

FORUM PAPERS

for

Real Nations Charter

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List of Papers

Human Scale Governance <i>by William Shepherd</i>	2500 words	9/1990
The League of Real Nations <i>by Dr. Aidan Rankin</i>	1500 words	7/1999
Towards a Real Nations Charter <i>by John Papworth</i>	1000 words	1/2000
The Philadelphia Convention <i>by Larry Siedentop</i>	900 words	6/2000
The Simultaneous Policy <i>by John Bunzl</i>	3000 words	7/2000
Montesquieu & Tocqueville <i>by Larry Siedentop</i>	4400 words	8/2000
Function & Structure of the League of Real Nations <i>by Dr. Aidan Rankin</i>	600 words	8/2000

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Human Scale Governance by William Shepherd

Introduction

Any form of political or economic power, which is not controlled by those affected by it, is a threat to peace, or to freedom, or to both. The questions that need to be asked centres on control: who appoints whom; who decides policy; who settles the budgets; who checks the books; who controls those who make the decisions?

Very few people have any real control over their own national (or even local) government, and such lack of control tends to surface in every kind of political abuse, from exploitation and corruption to mass misery and war.

Most theories of government seek to address the problem of power. Alexis de Touqueville believed the principle of the division of powers had solved the problem in North America in the 18th century. Others like Thoreau and Kropotkin, arguing in the anarchist tradition, believed that only the absence of government could square this particular vicious circle.

However John Papworth's first and second law of political dynamics suggest that no solution to the problem of power is possible without an understanding of the impact of scale. His first law makes the relationship explicit by stating that as a political unit increases in numbers, the capacity of the individual citizen to control its workings declines.

His second law defines the limits to growth in terms of morality and community by defining a community as a political unit of such modest dimensions that the personal relationships of the members, and how those relationships become expressed in terms of morals and values, can take precedence over every other force.

Any new form of internationalism will only be capable of reflecting our needs if it is responsive to citizen control. This means grappling with the problems of scale, community, power and morality.

As a community increases in size and becomes a mass society, two things start to happen. Firstly the 200-year perspective of a community...from the birth of its oldest residence a hundred years ago to the death of its newest member a century hence...begins to contract until both the future and the past lose all value. Secondly the flow of power shifts direction with money instead of morality holding sway over society. Societal inversion begins to manifest itself in many different ways

This essay on human scale governance explores the idea of a new form of internationalism grounded in a bioregional vision and argues that this might provide the means to square the circle and deliver both peace and freedom to an increasing number of people on the planet.

Planets & Populations

The Ancient Greeks saw man as the measure of all things. But how do we apply the small measure of man to the vastness of our planet? And how do we bring the multitude of our earth's huddled masses into our human scale calculus? These are strange new questions for mankind. How do we approach them?

When engineers are confronted by a problem of this nature they do what they call a back-of-the-envelope calculation. Normally they like to do two of them, coming at the problem from two different directions. They feel pleased with themselves when both calculations point to a similar order of magnitude.

Cosmologists do this too. This is how they know there must be rather a lot of cold white dwarfs out there in the vastness of space. But we will stick with the engineers. They are smart enough to add margins of safety as sacrifices to the gods...and against their own ignorance. Wonder and mystery guide their every step. So don't concern yourself with definitions. This is a scaling exercise. We start with the family and end up by giving them the earth.

Tribes & Nations

A tribe is a collection of clans speaking a common language, worshipping the same gods...probably because they share a common ancestry...and being in some form of broad general agreement among themselves about where their ancestors dwelt and where their posterity are likely to dwell.

They have much to say to outsiders about these gods of theirs and we would find them singing from very similar hymn sheets whenever we investigated their myths, their songs and their sacred places. But it is not my intention to deliver an anthropological thesis so we will leave it there.

There are twenty persons in an extended family and perhaps one hundred extended families in a clan...although directly you start to think this way you are starting down a road laid out by our bureaucrats and usurocrats. Rather than turn people into masses we will leave it like that.

Our economic atlases and our 'Economist' yearbooks tend to converge on a figure of around five thousand million as the number of this planet's masses to be clothed and caloric. We have nothing better at hand so we will make use of this figure too. Our parameters are now set.

Our task now is to find some social structures that are intermediate between the modest hundreds of the clan and the planet's teeming millions. If each of these tribes were to be a collection of clans, then a good criterion to adopt would be Aristotle's maxim for the right size of a crowd. This would ensure sufficient intermingling of clans for the purposes of marriage and procreation. With a figure for the size of a crowd of a few hundred or so we find ourselves with a figure of between half a million and a million for our theoretical tribe. At this size clan representatives can gather together and know each other almost personally while still being able to hear what is being said from the back of the crowd without microphones or megaphones.

From the view of structural sociology, a nation is a loose-knit confederation of tribes. There are sound reasons for worrying about any nation that grows above a few million souls, so there are limits to the number of tribes that should be nationised. A dozen is good. Two dozen is slightly alarming. Any League of Real Nations would be wise to tell its applicants to breakdown their nation into its constituent tribal parts if their population is above five million or so on application.

For scaling purposes this is as far as we need to go. We have ourselves our first tribal gatherings and we have a League of Nations. We want everybody on earth represented but we are also seeking to keep our assembly within a certain human scale size range. Have we squared the circle? If you do the arithmetic you will find that we are close...but not close enough. We have three hundred and fifty delegates within our walled garden...but there are an equal number left outside the gates. In other words, tribes plus nations into earth won't go. So we need a further scale-down factor if we are to give ourselves room for the world's expanding population.

One Earth & Seven Seas

Our Elizabethan seafarers used to think in terms of the seven seas. One of them eventually turned out to be an ocean basin, which we refer to as the North Atlantic Ocean. Were a tribal gathering to be called from the North Atlantic Ocean, as one of seven tribal gatherings on the planet, our numbers would work out very nicely. So let us turn our thought experiment around, start with the idea of a Planetary Bioregional Assembly and see where this might lead us.

What is the nature of this beast? It is a confederation of nations, which are each confederations of tribes, which are confederations of clans, which are confederations of families. As a dweller in the North Atlantic Ocean Bioregion, you may act as a democratic representative for your family at your Clan Gathering; for your clan at your Tribal Gathering, for your tribe at your National Gathering, or for your nation at your Planetary Bioregional Gathering. That is the scale of things for a few decades.

Going beyond that takes us into the population question. This we address by arguing that a curb on population growth would be the consequence of a shift to human scale governance rather than a prerequisite for it because the forces generating geometric growth in population would disappear. As a result there would be no problem to solve and no need to put ourselves in the position of playing God and devising population policy.

As an aside I would also add that what the people of Calais or Dover might do to keep their population within the carrying capacity of their bailiwicks would, in any event, be different to what would be decided by the crofters of Rathlin Island or the tin miners of Tintagel.

People & Subsidiarity

Having completed our scaling and established the feasibility of a cascade principle for our gatherings and deliberatings based on the family, the clan, the tribe, the nation and the planetary bioregion we must promptly pay our respects to the principle of subsidiarity.

This principle means that the planetary bioregional assembly will be obliged to keep out of matters that can be dealt with by the national assemblies. And that they in turn will be expected to keep their itchy fingers in their pockets and mind their own business regarding matters that can be sorted out by the higher level...higher equals closer to the people...of the tribal assemblies.

And as for family business like pensions and charity, work and play, clans ought not to be meddling in such matters but should be using their clan assemblies to make sure that the tribal assemblies keep out of their patch.

