des ONG et d'autres réseaux, par exemple mafieux et terroristes, qui gagnent en puissance et en influence.⁶¹ Dans le même temps, les compétences publiques, jadis réservées aux gouvernements nationaux, se sont étendues à une multitude d'entités infranationales, entre autres régionales et locales. Ces dernières jouent un rôle significatif, notamment en terme d'innovations institutionnelles et politiques. Elles peuvent redessiner leurs institutions pour mieux répondre aux enjeux de la mondialisation. Elles peuvent, en outre, contribuer à assurer compétitivité et cohésion sociale en favorisant la construction de réseaux locaux.⁶²

Ainsi, parle-t-on désormais d'un monde interdépendant et où la reconnaissance mutuelle des acteurs devient un enjeu majeur. D'où la nécessité de privilégier une action concertée. À cet effet, le pape Jean-Paul II souligne dans son encyclique *Sollicitudo Rei Socialis*: "(...) ou bien le développement devient commun à toutes les parties du monde, ou bien il subit un processus de régression".⁶³

Schooyans, "Droits de l'homme et démocratie à la lumière de l'enseignement social de l'Église", in H. Zacher, *Democracy: Some Acute Questions*, Proceedings of the Fourth Plenary Session of the Pontifical Academy of Social Sciences, 1999; H. Schambeck, "The Conflict of Values, the Protection of Values: Democratic Structure, Rule of Law, the Verfassungsstaat", *ibid*, 1999.

⁶¹ M. Linderberg & C. Coralie, *Going Global: Transforming Relief in Development NGO's*, 2001. Les auteurs démontrent comment les ONG doivent organiser leur mission, réexaminer leurs valeurs et redéfinir leur vision face aux nouveaux enjeux de la mondialisation.

⁶² J. Potter, *Devolution and Globalisation: Implications for Local Decision Makers*, OCDE, 2001.

⁶³ Jean-Paul II, *Sollicitudo Rei Socialis*, Lettre encyclique publiée à l'occasion du vingtième anniversaire de l'Encyclique *Populorum Progressio*, 1987.

Le professeur Denis Goulet a très bien mis en lumière que l'avenir du développement dépend en grande partie de la mise en place d'une nouvelle gouvernance de la mondialisation.⁶⁴ De son côté, le professeur Paquet⁶⁵ souligne la nécessité d'établir une *gouvernance coopérative* et d'engager, outre les mécanismes d'échanges économiques et de coercition politique, les forces sociétales et leurs réseaux communautaires; ce qui implique un engagement vers le développement d'une citoyenneté active et responsable.

Quant au *multilatéralisme*, principale forme de gouvernance à l'heure actuelle, il présente plusieurs limites. Il existe présentement plus de quatre cents organisations intergouvernementales à l'heure actuelle, c'est-à-dire plus du double du nombre des États. Chacune de ces institutions poursuit des objectifs différents, selon un domaine d'intervention, mais également selon les intérêts de ses membres. Si bien que leurs programmes font parfois double emploi, s'imbriquent mal les uns aux autres et travaillent sans tenir compte des effets de leurs activités sur celles d'autres organisations. Ainsi, l'un des problèmes majeurs de l'interdépendance réside dans le manque de cohérence existant entre les acteurs internationaux.⁶⁶

En fait, une bonne gouvernance mondiale plus coopérative et plus complémentaire passe nécessairement par une refonte des mandats des organisations internationales. Stiglitz⁶⁷ souligne *l'importance de modifier le mode de gouvernement des institutions économiques internationales, notamment de transformer le système de vote afin d'inclure davantage les pays moins développés dans la prise de décisions et de ne plus limiter la gou-*

⁶⁴ D. Goulet, *opus cit*, 2000.

⁶⁵ G. Paquet, "La nouvelle gouvernance, la subsidiarité et l'état stratégique", dans OCDE, *La gouvernance au XXI^e siècle: études prospectives*, 2001.

⁶⁶ COMECE, *Gouvernance mondiale: notre responsabilité pour que la mondialisation devienne une opportunité pour tous*, 2001.

⁶⁷ J.E. Stiglitz, *opus cit*, pp. 288-296.

verne de ces organisations aux seuls ministres du Commerce, des Finances et du Trésor des pays. Une plus grande transparence s'avère également de mise afin d'accorder une attention particulière aux préoccupations sociales, à la pauvreté et à l'environnement. Il en va de même également pour les ONG qui doivent intégrer dans leur gestion des valeurs d'imputabilité et de transparence, mieux documenter les impacts de leurs programmes et montrer davantage comment l'établissement de réseaux peut diminuer la pauvreté et les conflits de façon réaliste.⁶⁸

Si le bien commun réside en grande partie dans le développement de l'économie des pays, il ne pourra se concrétiser qu'en tenant compte d'autres facteurs tels que les droits sociaux et la préservation de l'environnement. Ainsi, dans son encyclique *Centesimus Annus*, Jean-Paul II fait état de l'importance des organismes internationaux de contrôle et d'orientation.

Pour qu'un tel résultat puisse être atteint, il faut que s'accroisse la concertation entre les grands pays et que, dans les organismes internationaux spécialisés, les intérêts de la grande famille humaine soient équitablement représentés. Il faut également qu'en évaluant les conséquences de leurs décisions, ces organismes tiennent toujours dûment compte des peuples et des pays qui ont peu de poids sur le marché international mais qui concentrent en eux les besoins les plus vifs et les plus douloureux, et ont besoin d'un plus grand soutien pour leur développement.⁶⁹

C'est pourquoi la Commission des Episcopats de la Communauté européenne (COMECE) suggérerait la création d'un Groupe de Gouvernance Mondiale (3G), formé de 24 chefs de gouvernement, du Secrétaire général de l'ONU et des directeurs généraux d'organisations telles le FMI, la Banque mondiale, l'OMC, l'OIT et autres, afin d'assurer un minimum de

⁶⁸ J.S. Nye & J.D. Donahue, *opus cit*, p. 277; J. Potter, *opus cit*, p. 245.

⁶⁹ Jean-Paul II, *Centesimus Annus*, Lettre encyclique, 1991, p. 90.

coopération et de cohérence.⁷⁰ L'idée d'organisations aux pouvoirs supraétatiques fait d'ailleurs de plus en plus d'adeptes: régimes globaux pour la sécurité humaine et pour le contrôle et la surveillance des conflits, des armes, de l'environnement, du travail et des finances; pour l'amélioration de la justice sociale et la redistribution des richesses; pour l'expansion et le respect des valeurs démocratiques.

En fait, le grand défi pour les instances existantes est *d'établir des réseaux* qui faciliteraient une coordination plus suivie entre les différents secteurs d'activités (économique, commercial, industriel, technologique, culturel) et les différents acteurs qui agissent sur le plan mondial, entre autres les États. Seule cette coordination peut offrir des solutions durables aux problématiques planétaires, notamment les conflits armés, les crises économiques, le terrorisme, la corruption, le sida.

En ce sens, la gouvernance mondiale permettrait un management plus cohérent, efficace et démocratique de la mondialisation. Elle faciliterait le développement de partenariats et de solidarités; une sorte de coalition d'agréats qui transcenderait jusqu'aux pouvoirs publics traditionnels pour rejoindre l'ensemble des entités issues de la société civile internationale.

Mais, au-delà de *l'approche institutionnaliste*, fondée sur la connaissance,⁷¹ la bonne gouvernance mondiale doit puiser ses sources à même les fondements moraux de l'humanité. Selon le COMECE, aucun progrès réel n'est possible sans la compréhension et le respect d'un système de valeurs que sont la dignité humaine, la solidarité, la subsidiarité, la cohérence, la transparence et la responsabilité financière.⁷² À ce chapitre, l'Église, tout comme l'ensemble des institutions religieuses, peut jouer un rôle très important.

⁷⁰ COMECE, *opus cit.*, pp. 39-40.

⁷¹ Par opposition aux courants réaliste et libéral, respectivement fondés sur la puissance et sur l'intérêt.

⁷² COMECE, *opus cit.*, pp. 22-29.

Toutefois, prévient Paquet: “(...) même une philosophie publique sage et un processus efficient d'apprentissage organisationnel sont considérés comme étant, au mieux, capables de dégager, par la négociation, tout au plus un consensus sur ce qui n'est pas moral, sur ce qui n'est pas acceptable”.⁷³ Signe que le défi de la gouvernance mondiale dans le respect de valeurs universelles n'est pas chose simple. Ainsi, l'un des enjeux actuels majeurs est de définir de nouvelles stratégies qui seront efficaces pour résoudre le dilemme entre efficacité et légitimité: Selon Nye et Donahue: “If multilateral cooperation is to continue, any networked arrangements will have to solve the classic governance problem of reaching legitimate decisions”.⁷⁴

L'être humain ne peut plus toutefois se limiter à observer de loin les conséquences de la mondialisation comme un phénomène imprévisible et intangible. La mondialisation engendre de nouveaux repères et confronte l'humanité avec d'autres valeurs. Les espaces nationaux ne suffisent plus pour caractériser l'existence, les aspirations et les comportements des individus. La vie des humains dépend désormais de facteurs qui exigent une plus grande co-responsabilisation à l'échelle planétaire. L'homme ne peut plus se contenter de subir ou de réagir face à la mondialisation. Il doit se l'approprier, l'intégrer, y participer, voire la maîtriser.

Ainsi, il ne suffit pas de se cantonner aux extrêmes de la gouvernance, avec d'un côté les vertus du libre marché et de l'autre celles d'un radicalisme anti-mondialisation. Il faut penser, organiser et promouvoir la réforme dans une dynamique de concertation et de coopération.

⁷³ G. Paquet, *opus cit*, p. 245.

⁷⁴ J.S. Nye & J.D. Donahue, *opus cit*, p. 37.

Conclusion: perspectives et limites de la gouvernance de la mondialisation: pause temporaire ou retour à Babel?

Loin d'être nouveau, le concept de bon gouvernement remonte à l'époque de Platon, d'Aristote, voire à celle de Confucius et de Lao Tseu, qui évoquaient dans leurs écrits les notions de justice, de sécurité et de bien-être des populations. La nouveauté liée à la bonne gouvernance tient davantage au nécessaire dépassement de l'État, bien plus qu'au dépérissement de l'État. Certes, les États occupent une place prépondérante à l'échelon international, mais ils doivent désormais partager leur rôle avec une multitude d'autres acteurs.

Selon plusieurs, la gouvernance mondiale de la mondialisation est une *stratégie* pour faciliter l'intégration des pays en développement et des mouvements civils jugés rébarbatifs dans une logique exclusivement néo-libérale, ce qui provoque la dénonciation et le rejet. D'autres affirment néanmoins qu'elle est l'unique modèle de gestion capable de résultats concrets et positifs, quoique que ce à quoi ils font référence est encore flou et vaste.⁷⁵

Chose certaine, la plupart des entités qui agissent au plan mondial reconnaissent la nécessité et l'urgence d'agir de façon concertée pour un développement plus humain et durable. Même le G8, depuis le *Nouveau Consensus de Cologne*, en 1999, prône une approche sensible et inclusive des aspects sociaux.⁷⁶ D'où l'apparition et la recrudescence de concepts tels que: *économie populaire, économie solidaire, économie plurielle, économie sociale, gouvernance locale, gouvernance mondiale*.⁷⁷ Ces

⁷⁵ F. Rajae, *opus cit.*

⁷⁶ J.J. Kirton, J.P. Daniels et A. Freytag, *Guiding Global Order: G8 Governance in the Twenty-first Century*, 2001.

⁷⁷ World Bank, *Sustainable Development in a Dynamic World: Transforming Institution, Growth, and Quality of Life*, 2003; Banque mondiale (2001), *Rapport sur le développement dans le monde 2000/2001*, 2001; United Nations, *World Economic and Social Survey 2000: Trends and Policies in the World Economy*, 2000.

derniers suggèrent la mise en valeur des potentialités régionales, étatiques et communautaires des sociétés et prônent la mobilisation des forces de chacun vers une action productive et créative afin d'appuyer les systèmes d'échanges tant économiques que sociales et les modes de vie des populations.

Les acteurs de la scène internationale se questionnent toutefois sur la viabilité de telles approches, sur leur mise en œuvre et leur contrôle. On soulève, à ce propos, les résultats ambigus des institutions économiques multilatérales et ceux des groupements sociaux dont les buts individuels entrent en conflit les uns par rapport aux autres.⁷⁸ Le défi réside, en d'autres mots, dans le ralliement, voire le réseautage, d'un nombre grandissant d'États, d'organismes internationaux, de firmes multinationales, d'ONG, de mouvements civils et d'individus oeuvrant au sein de la communauté internationale.

Ce projet sous-entend la *promotion d'une citoyenneté mondiale* et d'une *nouvelle vision du monde*, plus équitable et plus humaine. Il suppose une forme de *régie planétaire pour veiller au respect de valeurs telles que la dignité humaine, les droits humains, la démocratie, l'État de droit, la subsidiarité, la responsabilité, la solidarité, la transparence et l'éthique*.⁷⁹ Il regroupe un

⁷⁸ R. O'Brien, A.M. Goetz, J.A. Scholte & M. Williams, *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movement*, 2000.

