150 years after the publication of Marx & Engels' "Manifesto of the Communist Party" was published, José Manuel Pureza takes a look at the shortcomings and disunities that have emerged in the internationalist legacy it stands for. He argues that its emancipatory potential has been diluted within the wider process of subordination of the community principle to state and market principles. The modern world system, consolidated thus, has come to rest on two solitary pillars of faith: the world economy and the interstate system.

TOWARDS A POST-WESTPHALIAN INTERNATIONALISM

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What is the place of international solidarity within the complex of social relationships configured by the compression of space and time which globalisation presupposes? And what are its contents? 150 years after the *Manifesto of the Communist Party* by Marx and Engels, what shortcomings and disunities are revealed in the internationalist legacy which it symbolises?

Let us begin by registering the parallels and symmetries between then and the present day. In 1840-50, industrial capitalism was publicly celebrated in a Eurocentric world which had been marked by a succession of bourgeois liberal revolutions; 150 years later, global and technological capitalism is enthroned, politically and intellectually, in an American-centred world, marked by the canonisation of single economic and political models. In 1840-50, bourgeois and liberal cosmopolitanism had its counterpart in the international solidarity of the workers; 150 years later, predatory globalisation (Falk, 1999) exists parallel to the emergence of transnational social movements which are partial expressions of an anti-hegemonic experiment in globalisation.

The hypothesis I am aiming to test in this chapter is precisely that this internationalist

legacy has seen its emancipatory potential diluted by the dynamics of the affirmation of national capitalisms as basic units of the capitalist world-economy. This dilution was one of the aspects of a much wider process of subordination of the community principle to state and market principles, during the consolidation of the modern world system. Devoid of its community logic, the modern world system has come to base itself on only two pillars of faith: the world-economy and the interstate system, as Boaventura de Sousa Santos records.

International solidarity, traversed in its beginnings by an irremediable tension between a logic of rupture and a logic of adaptation, in terms of political and economic conformity within the world system in the XIX century, gradually underwent a process of internal clarification. Eventually it identified itself with the prolongation of Westphalian modernity, or, in other words, with a system which, according to Richard Falk, "was based on neglect of the whole, according primacy to the parts, conceived as self-regulating, sovereign economic and political units that defended widely acknowledged territorial boundaries" (1999: 52). In this sense, the logic of territorial segmentation — of which the intellectual division of labour between Sociology and International Relations (Linklater, 1998: 162) is merely an epiphenomenon — became the logic of hegemony and blocked the radical internationalist alternative to the development of capitalism, forged in the XIX century.

In the era of predatory globalisation, the return of international solidarity rapidly presupposes full awareness of the reality and the basis of this block. This is all the more true because, although in terms substantially different from those witnessed during the phase of organised capitalism, the alliance between state and market continues to be the main pivot of social regulation in times of global capitalism. For this reason, nowadays, just as much as in the past, the return of international solidarity as a form of anti-hegemonic discourse and practice is a means of interrogating the weight of the community principle which opposes this alliance. The crucial questions which this chapter attempts to answer are, therefore, the following: firstly, how is the assimilation of the internationalist alternative processed by the modern world system? And, secondly, what does the concretisation of the community principle involve in an era of global capitalism?

1.
THE ROOTS AND TRAJECTORY OF THE BLOCK

The construction and regulation of identity at a national level has been, since its beginnings, at the heart of the Westphalian representation of the world, as a central ideological component of the modern world system. The territorial principle,

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therefore, constituted the key to the original reading of this representation. However, in the central countries, territoriality and national construction had already annihilated international solidarity as an alternative formula during the phase of organised capitalism. Internal clarification of the range of regulatory principles within the world system (namely the state and the market) converged on this, with its theoretical pre-eminence guaranteed by realist common sense.

1.1 Internationalism, State and the market

In one of the classic works on international relations theory, E. H. Carr (1946) diagnosed the process by which the model of the Welfare State was built into the central countries in the world system between 1919 and 1939 (the *twenty-years' crisis*), as the apogee of the fusion of territoriality with sovereignty, citizenship and nationality. For Carr, the agreement between capital and labour underlying the conquest of economic and social rights operated parallel to the rising nationalisation of economic policies, understood to be a *sine qua non* condition for protecting wage levels and full employment. Within this framework, workers' organisations, strengthened by new negotiating powers and the extension of male suffrage, began to favour protectionist actions on the part of their members against the threats of the international market and the competition of the migrant workforce. There was, therefore, according to Carr, a direct relationship between a social model based on broadening citizens' economic and social rights, and the weakening of cosmopolitan concepts, in which the notion of the moral community is greater than that of the nation state.

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What Carr locates in the process of the affirmation of the Welfare State is, in the end, a deepening of what Adam Smith and Ricardo had portrayed as the incontestable realities on which the argument of comparative advantage was based: national communities provided with national work and national capital, combining (albeit conflictingly) to produce national goods, using, fundamentally, national resources, with the aim of competing with these national goods on the international markets (Daly, 1999).

Certainly this internationalisation did not lead to internationalism (Waterman, 1998: 48) and was not, therefore counterbalanced by it. Contrary to what de-contextualised readings of the *German Ideology* and the *Manifesto of the Communist Party* may lead us to suppose, the internationalisation of capital was created out of the growing compartmentalisation of work and, following on from this, the compartmentalisation of solidarity. In other words, the link between the broadening of citizenship and the closing up of the citizen community was completely the reverse

of what the Marxist promise of proletarian internationalism had led us to believe. Whilst capital reinforced its non-territorial nature, labour accentuated the territorial bonds.