That is the principle, in principle. But never underestimate the difficulty inherent in the task of applying the general principle to a particular time and place, which is why you need to do it through people and not through policies and procedures as the bureaucrats would do.

Kingship & Peacecraft

But what are tribes and nations for? There are four main fields of human activity: kingship, peaceship, culture and divinity. These require different forms of administration and no society has existed or endured without them. Kingship and peaceship are the traditional administrative domains of princes while culture and divinity have always been the concern of poets, bards and troubadours in societies where the princes, allied with the little people in their communities, have out-manoeuvred the priests and the lawyers. Subsidiarity is the principle of course but applied to what? It is time to start defining some of our terms.

Kingship is the temporal function of collecting, creating and distributing goods, including slaves, within the society. First of all food, then tools, then luxury goods and finally services, each with its own economics. One of our modern heresies is to seek to apply one set of economic premises to these four different economic systems. Another is to confuse kingship with peacecraft and to exaggerate their administrative importance relative to culture and divinity.

Peacecraft is concerned with the relationship of the society with other neighbouring societies. Depending on circumstances, such as physical proximity, shared ideas of conduct or the personalities of the governors; these will vary from mutual hospitality and friendship to open war.

The peacecraft function is where warriors, diplomats and several species of international traders will be found. Diplomacy is war by other means. Foreign trade invariably involves war and diplomacy as complementary means often with different enemies. Modern war societies adopt such euphemisms as defence, commerce and foreign affairs for peacecraft.

Culture & Divinity

Culture concerns itself with the relationship of the collective to the individual, many aspects of both being intertwined with the individual unconscious and the society's collective unconscious. The collective will is traditionally reinforced through instilling a conscious awareness of a shared past handed down in folk tales, poems and history. Invariably this is given actuality by the establishing of rules and codes of conduct and enshrining these in manners, custom and law.

The poet and the legislator often find themselves seeking similar ends but approaching them with two opposing views on the nature of man. The poet appeals to the highest virtues and to the divine in man. The lawyer seeks to circumscribe man's 'baser nature' by prohibiting and punishing his deadlier sins. In mass societies, the media constitutes an independent third party, in conflict with poets and legislators on both means and ends, while indifferent to the fate of both the individual and the society.

When custom is no longer created or modulated by philosopher-poets, who 'put it all together', custom no longer touches the hearts of the individuals in society, as manifested by conscience, sensibilities and common sense. Then living customs decay into dead traditions, the society becomes brittle and shatters at the slightest of adverse blows. When law comes to predominate over custom we have a society in which the rule of law rapidly deteriorates into a rule of lawyers. In such societies, poets have no apparent power, but are always the well-spring of society's revitalisation, a process which often begins with the disgrace, and on occasions the destruction, of the legislative class.

Divinity concerns itself with the relationship between the individual as an individual and as a member of his social unit, and the natural, supernatural, sacred and divine. In these realms, the individual and the collective will are 'subject to fate'. Man is not free. This function has many parallels to the culture administrative function. Often the poet, instead of finding himself at odds with the legislator will find himself disputing with a professional caste seeking to control access to knowledge of the mysterious and the occult, while seeking to persuade the uninitiated that their particular priesthood is in possession of a bag of tricks able to propitiate or intervene or improve the odds.

Priest-ridden societies follow much the same trajectory as law-ridden societies. And just as the poet-philosopher is the saviour of the lawyer-ridden society, so the poet-mystic is the best hope for societies bled white by a professional priestly caste.

Diasporas & Jigsaws

We have our politics of persons and our politics of place. But what is a North Atlantic tribe? The response of a pragmatist would be to hang out a 'League of Real Nations' banner and invite the nations of the North Atlantic to apply to join the club. The argument would be that this process would provide the answer a few hundred applications hence. And that is not a frivolous proposal. But there is another approach.

Human life has seen fit to confine itself to the shallow regions around the rim of the North Atlantic Ocean Basin. Because most of our ancestors came to where they are today by way of an extensive network of water trails, they tend to be huddled about the river estuaries.

So pulling in our geographers the first thing to be done is to put them together with our model builders so that together they can build us a decent three-dimensional model of our newly discovered bioregion, suitable for laying out in the local Fourth World Village Hall. That would give us our earth blood circulatory systems. River catchments and city regions is what we would have our eyes on.

Next we would turn to a list of cultural associations in North and South America. From this we would expect to get a pretty good cross-section of our ethnic mix. The Irish know a lot about the Irish diaspora, as do the one hundred and one other linguistically based cultural associations. Our many international organisations would be a great help to us here. This would give us our family circulatory systems. Put the blood of our North Atlantic families together with the blood of the earth's circulatory system and I think we would see something emerging to which I could put the label 'North Atlantic Tribe'.

Finally we would call upon those with an entrepreneurial bent and encourage our League of Real Nations to take shares in a company set up to produce maps such as the 'North Atlantic as seen from Dublin'. Within next to no time every village school would be learning geography by jigsaws. The brighter kids would be setting up software companies to model the movements of the bioregional circulations...organic models rather than mechanical ones. We should make sure our league has shares in those companies too. After all money makes the world go round. Except now it would be our money. And the world would be turning the way we wanted it to...at its natural rate. Meanwhile we would all be blood brothers smoking the pipes of peace together.

League of Real Nations by Aidan Rankin

A small country has fewer people.

Though there are machines that can work ten to a hundred times faster than man, they are not needed.

The people take death seriously and do not travel far.

Though they have boats and carriages, no one uses them.

Though they have armour and weapons, no one displays them.

Men return to the knotting of rope in place of writing.

Their food is plain and good, their clothes fine but simple, their homes secure;

They are happy in their ways.

Though they live within sight of their neighbours,

And crowing cocks and barking dogs are heard across the way,

Yet they leave each other in peace while they grow old and die.

Tao te Ching

Lao Tzu, the founder of Taoism, identified true wisdom with the decentralised state, of manageable size, whose people preferred traditional craftsmanship to dehumanising technological ‘progress’, insight and self-discipline to mass ‘education’, living within limits to the constant quest for more material possessions, territory and superficial sensual experience.

A century later Aristotle observed that there are natural limits to the size of nations, as there are limits to the size of plants and animals. This was his warning against the expansion of the Greek city states, his defence of human-scale or sustainable communities.

In more recent times, Gandhi’s vision of ‘*swadeshi*’, or ‘home economy’, based on village communities, stood in opposition to the received wisdom of ‘*developmentalism*’ imposed from above.

In the '*Blueprint for Survival*', which relaunched ecological politics in post-War Britain, Edward Goldsmith and his colleagues describe their ‘goal’ as ‘*a society made up of decentralised, self-sufficient communities, in which people work near their homes [and] have the opportunity of governing themselves*’. Japan’s ecologists, also, speak of the need for their society to move beyond the dominant technocratic norms, to ‘*harmonise the lives of human beings with the natural environment and discard materialism*’.

Underlying the world’s cultures, there is a shared belief in the society built to a human-scale and working with, rather than against the grain of nature. There is a sense that we lose something as human beings when we place materialism before morality and justice, that there can be neither peace nor freedom when nations subjugate other nations, when vast corporations trample over local communities or when humanity rides roughshod over the natural world.

Support for self-rule, decentralisation and politics with an ethical base stands in contradiction to the prevalent ideologies of economic growth, materialism and concentrations of global economic power. We believe that cultural diversity and political independence are part of biodiversity, that the defence of independent nations is inseparable from the defence of the natural world.

