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## “The time of times: universalization, state and national sovereignty crisis”

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**Mots-clefs :**

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# I. Introduction

Neoliberal Globalization crosses borders and spreads into all corners of the world: it has a universal vocation. It goes from the transnational model of development to a new paradigm called Technological Society, Information Society or Knowledge Society.

It is not really up to me to deeply analyze the essential differences between Globalization and Universalization. I just want to mention that, from my point of view, Globalization is a characteristic phase from the Cold War and the Society International - Transnational that began after the World War II. Universalization, however, is a stage of transition towards the knowledge society or the XXI Century society of suddenly attacked by the new technologies: Interdependence, Immediateness, Time, Space, Speed<sup>1</sup>.

In this sense, the process of Globalization, which is a restricted Anglo-Saxon expression, precedes the current stage of relations, complexities, and processes that are widespread all over the globe: a kind of trend towards the unification of all sort of interactions, at all levels, that occur on our planet. The world instantly.

Since 1945, in midst of the debris from the World War II, it could be observed that from its ruins a New International -Transnational order emerged, *ad initio*, it would be expressed in the UN Charter, the Universal Declaration of Human Rights, the Genocide Convention in 1948, the Convention on Refugees in 1951, and the creation of a complex system of specialized agencies: UNESCO, ILO, FAO, WHO, among others. Without demeaning the role of lead agencies from the United Nations: the General Assembly, the Security Council, the International Court of Justice that are an outcome of a balanced power that emerged at the end of the war: Roosevelt, Churchill, Stalin.

At this point, we ought to indicate that the Cold War process can be located from 1947 (Marshall Plan, contention policy, bipolar division of the world) to 1989 with the dismemberment of the Soviet Empire, the reunification of Germany and the fall of the Berlin Wall, there was born the horror equilibrium also known as "simulated peace": the nuclear blackmail.

The main idea of this work consists in presenting group analysis of neoliberal Universalization trends related to State-National and its sovereignty. In particular: the interactions between our object of study and some important variables: Human Rights,

Development, Bioethics, and the Knowledge Society that is to come.

## **II. The universalization context. The magic years 1914-1945-1989-2008**

These years are symbolic dates that represent milestones in the human evolution of the twentieth century and its transition to the Knowledge Society or the Scientific-Technological Civilization.

The impact on the nation-state essence and its sovereignty expresses a rising complexity and interdependence among nations becoming larger every day in a century full of war: from Sarajevo (1914) to Sarajevo (1991).

### **1.1914: The war and Woodrow Wilson**

A total war, an authentic world war with a real global character. Indeed, it changed in 1914<sup>2</sup>, in this war, in which there were the most powerful countries, and the European states, with some exceptions<sup>3</sup>.

This first war, with all its horrors, introduced some important technological innovations: the poisonous gas used by the Germans, which was banned by the War Convention in 1925. The submarine, used to block access, and cause the surrender by hunger, and later it provoked U.S. intervention in this war: posed as a victory or a total defeat.

The end of the first war did not put in danger the stability of national units in Europe: that is Britain's case, main victorious country. Moreover, it was intended to create ethnic-linguistic nation states under the principle of self-determination of nations, that President Wilson proclaimed in his "Fourteen Points for Peace" to end the war and the creation of the League of Nations.

The Treaty of Versailles was proposed to control Germany, with very well known results, and it strengthened some artificial idea of the nation state<sup>4</sup>: a fictional creation of national states that ended up in the World War II and a new distribution and division of the world: the Yalta Summit, Crimea, and Potsdam, among others clause of "war-guilt" was imposed to Germany; they were banned from owning a major fleet. France regained Alsace-Lorraine, and Germany had to reduce his land army to 100,000 men plus the war reparations onerous burden. With the global crisis in 1929, there would be incorporated an additional factor to the pile of disputes that culminated in the World War II, as mentioned by Galbraith, Keynes and Schumpeter.