⁷⁹ La position de l'Église sur le sujet, laquelle fera l'objet de communications pendant le présent colloque par Mgr Martino et Mgr Minnerath, a été précisée dans *Constitution pastorale Gaudium et Spes* (1985) et dans *Pacem in Terris* (1963) où Jean XXIII souligne que "le monde a besoin d'une autorité à compétence universelle". Jean-Paul II, de son côté, dans son encyclique *Sollicitudo Rei Socialis* (1987), a souligné que "l'humanité a besoin d'un degré supérieur d'organisation internationale". Voir aussi: M. Agostino, "Une papauté de plus en plus universelle", *Magazine Histoire du christianisme*, no. 1, juin 1999, pp. 88-92; Commission pontificale Justice et Paix, *Chemins de la paix*, 1986, et R. Bernier, *L'autorité politique internationale et la souveraineté des États. Fondements philosophiques de l'ordre politique*, 1951.

ensemble de recommandations qui orientent le management des affaires publiques ainsi que des conditions pour la poursuite d'une saine gestion. Enfin, dernier point mais non le moindre, la gouvernance mondiale nécessite l'implication de tous les paliers – local, national, international – ainsi qu'un leadership de premier plan.

C'est là une ambitieuse conception de l'humanité, surtout dans un monde où la pauvreté et les inégalités sociales croissent de façon fulgurante, les conflits se multiplient, le terrorisme s'intensifie, l'environnement se dégrade et des maladies comme le sida se propagent, le tout offrant des perspectives d'avenir plutôt inquiétantes.

Des sorties de crises sont donc indispensables. Et pour cela, il ne faut ni sombrer dans une approche alarmiste ni opter pour son opposé, c'est-à-dire adopter des visions utopiques. L'heure est à la réflexion, à la confrontation d'idées, à la promotion de pensées innovatrices, autrement dit, à la création et à la construction de nouveaux équilibres internationaux. L'homme ne peut pas se borner à dénoncer ou à laisser-faire, laisser-aller la mondialisation. Il doit se l'approprier et apprendre à la maîtriser. Soit il choisit d'organiser le phénomène, soit il se perd dans le dédale de son intangibilité.

Il ne s'agit pas non plus d'associer la gouvernance mondiale à des tendances modernistes ou impérialistes. *La mondialisation n'est pas le produit d'une culture, d'idées politiques et de valeurs uniques pas plus qu'elle est synonyme d'homogénéité ou de conformité. Il s'agit d'un processus beaucoup plus complexe, résultat de circonstances, d'intérêts et de forces multiples.*⁸⁰ Au même titre, la mondialisation n'est pas un phénomène uniforme. Elle se caractérise plutôt par la mouvance d'idées et de valeurs qui se confrontent, se poussent, se rétractent, se développent, se diffusent, s'écroulent, se cristallisent et se transfor-

⁸⁰ F. Rajaei, *opus cit.*, 2001.

ment à nouveau. De plus, les idées et les valeurs qui sous-tendent la mondialisation ne relèvent pas exclusivement du phénomène en soi. La preuve, elles peuvent être éjectées sans pour autant remettre en question l'idée même de la mondialisation.⁸¹

Ainsi, pour être réaliste, le projet de gouvernance mondiale doit s'orchestrer dans le respect de l'intégrité culturelle des communautés. En revanche, il ne pourra être effectif que si les communautés s'engagent à la discussion et à la construction active d'une culture mondiale, concertée et partagée.

À côté de la création toujours illusoire d'un véritable gouvernement mondial, toutes les propositions concernant la mise en place d'une meilleure gouvernance de la mondialisation, à savoir *la réforme de l'ONU et des grandes institutions économiques internationales, la mise en place de nouvelles normes pour régir l'environnement, le commerce, les finances et les investissements* ainsi que *l'activité des sociétés multinationales, l'élaboration d'une nouvelle fiscalité mondiale, la construction de nouvelles entités régionales et continentales, la formation de nouveaux réseaux entre la société civile et les secteurs publics et privés, l'affirmation de la primauté du droit international, le fonctionnement efficace de la nouvelle Cour pénale internationale* ainsi que bien d'autres encore, dont on traitera pendant cette assemblée, n'auront de sens que si l'on convient d'abord, comme l'a affirmé Jean-Paul II, dans l'esprit d'Assise,⁸² qu'il est de plus en plus urgent de proclamer que la paix est la seule voie pour construire une société plus juste et plus solidaire.⁸³

Il s'agit là d'un préalable à la suite d'un conflit dont les conséquences affecteront directement non seulement le peuple irakien, mais aussi l'ensemble du Moyen-Orient. Si, à ce stade,

⁸¹ International Jacques Maritain Institute, "The Ethics of Globalisation", *Notes et Documents*, 2002.

⁸² Voir Card. R. Etchegaray, *Assise, journée mondiale de prière pour la paix*, 1987.

⁸³ *Le Monde*, 29 mars, 2003.

une victoire de la coalition américano-britannique apparaît inévitable, l'après-Saddam, surtout la reconstruction et la mise en place d'une nouvelle administration "démocratique" dans l'ensemble du pays, semble problématique.

En matière de quête d'une nouvelle gouvernance mondiale, la guerre en Irak affectera en profondeur le *climat* des relations internationales, notamment dans tous les grands forums mondiaux, et cela pour une période imprévisible. Pour les uns, on assistera à une pause temporaire, alors que pour les autres, ce conflit deviendra une date charnière marquant une phase "d'ingouvernance" mondiale qui symbolisera un retour à Babel. Il faut espérer que les premiers auront finalement raison.⁸⁴

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⁸⁴ Je tiens à remercier Mlle Annie Lirette, mon assistante à la recherche, pour sa collaboration à la rédaction de cette étude.

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VII. VALUES OF MEXICANS AND GLOBALIZATION: FACTORS OF JUSTICE IN DEVELOPMENT*

PEDRO FÉLIX HERNÁNDEZ ORNELAS

INTRODUCTION

This paper explores major challenges that world globalization processes represent for a core of moral values in Mexican culture, as they have been expressed in recent scientific surveys on the subject. Our aim is to examine the moral values of 'Mestizo Mexico', vis-à-vis the major demands that globalization processes of practically all important market activities, worldwide, are imposing on many cultural traditions and ways of life in Mexico. More specifically, the paper focuses on the values related to work and the economy, to family and feminism, to friendship and collaboration, and to politics in general, shared by the most important sectors (and sub-cultures) of the Mexican people. Such values, we think, express the core hopes in the Mexican ethos and, as such, are relevant factors in the silent striving of the people, tirelessly searching for a more dignifying way of life, where justice is to be found.

For three consecutive decades (1983-1997) a series of surveys concerning the major moral values of Mexicans were suc-

* This paper and its supporting research were done under the auspices of Banamex.

cessfully pursued in Mexico. Perhaps most notable among them were the surveys launched and supported by Banamex (Center for Economic and Social Studies) under the direction of Enrique Alduncin, (see: 'Los Valores de los Mexicanos', 3 vols., México, Fomento Cultural Banamex, 1985-1988). Those surveys reveal, with an interesting variety of nuances, some of the major foundations of everyday life in Mexico, particularly in reference to urban Mexico as well as to the rural areas surrounding the major cities, (over twenty) in all regions of the country. This paper rests on the bases of these surveys.

In spite of its limitations (as only part of a major research effort), one could expect to see under new lights, a fresh picture not only of some of the relevant changes in the value systems of Mexicans, but also of relevant challenges those values may represent to the very processes of globalization in Mexico. Without their proper integration into a 'national project', the search for sustainable development on the horizon of social justice will amount to no more than a few gestures of good will.

Between 1983 and 2000, Banamex advocated and funded a series of surveys on the moral values of Mexicans. The statistician, Dr. Enrique Alduncin Abitia, was entrusted with directing this work. To discerning observers, these surveys reveal diverse nuances and important traits which, in the light of daily life in the nation, depict the soul of Mexicans with characteristics that should be given consideration. But this vital light that enables us to discover ourselves, at the same time, allows us to see what seems to be an impressive, misty landscape where grey colors are intermixed without clear divisions, crossing the borders of values and extending like a visual flood of all that present-day humans can contemplate along the immediate horizon on all four sides. This is the enveloping landscape of globalization.

In this paper and against a backdrop of Mexican values, the survey provides a preliminary vision, ambitious within its limitations, of something that resembles a misty dawn of a certain

planetary composition of human activities in all their major cultural endeavors, from the family to religion, notably passing through economics and politics, apparently the axes of power and civilizing forces in modern societies, without conceding that they – economics and politics – are necessarily what is most important to human beings in all cultures.

Globalization – in the many ways it can be defined – unquestionably represents a milestone in the history of Mexico and of any country, and it presents an appropriate time to rethink the nature and importance of many codes of conduct – values – of Mexicans in relation to the challenges that globalization and its various processes pose for their lives in many and perhaps unprecedented ways.

The proposed reflection can be viewed through two coordinates: 1) the central idea of certain homogeneity gradually increasing in the endeavors of human beings in the world, characterized by traits that define them more extensively and precisely; that is, by phenomena that create them and perceptively influence their consequences; and 2) the values of Mexicans that seem most important in relation to behavior (and changes in behavior) that globalization has so far required. In this chapter, attention focuses principally on Mexican values in relation to family, work, politics, the economy and religion. These values are the major areas of interest (and of greatest follow-up) in the surveys commented on in this paper.

Globalization

Globalization and its contemporary signs are, it seems, becoming clearer and more formal each day. Most of the signs to which we will refer are still other traits of globalization. Its variety and rich content makes us realize we are not dealing with a concept whose meaning can be clearly defined in a word. Nevertheless, in this variety and wealth of signs, most of us seem to find many areas of consensus on what globalization

is. The first sign that seems most important in the economic activities of nations (without attempting to establish an order of general importance) is the omnipresent – which could perhaps be better expressed by ‘excessively voracious’ – and very accelerated consolidation by a few economic (industrial)-financial monopolies whose power widely surpasses the capacities of any nation to effectively regulate its economy within its own borders. This trait is supplemented by gigantic investments injected by such groups as the product of money laundering in practically all the countries of the world, very obvious factors in the above-mentioned hegemonic consolidation, as well. It goes without saying that this supplementary characteristic, in turn, surpasses all the plans and good will of the few directors of world consortia who are successful in influencing their progress, their operations and their consequences in a direct and effective manner.

A second trait of globalization, equally or more evident, but more promising than the previous trait, is the growth in the strengths and volume of communications at all levels of life, so enormous and unpredictable in their scope that they seem to lie beyond the reach of our imagination. This communicative and communicational increase (in other words, in fact and as inertia) deeply changes, although at different rates, the tone and very quality of human relations in all basic cultural endeavors, not only in economic and political terms, but also, very particularly, in education, recreation, health and hygiene. And it also changes the quality, styles and nuances of the family, the expression of religious practices, etc., (although personally, I do not believe it changes the nature of major human endeavors). Nothing seems to be unrelated to the revolution in communications.

The third trait, perhaps a sign of the times in a new era, is the inhumane division of income among humans and among the different peoples on the planet. It is the tragic (degrading and scandalously unjust) situation regarding the poverty

afflicting more than one third of the population. This trait has two perspectives or readings, both at the macro-social level. In the sphere of the different nations of the world, it is the division of capacities for the actual attainment of well-being; the division of goods possessed and the legal forms of protecting them against the voracity of other nations; it is also a division of work, organization and production techniques and better distribution of goods, together with the lacerating division of education and health levels. It is the division of the world into the North and the South, in which the former only accepts a mere one third of the earth's population while it consumes nearly 80% of the planet's total energy resources.¹

Associated with this trait (second reading) at micro-social levels (that is, at the level of daily family and community life) in all its expressions, are the differences between poverty and extreme poverty, security and abandon, the marginalized rural population (and its internal migrants), on one hand, and a few strata that can live well in different nations of the world, on the other. In Mexico, nearly 70% of the people, as a whole, live in poverty; that is, without being able to meet their basic needs with the salary they earn or the goods they possess. And of this population, half or nearly half live in extreme poverty; that is, without being able to at least feed themselves normally well.²

The common denominator of these two readings of the new sign (a division deeper than ever before in the history of the world's cultures), between a dignified life and extreme poverty among all human beings, is unfortunately also becoming more obvious each day: it is unprecedented violence against man's basic rights. Violence has reached levels unimaginable in the past in all spheres of life, from famines to the lack

¹ Banamex, 'México Social – 1994-1995', México, Fomento Cultural Banamex, 1996, pp. 683-691.

² INEGI, 'Anuario, 1998', México, INEGI, 1999.

of security in the streets, passing through a list of adversities that each human being could formulate. This violence, and especially urban violence in large cities, combines, above all, with the most criminal and overwhelming violence of worldwide drug trafficking and money laundering.