The '*League of Real Nations*' has been formed by a group of concerned individuals, from many countries, regions and communities of the world, who wish to see the natural size of states restored. We reject destructive, expansionist forms of nationalism, along with anti-human, racist ideologies and Marxist-derived ‘national liberation’ movements, which invariably impose collectivist tyranny. In their place, we offer the idea of self-governing peoples, exercising their responsibilities within a world community.

For us a nation means a community of manageable size whose political institutions are intelligible to individuals, and whose inhabitants share similar values and cultural assumptions. Such links can be ethnic, but they need not be - one can be ‘British’ without being ‘white’, for instance, and the Tuareg and Berber peoples of North Africa encompass a range of ethnic types. Most commonly, it is based on shared history, linguistic affinity, ecological and geographical influences, religious belief and, save for a few nomadic peoples, occupation of territory.

Often, nationality transcends the boundaries of modern states. The Yoruba nation, for example, is not confined to Nigeria, but forms significant minorities within Benin and Togo because modern borders reflect colonial divisions rather more than ethnic or cultural resemblance. For similar reasons, the Inuit of Greenland and Canada remain divided whilst the Native Americans remain ‘First Nations’ despite the loss of their independence and their land.

Nations cannot be conjured into existence by politicians and cartographers. Nor can they, ultimately, be held together by dictators. Real nations exist where there is balance between the individual and society, authority and freedom, humanity and the rest of nature. They evolve organically and are united by consent and loyalty.

Real nations offer more hope for a peaceful world order than artificially unified ‘superstates’. Yet to realise the natural human desire for independence, decentralisation and accessible institutions, we must challenge many of the assumptions governing modern political economy, which we believe to be morally wrong, ecologically perilous and stultifying to individuals and societies alike.

Democratic or otherwise, conventional politics scratch at the surface of the human predicament. For the underlying problem is spiritual more than political. It is the imbalance created by the worship of economic growth and the elevation of material prosperity over quality of life.

Real nations are not collections of solipsists competing with each other for wealth or asserting ‘rights’ against nature and fellow human being. The return to human-scale politics requires us to reverse the ‘historical’ trend towards ever-larger units of government, ever-larger corporations, more remote centres of power and an increasingly homogenised ‘global’ culture.

We believe that this trend is not, in reality, historical at all. Indeed the curse of the last two centuries has been the idea of historical inevitability. The dominant ideologies of liberal capitalism and socialism have both been equally obsessed with economic growth. Respectively, they have regarded the market and the centralised state as more important than individuals and communities.

They have reduced history to a line of ‘inevitable progress’ from the human-scale towards the grandiose, from the spiritual towards the material, from the nation towards the supra-national, craftsmanship to mass production, the individual to mass society.

The colonial mentality imposed Western ideas of progress over indigenous cultures. Its heir today is a ‘politically correct’ imperialism which seeks to globalise the superficial ‘liberalism’ of Western consumer society, despite the ecological despoliation and social breakdown they have unleashed.

In short, the *League of Real Nations* opposes the ‘progressive’-imperialist world view as typified by Brock Chisholm, former World Health Organisation chief: *‘To achieve One World Government it is necessary to remove from the minds of men their individualism, their loyalty to family traditions and national identification.’* It supports the vision of political economy expressed by Alexander Solzhenitsyn, the great Soviet dissident:

Society must cease to look upon “progress” as something desirable. “Eternal progress” is a nonsensical myth. What must be implemented is not a “steadily expanding economy” but a zero growth economy. Economic growth is not only unnecessary but ruinous.

The *League of Real Nations* seeks to match the ecological movement’s aim of a steady state economy, allied to rather than opposing nature, with political structures, which reflect the natural loyalties of human beings. The new millennium enables us, some would say paradoxically, to challenge the myth of ‘progress’, to conserve what is best in traditional societies.

We work for a realignment, or global devolution, whereby individuals regain control over their work and leisure, communities regain control over resources and nations regain their independence.

The *League of Real Nations* rejects all forms of violence, whether at the behest of governments, commercial interests, self-styled ‘liberation’ movements or organised crime, and whether that violence is against the natural world or fellow human beings. Our vision of humanity is radical precisely *because* it is conservative.

There has been such a thing as letting mankind alone; there has never been such a thing as governing mankind.

Letting alone springs from fear lest men’s natural dispositions be perverted and their virtue left aside. But if their natural dispositions be not perverted nor their virtue laid aside, what room is there left for government?

Chuang Tzu

Towards a League of Real Nations by John Papworth

The radical political agenda has five constituent parts:

- The breakdown of giant states into human scale units of no more than five to ten million people and hence the need to support ethnicity, tribalism and bioregionalism...The *'Real Nations Charter'*
- Support for all forms of decentralized community power to village or neighbourhood level, not least in the field of politics, economics and communications...The *'Real Communities Charter'*
- The setting up of independent global and local study commissions to work on key global problems like US Expansionism and the European Unity Conspiracy. And in like manner to address other problems such as refugees, ecology, population, human rights and liberties, poverty, progress...the list is endless.
- The establishment of a continuous programme of meetings, lectures, seminars, courses and so on in every country in the world to deepen knowledge and understanding of the human scale approach.
- The establishment of properly equipped study and research centres with archives, libraries and other requirements of scholarship for pinpointing problems of the human scale and how solutions may be applied.

The proposal for a *'Real Nations Charter'* relates to the establishment of a global association of small nations...the nations of *'The Fourth World'* or *'Real Nations'*. Membership will be confined exclusively to those nations whose population numbers less than ten million.

To draw up a plan or a blueprint for the creation of a human-scale non-centralised global order would be as foolish as it would be futile. If the principle of the human scale is accepted then clearly each human scale community will be concerned to work out its own way of life in accordance with its own judgements. Any suggestion of acting in accordance with a centralised plan would be to promote an extension of the disease rather than the application of its remedy.

People will only act in accordance with a principle if they understand and accept the principle itself and to that end a major and multifaceted drive to educate and to generally promote the principle of the human scale is now a task of the utmost urgency.

Since everything must have a point of origin somewhere what follows is simply certain proposals for action which could advance the principle to wider acceptance; they are neither comprehensive nor exclusive, they are the product of a number of trends already beginning to emerge, trends which appear to be moving in the direction of human control by means of the human scale and away from giantism, and to yield the promise of further useful developments.

It is proposed that the objects of *'The League of Real Nations'* shall be as follows:

- To defend the political, economic, geographic and cultural integrity of its member nations, especially against the expansionist tendencies of the bigger nations and those afflicted with giantism.
- To do everything possible to promote the principle of the human scale throughout the world.
- To give support to ethnic or other human scale groupings, such as regions and bioregions, in their struggle for autonomous independence either individually or in concert with fellow members with economic or financial support and by giving diplomatic status and recognition to such peoples who may wish if need be to establish a government in exile.
- To achieve the maximum degree of non-centralised political and economic operation in each country within its own frontiers, with particular reference to the empowerment of village communities whether urban or rural.
- To reduce global war dangers by refusing to participate in any military, political or economic alliance with bigger nations.
- To withdraw from membership and to refuse to give any further support to the United Nations Organisation, its specialist agencies or any of its subordinate or associated bodies and to promote the principle of neutrality in foreign relations.

It should be understood that what is being proposed here is not some kind of incipient mini-world government or any similar form of totalitarian global inanity.

What is proposed instead is that in those areas where a clear functional need for an international body and for a common global acceptance of specific regulation and control exists...such as a postal union, maritime law, the use and control of oceanic resources, pollution controls, the containment of epidemics, emergency and disaster contingency provision, some forms of crime prevention etc...that separate bodies for each of these needs shall be established and that each should have a clear locus of control stemming from the basic unit of government within each nation in its village communities.