### **2.1945: United Nations and Human Rights**

The two World Wars, the Russian revolution, the 1929-1939 depression, Hitler's

Germany, Stalin's dictatorship, the decolonization process toward 1960, the emphasis given on Human Rights Universal Declaration in 1948, and the Cold War were the milestones that occurred in 20<sup>th</sup> century after 1945: the century of Nations. Modernity suspects. As Theodor Adorno wrote: Is it possible to write poetry after Auschwitz?.

1945, therefore, marked the beginning of a new international order and of a transnational model of development: transnational corporations as engines of the international economic. So to speak, the international system moved from giving importance to the nations to consider a new reconfiguration of the economy and politics on the basis of the Transnational Corporations<sup>5</sup>: The world Mc-Donalidation.

The United Nations Charter is a letter from the winners. While gradually were incorporated themes and agendas related to Development, Human Rights, Science and Technology and particular issues: the environment, disarmament, climate change, nonproliferation, and many others. The 1945 Charter is a treaty that recognizes the political independence of the national states. The constituent baseline is defined by the nations and the famous Parliament of Mankind<sup>6</sup>: in 1945 the world began to shift from a multipolar order in a bipolar Cold War being the two great powers that emerged victorious from the Second conflagration with nuclear armament and ability to bring the world to the brink of a third world war.

### **3. 1989: The fall of Berlin wall**

The fall of the Berlin Wall symbolized the unity of a nation that was divided by the Cold War: From East to West in the Brandenburg Gate.¿At the East of Paradise?

A. First, the Berlin Wall fall meant the first attempt to unify and homogenize the world. 1989: The end of the Cold War and the beginning, even if the dates are always arbitrary, from the process of neoliberal globalization, an ideological attempt to humanity as a whole.

Neoliberal Globalization, therefore, poses a new more advanced level of integration with interdependence among nations and certain overview of global issues: climate change, nuclear disarmament, the underdevelopment of 80% of the population.

B Second, the reunification of Germany meant the return of this nation to a great power *status* although we must recognize the inequalities of power between the two nations which had been separated by the Berlin Wall. Technological differences, the Cold War blocks, the subordination to the corresponding Empire, the different ideologies: Marxianism and the American dream, the bipolar system.

C. Third, the collapse of the Soviet empire. As the Hungarian crisis in 1956, as Russia's invasion or the Warsaw Pact in Czechoslovakia (1968), one could observe a strong tendency from satellite countries, to get more freedom from the block headed by the USSR: the Doctrine of the Limited Sovereignty (Brezhnev).

These elements should be taken into account when analyzing the end of the Cold War and the conversion of the United States in the only superpower hegemony.

## **4. 2008: The defeat of Simpson's family**

The neoliberal model of globalization got in a crisis around September 2008. Known as the crisis on Wall Street quickly became a deep global crisis: from the mortgage crisis to the global financial crisis, the debacle of Homer Simpson's family, and the middle-class.

The neoliberal model based on the 1991 "Washington Consensus": privatization, state withdrawal, spending cuts and public sector, open markets, is increasing unemployment and the social rights defeat. In one word, the privatization of life and knowledge: patenting, intellectual property, acquisition and private control of genetic goods<sup>7</sup>, convergence of life sciences and information in a single scientific-technological revolution<sup>8</sup>: the Third Industrial Revolution and the Knowledge Paradigm.

These processes are the foundation of the new paradigm of the knowledge society: that is about complex processes, interdependent systems, closed, elitist, hierarchical, corresponding to the logic of power and control of intellectual assets: as in the case of Time, Energy, Speed. The acceleration of History is an unpredictable Horizon.

2008: marks the beginning of the crisis of the crisis. The crisis of the twentieth century, starting with the great one 1929-1939, as John Dos Passos and Steinbeck wrote, they had enormous political consequences. The rise of Hitler<sup>9</sup>, which is a multi-causal phenomenon, that could not be explained without the crisis of 1929, the impositions and repairs of the Versailles Treaty, the economic ruin, the expansive Geopolitics: the hinterlands or living spaces(lebensraum). The national states devastation.