These types of violence are joined by an even more serious type of violence among those emerging and heralding a new era with an uncertain future: the violence of humans against the environment, of neglect and aggression against the main ecosystems that sustain life on the planet. The major expressions of this violence are now well known and have triggered a series of global action processes filled with enthusiasm and good will, although their concrete activities are, unfortunately, far from being the effective response required to counteract environmental deterioration. We are witnessing events that range from the hole and the depletion of the ozone layer to the growing threat of coastal flooding that could bring death to more than a third of humanity, passing through global warming, unexpected climate change, the still unstoppable and disastrous effects of burning hydrocarbons and the alarming reduction in biodiversity! It would be intolerably ridiculous, if it were not so dramatic now, to think some people are so ignorant that they still believe the above descriptions are exaggerations of green activists!

Another sign of the times closely linked to all those above, but more controversial and more difficult to fit into manageable parameters at the world scale, is what J. Rifkin has called 'the end of work', and according to many thinkers, 'the end of hope', as well. Here we are referring to the gradually increasing loss of rights by those who work, and especially rights to movement, rights to association – ultimately, rights of access to a decent occupation with decent remuneration. In terms of its most immediate consequences, in addition to the fear and mistrust that large industrial-financial consortia have of any independent labor union (and particularly of possible unionization

or corporatization beyond the control of the company or the state), the so-called 'end of work' in globalization represents an unlimited inertia of total mobility and continuous adaptation of the worker to the demands of new techniques that make all human beings who can perform only menial jobs obsolete and completely expendable; that is, useless, to the economies that support globalization. As an anecdote that is almost funny, we can recall that in serious publications and press, we have even read that Mexico could do without its fields and agriculture, as being too expensive, and progress toward its future on the basis of industrialization with the food imports that development (?) would require.

This phenomenon is very obviously joined by that of the already innumerable migrations in all the nations of the world with the consequent wars, violence and poverty they are generating in a large part of the world. Many millions of human beings are no longer even exploited; to everyone's shame, they have simply become 'expendable' in a globalized economy.

Finally, in this list of the signs of new times (and quite probably a new era), we note something less visible on the surface of things, but quite real in many aspects of the world today: the instability inherent in global capitalism that is making hegemonic attempts to impose itself as the inevitable model (and even necessary model, according to many of its leaders and ideologues) of all economic activity in the future of humanity.³ What is being sought is a global system of inclusive organization (of all the potential and capacities of the various national and regional economies), independent of the cultural diversities of the peoples of the world.

The greatest reason for this warning sign for all nations is unquestionable: in this hegemonic capitalism model, allegedly

³ Gray, John, 'Falso Amanecer', in NEXOS, no. 260, August, 1999, pp. 35-51.

global, there is an intrinsic lack of social structures and cultural-value constellations capable of realistically and effectively regulating the consequences of supranational and supra-regional financial and industrial operations that are devastating to life and the ethos of most human cultures, in addition to the danger of their doing away with realities of a national nature before cultural units and identities could be formed to decide issues of political governance at the world level.

A necessary warning is that this current expression of capitalism (enveloping, totalizing and hegemonic) does not by any means imply a final judgment against all forms of capitalism. This is a very different matter and should be dealt with in a different context, namely, in an analysis of the ethics of economic activity, as recently demonstrated by, among others, the teacher, John Gray.⁴

1. VALUES OF MEXICANS AND GLOBALIZATION TRAITS

With regard to the presumed validity of the globalization traits in human activities in nations as a whole; that is, of the moral reality of the meanings or content that these traits imply – with no intention of claiming that they cover their complex reality and without claiming that the surveys on the values of Mexicans that we are dealing with here have unquestionable results as a whole – we believe that the points mentioned below warrant our attention and mature consideration. We deal with the areas of greatest interest that the surveys explored most systematically (in the 1980s), briefly presenting the main values involved in the comparison with the challenges and promises revealed by each of the signs of globalization.

⁴ Gray, John, *ibid.* See also Longworth, Richard C., 'The Global Squeeze: The Coming Crisis for First World Nations, Chicago, Contemporary Books, 1998.

1.1. In relation to economic-financial monopolies of social and political power

The promise of general well-being that flows from the omnipresent activity of such groups is a two-edged sword. Their defenders (obviously the ideologues and leaders of the large supranational consortia) promise to assist everyone. Yes, but everyone who has the skills to enroll in their plans and technologies. If that occurs, it must be recognized that this vision implies disqualifying, from the very outset, a large part of human beings and doing without them now. Consequently, the promise is fallacious because it assumes that people will simply stand by with their arms crossed and watch the complete plunder of a universal legacy: free access to natural resources.

Furthermore, cultures may be created by taking from some men to benefit others, but it is unrealistic to think that annihilating entire human groups can create cultures! And it is senseless to think that we could make cultures disappear without even being certain what their legacy means to other cultures. But the promise entails a challenge: the challenge of modern man to participate in decision-making, in all decisions that may affect his culture.

In this matter, some Mexican values related to personal affairs, labor and the economy should be examined. Above all, more than 60% of Mexicans are people who feel 'fairly' or 'sufficiently satisfied with things as they are', and, in contrast to their opinions in the 1980s (which revealed low percentages), in the mid 1990s, 30% of them said that they felt 'very satisfied' (in spite of the crisis and outbreak of the still unsettled conflict in Chiapas). The surveys from 1981 to 1995 also consistently show that Mexicans are people who do not want their country to resemble any other (49% in the 1980s and 51% in the 1990s). They clearly seem to present a strong contention wall against any hegemonic intentions for a single planetary economy – globalized in actual fact. In other words, if we think of the example of the sur-

vival of our major indigenous cultures, in spite of the racism of many Mexicans and of the plundering and violence against their customs and lands, in Mexico (and in many other nations of the world) there will be no *carte blanche* for an absolutist and hegemonic model of economic-financial activity, regardless of the dazzling advertising techniques used to present it.⁵

There is something else regarding Mexicans and the globalized economy. Surveys since the 1980s have revealed that two of every five Mexicans (37% in the 1980s, 42% in the 1990s) fully approve state intervention in the economy if it guarantees better distribution of income.⁶ And even more decisively, in response to the idea of economic activity arbitrarily directed without citizens being informed and participating, there is an eloquent presence of political values of great importance to the future. One of them showed that even though two of every three Mexicans in 1995 recognized that 'they are misinformed about politics' and 'manipulated', more than 60% of the adult population maintained that it was 'very' important or desirable in any social system for *all people to have opportunities regardless of their social origin*.⁷ And the Mexican view opposing a uniformly globalized economy is supplemented with this information on what they perceive: for 67% of Mexicans, it is obvious that there is a high level of social alienation because 'in recent years the rich have gotten richer and the poor, poorer'.⁸

1.2. *In relation to 'the end of work'*

It has often been repeated that Mexico is a 'mosaic of cultures', with a wealth of more than 50 indigenous languages

⁵ *La Jornada*, México, September 23, 1999, p. 18.

⁶ Banamex, 'México Social-1994-1995', México, Fomento Cultural Banamex, 1996, p. 672.

⁷ Banamex, 'México Social', *op. cit.* p. 673.

⁸ Banamex, 'México Social', *op. cit.* p. 674.

practically unknown to most of its citizens, and yet still richly spoken and religiously safeguarded by all the ethnic groups in the country. Together with indigenous cultures, mixing of races (*mestizaje*) has perhaps been the most important factor in forming a group and country identity, which is not yet fully consolidated, but readily discernable in the world's consortium of nations. This mixed race character has penetrated the subconscious of 'Mestizo Mexico', whose numerous indigenous traits and legacies are revealed in the daily life of Mexicans. An important part of these traits and legacies are Mexican values regarding work, some aspects of which are very distant from 'the end of work', such as man's ties to his community and nature.

The promise of a quite uniform style of labor activities for those who work, as examined and judged by thinkers, such as Rifkin, (*The End of Work*, New York, J.P. Tarcher, 1964), is even more questionable than the hegemonic model of the globalized economy: It sounds beautiful as the intention of making each human being a specialized worker. But the other side of the coin is the intention of breaking down the borders of labor security (the future of a decent income) according to the requirements of each company and doing away with the limitations of cultural habits and traditions that may conflict with the demands of so-called 'total quality'.

If work, all kinds of work, is the union of the human being with nature that gives him life and sustains him, just as it gives life to the world (his world) in which each person lives his own life (and in Mexico, there is no exception to the rule), then in relation to work, two aspects of Mexican traditional cultures are of particular interest. First, that people increasingly perceive poverty, in the vast majority of its forms and expressions, as the result of a social system that imposes inhumane structures on society: this was the perception of 56% of Mexicans in 1981 (first value survey) and subsequent-

ly 72% in 1993 (fourth survey).⁹ Consequently, we can objectively interpret poverty as, above all, the result of a system that perverts the meaning of work. If work becomes more dehumanizing, poverty will bring greater repudiation of the forms of work that marginalize not only many workers, but most of them. It will also bring something worse: uncontrollable and suicidal social decomposition, which the hegemonic development model has so far been unable to remedy, where capital and finances only respond effectively to consumerism. Cases of disgraceful offenses related to earnings in banks, for example, just for commissions (compared with few results in services) are daily fare in the national press.

The second aspect is that, although the value or the values of imaginative responses to the challenge of new forms of work do not appear explicitly in the surveys on which these considerations are based, most Mexicans in recent decades are well aware that all success in their work depends, above all, on combining their experience and their knowledge (more than 62% of the people, in 1981), on the one hand. And, on the other hand, that the three most negative experiences of Mexicans (apparently their most serious anti-values); that is, the 'things to which they react with the greatest indignation and anger', all refer to 'alienation or violence at work'. These three experiences are specifically: a) 'a wage earner being humiliated by the employer', b) 'an exploited peasant-farmer', and c) 'an unprotected worker' (surveys from 1981-1995).¹⁰ Both aspects are, perhaps, a hope for overcoming the storm clouds of post-modern violence for the future of work in the world.

⁹ Alducin a., Enrique, 'Los Valores de los Mexicanos' Vol I, (México entre la Tradición y la Modernidad), México, Fomento Cultural Banamex, 1985.

¹⁰ Banamex, 'México Social', *op. cit.* p. 665 No. 11.

1.3. *In relation to the monopoly of power: the women and family of Mexican men*

In Mexican men's set of values, there are two expressions that seem to form a bridge between their entire lives, centered on the family (in spite of all the crises and problems that may exist in Mexican homes, including those presided over by women alone), and their work or principal activity. One is an expression of the high ideal of their existence 'in helping my family' and, of equal importance, 'giving my children an education', both of which were very significantly given priority throughout the surveys¹¹ as spontaneous responses to the key survey item: 'If I had enough time and money I would spend it on...'. Another similar expression (perhaps even more revealing because of its being parallel to the previous one) is that the 'greatest personal concrete objective' of the life of a Mexican man is 'to give my family a better life'.¹² It is a combination of the ideal and the real, finally in relation to work and to the entire family (noting, by the way, how it contradicts many of the ideas allegedly describing the 'paranoia' and machismo of Mexican men).

At first sight, this seems to be of little or no significance in relation to this obvious sign of a new era, the monopoly of economic (industrial)-financial power in the world, but it is of profound importance in relation to that phenomenon and also to another sign that is also global, that of the emergence of what is called civil society: the new participant and, in many cases, leaders of initiatives and actions aimed at management for the common good (a role that was, in the past, supposedly reserved for the state and the political power over communities). Three of every four Mexican men in the mid 1990s were 'barely satisfied' or 'unsatisfied' with the achievements of the country as a

¹¹ Banamex, 'México Social', *op. cit.* p. 665 Nos. 9 and 10.

¹² Banamex, 'México Social', *op. cit. ibid.*

nation,¹³ but they were still very far from being people without hope. An unquestionable majority – between 85% (1981) and 70% (1995), in spite of the difficulties that Mexico had experienced – were people who were still far from accepting a life manipulated by others.¹⁴

But there is something else. In spite of a macho attitude impossible to culturally deny, Mexican men deeply treasure the feminine. For them, there are five important attributes of women, always mentioned in the value surveys: 'being intelligent, hard-working, honest, clean, and home-loving' ('feminine' is a word that comes out very spontaneously). Something that must be added to this expression and represents an important change in the feminine values that Mexican men appreciate the most is a change that seems to be linked to greater internalization of other values that are of great importance to a new era: the 'intelligent' woman and 'hard-working' woman had significantly greater value (only these two qualities) in the last survey¹⁵ than in the previous ones (1995 vs. 1987 and 1981), with the other three traits remaining in the same positions.

For Mexican men, the feminine also has very important values when referring to their wives: in them, the major values (very significantly, in all the surveys) are being a 'man's companion' and with practically the same specific weight, being the 'center of the family'. These are the first two values, predominant in all the surveys, with 400% more weight than the three more 'macho-oriented' values on which more than a few popular novels and pictures dwell: 'being more intelligent than men', 'being at a husband's service' and 'obeying without protest'.¹⁶ It is also important to note the significant reduction

¹³ Banamex, 'México Social', *op. cit.* p. 664.

¹⁴ Banamex, 'México Social', *op. cit. ibid.*

¹⁵ Alducin a. Enrique, 'Los Valores de los Mexicanos', Vol. III, (En Busca de una Esencia), México, Fomento Cultural Banamex, 1993.