It does not follow that there need be a representative of every village in the world on the governing councils of such bodies. What does follow is that the means must be established whereby any substantial body of citizens of any region should be able, if it feels the need, to make its views known and be able to secure changes through its voting power if it so wishes.

How this shall be done will doubtless vary considerably from one body to another, what humankind dare not risk is the danger of the kind of global tyranny on a world scale of which the Nazi and Communist dictatorships of the 20th century have shown is all too feasible if we are foolish enough to permit the present centralised forms of power to continue and to coalesce around one centre.

The emphasis of the organisation will be on the human scale and on human control. To that end the new body will be simply an association with absolutely minimal executive powers. The nearest comparable structure which comes to mind is that of the Commonwealth...formerly the British Commonwealth of Nations...yet even here there appears to be an undue emphasis on its secretariat and a disposition to develop organisationally in an increasing number of directions as is common to governmental bureaucracies everywhere.

The new body will be wise to insist on an annual change of presiding officer and perhaps a triumvirate of senior executives, each of whom will serve a maximum of three years and one of whom, each year after serving as top executive, will resign.

John Papworth

London 1980

The Philadelphia Convention by Larry Siedentop

Through three sweltering Philadelphia summer months in 1787, fifty men talked, argued and reflected.

They were the delegates of thirteen states which had only a few years before liberated themselves from British rule. Unfortunately, the intervening years had seen the loose Confederation which bound them together stagger from crisis to crisis.

These crises ranged from disagreements between the states about reciprocal obligations, through problems arising from paper currencies, indebtedness and domestic rebellion, to foreign problems such as the imprisonment of American sailors by Barbary pirates.

Public opinion in the former colonies, and not least among their elites, had become convinced that something had to be done. A stronger federation, a more effective central power, seemed imperative.

Yet these fifty men were by no means agreed about how that goal should be achieved.

Some were nationalists who did not mind overly if the construction of a central government, acting directly on individuals rather than negotiating with member states in the fashion of the Confederation, involved the erosion of the states' 'sovereignty', while others remained suspicious of any executive power that recalled the British Crown, and wished strictly to limit the delegation of authority and power to the centre.

Fortunately, the habit of public discussion and government by consent which had roots in more than a century of considerable *de facto* American autonomy prevailed in Philadelphia. The influence of older men of prestige, such as Washington and Franklin, joined to the abilities of James Madison and Alexander Hamilton, enabled the delegates to find a way forward through a series of compromises.

By September 1787 those compromises resulted in a document which the Convention recommended to the states for adoption. That document became, of course, the Constitution of the United States of America.

But its adoption by the states at the end of September 1787, as the weary delegates left Philadelphia on horseback or by coach, was by no means a foregone conclusion. Anti-federalist agitation had already begun in many of the states. For some of the compromises reached — such as that giving equal representation to states in the Senate or Upper House, which in effect reduced the influence of the largest and most populous states such as New York, Virginia and Massachusetts — created opposition, not least among current state office-holders.

A great public debate thus got under way. It was carried on in tracts, pamphlets, sermons and newspapers. The quality of the arguments put forward varied considerably. But at its best the debate involved contributions which rank, in subtlety and depth, with the most important works of European political thought.

That best took the form of a series of short articles written by Madison, Hamilton and Jay for New York newspapers and signed '*Publius*'. These articles were widely republished and dispatched abroad, and probably made a crucial difference to the outcome in the various state conventions organized to consider ratification of the proposed Constitution. Collected together, these articles even now have a claim on our attention as '*The Federalist Papers*'.

I tell this story because of the contrast it suggests with Europe today.

Western Europeans have been taking part in a great experiment for more than four decades, and are now faced with proposals for an even more radical degree of integration, monetary and political, to reinforce the Single Market. These moves, associated with the Maastricht Treaty and its revision, amount to a major step towards creating a federal state in Europe.

It might be supposed that such proposals, with all their profound implications for nation-states with far longer histories than those of the former American colonies in the 1780s, would have created another great debate — a debate at least as far-reaching and profound as that which raged through the American states in the last months of 1787 and through much of 1788.

It might be supposed that the desire to advocate or to oppose change would have created by now in Europe the counterparts of Madison, Hamilton and Jay.

But it is not so.

Why not? Why is there nothing which has seized the imagination of European peoples about the direction of their own development, about their own fates? Does it matter? And what does the absence of a grand debate suggest about the condition of Europe at the beginning of the twenty-first century?

The men who rode to Philadelphia in 1787, who took part in the discussions of the Convention and later defended its work, were men of means and leisure, gentlemen. Some were even slave-holders. But however rooted in the past in these respects, they also shared a sense that what they were doing was of decisive importance for the future — that the possibility of self-government in a democratic society hung on the outcome of their deliberations.

Nor were they wrong.

The ‘compound’ republic which Madison sought to create, and did finally help to create, provides the crucial point of reference for the attempt to create a European federal state today. Any evaluation of the prospects of that enterprise should begin with American federalism.

*from the preface to ‘Democracy in Europe’, first published by Penguin Books in 2000, 250 pages, £8.99.
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The Simultaneous Policy by John Bunzl

'This issue puts the piece by Mike Moore, the Director-General of the WTO, side by side with John Bunzl's contribution about his forthcoming book 'The Simultaneous Policy'.

It must be abundantly clear that at the very end of the day even the multinational corporations need people as their customers and must allow, if not encourage, them to create wealth in their own small units or they will destroy themselves.

What happens along the way is the immediate problem and their leaders need to be very far-sighted, if they are to avoid the catastrophic effects of immediate greed.

Bunzl has chosen an often obscured quotation from Fritz Schumacher's 'Small Is Beautiful', recognising "the duality of the human requirement when it comes to the question of size..." and that "we need the freedom of lots and lots of small, autonomous units and, at the same time, the orderliness of large-scale, possibly global, unity and co-ordination".

Gerard Fairtlough used a similar quotation from Schumacher as the basis of his book Creative Compartments (Fairtlough, 1997).'

Editorial Comment from 'New European'

The principal barrier to implementation of any significant measure to improve today's environmental, economic or social problems, be they in advanced, developing or non-industrialised countries, is destructive competition. Global de-regulated capital flows and corporations know no national boundaries and, by their ability or threat to move elsewhere, force nations to compete with one another for capital, jobs (and therefore votes) and ever scarcer natural resources.

With increased government reliance on capital markets to finance public deficits and on corporations to maintain employment, internationally mobile capital effectively precludes the implementation of any national policy that might incur market or corporate displeasure. The markets have consequently engineered strong leverage over the economic, social and environmental policies adopted by any country, ensuring that only market-friendly, neo-liberal policies are pursued — *regardless of the party in power.*

The result is the stranglehold of pseudo-democracy in which, whatever party we elect, the policies delivered remain substantially the same. Since virtually all nations are part of an increasingly integrated global economy, they are all subject to the same stranglehold. In advanced countries, it is exerted directly by the market itself, ably assisted by the WTO; in developing countries, by the market and through "structural adjustment" imposed by the IMF or the World Bank; in non-industrialised countries by the virtual absence of any foreign direct investment, leaving them to the consequences of warfare, poverty, disease, increasing numbers of refugees and so on.

No nation can exit from this predicament by seeking to re-regulate financial markets, because such action would cause capital flight, devaluation and inflation, if not outright economic collapse. Similarly, policies that seek to address environmental or social problems requiring higher public spending or higher costs for industry are precluded on the grounds of uncompetitiveness, adverse market reaction and the threat of job losses.