The theoretical basis of the international proletariat rested on three presuppositions (Hyman, 1999). Firstly, that the emancipation of the human race would be championed by the proletariat. The oppression which bourgeois society had wrought upon it had meant that the working class had completely lost its humanity and that its emancipation would, therefore, bring about the total emancipation of the human race. Hence the famous words of faith: "the workers have nothing to lose but their chains." Secondly, there was the belief that the advance of capitalism would end pre-capitalist differentiations and therefore create a homogenous proletariat. Thirdly, communal interests within this homogeneity would lend a crusading quality to the international proletariat; as a superior form of anti-capitalist internationalism, the international proletariat was understood as a radical denial of all nationalisms and as a prophetic anticipation of the socialist community that would replace the rivalries between nation states with harmonious forms of co-operation.

The utopian nature of this promise of the international proletariat accommodates itself to and should underlie the actual internationalist nature of workers' solidarity that was experienced within the framework of capitalism in the XIX century. This was a time in which union leaders emigrated from England to the United States, Holland or Australia as a integral part of their militant work and a time in which a theoretician like Rosa Luxemburg could appear connected to social struggles in Poland, Russia and Germany. It was, in other words, a time in which working class solidarity was conceived of as international in structure and internationalist in aim (Waterman, 1998: 17). The very special circumstances in which the internationalist identity of this solidarity emerged should be understood: on the one hand, the initial formation of national labour markets with very high levels of migration and, therefore, very flexible borders whilst, on the other hand, the external status of workers' communities in relation to their country, whether by being excluded from their political rights as citizens or by the still incipient creation of official cultures and official national languages.

The aforementioned work by E. H. Carr confronts us with evidence of a rupture in this notion of very special circumstances. It is a rupture which, as Boaventura de Sousa Santos analyses, essentially consists of a different articulation between the regulatory pivots of modernity: community, state and market, and the consequent "colonisation of solidarity […] through the social policies of the Welfare

State" (1995: 23). In effect, the internationalisation of capitalism totally destroyed the myth of the homogeneity of the proletariat and built up new forms of differentiation. Soon there was differentiation at a national level: whilst the internationalisation of capital was based on an intensification of levels of competition between national markets (and also, soon, between national workforces), it also created the conditions for subsequent rises in nationalisation, consolidated by the national integration-segmentation of the working classes (through parties and national unions, citizens' rights conferred by national constitutions, national armies, and national schooling) and rising hostility towards large-scale immigration manifest in the closing of borders, first economically and later politically. Based on this, a "change of alliances" was registered: "the nation state, which even before industrialisation had been appealed to for protection against the market, was increasingly appealed to by labour movements for protection against international capital — now customarily perceived in terms of the capital of 'foreign' nation states, nationals or, even, nationalities" (Waterman, 1998: 24). This strategic alliance between state and market dislodged the emancipatory potential of the community principle, represented by the broad solidarity of the of the international workers' movement. Its impact was felt both in the neo-mercantilism adopted by the central countries in their extreme experiences of statism and on both a national and international level by countries officially loyal to the doctrine of the international proletariat. This situation was aggravated, from this point onwards, by the fact that their loyalty would be associated with remaining on the fringes of the world system and would be transformed into total *a priori* alignment with one of the blocks in the Cold War.

This same disparagement of internationalism, resulting from its subordination to the affirmation strategies of nation states, prevailed in the so-called third-world internationalism of the 60s and 70s (Waterman, 1999). The historic might of the dynamics of national liberation from colonialism was prolonged in time and thus determined and naturalised the superimposition of the process of the construction of national states over and above universal solidarity. It therefore ended up by restricting itself, in the majority of cases, to relationships between revolutionary elites, frequently through their respective state apparatuses.

1.2 Fragmentation canonised: realism
The Westphalian interstate world was transformed into common sense by the realist discourse of International Relations. Realism is a specific expression of the cultural climate of scientific positivism, which imbibes the radical opposition between facts and values and attributes absolute epistemological priority to the former over the lat-

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ter. It is therefore imperative for realist common sense to seize the regularities or underlying laws of facts and adopt them as laws, according to which international systems should function. Empirical constancy thus acquires the status of scientific truth and logic. This transposition of a certain empirical reality into scientific and normative discourse forms the basis of three very familiar representations of the world.

The first is that of state individualism. The interstate system, in which the "security dilemma" is a permanent *leitmotiv*, is the opposite of the Weberian *Rechtsstaat*. If the state merits eternal status, without monopolising legal violence *("ni législateur, ni juge, ni gendarme"),* then each state will, above all, zealously guard its security and survival, using all means to secure this, including force. The second image of the world bequeathed by the realist code is that of a battlefield for power. All politics are power politics, international politics being the prime example of this, assuming "national interest defined in terms of power" as essential. Since prudence is the greatest of all virtues, ("the best would be to prepare for the worst"), each state is challenged to look upon the others with suspicion, as potential enemies, not potential partners. Therefore, in the final analysis, all regulation is self-regulation (Starr, 1995). Finally, the third component of realist common sense is the argument of the eternal present (Pureza, 1999: 370). In its search for regularities which enable it to interpret international reality, realism looks obsessively to the past in an attempt to "learn from History", whilst absolving itself from thinking about how this reality is transformed.