¹⁶ Banamex, 'México Social', *op. cit.* p. 667.

in the traditional value of woman as being 'responsible for caring for the family'. In a period of time no greater than ten years, between 1981 and the first five years of the 1990s, the weight of this value among Mexican men dropped five percentage points, while the value of 'women being equal to men' rose by the same amount. They were in third and fourth positions, respectively, among the principal attributes of women from the viewpoint of Mexican men.¹⁷

The point that should perhaps be underscored at the end of this section is that when a community or society genuinely identifiable by a particular 'ethos' includes healthy or harmonious family relations able to maintain basic respect for the dignity of human beings, we are right to effectively advocate awareness of support in all matters linked to the common good. And therein lies, if not the essence, at least the initial dynamics of civil society life, although its multiple forms and expressions cannot always be integrated into some formally organized structure. In Mexico there are many age-old expressions of civil society even in remote towns, such as lay or religious duties (cargos), irrigation water management, and work of community interest (faenas), in addition to volunteer assistance of a civil or religious nature (for example, in many brotherhoods (cofradías) and associations of a pious nature.

1.4. *In relation to global violence against humans and the environment*

The sign now of concern regarding monopolies (or a few monopolies) of economic-financial power, and their consequent threat to the diverse political powers in most national societies is linked in people's daily life to the previously mentioned sign of violence (the many forms of marginalization and

¹⁷ Banamex, 'México Social', *op. cit. ibid.*

poverty, violence caused by world-wide migrations, etc.) that is tragically also expressed in environmental disturbances voluntarily influenced by a very complex network of powerful interests, most of which favor the wealthiest and most industrialized nations. Finally, we can see that the worst ecological violence, violence against human beings (by trampling on many of their rights), brings with it the violence of human beings against nature, and is finally supported by it.

In the reflection contained in this paper, some major moral values of Mexicans have been viewed in light of the signs that most directly challenge a new and less dehumanized era (in brief, monopolistic power and unfair differences in assets). It is an opportunity to confront Mexican values in relation to the signs of the times; now in relation to environmental pollution. Without failing to recognize that, in Mexico, many years and many efforts in education on our responsibilities to nature will be required, it is beneficial to recover and underscore at least a pair of examples regarding this theme, also clearly expressed in the value surveys.

In approximately one decade (1987-1995), two surveys (Banamex, *op. cit.*) posed a question to all Mexicans, which was very revealing with regard to certain concerns and a sense of particular responsibility in daily life. 'In your view, what are the most important problems in your community?' In single concerns, the greatest value (as could be expected in a long period of crisis and poverty) was 'unemployment', whose specific weight in 1995 had already grown 300% over the weight it was given in 1987 (and today it must be even greater). But, and here is what is very special about our topic, if the value weights of the three most important problems – violence, lack of water and services, and pollution – are added up, combining them in the two surveys of the decade mentioned (since the three values lie at the core of the social management of environment), we find the surprising information that they have more weight (consequently they rate higher as concerns of social actors) than any

other community problem: 22.5% in comparison with other problems which, with the exception of unemployment, never reached a weight higher than 10 percentage points (again, except the case of choosing the problem of unemployment in the year 1995), as the highest value selection among all people.¹⁸

1.5. *In relation to the abnegation of Mexicans*

In relation to some of the major premises of globalization, it is pertinent to give further consideration to another important value of Mexicans, the so-called 'abnegation' that the renowned psychologist Rogelio Díaz Guerrero identifies as an 'experiential personality trait'.¹⁹ I believe that if we get to the bottom of the matter, it is ingenuous and unfair to think that the abnegation of Mexicans, revealed many times in their desire for peace and harmony (and other times in an apparent lack of courage to fight against daily adversaries), is a type of fatality, especially when facing a new era which, for many, demands, above all, a ruthless fight to the death for self advantage and less care about interests for the common good. In this item, it seems that we should completely separate ourselves from the path and mentality of the 'Harvard Business School' and the 'Chicago Boys', for whom the world (and the new preparation for this world) is to 'be eaten up'. It is too bad that 200 years of voracity and injustice, with two thirds of the planet still living in poverty, cannot back a proposal for them to make justice the prime objective of their activities. That is the deep and true challenge of globalization, if we want it to be an era of peace. Patiently waiting for it and betting on its prevailing in the end is, I believe, what sustains the apparent stoicism

¹⁸ Banamex, 'México Social', *op. cit.* p. 666.

¹⁹ Díaz Guerrero Rogelio, 'Es la Abnegación una Característica Experiential Básica en las Sociedades Tradicionales? El Caso de México'. (en Los Valores... *op. cit.*).

or quiet abnegation of Mexicans, though I have no intention of excusing their many weaknesses. The proof of this claim may seem very complex. In fact, it is supported precisely by what we are seeking to analyze in the final part of this communication; that is, the deep awareness of the quality of those who define the 'ethos' of a people with regard to their 'spiritual materiality' (attempting to make the concept of 'value' according to M. Scheller more understandable), their unavoidable and unbreakable reality in relation to human violence – although subject to modification and precisions over time – as an essential part of human life itself, in all its social expressions.

2. VALUES AND JUSTICE: A PREVIOUS REFLECTION

Mexicans, a society quite identifiable by many traits in its ethos and culture – in spite of its short history as a national society – have values that are a significant heritage for facing the challenges of a new era, which we are all now calling 'globalization'. In the previous pages, some of the values have been identified, but with no claim that they are the only values or even those that every analyst should detect in a single order of priorities. Values that seem very important have been indicated and are included in a synthesis that supplements the volume of 'México Social 1995' (México, Fomento Cultural Banamex, 1998). Many other reflections should accompany this one to obtain a more complete picture with better nuances of Mexican culture in relation to our new times.

To more than one reader, however, the above analysis of Mexican values in relation to globalization may perhaps seem to be an exercise in optimism. It is neither fair nor objective to think that. Mexican society is still far from having achieved maturity in the sense of responsibility in relation to nature and stable solidarity, sustained dedication (greater and more effective organization in causes for the

common good) and access to more information on the situation and politics of the country. However, as Chiapas has palpably demonstrated to the world (and to the Mexico of 'shielded' financiers and elitists), Mexico is not merely an entity passively observing the hazards of planetary dehumanization and the challenges of new times. In its people, it has strong timber to support new structures. Many traits and values of Mexicans – those that have been considered here – have their own luminosity: they do not reveal the entire face of Mexico but, as occurs with the drafts of good laws, they give hope and evoke a smile of happiness.

Nonetheless, one of the most obvious signs of a certain immaturity in our society is that, so far, none of the governments of independent Mexico has been able to gain consensus on a comprehensive proposal for a 'national project', which could, in turn, establish the bases for more realistic development plans and, what is perhaps more urgent, sustain the basis of a state reform to fill the expectations of current generations of Mexicans and address the challenges of transitions filled with uncertainty. I believe that in the past – bearing in mind the expectations of different epochs – perhaps only the Apatzingán Constitution (Morelos), the 1857 Federal Constitution and, to a lesser extent, the 1917 Federal Constitution (in spite of its undeniable merits and innovations in the field of labor, national sovereignty, education, etc.) came close to it.

Be that as it may, what has been analyzed with the brevity required in this document, seems to make it clear that if the current premises of globalization are expressed in the postulates of the present, prevailing economic model and are criticized, but not rejected, and if they imply, as many thinkers indicate, more than a few highly questionable postulates in more than a few unjustifiable instances and policies, then globalization will confront and is, in fact, confronting in Mexico and in the nations that comprise the so-called underdeveloped

South – with some other societies of the North – problems for which it has practically no effective solution in its dynamics.

If we can once again summarize the main traits or the related premises of such globalization, we find that, in fact, they involve: a) a society standardized in all possible ways at the world level (ideal consumer, as the driving force for the demands of practically monopolistic markets) and a lack of consideration and respect for the preservation and identity of the diverse national cultures or communities, b) a society energized by personal progress, preferably individual, c) a society marked especially by the inertia of ‘immediate satisfaction of material goods’ (J. Rifkin), although enclosed in an opaque space of uncertainties (which directly affect the tranquility of the family and the effectiveness of planning and policies for the common good); d) a society whose vision of the future each day leaves the citizen farther from truly participating in it, since the most important decisions remain in other hands and are made by groups which, for the most part, are far removed from the reality and identity of the national communities; and, finally, e) a world society governed by a moral order that gives priority to individual profit (or of small groups of individual interests) over the common good, under the protection of the state that is no longer the rector and manager of the common good, but remains almost exclusively as the guarantor of the privileges of transnational capital and the custody of the ‘international empire of money’, in the words of the visionary description by Pope Pius XI (*‘Quadragesimo Anno’*, 1931) more than 60 years ago.

The topic of social justice automatically arises in the consideration of Mexican values: in brief, the question is what these values represent in relation to the deep human and universal demand for a decent life – in other words, a life in which the basic rights of humans and their communities, supposedly promised and sought by globalization, are fully respected.

3. SOCIAL VALUES AS A FACTOR IN SOCIAL JUSTICE

In Mexico's very recent past there is an episode that summarizes a preliminary aspect or quality of the deepest social values of the Mexican people and the entire human community on the planet: the quality of values as a factor in justice. But they are not always a factor in the sense of being an agent in achieving respect for all people or the fulfillment of demands for rights, especially the 'basic human rights', enshrined since the end of World War II in the San Francisco Charter proposed by the General Assembly of the United Nations (1945). Here I propose an even more radical aspect or quality: the values are in fact the 'most intimate factor in the intimacy of all agents of justice': they are the 'outcry factor', the inner dynamics of the individual voice of conscience fraternally joined to 'the other' in the community collective conscience, and thus become the very expression of the ethos of each culture.

The historic episode of pertinence here is the speech with which the 'March for indigenous dignity in amber colored clothing' culminated: the Central Message of the Zapatista National Liberation Army (EZLN) delivered to Congress by Comandante Esther at a special session of the Legislative Chambers of Mexico. I cite only a few pertinent phrases:

Through my voice, the voice of the Zapatista National Liberation Army speaks: the word it brings is an outcry. The word we bring is true, we do not come to conquer anyone; we do not come to replace anyone; we do not come to legislate; we come to be listened to as we listen. We come to have dialogue. This is the Mexico that the Zapatistas want: one in which indigenous people are indigenous and Mexican, in which respect for the difference is balanced with the respect that makes us equal. One where the difference is not a reason for death, jail, persecution, ridicule, humiliation, racism... One where it is always borne in mind that, formed by differences, ours is a sovereign and independent nation

and not a colony where plundering, arbitrary actions and shameful events abound, with one Mexico that produces wealth, another that appropriates it, and yet another that stretches out its hand to receive alms.²⁰

It is unnecessary to highlight the last part of the long quotation, but it is clear that its central content is of great importance at the present time. Apart from any ideological inclinations or preferences of all Mexicans, the quotation clearly denounces what globalization has so far been bringing us, in view of how it is imposing a hegemonic economic model whose virtues many intellectuals and statespersons throughout the world have profoundly and unabashedly questioned.

However, the social sciences legitimately ask what it is that makes this inner voice embodying human values an irresistible magnet, an unavoidable moral force that calls for the good valued in the name of justice; that is, an energy creating an order humans must accept in order to survive in the harmony that befits our lives in different societies. It seems that the path leading to the most convincing responses is indicated by the phenomenological analysis of social facts, and most directly through the path that Husserl called 'eidetic reduction' and Max Scheller uniquely put into operation in his material ethic of values.²¹ It is a path, we might add, that is perhaps definitively illuminated by the historical and political reflections of Eric Vögelin.²² Here, very briefly, are its principal steps and the reason for its clarity.

²⁰ Comandante Esther, EZLN, *La Marcha del Color de la Tierra* (December 2, 2000 – April 2, 2001, México, Edit. Rijona y Causa Ciudadana APN, 2001, pp. 365-397.

²¹ Scheller, Max, *Etica (Der Formalismus in der Ethik und die materiale Wertethik. – Neue Versuch der Grundlegung eines ethischen Personalismus – (1913)*, Madrid, Caparrós Edits., 2001.

²² Vögelin, Eric, *Anamnesis*, Notre Dame, IN, Notre Dame University Press, 2001.

First of all, as phenomenological thought analysts explain, it must be recognized that we humans are present in the cosmos in a singular way: we do not experience 'our world' only as the world that the senses capture, because 'the world consists of objects and situations that are terms of desires, emotions, positive and negative affections; objects that are related to each other according to our goals, constitute totalities animated by a sense, and are shown in valuation qualities'²³ that are not reduced to sensory data. This is the world that any human being recognizes from a 'personal' position (Husserl) for which values – experience that we all recognize in reflexive awareness – are not facts in the physical world as manifestations of some form of material energy (or subject to the basic laws of physics), but in which values are 'facts' in a world of intimate and untransferable experiences directly undergone by us in one of the numerous manifestations of our existence.