In de-regulating capital markets, nations have therefore unleashed a force they can no longer unilaterally control — a global competitive merry-go-round, now spinning so fast that no nation can get off (unless it is forcibly ejected by the market itself).

My book therefore argues, first, that politics — regardless of the party in power — has effectively been paralysed into a market-friendly position from which it cannot escape. Second, it argues that fundamental changes to the capitalist system are essential before there can be any hope of closing the "sustainability gap" or of expecting any tangible results from international agreements on reduced emissions. Third, since capitalism can only be changed and controlled by politics — which has itself already been paralysed — we are heading for environmental, economic or social collapse without the means to alter that course. Solutions that fail to address the central barrier to reform that global-free markets and international competition represent are therefore effectively dead in the water.

In spite of this state of affairs, my book sets out a feasible means not only of regaining control of global financial markets and corporations, but of going much further towards creating the conditions for a global society and economy more compatible with nature and the needs of human nature. The disturbing growth of far-right political parties is a sure sign that failure to do so could well prove catastrophic.

This book therefore argues that a fundamental transformation from international competition to global cooperation is required, for only through global co-operation between nation states can destructive competition be eliminated and meaningful changes implemented. Crucially, it also sets out a practical method of achieving this. It therefore represents something of a “missing link” without which the many solutions now being proposed by leading economists and ecologists are likely to remain confined largely to theory.

To break the vicious circle of global competition, both between nations and between corporations, all nations need to act simultaneously by implementing the simultaneous policy (SP); a range of measures to re-regulate global markets and corporations in order to restore genuine democracy, environmental protection and peace around the world. SP thus calls on peoples all over the world to recognise the futility of conventional party politics and to unite both by taking policy out of the hands of politicians and, by force of their numbers and their votes, by bringing political parties into competition with one another to adopt SP.

By separating the adoption of SP from its implementation, SP transcends party-political differences and allows voters, NGOs, politicians and governments to adopt it without risking their respective personal or national interests. It therefore represents political action of a kind not yet seen: a new politics of cooperation and community which transcends both the divisions of conventional party politics and the dilemmas of maintaining international competitiveness. SP thus offers a real prospect — perhaps the only prospect — of beneficial change and survival.

This new politics has profound implications for north-south relations, the global environment, world economics, global governance, Green parties, non-governmental organisations, international relations, national domestic politics and, not least, for the triumph of the human spirit.

The idea of SP was first aired in a letter to Mr Satish Kumar at “*Resurgence*”, in November 1998 and has evolved gradually over the course of many months. During that time, various pre-publication versions have been circulated to a number of eminent ecologists, counter-economists and others. Although there has been much encouraging praise, it is also certainly necessary to consider their criticisms. Before doing so, however, I feel obliged to make a point of self-criticism.

I am keenly aware that, at least at the time of writing, my lifestyle is very much at odds with what I have written regarding the need to liberate oneself from the masters of greed and envy and to recognise that “humanity cannot live by bread alone”. My family and I live in a very large house, enjoy holidays abroad, have three children attending private school and so on. Yet in those circumstances the idea for SP came to me in a split second and, therefore, completely by surprise. Since I sincerely believe and stand by what I have written, my current lifestyle leaves me in something of an embarrassing situation and wide open to charges of hypocrisy. I can only say that my dilemma is, I suppose, one that so many of us share to a greater or lesser extent. What must be our common struggle along the road of transformation will therefore be one shared by me in the recognition that I have further to travel than most.

As far as criticism offered by others is concerned, the main one is that, in assuming that the individual policies that would make up SP can and will be arrived at, I am presuming a universal vantage point of rationality: a presumption that one can define reforms that can both be successfully applied world-wide and also be beneficial to everybody. Indeed, it is suggested by some critics that such a “vantage point” or global “solution” probably cannot exist at all. Instead they argue that human nature and New European experience suggest that reform is more likely to arise through a myriad smaller-scale initiatives of various kinds occurring all over the world.

Initially such initiatives will be seen, as many of them are today) as unorthodox but over time they will gradually be adopted, they say, as mainstream practice. Leading on from this is their criticism that the SP approach is too “top-down” and authoritarian.

In addition, it has also been asserted that, even if support for the concept of SP were to become widespread, the differences of opinion and of priorities among supporters over what specific measures would be appropriate would, they say, make it impossible to come to any kind of final agreement.

A further criticism concerns the implementation of existing environmental and other policies. It is feared that nations might use SP as an excuse to delay the implementation of those policies until adoption by all countries had been achieved.

I certainly understand these criticisms and, to some extent, accept them and have amended more recent versions of this paper to answer them. There are, however, some points I would like to make:

- Taking the last of these criticisms first, I cannot really see that SP will be used as an excuse for delay. Every policy needs to be tested using the criteria of whether its unilateral implementation would have a *negative* or *positive* impact on national competitiveness. If it is negative, then that policy is never going to get implemented without global agreement in any case and should therefore be included in SP. Governments pondering policies that are positive, on the other hand, will surely want to implement them as soon as possible regardless, because, if they waited for SP, they would *lose* their competitive advantage. In fact, a clearer distinction between the two types of policy would make them mutually reinforcing, providing a better focus for both governments and campaigners alike, while helping to mobilise public support *both* for SP *and* for unilaterally implementable policies.
- On the point of a presumption of a universal vantage point of rationality, while it may be difficult today to imagine that policies desirable for the whole world could be successfully defined, we can already see how many problems of the economy, the environment and other aspects of life are becoming truly global in scope and, furthermore, are being made worse by global competition. As it becomes more intense, however, it is in the very nature of competition that the co-operative actions necessary to solve the problems it causes tend to become increasingly obvious. It is a bit like a competitive game a group of children might decide to make up together, when there is no adult around to oversee and, if necessary, force cooperation upon them. Inevitably the children find that not all necessary rules can be defined right from the start, so the game has to be tried out and further rules made up as they go along. As the game develops, and if competition risks getting out of hand, appropriate rules tend to emerge to regulate that competition rules which can, hopefully, be agreed upon by all the children and implemented by all (simultaneously!) to avoid the game degenerating into a small war.

Indeed in the evolving game of global competitive capitalism, already today we can see proposals for policies based on global simultaneous implementation emerging; the most obvious being the Tobin Tax. Another would be US Congresswoman Eleanor Holmes Norton's legislation introduced into the *'House of Representatives (HR-2545)'*, calling for the abandonment of US nuclear weapons, *when all nuclear states do likewise*. As far as any future regulation of transnational corporations is concerned, surely it is difficult to see how any significant regulation could possibly be implemented on any basis other than globally and simultaneously.

In conclusion, therefore, I would say that, as global competition intensifies further, such a “universal vantage point of rationality” *can* exist and is already beginning to emerge. As competition becomes even more acute, further simultaneous policies will inevitably continue to emerge, the proposals in this book representing but a part of that inevitable process.

It should, perhaps, also be pointed out that many of the measures of SP are likely to be characterised by their *reversal* of current destructive trends rather than by any risky imposition of untried policies that break new ground. For SP is really nothing new in the sense that, throughout human history, governments and laws have evolved in response to changes in society brought about by technical changes and other developments — what we sometimes call “progress”. Inevitably, each new development had an impact on society on an ever-larger scale. With each, new societal problems arose requiring legislation and government to regulate and solve them, albeit imperfectly.

Such regulation has also traditionally been implemented simultaneously and “globally”; i.e. “globally” in the sense of applying to the entire territory in question — usually a nation. The problem of international competition could be said to be merely an extension of that process of new development.