In 2008, however, the crisis began as a housing crisis, the *sub-prime* loans or mortgages that generated unable to pay debt and insolvency of many: bad luck for the Simpsons. In the United States, it was a crisis of liquidity and confidence. The lack of regulation and transparency brought about the exhaustion of credit lines, increased country - risk, it was reduced the growth rate, it was reduced the global demand. It was raised again the importance of the domestic market<sup>10</sup>.

The 2008 crisis is causing acute problems of unemployment, insecurity, uncertainty, and lack of enforcement of social rights: the state deserts the pertaining functions to the Common Good.

## **III. The substantive issues: the power world, the state and the crisis of**

# national sovereignty

The rigid bipolar alignment of the Cold War limited the capabilities and the management of foreign affairs of member countries of each block: the formulation of the Brezhnev Doctrine or the limited sovereignty allowed the right of intervention hegemony and by force in the domestic affairs of the member countries of the Warsaw Pact: the Prague spring and the Soviet tanks (1968).

What I am trying to say is that the Cold War period was not fertile ground for freedom and sovereignty of the States, freedoms were restricted, sovereignty was "limited", the area of freedom and autonomy (if they existed) were closed: the Warsaw Pact were closed military prisons to the free ideas flowing: the Gulags, the Boris Pasternak's Nobel, the Space Race (1957), the dictatorship of the Party, Stalin's purges.

The world power was divided into two halves: the equality mirage and the consumer society illusion. The student rebellion in 1968 toured Europe but did not express a fundamental change in the fundamental politics. The Treaties of Rome in 1957, meanwhile, indicated the course that the European community would take due to the management of post-war statesmen: Adenauer, De Gaulle, De Gasperi, Jean Monnet, Robert Schumann. The creation of a space of regional integration.

The world power and their own nation-state labyrinths were challenged by the emergence of a fourth world: the world of minorities<sup>11</sup>. A world of displaced persons, gypsies (Hitler murdered over 1 million), migrants, unemployed, the Ni -Ni generation. Sort of parallel with the 1929 crisis in its effects: the helplessness, uncertainty, unemployment, the truncated industrialization, the hopelessness.

The national - state delegated some of its attributions to Community bodies. It legitimized and formalized certain protection mechanisms for Human Rights: the Inter-American System (Costa Rica), the European System (Strasbourg), the African System (Addis Ababa) without major achievements in the field of social rights. The topic of Development disappeared from the international discussions: the Basic needs.

Around 1989 it had already been completed the process of decolonization in Asia, Africa and Latin America: the proposal of peace and international justice in poor regions of the underdeveloped world were collected by the Non-Aligned Movement: Marshal Tito, Nehru, Nasser and the colonels. A kind of third way, except that this policy of Non-Aligned raised an independent policy and peace in world affairs issues: the Bandung Declaration (1955).

Today, with the presence of emerging countries, such as the members of the BRIC: Brazil, Russia, India, China, there is the legitimacy of new actors who break into a multipolar concert. It could be added India's case, at a point in the past; it was thought to set an Irish development model, suggesting the rise of certain intermediate countries in this multipolar share of power.

In this context, it is shown the great World Transition: from the Atlantic to Southeast Asia. China, as the main engine of the world economy (9.6% annual growth), nevertheless it raises human rights concerns and strikes: an open economy in which General Motors, Ford, Toyota, Volkswagen, Mercedes Benz, Citroen, compete in its markets. Wal-Mart has over 200 branches. This country was transformed into the Asian giant that some had imagined: liberalization of the economy, rigid control of the party. A kind of socialism market : Adam Smith in Beijing (Arrighi).

A multipolar construction in the Neoliberal Universalization framework. In which large cities (Sao Paulo, New York) play a leading role as transmission links for global market ideology. In this scenario, a fundamental contradiction arises: poor countries and industrialized countries (North-South). The Universalization penetrates up to the ends and corners of the world in which this process goes through: the Internet, TV, supermarket, *e-mail*, *twitter*, and advertising. In due time, globalizing market ideology battle for mind and consciousness control: the new ideological devices from the state and the private and non-state powers.