In this way, owing to its existence inseparable from our own vitality, the values that are the foundation of human action, i.e. those through which we desire or do something has, together with the good (or lack of the good) that they embody, the quality of a certain 'materiality' (Scheller) that I propose to call 'moral or spiritual materiality', to distinguish it completely from that of its 'formal' nature attributed to it by E. Kant,²⁴ and applauded by many thinkers. The notion of 'value' as the pure creation of practical reason that would guarantee the soundness and universality of moral 'obligation' (i.e. of any basic moral law), through a 'form' with which we could imbue our action – through tacit agreement, but completely accepted by all human beings – making it the 'unquestionable and unavoidable rule' of our conduct. In this way, my action through delib-

²³ Villoro, Luis, *El Poder y el Valor* – México, FCE, 1997, p. 18.

²⁴ Kant, Emmanuel, *Kritik der praktischen Vernunft*, (Trad. De Manuel García Morente), Madrid, Aguilar, 1943.

erate, honest judgment becomes a universal rule for action that no one can question.

The new light on this path of value analysis seems to have brought about a return not precisely to Kant, but rather to Plato. The historian and theoretician of political science, E. Vögelin, who, in his essay on the bases of this branch of knowledge (the cited book *Anamnesis*), proposes how to overcome the barrier of transcendentalism; that is, with clear recognition of the existence of the Transcendental Being in relation to the human mind, which Husserl was never able to surpass. In simple words, the basic problem of ethics, the fundamental question of the nature of the major human values, can be formulated in this way: Why or on what basis do some things in 'our world' have the virtue of formidably being able to demand that we do something? According to Vögelin, this is closely linked to a deep analysis of human awareness.

Our awareness is the very expression of life when it arrived – in the dynamics and order of evolution – at the capacity to 'know itself'. At the risk of remaining chained to the absurd (of 'being like this' without being able to recognize that 'we exist'), it must be recognized that, in all simplicity and as a first step in analysis inside awareness – inseparably personal and social individual awareness – reveals itself immediately to all subjects using reason by expressing, in one way or another, the responsibility of those who work, of those who do anything within or outside their own subjectivity. But it is equally important to recognize that this recognition of our responsibility is already a second and immediate experience of being. Because the objects or acts for which 'we know' we are responsible could not be recognized without their own symbols; and that assumes that we simply live in a 'special mode of affinity with Being', since by just being in the world (ineffably as an elementary and radical 'presence') as an initial and incommunicable experience of awareness that is identified with 'being alive as human beings', we gradually begin to symbolize second expe-

riences of 'being like this' in time, beginning with the limits of beginning and end, of changeability and identity, of subjective and community personality, etc. This seems to be proved unequivocally by primigenious myths in the vast majority of cultures on which we have historical records.

But there is something else we should underscore. Our 'knowing we are responsible for what we do' (in terms of normal use of reason), this experience of 'being aware' should not be attributed to the awareness of any double characteristic as if it were an object, a 'box' or personal memory of an object that depends on another: the object of which 'I am aware'. No, awareness is not a thing, but rather a unique event that constitutes our 'present' (always individual and social) in the process of living, mysteriously recognized in our daily life on the basis of symbols that the imagination creates when the objects that form 'our world' are internalized.²⁵

Thus, awareness reveals itself in each human being as our own and peculiar participation in the reality of the cosmos, our very way of living in the characteristic plenitude of our 'being' in a human manner.

On this basis; that is, on the ontic foundation of the 'very being' of the awareness (in contrast with what would be 'a quality added to living') of all human action rests the moral essence of our acts, of all 'human' acts. Here is where values appear, especially those that are deepest, of greatest scope and highest quality, as necessary support for all we desire and do in life. Because 'we are', we are endowed with good, because every being is, to some degree, intrinsically inseparable from goodness. But the good, or rather the goods that through inertia or through volition participate in our being only attain 'value' for us when we recognize them as an integrating part of our own being. That is their specific materiality (distinct from the

²⁵ Vögelin, Eric, *op. cit.* ch. 3.

materiality of the physical world, as has been explained), in contrast with those who put the nature of value in a 'formality' of taste, the usefulness or decision of the human actor, ignoring the need to reach the very source of being and of its own dynamics in each of the 'ways-of-being-like-this' of humans, to be able to explain the indomitable force of major obligations that impose themselves on the life of every human being. In the search for and experience of these values, implementing this dynamic being, in accordance with our human nature, is to live in dignity and in accordance with justice.

Finally, going back to the theme of this paper, it seems that the expression of some of the most important values in the life of Mexicans are definitely a major barrier that is interfering and will interfere to an even greater extent with the prevailing model of globalization that the large financial-industrial consortia want to impose on Mexico and on the world. Very briefly, if globalization attempts to 'standardize' borrowers and consumers, ignoring the roots of their cultural and ethnic identity, if it is a question of irremediably delving into the facts and the abyss that already separate the impoverished societies from those that are profiting from the development of trade and of worldwide industry and services, then no gift of prophesy is needed to loudly proclaim and even demand, on the behalf of justice, that globalization should definitely take place in a different manner.

Globalized sooner or later, human societies will fight for an order that proposes and guarantees, above all, the dignity of life; for a social power that exercises authority by serving people, not by subjecting them to dominating groups; for tolerance that does not mask impunity and violence; for an order that is nourished by a consensus of justice, because only in justice can peace be sustained. This has not been invented by men; their greatest values reveal their kinship and affinity with all that transcends it and all that sustains their freedom.

VIII. PATHS OF DISCOVERY

CARLO RUBBIA

First of all let me say that this is the last presentation and it is therefore slightly different from the previous one. I didn't feel like coming down and telling you about my own path of discovery, maybe it is a form of modesty or whatever; however, it is certainly true that this Council has been devoted to such a topic. Now, there is no doubt that new knowledge is driven by the discovery action. The many presentations we have heard over the last few days have well illustrated the different ways in which scientific progress may manifest itself, either through individual researchers or, as it is done more often today, through research programmes involving many researchers often from very different disciplines. Indeed, discovery has progressively transformed itself from a separate action of a single individual to a collective result of a wider community.

In the most advanced part of mankind, research initially from the isolated endeavour of a few scholars, has now become the main engine of social and economic progress of the society as a whole. We are witnessing the progressive transformation towards what is called a knowledge-driven economy with the discovery process being the main engine of progress.

The social consequences of such a deep evolution should not be underestimated. However, not everybody will profit from this immense gift to mankind represented by the scientific and technological progress. What I could call the scientific and technological illiteracy is becoming a persistent problem

for a vast component of the world population. It is one of the main responsibilities of the more advanced societies, the one of providing free access of such a knowledge-driven progress to the most needy ones, today so essential in order to heal most of the crucial problems of the poor, like illnesses, poverty, lack of food, lack of water and so on. Contributing to the solution of these injustices is today configured as one of the most important missions to which the scientific community must actively contribute. In addition to these traditional problems a new situation is progressively emerging, initially due to the rapidly expanding number of individuals on earth which are now 6 billion people and presumably twice as many in not too distant a future, namely a rapid growth of extremely serious climatic changes as described last Saturday by Professor Crutzen. Such a presumable change in earth climate ahead of us, of which we detect only the first signs without the most serious consequences for the poorest part of the planet, since they are the least prepared to cope with such major changes which are forecast ahead of us. And indeed we should realise that 95% of such climatic changes are due to energy production. Energy supply has been a major element in our civilisation. Historically, energy for food gathering has been supplemented by the one for household use, initially heating, organise our culture, industry and transportation. The total energy consumption of the most advanced part of mankind has grown about 100-fold from the beginning of history, reaching today the level of about 0.9 gigajoules per day per person, about one gigajoule to each one of us every day. This corresponds to the equivalent of burning 32 kg of coal per day per person or a continuous average supply of 10 kilowatts of power per person. Hence, the basic food supply represents today, for most of us, only a mere 1% of the total energy needed by us.

A most remarkable feature of the pro-capite energy consumption is the disparity determined by the differences in social progress. The present enormous disparity in electric

energy consumption – Sweden 15,000 kWh of electricity per person per year, Tanzania 100 kWh per person per year – demonstrate a huge correlation between energy and poverty. But there is no doubt that the world's energy will continue to grow in the future since the population is steadily increasing and billions of people in the developing countries are striving for a better life. Hopefully the disparity in energy consumption may tend to converge. According to IEA World Energy Outlook, about 1.6 billion people, a quarter of the current world's population, are without electricity, which precludes the great majority of industrial activities and the related job creation. The majority (4/5) of these populations live in rural areas in the developing countries, mainly in Asia and Africa. About 2.4 billion people rely almost exclusively on traditional biomass as their principal energy source. Incidentally, in many of those countries the level of solar flux is such that it could potentially become a new primary energy source provided it is harnessed with simple and cost-effective technology.

It is well-known every bit of this energy, if produced by burning fossils, is multiplied by the sun as much as over a hundred times because of the increased CO₂ radiative forcing caused by the persistent trapping of the sun's radiation by the burnt fossils in the earth's atmosphere. In other words, the energetic toll to the planet is towards a magnitude greater than the initial heat generated by man. So we have 1 but we produce 100. In the past, before the beginning of the seventies, in a first approximation the carbon cycle was closed in an equilibrium situation until human activities started to tilt the balance. Presently the CO₂ emissions are about 6 gigaton of carbon equivalent, namely 22 gigaton of CO₂, growing at about 2% per year. During the last 10 years emissions were 63 gigaton carbon, corresponding to 32 accumulated in the atmospheres and the remaining 30.4 absorbed by the ocean and by vegetation.

In comparison, the simple breathing of 6 billion people alone produces already about 1 gigaton of CO₂ yearly. We can

predict with confidence that in the next centuries the continuous use of fossils without restriction will dramatically modify the earth's climate in ways which will impact in practice every living organism. Technological improvement will no doubt introduce other, more acceptable, forms of energy but the planet is notwithstanding continuing to burn a significant fraction of fossils for a long time to come, especially in those parts of the planet where technological change is slowest. The estimated reserve of fossils are about 500 gigaton carbon for oil and 5,000 gigaton carbon for coal. Coal reserves could be larger by a factor of 2 or 3 if also less noble forms of energy would be burned. Likewise recovery and new discoveries may contribute with substantial increases in oil and natural gas. The fact of the cumulative emission of as many as 5,000 gigaton of carbon of natural coal, progressively burned by people, will depend on which rate it is burned with a maximum CO₂ concentration which will be about 4 times the present level, presumably reached somewhere between 400 and 800 years from today. Since the recovery time is very long and what matters is only accumulated concentration, the result is only slightly depending on the actual distribution of emission. Assume for instance that the fossil consumption of as much as 5,000 gigaton carbon, although being concentrated in only some parts of the world, would continue for something of the order of 800 to 1,000 years to come, as it takes to use all the available carbon. Two thousand years from today the CO₂ concentration is still likely to be twice the present level. I must say that half of the coal flames produced by the burning of Caligula's Rome fire are still present in the atmosphere and are still taking away from us CO₂.

At the present consumption level, known reserves for coal, oil, gas and nuclear correspond to a duration of the order of 230, 45, 63 and 54 years. This effect will be affected positively by discovering new reserves, negatively by increased consumption. Even if these factors are hard to assess, taking into account the long lead time for the development of new energy

sources, the end of the fossil era is at sight. And what after that? It may be worth mentioning that only 2 natural resources have the capability of a long-run energetic survival of mankind, beyond fossils, which incidentally as mentioned may be prematurely curbed by intolerable climatic changes. They are 1) solar energy and 2) an innovative, different nuclear energy.

The present world's energy consumption is about 1/10,000 of the solar energy available on earth's surface. Several forms of renewable energy may bring major progress, provided an adequate level of research and development is becoming available in the near future: biomass, wind energy and especially a highly innovative technology based on high-temperature solar heat which appears capable of a major breakthrough in the field of energy production. This technology, based on the use of a simple concentrated mirror, following an ancient method of Archimedes of Syracuse, may produce vast amounts of both electricity and synthetic hydrogen from water splitting with high efficiency. For instance, the surface theoretically required to generate the full planetary electricity demand in 2050 represents the solar energy extracted from an area of 200 times 200 km square, somewhere in the vast equatorial sunbelt region. In comparison, the area today dedicated to agriculture is two orders of a magnitude larger, namely ten to the seven km square. A second alternative is a new form of nuclear energy from natural uranium, thorium or lithium or some other light element which is called fusion. If burned, it may be adequate for many thousands of years of several times the present energy consumption. It is still a very long range of development it is unlikely that the practical industrialisation of such a very sophisticated technology may occur within the time-span of even the youngest amongst the presently active individuals. However, the necessity for the future generation of a clean and inexhaustible source of energy justifies why so many people are spending so much effort towards such a goal. One should primarily target new alternative methods free from the present

fundamental drawbacks like radioactivity in the fuel, radioactive waste and, most important, proliferation potentials which are the main environmental, political and social problems facing today's nuclear power, in this way clearing the way for the widespread nuclear plants especially in the developing world.

To conclude, a coherent energy policy and strategic choices have to be made on nuclear power relying primarily on innovative scientific and technological discoveries in order to reconcile sustainable development and economic growth with a threat of environmental decay. Energy supply has been a major element in our civilisation. No doubt the long-range future of mankind would be impossible without a continued supply of plenty of energy. The problem of energy focuses today the interests of politicians, businessmen, technologists and people at large. Everybody will agree on the fact that energy is an absolute necessity for the future of mankind, but the consequences of an ever-expanding energy demand should not be underestimated since they represent a growing concern for the long-term future of mankind, both in terms of environmental problems and of the availability of supply. Our society will depend crucially on an uninterrupted and differential supply of plenty of energy, therefore major steps have to be taken in order to avoid potential geopolitical and price vulnerability conflicts.