But now the problems caused are *international and global*, not merely national, and, furthermore, they are actually eroding the ability of nations to maintain previously attained levels of regulation/taxation and, instead, are forcing them to progressively dismantle them.

As a response, SP would therefore not necessarily mean that its measures would be much different in character from those implemented nationally in the past. What would mainly be new is that those “old” policies would be implemented by all nations simultaneously.

While this might be rather “unified and top-down”, it would restore proper democratic governance over the world economy in contrast with what we have today, which is the reverse; the world economy dictating to the world’s peoples.

So yes, SP is unified and somewhat “top-down” but it is necessarily so. Nevertheless, it should also be noted that, while its *effects* may be top-down, its *support* derives solely from individuals, which is very much “bottom-up” and democratic. Furthermore, the limited scope for SP means that it does not represent an alternative to local, small-scale initiatives but, rather, is entirely complementary to them.

As to actually defining and agreeing the SP measures themselves, it will doubtless be very difficult to do so but not, I think, impossible. So to write off the whole project in advance, as some critics would, on the assertion that “agreement will be impossible”, seems to me a rather high-handed, negative and unwarranted position to take. Surely there must be much upon which we can agree and what cannot be agreed upon, or is in doubt, can be left out.

Then, of course, there is the most common criticism of them all: “Yes, but is it *realistic*?” In posing the question of realism, however, people tend to forget that in this context it has *two* aspects. The first, most obvious one is whether it is realistic to expect that adoption by all nations could actually be achieved. To this, there are, perhaps, two responses. The first was given by Noam Chomsky, who said of SP; “Can it work? Certainly worth a serious try.” The second is: If we do not try, we will never find out. Anyway, if there is no better proposal on the table and disaster is looming, what do we have to lose?

The second, less obvious aspect, raised by the question of realism, is fear. Even those who would broadly agree with the problem analysis in this book suggest that financial market re-regulation will occur first, they say, in the EU, with the USA following soon after (or vice versa). Thereafter, all other nations are expected to fall into line (Hines, 2000). But given the potential dangers of capital flight and the consequent fear of being the first to “go-it-alone”, and given our undeniable human nature, is it *realistic* to expect, say, the EU to take that risk alone? After all, the leaders of the EU and their citizens might well ask: “Why should we be the first ones to stick our heads over the top of the trench?” Indeed, why should they? So we come down to a simple fact of human nature: the fact of fear. In putting forward solutions, I believe it is fundamentally *unrealistic* to ignore that fact. To the extent that SP takes this aspect of human nature fully into account it is, I suggest, very realistic.

As a final comment, while a multiplicitous, fragmentary approach to solving problems may, under normal circumstances, be more in tune with human nature, I believe we should remember that the world does not have unlimited time in which to solve its problems. Global warming, deforestation, violent technologies and far-right political parties are not standing still. Indeed, they are already now unmistakably threatening humanity’s future.

In considering whether our problems require small, fragmentary solutions or a big, unified one, it may be recalled that even Schumacher, in *Small Is Beautiful*, himself recognised “the *duality* of the human requirement when it comes to the question of size...”, that “We need the freedom of lots and lots of small, autonomous units and, at the same time, the orderliness of large-scale, possibly global, unity and co-ordination” (Schumacher, 1974).

How much longer, therefore, can we afford the luxury of following only a local, fragmentary approach?

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Montesquieu & Tocqueville by Larry Siedentop

For centuries it was an axiom of European political thought that a really large territory could only be governed in one way — despotically. That axiom was repudiated in the course of the nineteenth century. But before understanding how it came to be repudiated, it is important to understand why so many European thinkers long believed that, once a state exceeded a certain size, it could only be governed in a despotic or tyrannical way.

For their doubts must raise an initial question about the project of creating a pan-European state.

What were their grounds? The easiest way to understand those grounds is to consider arguments put forward in the mid-eighteenth century by the French jurist Montesquieu, the first European thinker to identify a bureaucratic state as the distinctively modern form of despotism.

Montesquieu argued that any self-governing community or republic depended on civic virtue, and that such virtue in turn required the full participation of citizens in public discussion and decision-making. For that reason, he concluded, a self-governing republic was only possible in a very small territory — small enough to permit all citizens, at least in principle, to attend the sovereign assembly.

Of course the trouble with that argument was that it seemed to relegate self-government to antiquity, to the world of the ancient city-state. That world survived in modern Europe, if at all, only in the form of the little republics such as Venice or Geneva. But what of the national monarchies or nation-states which were the dominant political form in modern Europe? Could they only be ruled bureaucratically and despotically? Was there no hope for self-government in modern Europe?

Montesquieu did not quite despair. Two things gave him hope. First, the aristocratic structure of post-feudal society in Europe; and secondly, the example of England.

Montesquieu argued that what he called ‘moderate’ government in anything as large as a nation-state by which he meant the dispersal of power and the rule of law — depended upon European aristocracies preserving a role in local government. For that role prevented a dangerous concentration of power in central government.

The development of the French state in the seventeenth century, under Richelieu and Louis XIV, illustrated, in Montesquieu’s eyes, a danger threatening every European monarchy or nation-state. For Richelieu and Louis XIV had deprived the French nobility of their role in local affairs and substituted for them civil servants accountable only to their masters in Paris. The whole of French society thus became subject to the ‘tutorship’ of bureaucrats. Local interests could be ignored, local opinion dismissed.

It was to oppose this centralizing of power in the name of political liberty and the rule of law that Montesquieu made so much of the example of England.

For England offered the example of a government in which elected representatives governed in the name of the people. But not only that. It was a form of government in which, formally through the House of Lords, and informally through the House of Commons, the aristocratic structure of European society was both reflected and reinforced.

England offered the precious model of a political system in which legal authority was centralized, but power was decentralized. For the English aristocracy, which dominated both Houses of Parliament, had no interest in allowing its local role to be subverted by bureaucratic rule of the kind that had made such headway in France.

That is why Montesquieu concluded that the rule of law and avoidance of bureaucratic despotism in European states depended upon an aristocratic social structure — upon status differences, which meant that one section of society had a vocation and vested interest in defending local autonomy and the dispersal of power. Their ‘honour’ depended upon it.

Living up to one’s status or living honourably in a society with distinctions of rank was thus identified as the chief means of preventing the development of bureaucratic despotism — especially if reinforced by representative government on the English model, which gave the aristocracy an important role, not only in local government, but in central government as well.

In retrospect, this model of political liberty can plausibly be described as ‘aristocratic liberty’. For it assumes that self-government in a nation-state requires government by social superiors, by a class set apart by custom and wealth, if not by legal privilege. And the reason for making such an assumption is not hard to find.

Association is always the key to dispersing power, and an aristocratic society creates powerful local associations. It sorts people into two roles. Either they play leaders or they play the led.

In an aristocratic society, habits of leadership and deference provide a basis for association which does not depend upon ‘natural’ sympathy or choice. The assumption of social superiority on the one side, deference and gratitude for patronage on the other, creates groups or corporations accustomed to acting together and, if need be, resisting. They thereby become effective brakes on the centralizing of power, while requiring only a limited kind of sympathy among those associated — sympathy limited, that is, by the assumption of social inequality.

But what if European aristocracies failed to perform their traditional role in government or were ousted from it? Then, Montesquieu believed, the outlook for political liberty in Europe was grim. How could he be so sure?

Montesquieu believed that there was a simple way of testing his argument. It was to look at what happened in the very largest political units, empires on a continental scale. Empires were collections of diverse nations which lacked a coherent superior class or aristocracy able to defend the dispersal of power.