Our decades-old inheritance, therefore, is that of the subordination of distinctive searches for means of emancipation to the logic of territorial, state-centred segmentation. The alliance between state and market principles, and between the nation and the economy, relegates the promise of an international community — conceived of in lay terms as the superimposition of horizontal citizen relationships onto hierarchical inter-state relations — to the status of the "unrealistic" and the "utopian" and, therefore, the marginal. The restrictedly national character of the processes involved in constructing the Welfare State constitutes a consolidation, on a social level, of the dynamics of the international political fragmentation that began in Westphalia. International solidarity, barely tested as the embryo of an alternative to this dynamic, eventually converged on itself and was made redundant.

2.
HEGEMONIC GLOBALISATION AND GLOBAL GOVERNANCE

This weighty legacy of the national segmentation of older social movements and its implications in terms of national agreements between capital and labour has been converted into a key element in the social model for global capitalism.

However, in this new context, the articulation between state and market principles, whilst maintained as the matrix for structuring the social and political model, has been transposed to a new scale, that of the global economy. Nowadays, in contrast to what was witnessed within the framework of liberal capitalism and organised capitalism, the argument of comparative advantages, the assumed backdrop for the classic presuppositions of economic and political nationalism, has lost its power to describe reality. It no longer makes sense to think in terms of national combinations of capital and labour competing on the international market with other national combinations. Global capitalist concerns, competing amongst themselves for resources, markets and labour in every country, have arisen to take their place (Daly, 1999). As a result, the central argument of comparative advantages has been replaced by that of absolute advantages, which defines the current framework for *oligopolistic competition*, that is, a limited set of large companies with transnational capital who, by backing interconnected investments and institutional regeneration (transnational and trans-sectoral mergers and take-overs, the formation of groups and conglomerates or the setting up of joint ventures), eventually confront each other in multiple sectors of the world market.

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In spite of this, however, there is a deep change of reference in the global political economy and it is here that a reconfiguration is taking place — both in scale and intensity — in the hegemonic articulation between state and market principles. This new hegemonic articulation rests on two complementary statements. The first is the inevitable reduction and de-politicisation of the national state. The second is the need to compensate swiftly for this weakness at a supernational or global level.

2.1 The reorientation of the State

The steering of the globalisation of markets according to a neo-liberal logic has determined an evident weakening — although, obviously, this differs according to the position each state occupies within the hierarchy of the world system — of states in terms of their role as guarantors of the social contract and their inherent policies of inclusion. Globalisation thus driven gives total priority to the complementary relationship between the autonomy of markets and the "facilitator states" (Falk, 1999: 1), orientated by liberalisation, privatisation, deregulation of the economy, reductions in spending on public benefits and in responsibilities for social welfare, full mobility of capital and the subjection of the labour market both to strict international controls and complete national flexibility.

It is not, however, purely and simply a question of deflating the state as a regulatory structure. The submission of states to the discipline of global capital creates selective institutional overthrow, based on a questioning of the state's legitimate role in governing the economy. This selective overthrow, does not so much signify a withdrawal of the state as a deliberate redirecting of its priorities towards regulating its own deregulation.

Just as the realist construction theoretically legitimises state-centrism and aggressive segmentation, so the reconfiguration of the state within the context of predatory globalisation also appears legitimised by a new type of theoretical canon, also assimilated as common sense, which Held (1999: 3) calls hyperglobalist thinking — whereby globalisation will constitute a completely new phase in which "nation-states became non-natural or even impossible economic units" (Ohmae, 1995: 5) — and in reference to which Boaventura de Sousa Santos refers to the "Washington consensus", placing the emphasis on the distinction it draws between the desirable vitality of civil society and the weakness and minimalism of the state.

The neo-liberal concept of global governance complements this selective overthrow. In itself, the concept of global governance is devoid of all political orientation. The Commission on Global Governance refers to it as constituting "the sum of the many individuals and institutions, public and private, manage their common affairs", not only involving intergovernmental relations but "as also involving non-governmental organisations (NGO's), citizens' movements, multinational corporations, and the global capital market" (1995: 2-3). This same surpassing of formal levels of analysis of governance is emphasised by James Rosenau (1998: 29): "global governance does not refer only to the formal institutions and organisations through which the management of international affairs is or is not

sustained", but includes any "systems of rule at all levels of human activity — from the family to the international organisation — in which the pursuit of goals through the exercise of control has transnational repercussions". Vaÿrynen also defines global governance as referring to "collective actions to establish international institutions and norms to cope with the causes and consequences of adverse supranational, transnational, or national problems" (1999: 25). Awareness, whether of the increasing gap between the intensifying demand for policies to deal with global problems and the ability of states and traditional intergovernmental organisations to supply them, or of the corresponding assumption of functions for formulating global policies by unofficial entities (Mingst, 1999: 92) has led contemporary literature to differentiate between government and governance. Finkelstein, for example, notes that "global governance is governing without sovereign authority, relationships that transcend national frontiers. Global governance is doing internationally what governments do at home" (1995: 369). We owe to James Rosenau the most conclusive definition of "governance without government": government means activities supported by formal authorities, by the political power [...] whereas governance means activities supported by shared values that may result from formal — legal duties and that do not inevitably demand the support of the political power to overcome obstacles and enhance their accomplishment (1992: 4). Rosenau does not fail to note, however, that the rising importance of governance without government bears witness to "a new form of anarchy [...] one that involves not only the absence of a highest authority, but that also encompasses such an extensive disaggregation of authority as to allow for much greater flexibility, innovation and experimentation in the development and application of new control mechanisms" (1998: 32).