The inevitable growth of energy consumption under the sheer momentum of society and the very human expectations of the poor may indeed add enough yeast to make this aspect leaven beyond control. I believe however that like in the case of famine, illness, etc., also here science and technology should be trusted. Indeed, there are reasonable expectations that combined they will have the possibility of solving also this problem in full accord with economic, dynamic and technical constraints that the working system has to comply with.

Thank you.

Third Part

FINAL CONSIDERATIONS

IX. GLOBALISATION AND SOCIAL JUSTICE

MARCELO SÁNCHEZ SORONDO

Peace is born not only from the elimination of theatres of war. Even if all these latter were eliminated others would inevitably appear, if injustice and oppression continue to govern the world. Peace is born of justice: *Opus justitiae pax*.

JOHN PAUL II

Preliminary observations: the phenomenon of globalisation

The human family has acquired a new awareness about its unity, integration and global interdependence. Globalisation is the defining characteristic of our time.¹ Time and space are shrinking and many borders are disappearing, giving rise to an increasing interdependence between economies, cultures, religions and people. This 'New World Order', which emerged fully after 1989 with the collapse of European communism, is a dynamic and dialectic process whose characteristics have not been identified completely but one which has brought with it a belief in: lower trade barriers; an end to exchange controls; a freer movement of investment capital, goods and people; new forms of labour; and the displacement of public sector capital by the private sector. This latest historical stage has created

¹ Cf. M. Khor, *Globalisation and the South: Some Critical Issues*, in UNCTAD *Discussion Papers*, n° 147, April 2000.

new possibilities and opportunities, and has raised new hopes for the world, especially for developing countries. In fact, technological innovations (especially information technology, telematics, the global satellite network and the Internet), the new forms of labour, expanding trade and increased foreign direct investment offer enormous potential for the elimination of poverty, hunger, disease and illiteracy during the millennium that has just commenced.² Nevertheless, many of these potential benefits have not been realised so far for the common good. Globalisation has been driven by the rampant expansion of markets and financial systems not necessarily linked to production, leading to increasing levels of inequality in labour, income, resources, opportunities and education. According to the latest Human Development Report,³ globalisation has benefited only one fifth of the world's population while marginalising the rest. Therefore, we cannot but agree with what the *Millennium Declaration* says: 'We believe that the central challenge we face today is to ensure that globalisation becomes a positive force for the entire world's people'.⁴ This is all the more evident after the atrocious terrorist act of 11 September 2001 and its direct consequences. We can say together with John Paul II: 'Globalisation, *a priori*, is neither good nor bad. It depends on what people do with it. No system is an end in itself, and it is necessary to insist on the fact that globalisation, as any other system, should be at the service of human beings; it should serve solidarity and the common good'.⁵

² Cf. UNDP, *Human Development Report*, 1999 (Oxford University Press, New York, 1999).

³ UNDP, *Human Development Report*, 2003 (United Nations Development Program Edition, New York, 2003).

⁴ *The United Nations Millennium Declaration*, 5.

⁵ *Address to the Pontifical Academy of Social Sciences*, 27 April 2001, The Pontifical Academy of Sciences, in *Papal Addresses*, Vatican City 2003, p. 432.

Limits of the triumphant market economy

In a certain sense, it seems that the world is now going through an experimental and chaotic stage.⁶ The collapse of Eastern European Communism brought about the triumph of capitalism, but the latter is also a sick system. Today we can criticise capitalism from within without necessarily being accused of being philo-communists. We now enjoy more freedom for having a balanced judgement of the market economy. A market economy is the only system capable of producing enormous wealth, unquestionably more than the world has even seen. At the same time, however, it is the market economy itself that is responsible for causing massive levels of inequality and injustice, not least at a global level. Thus, a system combining both market laws and state intervention is needed. A free market presupposes non-intervention; justice, on the other hand, requires intervention. At the international level the issue that arises is how to govern globalisation. Or rather, expressed in the terms of the abovementioned *Millennium Declaration*, what can be done to extend the benefits of globalisation to everyone or, at the very least, to the majority of people: globalisation for all, a model for all. We are aware that there is more than one way to try to achieve this. Indeed, we suspect that it will be difficult for the developing world to embark on a

⁶ The expression of the Holy Father celebrating the fourth centennial of the discovery of America: 'The world cannot feel calm and satisfied with the chaotic and disconcerting situation the appears before our eyes: nations, sectors of the population, families and individuals increasingly wealthy and privileged facing nations, families and a multitude of persons immersed in poverty, victims of hunger and disease, lacking decent housing, sanitary services, and access to culture. All this eloquently testifies to the actual disorder and institutionalised injustice sometimes together with delay in taking necessary measures, passivity and negligence, when not the transgression of ethical principles, in the exercise of administrative duties, as is the case with corruption' (*Insegnamenti di Giovanni Paolo II*, XV, 2, Vatican City 1992, p. 235).

journey based on the US model, but the same can be said for Europe. What must be done is to achieve at the international level a form of redistribution such as the one that states implement even if badly within their borders. There is no international body today that manages this redistribution. If redistribution within each state is difficult, it is all the more so at the international level where the problem has not even been properly taken into consideration. The sixties were all about development and 'developmentalism', and institutions were set up for this reason, such as the World Bank and the Inter-American Development Bank, created in the crises of the thirties, but no one since has focused on international redistribution; that is, on doing justice in an appropriate way in a world becoming increasingly globalised.

Justice is the way to the common good in a globalised world

I very much bear in mind the declaration of our Pontiff, the first Slavic Pope, who comes from a country that is rebuilding after being afflicted by diverse historical injustices. John Paul II said to the Academy of Sciences: 'Peace is born not only from the elimination of theatres of war. Even if all these latter were eliminated others would inevitably appear, if injustice and oppression continue to govern the world. Peace is born of justice: *Opus justitiae pax*'.⁷ Just as one can say that all research should be directed towards truth, so human society, to be truly human, cannot but have another goal, that of the common good. Now, justice is the virtue that directs men to the common good. Thus, social good passes through justice.⁸ In a realistic

⁷ *Address to the Pontifical Academy of Sciences*, 12 November 1983, The Pontifical Academy of Sciences, *Papal Addresses*, Vatican City, 2003, p. 261.

⁸ Saint Thomas Aquinas places great emphasis on the superior architectural importance of justice inasmuch as it orders each man, in himself and in relation to others, to good: 'Pars autem id quod est totius est, unde

climate, St Thomas Aquinas affirms that the attraction towards good and towards a just relationship with other people, has priority over all the other figures of conscience and is the beginning of the ethical dimension: 'Man has a natural inclination towards good according to his own nature, just as he has a natural inclination to know the truth about God, and to live in society. And in this respect, whatever pertains to this inclination belongs to the natural law; for instance, to shun ignorance, to avoid offending those among whom one has to live, and other such things regarding the above inclination'.⁹ So this inclina-

et quodlibet bonum partis est ordinabile in bonum totius. Secundum hoc igitur bonum cuiuslibet virtutis, sive ordinantis aliquem hominem ad seipsum sive ordinantis ipsum ad aliquas alias personas singulares, est referibile ad bonum commune, ad quod ordinat iustitia. Et secundum hoc actus omnium virtutum possunt ad iustitiam pertinere, secundum quod ordinat hominem ad bonum commune. Et quantum ad hoc iustitia dicitur virtus generalis', i.e. '... while a part, as such, belongs to a whole, so that whatever is the good of a part can be directed to the good of the whole. It follows therefore that the good of any virtue, whether such virtue direct man in relation to himself, or in relation to certain other individual persons, is referable to the common good, to which justice directs: so that all acts of virtue can pertain to justice, in so far as it directs man to the common good. It is in this sense that justice is called a general virtue' (*S. Th.*, II-II, q. 58, a. 5 cor.). The comparison with charity is also very meaningful: 'Sicut enim caritas potest dici virtus generalis inquantum ordinat actus omnium virtutum ad bonum divinum, ita etiam iustitia legalis inquantum ordinat actus omnium virtutum ad bonum commune. Sicut ergo caritas, quae respicit bonum divinum ut proprium obiectum, est quaedam specialis virtus secundum suam essentiam; ita etiam iustitia legalis est specialis virtus secundum suam essentiam, secundum quod respicit commune bonum ut proprium obiectum. Et sic est in principe principaliter, et quasi architectonice; in subditis autem secundario et quasi ministrative' (*Ib.*, a. 6 cor.).

⁹ 'Inest homini inclinatio ad bonum secundum naturam rationis, quae est sibi propria, sicut homo habet naturalem inclinationem ad hoc quod veritatem cognoscat de Deo, et ad hoc quod in societate vivat. Et secundum hoc, ad legem naturalem pertinent ea quae ad huiusmodi inclinationem spectant, utpote quod homo ignorantiam vitet, quod alios non offendat cum quibus debet conversari, et cetera huiusmodi quae ad hoc spectant' (*S. Th.*, I-II, q. 94, a. 2 cor.).

tion constitutes a natural impulse to the knowledge of God on the one hand and to the primordial instance to achieve social life by means of justice on the other. That is; justice is the way to social good in our globalised world. That is the reason for the title chosen so well for our colloquium, *globalization and international justice*. Of course justice means first and foremost giving each person his due, as the old Latin adage says *unicuique suum tribuere*.¹⁰ 'Each one' is a distributive pronoun, because 'the proper act of justice is nothing else than to render to each one his own'.¹¹

'Justice – writes John Rawls at the beginning of *A Theory of Justice* – is the first prerequisite of social institutions, as truth is of the systems of thought'.¹² This statement seems to be more in agreement with Plato's concept of justice than with Aristotle's. Justice is the virtue of everything in *The Republic*,¹³ while in the *Nicomachean Ethics*¹⁴ Aristotle considers distributive justice as a special or partial justice with relation to general justice, which is fundamentally respect for the laws of the City. Why a partial virtue? First of all because the equality of distributive justice is not of an arithmetic nature, as is commutative justice, but of a proportional nature; i.e., it is an equality of relations between people and goods; that is, the relation of a person to a good must be analogous to the relation of another person to another

¹⁰ Saint Ambrose affirms that: 'iustitia est quae unicuique quod suum est tribuit, alienum non vindicat, utilitatem propriam negligit ut communem aequitatem custodiat', i.e. 'It is justice that renders to each one what is his, and claims not another's property; it disregards its own profit in order to preserve the common equity' (*De Off.* 1, 24).

¹¹ 'Proprius actus iustitiae nihil est aliud quam reddere unicuique quod suum est' (S. Th., II-II, q. 58, a. 11 cor.).

¹² J. Rawls, *A Theory of Justice*, The Belknap of Harvard University Press, Cambridge, MA (USA), 1971.

¹³ Book IV.

¹⁴ Book V.

good.¹⁵ Moreover, it is partial, because distributive justice deals with the specific situation of the repartition or distribution of goods, honours, advantages. Today we would include, as Rawls states, both commercial goods, i.e. energy, water, food, salaries, property, social benefits, and non commercial ones, i.e. citizenship, security, health, education, honours, including the roles of command, authority, and responsibility carried out within the framework of all kinds of institutions, whether private or public, national or international. Therefore, this is a matter not only of distributing the material goods of the world but also the goods of the spirit, i.e., that which is more specifically human, for, as Aristotle observes, 'the human race lives...by art and reasoning'.¹⁶

However, why does the Philosopher consider distribution only a part of justice? Probably because he wants to prevent us from thinking of society as a distributor of parts, which is always an act of separation in order to determine which part goes to one and which to the other, when in actual fact society is mainly a whole. Society must be understood as a 'cooperation scheme', an expression which we find right from the opening lines of Rawls's *A Theory of Justice*, a book in which, in any case, the analysis of society as a distribution system prevails. Today it is necessary to take into serious consideration a notion of the common good consisting in goods and values that are participated and shared by possibly active subjects in the global society. On the other hand, we may see in the metaphor of

¹⁵ 'Generalis forma iustitiae est aequalitas, in qua convenit iustitia distributive cum commutativa. In una tamen invenitur aequalitas secundum proportionalitatem geometricam, in alia secundum arithmetica', i.e. 'Equality is the general form of justice, wherein distributive and commutative justice agree: but in the former we find equality of geometrical proportion, whereas in the latter we find equality of arithmetical proportion' (S. Th., II-II, q. 61, a. 2 ad 2).