What was the result?

In empires, government by strangers tended to replace government by social superiors. The Turkish and Chinese Empires offered, in Montesquieu’s view, examples of the kind of political system which seemed unavoidable in states on a continental scale. They were what Montesquieu called ‘immoderate’ states, lacking the rule of law, states in which power was so concentrated that a person’s status and privileges depended upon the whim of the ruler and his acolytes.

They were states in which a kind of equality reigned, it is true. But it was an equality of fear. No corporation or social class with deep local roots offered a permanent barrier to the sovereign’s will or caprice, in contrast to European monarchies properly so-called.

Thus, government by strangers came to be identified as the central technique of despotism. It is the technique which Montesquieu feared might destroy moderation and political liberty in Europe. It is the technique which, he feared, could turn European monarchies into something not much better than ‘Oriental despotisms’, subjecting them to bureaucratic rule from a remote centre.

But why were European states on such a slippery slope? Why was there such a threat to the traditional dispersal of power in Europe? Montesquieu perhaps only half understood or only half wanted to understand the social mechanism which underlay the threat to political liberty in Europe as he conceived it. For that threat sprang from a deep challenge to aristocracy in Europe, from growing and justified resentment against forms of social privilege which had survived into post-feudal Europe.

That resentment created a social mechanism which opened the way to despotism. For once the aristocratic organization of society is challenged; the jealousies excited by social privilege can be turned by distant rulers into the means of depriving localities of political influence — that is, by playing off one section of local society against another, and introducing the rule of strangers.

To a greater or less extent, that mechanism has played an indispensable part in the creation of European nation-states — paving the way for political unity by destroying feudal jurisdictions, along with the radical social inequality and localism they sustained.

It led the French communes, for example, to acquiesce in the growth of royal power, in order to escape from the hateful oppression of local feudal lords. That was the positive side of this social mechanism. But it also had a negative side. For class conflict can survive its sources and contribute to further centralization.

By undermining local solidarities, class conflict reduces local resistance and makes it easier for a central power to rule through its own agents. And the larger the territory, the easier this technique of rule becomes. For rulers can then employ as agents people who may even have a different language or a different religion.

The psychological basis for this mechanism of despotism is pretty clear. Differences in language and religion make it more difficult to enter the minds of others, to identify their wants and discontents and sympathize with them. But that kind of sympathy is the necessary source of local influence in a society no longer organized hierarchically or in ranks — in the fashion that Montesquieu, as late as the 1740s, still took for granted in European states.

In an aristocratic society habits of leadership and deference provided a basis for association and resistance which required only limited sympathy. The kinds of leadership and association provided by aristocratic social conditions may now look morally dubious. But they were long an effective way of dispersing power.

Let us now accept, however, that a social revolution has taken place in Europe — that a society without formal differences of rank has developed, a society in which everyone is equal before the law and enjoys the same basic rights.

Let us suppose further that such a society has also weakened the importance of many informal sources of social stratification — by the growth of a ‘middle’ class which means that income is more evenly distributed, education more widely spread, with increasing social opportunity and mobility.

The consequence is that there is no longer a more or less permanent political class on the model of the old aristocracy, a class which is in a position to defend local autonomy and limit the centralization of political power.

Then Montesquieu’s famous constitutional precautions against tyranny appear less convincing.

Drawing on the example of England to urge the separation of powers in central government, Montesquieu took aristocratic social conditions for granted.

The separation of powers into executive, legislative and judicial branches was designed not only to prevent too much power accumulating in the same hands, but to open a crucial function of central government to local leaders.

Such a separation of powers was for Montesquieu the means, above all, of reinforcing the aristocratic structure of society by giving the aristocracy an important legislative role in central government.

But we have now imagined away such an aristocracy.

What, then, are the means of preventing a central government, which claims a sovereign right, the unlimited right to make law, drawing all power to itself? Equal subjection to a sovereign agency — which is, after all, what we mean by a ‘state’ — then conjures up the threat of an indefinite centralization of power. Is there any way that a society which lacks an aristocratic or privileged class can successfully combat the centralizing of power?

Today this argument ought to give us pause.

For if Montesquieu’s model of aristocratic liberty is correct, then the dangers arising from the absence of a distinct political class are acute — and far greater for a pan-European state than for older nation-states such as Britain and Holland, which have a residue of aristocracy in their political classes.

Can Europe enjoy political liberty without aristocracy? Montesquieu thought not. I think he was wrong. But there is a case to be answered.

By the 1820s one state in Europe had developed in a way that confirmed Montesquieu’s worst fears.

By that time France was governed in the fashion that, for Montesquieu, empires on a continental scale had to be governed. France had become a bureaucratic despotism. For Napoleon had reinforced the bureaucratic character of the state machine inherited from the *ancien régime*, completing the destruction of regional and local autonomy.

Although only a nation-state, France had become the caricature of a continental empire. It was ruled from the centre by civil servants and their agents, who in most cases were not locals.

Ironically, it was this development which led some French liberals to begin to take an interest in American federalism. American federalism thus first seriously impinged on European political thinking, *not* as the model for a European federal state, but as a model for reforming one nation-state which had taken the despotic form of a continental empire.

A young French aristocrat, Alexis de Tocqueville, decided that once the aristocratic structure of European society was largely destroyed and society ‘levelled’, then Montesquieu’s formula for dispersing power by reinforcing the local role of the aristocracy and bringing that class into central government was no longer adequate.

For Tocqueville, such a ‘democratic’ social revolution meant that the terms of political debate had to change. For if the new democratic form of society resembled Montesquieu’s empires in so far as it lacked a hereditary political class or aristocracy, then the political threat facing it was also similar. Would it be possible to set limits on the concentration of power in central government? Or could a balance be found between central power and local autonomy?

These questions drew Tocqueville’s attention to the United States.

By the 1830s the United States had succeeded in governing itself in a decentralized way for half a century. Yet — contradicting Montesquieu’s vision — it was a quasi-continental state without a privileged class or aristocracy.

American federalism seemed to offer a new means of combining central government and local autonomy in a levelled or democratic society.

With its formal division of sovereignty between centre and periphery, American federalism seemed to represent a new form of the state. Might not such a form of the state be more instructive for France than the aristocratic British form which Montesquieu had endorsed?

Suspecting so, Tocqueville managed to find an excuse to travel through the United States in 1831-2. In the United States, Tocqueville soon felt his hunch was vindicated. American federalism *did* represent a new form of the state, one which could foster political liberty and the dispersal of power in the absence of aristocracy, and that even on a quasi-continental scale.

Enjoying the sovereign right to act directly on individuals *in certain spheres*, American federal government did not suffer from the weakness of earlier confederations such as the Holy Roman Empire and Switzerland — which, depending on the member states to execute orders, had either come to be dominated by the strongest member or had become impotent.

By contrast, the American federal government did not rely on the states to enforce its writ. Yet, at the same time, the states and local government had their own independent spheres of action.

Observing especially the vitality of New England townships, and the way local self-government gave an extraordinary impetus to civil society by fostering self-reliance and the habit of association, Tocqueville became convinced that the American form of the state offered a better model for reform of the French state than did the English Constitution.

Tocqueville did not suppose that nineteenth-century France could become federal, dividing sovereignty between central government and the provinces. But other features of American federalism could be adopted.

American federalism had, for example, created a new political role for the courts, which, through judicial review, were able to defend the separation of powers and protect individual rights. Nor was that all. The American legal system provided a way of ensuring the accountability of elected local officials, without embedding them in a single bureaucratic hierarchy. It showed that the rule of law did not require rule by civil servants.