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The political neutrality of this concept of global governance and its distancing of itself from the traditional concept of government has been used to support a representation of global governance suited to minimising regulatory obstacles to neo-liberal globalisation. This political sterilisation of the horizons of global governance rests on two main rhetorical strategies. The first consists of obscuring the institutional defects of the international system by emphasising the new role played by "network governance", based on partnerships between the public sector, the private sector and the "third sector" (Risse, 1999: 94). The second strategy consists of indiscriminately presenting non-governmental or "third sector" actors as supporters of the dynamics of global governance, whilst ignoring the latter's own clear relationship with the exercise of power on a world scale (whether in traditional terms or under the more current guise of soft power).

2.2 Institutional disinvestment in neo-liberal global governance
The affirmation of international networks between governments, international organisations, private individuals and transnational non-governmental organisations as mechanisms of global governance is undoubtedly a phenomenon of primary importance in the institutional mapping of globalisation. We shall return to this at the end of this chapter. However, the flexibility associated with the broadness and dispersal of governance without government has also come to be used as an argument for delegitimising the processes of the international multilateral construction of institutions.

In other words, the hegemony of the neo-liberal presuppositions steering globalisation threatens the "old" opposition between Westphalia and the Charter of the United Nations as inspirational focuses for the two "models" of international order. This opposition, elaborated by authors such as Antonio Cassese or Richard Falk, is summed up by Danilo Zolo as the contrast between four paradigmatic characteristics:

> a) the exclusivity of states as subjects of International Law under the Westphalian model versus the widening of the active international legal profile to include international organisations, peoples and even individuals under the United Nations model;
>
> b) the lack of binding international "legislation" under the Westphalian model *versus* the recognition of imperative norms under the United Nations model;
>
> c) the lack of political powers and sanctions under the Westphalian model *versus* the definition of international crimes as a public affair under the United Nations model;
>
> d) the discretionary liberty to resort to force and war under the Westphalian model versus the centralisation of punitive powers within the UN under the United Nations model (1997: 94-96).

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It is therefore a question of a construction which emphasises institutional weight and "global constitutionalism" as the desirable formal accompaniments to globalisation.

In a completely different way, the institutional and constitutional scenario of neo-liberal globalisation promotes institutional disinvestment (evident in the profound crisis in intergovernmental political organisations under the United Nations system) and conformity to universal deregulation regimes (of which the lethargic multilateral agreement on investments is a prime example). On all levels

— political, environmental, economic — the "move to institutions" as supports for global governance in its regulatory sense has been substituted by the establishment of transnational normative mechanisms to promote efficiency, stability and growth, as worthy pillars of neo-liberal global governance.

The debate surrounding the "right to humanitarian intervention" is symptomatic of this tendency to subordinate the institutional. It relates, apparently, to nothing less than the demand for a coherent sequence for the transforming impact of human rights as the grammar of universal convenience. The cast-iron principle of non-interference in the internal affairs of States, the touchstone of traditional International Law under the state-centred system, is replaced in the contemporary post-Westphalian order by the right — if not the actual legal duty — to intervene with force to oblige other States to implement basic human rights.

It is unarguable that humanitarianism corresponds to a genuine moral impulse which has defined International Humanitarian Law since the philanthropic dream of Henri Dunant: the freedom to go to the aid of victims. Perhaps François Mitterand summed up better than anyone else the unsustainability of the traditional demand for the consent of the territorial state before disaster relief can be provided: "no state owns the suffering it produces or hosts"… It was in this spirit that the dynamics of the right/duty to intervene were developed and crystallised at the International Conference on Humanitarian Law and Morals, organised in Paris in 1987 by Bernard Kouchner and Mario Bettatti.

Nevertheless what is at stake is much more than a purely legal and ethical perspective. Whatever the post-Westphalian international order may be, it cannot ignore the persistence of some of the mainstays of the Westphalian order. For a start, there is the unequal distribution of power to consider. And, within this context it is fitting to ask what is actually new in the discourse on humanitarian intervention. As did Richard Falk (1998: 87): "are we dealing mainly with a change in discursive reality such that what has mainly changed is language, not behaviour, with major states still retaining on a behavioural level a discretionary option to use force?"

By being presented as the only solution to a lack of action, either by closed sovereign states or by multilateral institutions, the intended unilateral right to humanitarian intervention appears as a clear expression of institutional disinvestment, characteristic of a neo-liberal understanding of global governance. We are therefore facing a false alternative. The true choice in this area is, as Olivier Corten recalls, (1993: 185), "between a 'new international humanitarian order' formalised and regulated by the United Nations, and the 'right to intervene', which may be exercised freely and unilaterally by the most powerful states and whose im-

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plementation gives rise to the danger of the emergence of a new world order expressed as a *pax americana"*.