With the Neo-liberal Universalization, deepened after 1989<sup>12</sup>, the technology poles appear, the science-cities, which are mostly embedded in the midst of misery: Bombay. Russia announces the creation of a new Silicon-Valley, which confirms one of the key ideas of these lines: the global power battle is waged from the traffic of the Industrial Society to the Knowledge Society: The Power of the Invention, of the Innovation, of the social and intellectual capital, of the Technology Education.

We would have to think: At what measures do NGOs, classic pressure groups, transnational conglomerates, affect the nation-states course and the human rights observance?.

The Treaty of Westphalia, as the start of the national state (1646) is currently subject to multiple interactions: consumption and the magic of the market, CNN, cable TV, fashion boutiques, L'Oreal from Paris and the Bettencourt-scandal. This is about a new ideology, I do not know if civilizing, the ideology of consuming and marketing: the network-society.

Even more, the financial markets go beyond the margins and borders of nation-state. We shall not forget to mention tax havens and convenience flags as in that book pioneer X. Gorostiaga<sup>13</sup>: Bermuda, Cayman, Luxembourg.

Therefore, as Anthony D. Smith claims:

"Can we envision a time when not only is ethnic nationalism exhausted, but nation-states, national identities and nationalism-in-general have been overtaken by a new cosmopolitan culture and a supranational government<sup>14</sup>?"

Today's world is presented as a set of complex interdependencies. The own Universalization Era causes contradictions mass *vis-a-vis* the national state: migrant

workers will be the duck of the contradictions wedding of the XXI Century. This process leads to phenomena such as migration, banishment, exile, discrimination (Arizona-Law). Finally, the world Odyssey has been presented as a list of migration flows at all levels: hispanics, latinosaurs, the Polish vote in the United States, Turks in Europe, the undocumented ones, the gypsies persecution in France.

There appear different dimensions of sovereignty: a) abstract and classical Westphalian; 2) relative sovereignty; 3) functional sovereignty; 4) economic sovereignty: the 200-mile of the Economic Exclusive Zone. Up to that monster invented by Brezhnev: the Limited Sovereignty provoked that there was intervention by the Soviet military forces or the Warsaw Pact in Czechoslovakia. The doctrine of the spheres of influence divided the world at all levels by the geopolitical Lebensraum: Mc-Kinder, Haushofer

In recent times, there is the notion of Humanity as a subject of rights: the high tides, the outer space, the archaeological heritage. You could say that there are delegations of sovereignty dealing with regular individuals and instances and world: the European Parliament.

The explanatory capacity of traditional notions of sovereignty does not embrace the spaces of the processes and complexities of current times: universalization, transnational corporations, Knowledge, social networks, the Internet, new technologies, they move beyond the narrow confines of classical nationality. Constant mutations occur as in the case of Shared Sovereignty: the *joint-ventures* and international mixed companies.

In the human rights field is where the greatest tension occurs related to the State-National. This is the national jurisdiction case *versus* the Principle of Universal Jurisdiction: the Pinochet-case in London (1998) and the Cavallo-Case in Mexico (2000), both represent situations in which we discuss the Universality of Human Rights: the creation of the International Criminal Court based on the Rome Statute (October 18, 1998). This Universal Principle arose, at least, since the Letran Council (1128) and acquired greater interest with the Tribunal of Nuremberg and Tokyo from 1946-1947: the trial of war criminals from the Nazi Germany directed by the prosecutor Robert Jackson.

It comes out the Nuremberg-Paradox: while millions died in the war in concentration camps, in those prisons, in the Hitler's persecutions, only 12 top officials from the Nazi Germany were indicted by war crimes and crimes against humanity<sup>15</sup>. This raises the problem of universality of human rights: permanent, indefeasible, continuous performance, regarding to the notion of Universal Justice. It is noteworthy that dictatorships, as in Argentina and Chile, protect the perpetrators of International Crimes by passing laws such as the Due Obedience and Full Stop acts: forgiveness and oblivion?.