¹⁶ *Metaphysics*, 980 b 21.

distribution the two aspects that must be coordinated because in actual fact they belong to each other: repartition is something which divides us because my part is not yours, but at the same time, repartition is something which forces us to share, in the strong sense of the word, be part of, take part in... Urged by economic worries, today we tend to forget that, unlike material goods, the spiritual goods which are properly human expand and multiply when communicated: i.e., unlike divisible goods, spiritual goods such as knowledge, values and education, are indivisible and the more one shares them, the more one possesses of them.¹⁷

Energy, a universal good for all

One of the most perturbing global issues that humanity must face as soon as possible is the problem of energy, a good in a certain fundamental sense. Just think what life on earth would be like without the sun, the source of all energy in our system. As we all know, our civilisation is based on energy, which in many cases is extinguishable. All efforts should now focus on more effective use of energy sources in a more economic manner and, insofar as possible, selecting renewable energy sources. In 1980 the Pontifical Academy of Sciences held a study week on the topic 'Humanity and Energy: Needs – Resources – Hopes'. John Paul II, welcoming the participants, established a first fundamental principle, according to which humanity 'should seek new ways to use the energy resources that Divine Providence has placed at man's disposal'. He emphasized that energy policy should 'promote ecological safeguards' and prevent harm to man.

¹⁷ 'Spiritualia bona sunt specialiter non ritenenda per se, quia comunicata non minuuntur sed crescunt' (St. Thomas Aquinas, *De Malo*, q. 13, 1 pret. 8).

The Pope continued by stating that the energy problem was not limited to issues of a scientific or economic nature; it surpassed these limits and was complicated by the errors that arise in the context of each country's own ethics and culture, and of globalisation. The frustrations that man now faces due to excessive consumption, on one hand, and the energy crisis, on the other, can only be solved if it is recognised that energy, regardless of its form or origin, should contribute to the good of humans. Energy and the problems that arise regarding it should not serve the selfish interest of specific groups that are attempting to increase their sphere of economic and political influence and much less should they be used to divide peoples, make some nations dependent on others and increase the risk of nuclear war and holocaust.

In conclusion, John Paul II also made reference to what we can call the most important general principle in this area. 'Energy is a universal good that Divine Providence has placed at the service of man, of all men, belonging to any part of the world, and we should also think of the men of the future, since the Creator entrusted the land and the multiplication of its inhabitants to the responsibility of man'. 'I believe – said the Pope – making a resolute and persevering effort to manage energy resources and respect nature should be considered a duty of justice and charity, so that not only the humanity of today in its totality will benefit, but also coming generations. And I hope that Christians, moved especially by gratitude to God, by the conviction that life and the world have a meaning, and by unlimited hope and charity, will be the first to value this duty and draw the necessary conclusions'.¹⁸

In 1984, the Academy carried out another study week on 'Energy for Survival and Development'.¹⁹ The conclusions of

¹⁸ *Address to the Pontifical Academy of Sciences*, 14 November 1980, in *Papal Addresses*, ed. cit., p. 247.

¹⁹ *Scripta Varia*, 57, SIII-615 (Vatican City, 1986).

this meeting were published in the form of a report that was sent to all the governments of the world. To reflect the Pope's approach, emphasis was placed on the need to supply energy to all inhabitants of the earth. The meeting concluded with an appeal, made on behalf of all the poor countries to all the nations of the world, to cooperate in building a new world order of growth and development in which a role of fundamental importance is given to energy. Probably, in the globalised world, investments are made in so many things that are not always necessary to the common good, but little has been invested to find new form of energy as requested by the Pope. This is a serious responsibility that weighs on all but particularly on those who should deal with attaining the common good. The Academy will probably return to this vital topic in the future and has entrusted Professor Rubbia with the organization of a meeting on energy and poverty.

Potable water as equity

For pre-Socratic thinkers, water was the beginning of all things, and curiously today we must once again be aware that the survival of humanity and of all other species on earth depends on water. Where there is no water, there is no life. Consequently, the common symbol of the life of all humanity, valued and respected in all religions and cultures, has also become a symbol of equity. The water crisis is basically a matter of distribution, knowledge and resources, and not its basic scarcity. A matter of theoretical interest with notable possibilities of practical applications is the study of biological membranes as models for the preparation of artificial membranes to desalinise water. The importance of this problem prompted the Academy to organize a study week on 'Biological and Artificial Membranes and the desalinisation of Water'.²⁰ That meet-

²⁰ Scripta Varia, 40, XXXVII-901 (Vatican City, 1976).

ing, held in April 1975, included the participation of scholars from throughout the world specialized in the fields of biological and artificial membranes. The purpose of the meeting was to establish a model for artificial membranes based on the knowledge of biological membrane mechanisms to transport water. The artificial membranes could turn out to be suitable for the production of large amounts of desalinated water, especially to meet needs in arid zones of the Third World. On that occasion, when Paul VI addressed the scholars, he recognised the new importance of the topic and suggested a number of recommendations revolving around the following key principles: the principle of caution (or precaution), the principle of participation (all individuals should be included in water planning and management); the principle of solidarity, since water is constantly a matter of contention with human beings (this activity, in relation to present and future generations, constitutes a 'form of charity' that should take place within the framework of 'ecology'); and the principle of confidence in the fact that nature has secret possibilities with which the development in the mind of the Creator can be achieved.²¹

²¹ Paul VI, on this occasion said: 'As you can imagine, we will not dwell on the technical theme, nor on the possibility of its application, which would probably be premature. But we know that it is a type of important metabolism that humanity is interested in understanding in depth, since the shortage of freshwater reserves threatens to hinder humanity's development. At the most general level of scientific research, let us, then, emphasize two attitudes which, in our opinion, should characterise the scientists, and especially those scientists who are Christians. On one hand, they should honestly consider the question of the earthly future of humanity and, in their capacity as responsible persons, they should help to prepare it, preserve it and eliminate risks; we believe that this solidarity with future generations constitutes a form of charity to which many men now show they are sensitive, in the framework of ecology. But at the same time, the scientist should be encouraged by confidence that nature guards secret possibilities that intelligence must discover and utilize to be able to achieve the development that is in the plans of the Creator. This hope in the Author of nature and in the human spirit,

We hope, for example, that the new project of the World Bank and other actors²² in Environmental Protection and Sustainable Development of the Guaraní Aquifer System, which is one of the world's largest groundwater reservoirs with approximately 1,190,000 km² (an area larger than that of Spain, France and Portugal together),²³ follows these clear recommendations by Paul VI. In view of the expanding panorama of water shortage already present in some regions of the hemisphere (above all, in the main cities of the USA), the social participation the Pope indicated has been and will continue to be of prime importance. Efforts revolving around the Social Forum on the Waters of the Guaraní Aquifer (November 2003, Sao Paulo, Brazil) are of major importance, particularly if it is taken into account that the discussion intertwines other important projects such as those linked to the Amazon Basin and Plata Basin, of which the latter alone drains one fourth of the South American continent and covers an area of 3,100,000 km².

Thus, the virtue of justice and solidarity, practiced at extensive and authentic levels, will require our willingness to involve ourselves with deep respect for others. Only in this way will the secret resources of nature, the great potential of energy and water of the developing countries, become a concrete reality with much to offer the entire world and, of course, the developing countries themselves.

properly understood, is capable of providing a new and serene energy to the researcher who is a believer' (*Address to the Pontifical Academy of Sciences*, 19 April 1975, in *Papal Addresses*, ed. cit. p. 209).

²² Cf. *Document of the W.B.* (Rep. No: 23490-LAC) at www.ana.gov.br/guarani/docsbasicos/pad.pdf.

²³ In Brazil, it covers an area of approximately 850,000 km² (9.9% of the territory); in Argentina, 225,000 km² (7.8%); in Paraguay, 70,000 km² (17.2%); and in Uruguay, 45,000 km² (25.5%).

Ending world hunger

The emergency list to promote a 'participatory society' (as the late Prof. P.L. Zampetti termed it)²⁴ must begin with the 'tragedy of world hunger', the phrase used by Paul VI to denounce it.²⁵ St. Thomas's statement, 'In cases of need all things are common property',²⁶ which summarises Christian tradition and guides it, is well-known. The goods of the earth, including those that are in private hands, have an original and universal destiny which is to serve all men. Therefore, 'in the case of such need what one takes for the support of one's life becomes one's own property'.²⁷ We cannot accept or tolerate that 815 million people living in desperate need starve to death. Today we know that sending food aid to hunger-stricken regions does not represent a lasting and sustainable solution. Instead, it is necessary to find a way of enabling the poor countries to develop their own economies and transform their potential resources, which are sometimes enormous. And this will be achieved not just by offering them technological assistance, which is important, but, above all, by having developed countries abolish subsidies and protectionist measures, for they only benefit farmers from rich nations to the detriment of those from the south of the planet. 'While there are may be enough resources to combat hunger, there is not a political will to do so'.²⁸ Of what use is technological assistance and money

²⁴ Pier Luigi Zampetti, *La società partecipativa*, Roma 1994.

²⁵ *Address to the Pontifical Academy of Sciences*, 15 April 1972, in *Papal Addresses*, ed. cit., p. 205.

²⁶ 'In necessitate sunt omnia communia' (*S. Th.*, II-II, q. 66, a. 7 sed contra).

²⁷ 'Uti re aliena occulte accepta in casu necessitatis extremae non habet rationem furti, proprie loquendo. Quia per talem necessitatem efficitur suum illud quod quis accipit ad sustentandam propriam vitam' (*S. Th.*, II-II, q. 66, a. 7 ad 2).

²⁸ Kofi Annan, 'L'Occidente deve imparare a convivere con i più poveri', in *La Repubblica*, 10 June 2002.

to develop the potential of these poor countries and their means, if subsequently they cannot sell what they produce because of various types of protectionism by the rich countries? Thus, the poor are condemned as if in the grip of a pair of claws: on one hand they have debts with extremely high interests and on the other they are not allowed to enter the markets with their own products. What can they do to pay their debts? We cannot ignore the fact that this policy has obvious links with infamous and punishable drug trafficking. As the Spanish saying notes, 'need has the face of a heretic'. When peasant-farmers of the poor countries see that their legal products cannot reach the market, some are corrupted and use their lands to grow the plants from which drugs are extracted.

If protectionist measures and subsidies do not change, millions of peasant-farmers and food producers in the developing countries will not have access to the markets of the developed countries. While protectionism and farm subsidies have grown steadily up to 1.3% of the GDP of the countries of the Organization for Economic Cooperation and Development (OECD), official development assistance (ODA), in contrast, has steadily decreased and amounts to only 0.2% of the GDP of the poor countries. A large number of developing countries are not allowed to participate in games where they might emerge victorious. Even though we cannot say that it is an example of corruption, protectionism and subsidies are clearly unfair in the international sphere and it is obvious that it was possible to maintain such measures, beginning in the post-war period, thanks to the intense and sometimes hidden, but always lasting, pressure exerted by lobbying. In this way, protectionism and farm subsidies of the developed nations are particularly harmful to the poor, but also to the world economy. The appearance of 'mad cow' disease and growing awareness of problems related to environment and health, caused by manipulated agriculture are the symptoms showing that this policy has begun to reach its limits. Even so, here are no obvious

signs of wanting to seriously change things in the foreseeable future. Trade liberalization would involve an increase in world income by 1.5 trillion dollars (1,500,000 million) in the course of the next ten years, and most of the profits would be to the benefit of the countries with less wealth.

Despite the promises of the rich nations to eradicate extreme poverty and hunger between the 1990 and 2001, official development assistance has dropped from 0.33% to 0.22% of the GDP of the donor countries. The developing countries continue needing more assistance, fairer trade agreements and significant debt alleviation, as noted in the 2003 United Nations Development Programme *Report on Human Development*. It is necessary, as we said, *to dismantle unfair subsidies and trade tariffs to create a more impartial playing field*. But even that is not enough. The international community and its highest representatives should seriously respond to the appeal issued by Paul VI to the United Nations in his message of 4 October 1965: In his address to the United Nations of 4 October 1965, Paul VI said: 'We know and are glad that many of you consider with enthusiasm the invitation to give back to the developing countries at least part of the benefits that can be obtained from the reduction of armaments'. Unfortunately, twenty years later, John Paul II, while renewing his call for aid, had to acknowledge again to the Pontifical Academy of Sciences that 'the war against hunger, disease and the death of millions of human beings whose quality and dignity of life could be helped and promoted with seven per cent of the amount spent each year for the incessant and threatening rearmament of the richest nations, must still be fought'.²⁹ Since the topic of disarmament seems to have entered into an erratic phase, it is a question of at least *somehow increasing assistance flows*. It is true that last year there was finally a stop in the prolonged decline in official assistance

²⁹ *Address to the Pontifical Academy of Sciences*, 12 November 1983, in *Papal Addresses*, ed. cit., p. 263.

flows, which amounted to 57 billion dollars (up from 52.3 billion in the year 2001). In the Conference on Development Financing held in Monterrey in 2002 both the rich countries and the poor countries finally promised to support political reforms and new resources necessary to achieve the Millennium Development Goals, including the promise to give 0.7 per cent of GDP as official development assistance (ADO) and to increase by 16 billion dollars the annual assistance flows for the year 2006. However, even if the commitments announced in Monterrey were fulfilled, the total would continue being far below the necessary minimum of 100 billion dollars a year, according to the recent *Report on Human Development 2003*. A shortfall of 50 billion a year will still exist. 'If things continue like this, the fight against poverty will be one hundred years behind in relation to the objectives and promises', yesterday predicted English Finance Minister, George Brown, who added: 'The richest countries cannot continue establishing goals without systematically fulfilling them and expect the poorest countries to calmly continue believing them'.³⁰

Unsustainable debt, flight capital flows and high interest rates

It is not enough, however, to feed the hungry; it is also necessary for each man to be able to live with dignity. For that it is necessary to *cancel unsustainable debts*. The *Report on Human Development 2003* argues, following the well-known appeal of John Paul II for the Jubilee Year of 2000, for the rich countries to apply a significant reduction in the debt and to make an appeal to the donor countries to be more aware of the specific weight of the debt on highly indebted poor countries. In each and every one of the 42 Heavily Indebted Poor Countries, per capita income is less than 1,500 dollars and,

³⁰ *Le Figaro économique*, 2 June 2004, p. III.

between 1990 and 2001, their economies grew on average only 0.5 percent a year.