2.3 The third sector: between solidary internationalism and hegemonic globalisation

The emergence of expressions of transnational civil society in global governance has become evident on three levels. Firstly, there has been the establishment of an agenda of global priorities which governments and intergovernmental organisations have been forced to react to. The actions of humanitarian movements "without frontiers " demanding consecration of the right/duty to intervene on humanitarian grounds, or the pressure of the NGO environmentalists for the establishment of an enforceable international ruling on climate change are two major expressions of this. Secondly, the action of transnational NGOs has been channelled into the drawing up of international treaties — the influence of the International Campaign to Ban Landmines (ICBL) can been seen in the contents of the Ottawa Treaty on the banning of anti-personnel landmines. Finally, the NGOs, by virtue of their knowledge and information gained from experience in the field, are seen as control mechanisms for the implementation of conventional transnational regimes, such as, for example, the successes of Amnesty International or the Human Rights Watch in the realm of human rights (Risse, 1999: 93).

Although the presence of this transnational civil society at the heart of global governance may well be seen as a sign (or, at the same time, a test) of the resurgence of the community principle within a regulatory space which until now had been hegemonised by state and market principles, nevertheless it does not automatically signify an unequivocal rise in democratic and anti-hegemonic principles in relation to the traditional forms of interstate governance (Risse, 1999: 95). The so-called non-governmental world is profoundly heterogeneous and cannot compromise itself with generalised affirmations of participation in this world as a whole, in a compassionate remoulding of internationalism.

This need for a differentiated perception of the third sector must, in my understanding, submit to two basic considerations. Firstly, attention should be paid to what Boaventura de Sousa Santos describes as a conflict between the higher and lower responsibilities of non-governmental organisations (1999: 30). This is a question of the tension between consideration of the demands of the financiers and attention to the expectations of the recipients of NGO actions. The solutions which, in each case, are arrived at through this tension, and the political content of the agenda determined by the supremacy of one or other of the themes, makes con-

crete action waver between international solidarity and a service which affirms hegemonic interests. Secondly, there is the intensely democratic quality of the operations of the actual NGOs. As Thomas Risse emphasises, (1999: 96), the test of this democracy lies in an appraisal of the inclusive or excluding nature of its actions and in the openness/public nature of its internal and external operations (namely through an evaluation of its performance in terms of efficient results).

3.
A NEW INTERNATIONALISM FOR A NEW GLOBAL SOCIAL MODEL

The Westphalian legacy did not bequeath us any determined institutional model, only open horizons. With the loss of absolute and exclusive state-centredness, our post-Westphalian era is as much one of experimentation with uncontrolled hegemony as one of opportunity for a new form of regulatory culture.

The political and institutional content of global governance is, therefore, not a given but more of an object of dispute. And it is precisely within this that the fundamental importance of the reconstruction of international solidarity lies. Society and the state are both intermingled in the ideological traditions of the modern world system — whether liberal or Marxist — with both pointing towards an integral equivalence between international and inter-state relations (Pureza, 1999). The reconstruction of international solidarity starts off by overcoming this subordination to the interstate world. It intervenes on two complementary levels. One is based on the old social movements whose meaning may be summed up by the wordplay employed by Peter Waterman: "from an international of the imagination to the imagination of a new international" (1998: 42). The other breaks with territorialist logic and defines itself as a regulatory and institutional discourse based on a newly conceived community, to which the expression internationalism (inter-nationalism) itself can no longer be applied with any rigour.

3.1 New paths for old social movements

Within the framework of a global economy, two strategic options are open to the transformatory intervention of the trade union movement: it either remains tied to national social pacts, collaborating on the strategy of conditioning the model for social protection through the competitive capabilities of the national economies, or it can reconstitute itself as a social movement fighting against the logic of the internationalisation of capital. This search for a genuine alternative presupposes an ample set of ruptures, defined by Bourdieu (1999) in the following sequence: "a break with the specifically national features of union traditions", "a break with consensus

thinking, which tends to discredit critical thinking and action and value social consensus", "a break with economic fatalism", "a break with a neo-liberalism skilled in presenting the inflexible demands of leonine labour contracts under the guise of 'flexibility'", a break, in fact, with "social-liberalism".

Through these ruptures it is possible to glimpse the building of a union movement which, once again, finds its own strategy in international solidarity. So far there have been two transformations which reveal themselves as signs of this innovative reencounter. Firstly, the focusing of union struggles on the rising instability resulting from "flexploitation" (Bourdieu, 1999). Secondly, there is the conversion of the union movement to the protection of immigrant workers and to the joint struggle by immigrants and nations against the economic arguments determining emigration. The response to these two causes, and to others inherent in global capitalism, presupposes a deepening of union practices only incipiently rehearsed in our time: the institutionalisation of international union negotiations, the establishment of transnational rules for the co-ordination of wages and employment conditions, the strengthening of company committees or workers' commissions in global company networks (commonly known as multinationals), the demand for the regulation of policies on the contracting of immigrants. These stand as a set of indicators for a swing towards cosmopolitanism in the union movement.

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The dominance of state-centred territorialism over the transnational practice of solidarity campaigns leads us to believe, however, that these transformations, when verified, will have a fatally limited importance. Although they may develop a regulatory presence within the community principle, this will not be enough to dislodge the combination of state and market principles from their preeminent position and to radically reconfigure the dominant social model.