For these reasons, there are formed important transformations that hang over the relationship between Sovereignty and Human Rights. First, Universalization is the result



of processes that took place in the world after the World War II: Transnational Corporations. Second, the National-State, although it retains its essential structures, it changes and transforms the Sovereignty functionality to enter into "reciprocal-interaction" with the international system. There is not autarchy. This is the case of the global-cities (S. Sassen) and the regional integrations.

Third: sovereignty is no longer the reserve of a dictatorship. We can not claim the principle of internal or domestic States jurisdiction: the international community demands and protects human rights due to the freely consented treaties, without any "national" barriers as an excuse for the human rights violation.

## **IV. Challenges to the national state: democracy, human rights, development and technology**

1. The current issues of democracy, without adjectives, have to do with social citizenship, Human Rights validity, and underdevelopment<sup>16</sup>. Permanent discussion topic: democracy and development<sup>17</sup>. Especially, through the work of ECLA, UNDP, and others: Raul Prebisch, Aníbal Pinto, Jorge Graciarera, Enzo Faletto, A. Hirshman, Fernando H. Cardoso, José Antonio Ocampo, Alicia Barcena. Talking about the Latin American approach to development and structuralist conceptions of ECLAC that account for the heterogeneity of the region and how they merged the Neoliberal Universalization.

In the case depth it comes out the idea of maintaining the Welfare-State or its withdrawal by way of privatization that applies the neoliberal model. The Neoliberalism ends up in a sort of anti-development proposal in the light of resulting inequalities that provokes and without forgetting the systemic crisis that the planet has lived since 2008.

2. In a word: the market as an economic referent does not carry a democracy of equals<sup>18</sup>. We are dealing with underdeveloped democracies, weak, dependent, subject to shocks from abroad: foreign debt, IMF guidelines, the MCS irrationality, the benefit of transnational corporations, that have nothing to do with the underdevelopment of the three-quarters of humanity, the poverty line increases. Understandably, the sovereign course of the nation-state becomes uncertain, undeveloped and hazy.

3. To spin finer, as the third point, one can conclude the convergence of the new scientific and technological systems and the validity of the National-turned-rule of law: in presence of a New Civilization.

The step from technological innovation to social innovation. These key questions should start to pose a model of solidarity Universalization: the suspension of debt, banks for the poor, micro-credit, Tobin tax, ET control, technology transference for poor countries (UNCTAD), environment, control of emissions of toxic gases, regional integration and

cooperation. Knowledge appears as an engine of development: intellectual goods, the intangibility, the traditional medicine contributions, the abstract goods.

Education, Science and Culture serving majorities: a new concept of Enterprise Cooperation, greater equity in foreign trade, which is not subject to unequal exchanges, a stimulus to the internal market, a topic that will be under constant discussion.

## **V. Conclusions. the attributes of globalization in the quest for the lost time**

The Neoliberal Universalization, which has the market as a leading central, wears down the very essence of nation-state. The strong trends that appeared after the World War II suggests new phenomena, such as the interdependencies and complexities related to the history acceleration: unity, complementarity or atomization, regional schemes, shared spheres, relative sovereignty.

*First.* An every day plebiscite, as Renan used to write. Development, as a knowledge engine, is on the basis of this dialectical relationship between the state and globalization without leaving aside the issue of regionalism, autonomy and minorities.

*Second.* Far from the postwar golden-years. This type of universalization excludes, harms, and changes the direction of the nation-state and sovereignty. That in its classical dimension comes from the Peace of Westphalia (1646): Actually, the state-privatization.

As Christian Chavagneux expresses: from the market economy to market society and the individual market: the prevalence of selfishness over solidarity. The value-knowledge as a center of world trade. The Intellectual capital as a Trojan horse of new technologies.

*Third.* The twentieth century became in world wars, long-term crises (such as 1929), genocide, massacres: Auschwitz or the end of Modernity.

These crimes occur while the glow of the Third Industrial Revolution or Knowledge Revolution: genetics, robotics, information technology, biotechnology. In this process of technological change, here is the paradox. It began in the midst of the heat of World War II: Manhattan Project and the School of Physics of the 30's, which started with the Stockholm-Meeting in 1932.