The agenda for reform to promote solidary and just globalisation must also involve increasing the benefits from trade and capital flows. In particular, *capital inflows have to be carefully managed*. First, countries should design comprehensive plans to attract long-term investment. Such plans should include a stable political climate, a secure education, a skilled labour force, active technological development policies, clear priorities on what sectors foreign direct investment (FDI) should go to, and incentives for domestic firms. Second, developing countries should tightly control the speculative movements of short-term capital to influence both their volume and their composition.

Another point, seldom referred to and never emphasised with due force is that a country *should not be obliged to pay excessive interest on its national debt*. Just as there is a 'fair wage' and a 'fair price', so also should there be a 'fair interest rate'.³¹ In relation to this point, I would like to mention that in the Republic of Italy there are state anti-usury laws which are applied to bank interest rates. Could this principle not be extended to an international context?

³¹ A first relevant, brave and penetrating approach to the topic, which bridges a gap in the current reflection and perhaps in social doctrine itself, can be found in E. Malinvaud, *Que doit-on entendre par de justes finances? Clarifications préliminaires à un consensus sur l'éthique financière*, published by the Bank of Italy, Rome, 2003. In my opinion, the conclusion is particularly important: *De même qu'il s'imposait à la fin du XIXème siècle et au XXème d'établir et d'implanter une éthique du travail et de l'emploi adaptée à la société moderne, de même il s'impose au début du XXIème siècle de revivifier l'éthique financière. Tant a changé dans le monde de la finance qu'il convient sans doute de tout repenser ab initio (Ib. in fine)*. Similarly enlightening is the analytical proposal of an analogous notion of what is fair and equitable as regards finance, which has as a reference model the Catholic doctrine on fair wages, expounded in 1891 by Leo XIII in *Rerum Novarum*, § 34.

The generation of the external debt in the seventies, the subsequent crises in the eighties, the mass inflow of capitals, the crises of Asia, Russia, Mexico and Brazil during the nineties, the capital outflows from Latin America, and the recent crisis in Argentina are presented as accidents on the road, as unforeseeable as the continuous natural disasters; or as the exclusive responsibility of those who govern the poor countries, easily capable of corruption. In both cases, the operation of the various markets is generally not questioned and the international banks, large companies and economic powers are excluded from any responsibility, as are the rules of the game that operate in the market.³² It is no accident, then, that the economies of countries like Mexico, Argentina, Uruguay and Brazil, strong and efficient agro-food producers in the temperate zone with products among the most attractive in the world, are today among those that must face the greatest difficulties within the group of developing countries.

Relaunching education is the first task of a global world

No less important, the central reality on which today, more than ever before, we should place emphasis is education. Science – which involves the production, acquisition and transmission of knowledge – and education make up an increasingly interdependent system that shapes life on this planet. The organisation of scientific advance has certainly come to be a much more difficult task even than the management of the world's wealth.

In the domain of exact sciences, for example, the emerging power of biology has opened up horizons where the supervision and control regulations and mechanisms are very insufficient if

³² Cf. CELAM, *Globalización y Nueva Evangelización en América Latina y el Caribe*, Bogota 2003, § 132.

not erratic, so that the legal, moral and affective rules that have directed human life since the origins of humanity are being questioned. If it can be done, it is ethical. What can be done technically is ethical. The ethic of something coincides with the power to do it. Even the agnostic philosophers (Habermas), those most attached to what we might call a non-regulatory, open system of human development, now acknowledge that the major religions must be asked to establish rules recognised by all to safeguard the integrity of the human species.

Education, a specific right of the human being inasmuch as he is a rational being,³³ which should be the most human and effective way to promote freedom, fraternity and social equality, continues being one of the factors of discrimination and exclusion. It is well-known that the lack of quality (current values and technology) and quantity (schooling and retention rate) in education is one of the causes of extreme poverty. The reality in Latin America is that 45% of the population is still illiterate; while the society with knowledge usually undervalues the population's ancestral culture, rich in Latin America and the Caribbean.³⁴ We cannot remain indifferent to the serious problem of illiteracy or semi-illiteracy. We should not forget that 'an illiterate person is an undernourished spirit'.³⁵ Today we live in a 'knowledge society', that is why it is necessary to extend to everyone and improve the quality of the educational services necessary to take part in it. Indeed, a fair and equitable society distinguishes itself by the level and extent of its education: in the communication of universal meanings, principles and values; in the transmission of the historic memory of each

³³ As noted in Vatican Council II in its document on education: 'All men of every race, condition and age, since they enjoy the dignity of a human being, have an inalienable right to an education' (*Gravissimum Educationis*, § 1).

³⁴ *Ib.* § 93.

³⁵ Paul VI, *Populorum Progressio*, § 35.

people and of the historic road experienced by humanity; in the use of effective and vanguard teaching criteria and methods; in access of all to such cognitive sciences; in community participation in that task, in the free development of education projects; in the freedom of families to choose the education of their children; in the importance of women's participation in the programmes and in the programmes themselves; and in the concept of education as an ongoing task, not linked exclusively to one stage in life.³⁶

John Paul II commented to the Pontifical Academy of Sciences, in relation to the presence of man in space, with increasing better robots and other instruments, that 'One of the greatest tasks that should be carried out through the use of satellites is the elimination of the illiteracy of nearly a billion people. The satellites, in addition to cooperating in efforts to make humanity completely literate, can be an instrument for the broader dissemination of culture in all the countries of the world, not only in those where illiteracy is now being overcome, but also in those where they do not yet read or write, because the spreading of culture can begin with the use of images. I hope that the scientific and technological progress now being studied will cooperate in the dissemination of a culture that truly promotes the comprehensive development of man'.³⁷

On his first trip to Mexico, during his visit to the Instituto Miguel Angel de la Ciudad de México on 30 January 1970, John Paul II said to a numerous group of young people: 'At one of the most decisive moments for the future of Latin America, I make a strong appeal in the name of Christ to all men and particularly to you young people to provide your help, service and

³⁶ Cf. The Important Study Conducted by the Pontifical Academy of Sciences, AA.VV. *The Challenges for Science. Education for the Twenty-First Century*, Vatican City, 2002, p. VII-292.

³⁷ *Address to the Pontifical Academy of Sciences*, 2 October 1984, in *Papal Addresses*, ed. cit., p. 269.

collaboration today and tomorrow in this task of schooling. My voice, my entreaty as a Father is also directed towards the Christian educators for them, through their contribution, to favour literacy and “culturisation” with a comprehensive vision of man open to the absolute’.³⁸

Christians should be aware that perhaps the title of teacher is the one that the Lord approved with greatest acceptance: *Vocatis me magister et bene dicitis; sum etenim*, i.e., ‘You call me Master and you say well, for so I am’.³⁹ And when he sent the Apostles to announce redemption to the world, he conferred on them, before any other mandate, that of teaching: *Euntes docete*, ‘Go and teach’.⁴⁰ It is the consequent cry of He who said: *Veritas liberabit vos*, ‘the truth shall make you free’.⁴¹ We have only to predict that Christians will be increasingly active in their original mission of teaching; a mission of the highest nature, which is, in the words of Pio XI, ‘a source of that beneficial charity that is the Truth’.⁴² A Christian, when teaching, should be aware that transmitting the truth is one of the highest forms of charity.

Family is the first social institution that must be strengthened

Globalisation and development that are just must also be accompanied by changes that are institutional. The first social institution that warrants justice is the family. In general, the globalisation process, based on the market, relegates the family to a lesser position by treating society as a set of individuals

³⁸ *Insegnamenti di Giovanni Paolo II*, vol. II (gennaio-giugno 1979) Vaticano 1979, p. 265.

³⁹ *John* 13:13.

⁴⁰ *Matthew* 28:19. Cf. *Mark* 16:15 s.

⁴¹ *John* 8:32.

⁴² Pio XI, *Address to the Pontifical Academy of Sciences*, 27 December 1925, in *Papal Addresses*, ed. cit. p. 25 s.

in competition with each another to hoard the principal resources or because it considers the family a public instrument to solve market failures. This way of operating weakens the very sources of society necessary to remedy such failures.⁴³ The key role of the family, as a cell of society and a school of communion and participation that has vital and organic bonds with all of society, must be restored.⁴⁴

The family must recover its vocation as a servant of life, trainer of people, educator in the faith and promoter of integral fraternal development. It must also promote a matrimonial culture of fidelity and commitment. Without the stability of the conjugal partnership, there are no stable families. The men and women who raise their children in families founded on stable matrimonies do something not only for themselves and their children, but also for society in its complexity and for the future of all. Their contribution to the formation of human capital is therefore irreplaceable. Thus, the level of life of married couples with children should not be inferior to that of couples without children. Means should be found to re-establish a sense of social outrage regarding those who neglect their family responsibilities and to counteract the culture of immediate gratification promoted by the entertainment industry.⁴⁵

Ethical values, religious options and ecumenism

Catholic social doctrine is convinced that globalisation requires this large number of economic, political, institutional and cultural measures, but at the same time it believes that

⁴³ Cf. Mary Ann Glendon *et al.*, *Conclusions on Intergenerational Solidarity, Welfare and Human Ecology*, The Pontifical Academy of Social Sciences, Vatican City 2004, p. 18 s.

⁴⁴ John Paul II, *Familiaris Consortio*, § 42.

⁴⁵ Cf. Mary Ann Glendon *et al.*, *Conclusions on Intergenerational Solidarity, Welfare and Human Ecology*, ed. cit., p. 18 s.

these measures have to be based upon ethical principles and motivations. The main question here is the actual sources of, and contributors to, these ethical values. It is significant that in this context Catholic social doctrine refers to a new ecumenical spirit. This means that the Church is convinced that the challenges of globalisation can only be met by an ecumenical effort on the part of the Christian Churches, the great religions of the world, and all men and women of good will.

Globalisation has increased the relationship between the great religious traditions and cultures, which now better understand and recognise one another. The dialogue between these religions and cultures, carried forward with so much wisdom by John Paul II, is becoming more and more essential, due mainly to the appearance of new forms of fundamentalism and systems that are not controlled by governments and try to use fundamentalism in their climb to power, in favour of selfish and sectoral interests. This dialogue could also provide the bases for the establishment of ethical principles and values of universal scope, based on justice and love, and for gradually finding an ethical dimension of such values that is institutional; that is, based on consensus.

The social edification of forgiveness

There is also a need for the peoples of all the nations of the earth to be compassionate towards one another and to imagine the suffering of others when invoking revenge for the wounds that were inflicted in the past. What is asked for here is something that is formally similar to forgiveness, but is based on love. Naturally great caution and serious perspicacity are needed to advance on this road. The idea of forgiveness does not distance us from the political and social sphere as might be thought. History in recent years has given us admirable examples of a sort of convergence of compassion and politics. Consider the sudden trip of Sadat to Jerusalem and so many other

signs given by some leaders of what we could call 'political charity'. Of course, if on the one hand, charity goes beyond justice, on the other, we must prevent it from replacing justice. Charity remains a surplus, an additional resource, and this surplus of charity, compassion and respectful affection is capable of providing globalisation with a more solidarity-inspired soul, full of profound motivation, audacity and new energy. From this viewpoint, the Christian Churches have an important role to play, insofar as they are the direct recipients of the pressing legacy of the Gospel, which calls for forgiveness and love for one's enemies. John Paul II's effort to practice forgiveness in order to restore the full unity of the Christian Churches and to proceed hand in hand with non-Christians and non-believers in the human family, appears to be more necessary and exemplary than ever before in order to give a dense content of charity to the project for a new evangelisation after the Second Vatican Council. Thus to the challenge of globalisation, the Church responds with the new evangelisation, centred on the doctrine and praxis of Christ, who reveals to the human being the depths of his humanity, his being and his action.

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The so-called globalization phenomenon is a challenge that the modern world must face, especially in some of its aspects, such as the effects caused by the recent war in Iraq and the United States' invasion of Afghanistan, even though it has not given a satisfactory answer to reducing global social and economic differences but has actually made them worse in some areas. This is why a new political concept is emerging: the *politics of globalization*, whose main goal is to establish new world orders aiming at greater inclusion and equality, without losing sight of the indisputable supremacy of the superpowers. Therefore, the new approach places a special emphasis on the modernisation and reformation processes of international institutions.

This is the spirit behind this book, which explores the possible solutions that may provide answers to the questions raised by the uncertainty of this new order, above all whether globalization will give the world better policies or, on the contrary, lead it towards disorder and confusion.

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