An effective means of overcoming this impasse could only take place through a complete break with two of the vices which have been inherited from the past. The first of these is the closed territorialist nature of the Westphalian political culture. The second is its opposite, a certain post-Westphalian belief in an infinitely open space and in a real, rather than symbolic, world community. If the former is evidently redundant, the latter eventually leads back to a modern presumption — on which liberalism and Marxism are agreed — that ethnicity and nationalism are archaisms which the precipitate force of modernity will end up by destroying. I do not believe that either of these scenarios will accommodate itself to a reconfiguration of international solidarity appropriate for this age of globalisation. On the one hand, contrary to what early Marxism had suggested, cosmopolitan international solidarity does not aim to subordinate local identities (let alone nation-

al ones) to a strictly class-based identity. On the other hand, contrary to what the ruling liberalism proclaims, the state (and the fragmented identities on which it is based) continues to be a desirable and useful mechanism. What this new era brings, which is more fertile, is precisely the opportunity for diverse experimentation with a new combination of factors arising from an effective break with territorialist and state-centred culture and a significant renewal of the roles of the crucial actors in this same culture: the nation states.

As Boaventura de Sousa Santos suggests, the potential for this rupture reaches us fundamentally out of the concrete reality of cosmopolitanism and the common legacy of humanity as constructions of solidarity, and therefore as alternatives to hegemonic modes of globalisation.

3.2 Cosmopolitanism and the citizen pilgrim

Possibly no one has summed up the specific nature of cosmopolitanism as an anti-hegemonic form of internationalism better than Richard Falk. Referring to the destructuring impact of globalism on traditional concepts of citizenship and community, Falk (1995: 95; 1999: 153) takes as his starting point the ambivalence of the weakening territorial links between individuals and the state which this creates. In effect, this diminishing of old loyalties is the basis of both chauvinistic expressions of resistance to globalisation and alternative formulae for envisaging the universe as an estate which places multiple identities at the heart of a global civil society based on the ethos of cosmopolitan democracy. It is within this context that Falk suggests the image of the citizen pilgrim, in which there is a synthesis of an imagined human community based on values of non-violence, social justice, ecological balance and participatory democracy. The metaphor of the citizen pilgrim creates a distinction between the new cosmopolitan solidarity and the old bourgeois cosmopolitanism from the end of the century. In effect, the concept of the citizen pilgrim unites both aspects of the cosmopolitan reconfiguration of international solidarity: on the one hand, it is an exercise in citizenship defined by the pre-eminence of the principle of compassionate responsibility (with echoes of Jonas and Lévinas) over the principle of individual autonomy; on the other hand it involves a uniformly caring treatment of the pilgrim by the powers under which he is temporarily sheltered. The issue of the citizen pilgrim places a care ethic (the stewardship ethic) at the centre of the cosmopolitan international solidarity agenda by giving international priority to human rights (with special emphasis on refugees and "illegal" immigrants), biodiversity and a compassionate solution to the external debt crisis.

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3.3 The common heritage of humanity and the militant State

A post-Westphalian reconfiguration of international solidarity cannot be confused with a hasty ostracism of the state. Can the state be a genuinely compassionate actor in global society? This is the question put by Mariano Aguirre (1998):

> For a long time solidarity movements avoided the role of the State. When it was just a question of charity, it was enough to channel individual goodwill through the Church. When it was a question of political deals for revolutionary causes, it was enough to establish open or secret relations with those who were carrying out the revolt or who supported it from afar [...] But now solidarity means sustainable economic development; it means denouncing war crimes and demanding the establishment of international tribunals: it means organising diverse individuals into action in a few days in a war zone in which hundreds of thousands of people are dying. [...] None of these tasks can be undertaken without the State.

Within the framework of the compassionate reconstruction of the social contract on a global scale it is, in my understanding, legitimate to consider the emergence of the "citizen pilgrim" and the "militant state ". Boaventura de Sousa Santos emphasises that one of the most decisive moments of this reconfiguration is the transformation of the national state into a "the newest social movement". For him, this transformation involves the emergence of "a new form of political organisation wider than the state, which the state articulates and which integrates a hybrid combination of movements, networks and organisations in which state and non-state, national and global elements combine and intermingle" (1998: 42). It is thus a matter of matter of providing content and an alternative meaning to the neo-liberal repositioning of the state analysed in 2.1. I suggest that this be consolidated along two basic lines: anti-hegemonic partnerships with transnational NGOs and the anti-hegemonic practices of good governance.

Considering the state as the latest social movement, far from signifying its uniform reduction, makes it the privileged object of the struggle of democratic political forces for its transformation into an element of the non-state public arena (1998: 43). This is the exact and primary meaning of the term "militant state": the transformation of the classic Westphalian matrix of state sovereignty serving external political channels into the champion of vital causes in global civil society which, due to their political content, also involves an anti-hegemonic perspective on globalism. Dialogue between transnational NGOs and states to promote inter-

national causes is nothing new: in the realm of the international protection of human rights or the balance of the global environment, or even in the building of generic international regimes, classic expressions of this dialogue can be found. But the experience of the militant state gives a new shape to this reality, above all because of its increased intensity: what is at issue now is the establishment of partnerships between some states without geopolitical ambitions and transnational coalitions of non-governmental organisations, in which the former take on the role of international facilitators for the anti-hegemonic aspirations formulated by the NGOs, assuming them as their own. And to a certain extent it is this new aspect which underlies the design of the "post-modern compassionate State" (the post-modern sequel to modern compassionate states) proposed by Richard Falk: "post-modern compassionate states would align themselves with progressive social forces in various specific settings and refuse to endorse the discipline of global capital if the results were to produce social, environmental and spiritual harm" (1999: 6).