*Fourth.* The nation-state changes, as in the case of the Sea Law, the course of its sovereignty. The rule of law was, itself, conceived without an egalitarian policy of development, loses his way and becomes petrified: The Transnational Conglomerates

make a fortune.

*Fifth.* The Knowledge Society that is looming in the midst of transition to a new civilization turns out to be profoundly unequal, stratified, pyramidal and inconsistent: intellectual property in the service of a few. The New Technologies as the basis of the transit towards the Industrial Society or Technological Society.

*Sixth.* Human rights emerge, precisely, because in its absence there are large blanks related to human dignity. The welfare state crisis ignores the effect of economic, social and cultural rights (ESCR). Bioethics, understood as the affairs of the Health and Life, goes on the road to face the contradictions and regular "deviations" to the human condition. From the Medical Bioethics to the Computational Bioethics.

*Seventh.* Emerging actors appear, such as the BRIC countries, which offer new development and income distribution models, to reduce (if possible) the gap between rich and poor countries in the contrasting list of issues to be resolved: minorities, migrants, refugees, the poorest of the poor. There are pending Millennium Development Goals: poverty, climate change, the environmental crisis in Moscow, the Gulf of Mexico.

It appears a kind of regional integration since the dawn of the 50's: Robert Schuman, De Gasperi, Jean Monnet, Adenauer, regarding to the Western block and the Warsaw Pact on the western front.

It remains to be seen the limit or limits of the nation - state that can negotiate to change the situation of the underdeveloped countries from the view of the emergency and interdependencies of the world.

In this long wandering of the nation - state, humanity appears as subject of History and International Law: a path with an open-page. At the east of paradise?

[1](#) Globalization: Anglo-saxon concept, in France, appears like mundialization. In this essay use like synonym Universalization and Mundialization.

[2](#) Schrödinger, Erwin, "What is life?", Barcelona, Tusquets Editores, 1987, The book appeared in 1944.

[3](#) Hobsbawm, Eric, "History of the Twentieth Century", Critica, Barcelona, 1995, pp.36 et seq, Did not participate in the war: Ireland, Sweden, Switzerland, Portugal and Spain among some other European countries.

[4](#) Evans, Richard J, "The Third Reich in power", London, Penguin Books, 2005.

[5](#) Díaz Müller Luis T., "Latin America. International Relations and Human Rights", Mexico, Fondo de Cultura Económica, 2nd Edition, 1991.

[6](#) Kennedy, Paul, "The parliament of mankind", Mexico, Editorial Debate, 2008, pp 29-82.

[7](#) Heinrich Boll Foundation, "A new world patented?, The privatization of life and knowledge", Mexico, 2005.

[8](#) Rifkin, Jeremy, "The century of biotechnology", Barcelona, Editorial Macondo, 1998.

[9](#) Kershaw, Ian, "Hitler", Madrid, Editorial Biblioteca Nueva, 2000.

[10](#) Cardoso, Fernando H., "Financial Architecture," in Krugman, Paul et. al., "The global economic crisis", Mexico, Debate, Mondadori, 2009, pp. 101-103.

[11](#) Díaz Müller, Luis T., "Latin America. International Relations and Human Rights", Op. Cit. Cap. V.FCE, Mexico, 1991.

[12](#) For general reading terms: Khanna, Paray, "The Second World, Empires and influence in the new world order", Cambridge, Polity Press, 2008.

[13](#) Vd. Gorostiaga, Xavier, "Tax havens and flags of convenience", Mexico, ILET, 1979.

[14](#) . Smith, Anthony D, "Nationalism and Modernity", Madrid. Isthmus Publishing, 2000, pp. 172.

[15](#) Vd. Diaz Müller, Luis T. "The Big Money: Universalization, Market Democracy and Human Rights", Mexico, IJ-UNAM, 2010 (Press).

[16](#) Vd. Mitchman, Carl, "Thinking through Technology", USA, University of Chicago, 1994

[17](#) Arteta, Aurelio, "Democracy and market", en Quesada, Fernando, " XXI Century, ¿A new political paradigm", Barcelona, Anthropos, 2004, pp. 216 y ss.

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