Canada's association with the transnational non-governmental movement to ban anti-personnel landmines and Portugal's leadership in directing the proposals of the Independent World Commission for the Oceans towards the major intergovernmental forums are two examples amongst many others of how the new international solidarity finds, in the militant state, a new protagonist.

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The so-called "Ottawa process" (Lawson, 1998), which led to the signing of the 1997 treaty on the banning of anti-personnel landmines, came about through intense dialogue between NGO coalitions and some governments, led by Canada. The Canadian government responded initially to an internal campaign brought to a head by organisations such as Mine Action Canada (MAC) and thus became the first of the G7 countries to declare a unilateral moratorium on the production, use, stockpiling and trade in anti-personnel landmines, following the initiative of Belgium, Norway and Austria. The subsequent international swing, arising from a domestic stance, was formalised at the Ottawa Conference in 1996, prepared and led by the Canadian authorities in conjunction with the ICBL, in which 74 States participated, (50 of whom favoured a total ban). As a result of this conference, the Canadian challenge was issued for all countries to sign a prohibition treaty by the end of 1997 and, in addition, a Declaration and Agenda for Action constituted the basis of negotiations adopted either by the Canadian government or by the NGOs used to commit other governments to the process. The two conferences which followed (Brussels and Oslo) did nothing more than to use these two texts to compose the Ottawa Treaty, which was ready to receive signatures by December 1997.

The presence of Portugal in leading an international regime for the

protection of the oceans represents another illustration of this early acceptance of the militant State. As I have analysed elsewhere, Portugal's foreign policy on the international regulation of the oceans is characterised by a model of passive alignment with the main powers. This became obvious in the development of the Portuguese position at the United Nations Convention on the Law of the Sea (CNUDM) negotiations: from an initial position of close support for proposals to make the ocean depths common property, inspired by the philosophy of the New International Economic Order, Portugal rapidly moved towards adopting the agreed positions of the member countries of the European Community against such a position, formalised in the agreement relating to the application of Part XI which entirely rejected the initial communal formula of the CNUDM (Pureza, 1998: 239). This pattern of passive alignment changed sharply from 1995 onwards, due to an important set of initiatives for ocean diplomacy, centering around the activities of the Independent World Commission for the Oceans (CMIO). This resulted in the UN declaration that 1998 should be the International Year of the Oceans, focusing on the related work of the VII Session of the United Nations Commission on Sustainable Development (April 1999) on "oceans and seas" and, in relation to this, the adoption of a common European Union position under clear and declared Portuguese leadership. In this context, Portugal not only voiced NGO and specialist community proposals, but eventually became, itself, the prime target for their pressure, by becoming morally and politically obliged to conclude long drawn-out process of ratifying the Convention on the Law of the Sea through the powers legitimately conferred on it as a result of its aforementioned initiatives.

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The second meaning of the term militant state arises from the transformatory impact brought about by the principle of the common legacy of humanity within international relations. The dynamics opened up by the intervention of the Maltese ambassador, Arvid Pardo, in the United Nations in 1967, led to calls for (or even the formal adoption of) international regimes for some communal natural resources (such as the ocean depths, the moon or certain cultural and environmental assets), based on an undifferentiated trans-spatial and trans-temporal concept of humanity (Pureza, 1998). The principle of intra-generational solidarity, with a form of positive discrimination in favour of the poorest nations in terms of access to the communal legacy and to the benefits of its economic utilisation, was extended into the principle of inter-generational solidarity, with a demand for careful management in order to safeguard the rights and opportunities of future generations.

Converging, therefore, on this nucleus of defining criteria, these legal affirmations of a regime for the common heritage of humanity reveal a trajectory in

which two distinct phases can be detected, in relation to the contrast with the dominant territorialist logic. They are the *two ages of the common heritage of humanity.*

The first age covers affirmations of the regime relating to communal spaces — such as outer space or the ocean depths — which had never before been the object of territorial ambitions. In these cases, the contesting of the territory in question took place *outside* the area itself. Defined as islands in the ocean of sovereign territories, the spaces which were classified as forming part of the common heritage of humanity were no more than the spatially reduced remainder of increased appropriation and therefore affirmed the *opposite* of the territorial matrix within the international system. The discrepancy between the initial Malta projects, which aimed to classify all maritime space as the common heritage of humanity, and the importance given to space in Part XI of the United Nations Convention on the Law of the Sea is something which clearly supports this view.

The situations which I classify under the second age of the common heritage of humanity are defined by the application of this regime to assets and resources — such as the cultural or environmental assets classified as part of the world heritage by UNESCO — and are located within the spatial jurisdiction of states. In this context, the territorial matrix is obviously abandoned. The principle of the common heritage of humanity in these cases acts within the stronghold of state territorial sovereignty and its significance lies precisely in the profound alteration this brings to the logic of the exercise of state sovereignty. It is, obviously, not a question of creating an independent heritage, owned by the international community and based on assets that have been removed from the jurisdiction of the States. What operates is more of a profound transformation in the way in which States act in relation to these assets and resources. Territorialist logic gives way to management of these spaces and assets governed by the notion of social and ecological function — the social and ecological function of sovereignty, the planetary extension of the social and ecological function of property — in direct reference to the trans-temporal and trans-spatial nature of humanity. This therefore means that in this "second age", the regime of the common heritage of humanity materialises as the transformation of dominion sovereignty into service sovereignty.

Thus there is a second facet assumed by the state as the newest social movement in international solidarity: its availability, within a framework of "common but different responsibilities" (to use the terminology of the 1992 Declaration of Rio) as an agent of a *correct form* of good governance of assets and spaces which are the communal concerns of humanity, that is, in accordance with preservational ecological criteria and the international distribution of justice.

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REFERENCES

Aguirre, M. (1998), "La globalización y la solidaridad", *La factoría*, 6

Bourdieu, P. (1999), "Por um movimento social europeu", *Le Monde Diplomatique* (Portuguese edition), 1(3), June

Carr, E.H. (1946), *The Twenty Years' Crisis*. London: MacMillan

Commission on Global Governance (1995), *Our Global Neighbourhood*. Oxford: Oxford University Press

Corten, O. (1993), "Nouvel ordre humanitaire ou droit d'ingérence?", in *À la recherche du nouvel ordre mondial. Le droit international à l'épreuve*. Paris: Éditions Complexe

Daly, H. (1999), "Globalization versus Internationalization: Some Implications", in *Global Policy Forum* (http://www.globalpolicy.org/index.htm)

Falk, R. (1995), *On Humane Governance. Toward a New Global Politics*. University Park: The Pennsylvania State University Press

Falk, R. (1998), *Law in an Emerging Gobal Village. A Post–Westphalian Perspective*. Ardsley: Transnational Publishers

Falk, R. (1999), *Predatory Globalization. A Critique*. Cambridge: Polity Press

Finkelstein, M. (1995), "What is Global Governance?", *Global Governance*, 1 (3), 367-372

Held, D. et al. (1999), *Global Transformations*. Stanford: Stanford University Press

Hyman, R. (1999), "Imagined Solidarities: Can Trade Unions Resist Globalization?", in *The global Solidarity Site. Analysis, Theory and Strategy* (http://www.antenna.nl/~waterman/)

Lawson, R. (1998), "The Ottawa Process and the International Movement to Ban Anti-Personal Mines", in M. Cameron *et al.* (eds.), *To Walk Without Fear. The Global Movement to Ban Land Mines.* Toronto: Oxford University Press

Linklater, A. (1998), *The Transformation of Political Community*. Columbia: University of South Carolina Press

Mingst, K. (1999), "Global Governance: The American Perspective", in R. Vayrynen (ed.) *Globalization and Global Governance*. London/Boulder/NewYork/Oxford: Rowman & Littlefield Publishers

Mittelman, J. (1996), *Globalization. Critical Reflections.* Boulder: Lynne Rienner

Ohmae, K. (1995), *The End of the Nation State.* New York: Free Press

Pureza, J.M. (1998), *O património comum da humanidade. Rumo a um Direito Internacional da solidariedade?*. Porto: Afrontamento

Pureza, J.M. (1999), "O príncipe e o pobre. O estudo das relações internacionais entre a tradição e a reinvenção", *Revista Crítica de Ciências Sociais*, 52/53, 363-376

Risse, T. (1999), "Democratic Global Governance in the 21st Century", in *Progressive Governance for the XXI Century*. Florence (Conference Proceedings, 20th-21st November 1999)

Rosenau, J. (1992), *Governance without Government: Governance, Order and Change in World Politics*. Cambridge: Cambridge University Press

Rosenau, J. (1998), "Governance in a Globalizing World", in D. Archibugi et al. (org.), *Re-imagining Political Community. Studies in Cosmopolitan Democracy*. Cambridge: Polity Press

Santos, B. S. (1995), *Toward a New Common Sense. Law, Science and Politics in the Paradigmatic Transition*. New York/London: Routledge

Santos, B. S. (1998), "Reinventar a democracia: Entre o pré-contratualismo e o pós-contratualismo", *Oficinas do CES*, 107

Santos, B. S. (1999), "A reinvenção solidária e participativa do Estado", *Oficinas do CES*, 134

Starr, H. (1995), "International Law and International Order", in C. Kegley Jr. (ed.), *Controversies in International Relations Theory*. New York: St. Martin's Press

Vayrynen, R. (1999), "Norms, Compliance and Enforcement", in R. Vayrynen (org.), *Globalization and Global Governance*. London/Boulder//New York/Oxford: Rowman & Littlefield Publishers

Waterman, P. (1998), *Globalization, Social Movements and the New Internationalisms*. London: Mansell

Waterman, P. (1999), "The Fires of Capitalism and the Phoenix of Internationalism", in *The global solidarity site. Analysis, theory and strategy* (http://www.antenna.nl/~waterman/)

Zolo, D. (1997), *Cosmopolis. Prospects for World Government*. Cambridge: Polity Press