The apparent success of American federalism transformed liberal constitutional thought in the course of the nineteenth century. But what began as a model for reforming one over-centralized state in Europe was bound, sooner or later, to suggest a possible model for wider European political union.

If the ‘new Europe’ across the Atlantic could create a successful federal state, why should not ‘old Europe’ follow suit — thereby finding a way beyond the national rivalries and wars which had for so long marked its history? Of course, unifying ‘projects for peace’ in Europe had a very long ancestry. But they had always remained speculative. In the twentieth century that began to change. After two catastrophic wars in Europe — what has been called the European ‘civil war’ — the attraction of federalism became far more potent.

No sooner is the project of constructing a federal Europe put forward, however, than it brings crucial questions in its wake. These are questions which even now have not been adequately addressed. Yet they must be addressed if the federalist project in Europe is to be anything more than dangerous adventurism.

What extra-constitutional conditions made possible the success of American federalism? Were there not a number of informal or cultural conditions crucial to its success? And, if so, can they be matched in Europe today?

American federalism, unlike Jehovah's creation, was not created *ex nihilo*. It was not simply the result of constitutional rules adopted by the men who gathered in Philadelphia in 1787.

Rather, American federalism drew on established habits and attitudes, some of which dated from the earliest days of the colonies. Just what were those pre-existing habits and attitudes?

In '*Democracy in America*' Tocqueville identified at least four informal conditions which he considered prerequisites for the success of American federalism: the habit of local self-government; a common language; an open political class dominated by lawyers; and some shared moral beliefs.

Are they also prerequisites of the success of European federalism? Are there others? We must find out.

Arguably, the first major difference between the former English colonies at the end of the eighteenth century and European nation-states is one which Tocqueville — unbothered by any serious project European federalism — did not explore. Yet it is an important difference.

Before their revolt the American colonies had never enjoyed complete sovereignty. Although they had enjoyed very wide *de facto* autonomy, they had also been subject to the British Crown. That recollection of a common subjection, as well as the habits of association spring from it, contributed to the sense of a common need for political union in Philadelphia in 1787. There was tacit agreement among the delegates that some functions of the British Crown, especially those to do with foreign policy and military matters, were only temporarily in abeyance — waiting, so to speak, for a central authority to take them over once again. In that sense, what might be called the *ghost* of the former Imperial government was present throughout the deliberations of Constitutional Convention in Philadelphia. It was a ghost which had considerable influence on the deliberations.

That brings us to several other informal pre-conditions of the success of American federalism, pre-conditions which *were* identified and explored by Tocqueville.

One was the habit of local self-government which the settlers of New England had brought from their mother country. The English settlers were used to managing their own affairs locally. Local liberty was, so to speak, their inheritance. Self-reliance and the habit of association were the crucial offshoots of local liberty, and helped to give civil society in America its peculiar dynamism.

The habit of self-government had gradually shaped a civic culture upon which those who drafted the American constitution could draw. Indeed, there is a sense in which American federalism was simply a formalizing of long-standing habits and attitudes of the English colonists. It was their free *moeurs* (as French observers enviously described them) which led the English settlers to create townships first, state governments later, and only after the Revolution, with the disappearance of British sovereignty, a federal government.

Of course, the English colonists' habit of managing their own affairs was closely tied to their having a common language. That is the second informal prerequisite of the success of American federalism which Tocqueville noticed.

The importance he attached to it emerged especially two decades after the publication of '*Democracy in America*'. By the 1850s Tocqueville, like many liberal European observers, viewed with mounting anxiety a new flood of European immigration into the United States.

These were immigrants who did not come from countries with the habit of local self-government, nor did they have English as their language. Could immigrants who did not initially possess the free *moeurs* of the settlers of New England, or English as their first language, be successfully assimilated into the American federal system?

Or, would such immigration gradually undermine free institutions in the United States, creating social conditions which led either to the destruction of the Union or to the centralization of power?

By the end of the nineteenth century these questions were most answered.

The United States had proved capable of assimilating not only the Germans, Dutch and Scandinavians who arrived in the mid-nineteenth century, but also Southern and Eastern Europeans, especially Italians, who began to arrive in increasing numbers towards the end of the century.

These new immigrants came from countries with little or no experience of self-government or representative institution. Yet the experience of self-government offered by American federalism together with the civic education it gave to newcomers (at least in principle), proved capable of creating in the new settlers something like the free *moeurs* of the original English settlers.

Thus, despite new pressures introduced by immigration, urbanization and industrialization, American federalism seemed to have established that self-government on a continental scale was possible, and that the old axiom, which assumed that extended territories could only be governed tyrannically, was now outmoded. New Europe across the Atlantic seemed to offer that political lesson to Old Europe.

Yet it is important to notice that this successful assimilation had involved the new settlers adopting English as their first language. The American experience might reasonably be understood as establishing that a shared language is a prerequisite for a workable federal system, providing an indispensable civic bond.

The extent to which Americans deem this to be the case has emerged in recent resistance to multiculturalism whenever it seems to threaten the established role of English. Could the United States long survive without a shared language? Many students of American government doubt it.

For that reason the example of American federalism raises a serious doubt about the prospects of European federalism. The experiences of federal states which have attempted to combine different ‘official’ languages are far from reassuring.

Canada and Belgium spring especially to mind. In each of those countries, the question of whether political union can survive linguistic and ethnic differences is now moot. Nor is the example of Switzerland really a convincing counter-example. For the success of Switzerland as a federal state has probably depended more upon the unity engendered in a small nation by powerful and dangerous neighbours than upon anything else.

In the United States, a major contribution to the process of assimilating immigrants to both constitutional and linguistic norms was made by lawyers, who, Tocqueville noticed, came early to dominate the political class. A legal education was relatively easy to come by and provided the means not just of economic advancement but also of cultural adjustment — adjustment, in particular, to a Common Law and jury system which defended the importance of local custom. That led many immigrants into the mind-set of a form of the state utterly different from the ones they had known in continental Europe.

Continental states had often been created from the ‘top’ downwards, with rulers relying on a Roman Law tradition which regarded regional and local units of government as mere appendages of central government.

The Roman Law tradition did not, that is, give the habit of local self-government a primordial value. In part that was due to the greater difficulty of state-making on the continent, where recalcitrant regions and cities were often subdued finally only by force or ruse.

Even today the inhabitants of some areas of Italy, France and Spain look upon the inhabitants of other areas as ‘foreigners’ to an extent that makes the Scots’ suspicion of the English seem rather pallid. But such an inheritance makes the formation of a political class on the American model — with local liberty successfully joined to social and geographical mobility — far more difficult to achieve.

The fourth informal prerequisite for the success of American federalism identified and explored by Tocqueville was shared moral beliefs.

Tocqueville noticed that in the United States there was a remarkable consensus about what justice required, which derived from an interpretation of Christianity almost universal among the settlers of America, an understanding of Christianity as authorizing ‘equal liberty’. That is to say, Christianity in America was given a liberal interpretation.

Civil equality and political liberty, and the range of choices they permitted, were understood not as the enemies of religion, but rather as sanctioned by Christian moral beliefs. This was perhaps a controversial interpretation of Christianity.

It certainly could be described as a Protestant interpretation, placing emphasis on conscience and voluntary assent rather than authority and obedience. But its importance in the United States remains fundamental. For the United States still offers the example of a nation in which avowed Christians remain in the majority, accepting strict limits on the public role of religion in the name of a liberty sanctioned by that religion itself.

By sanctioning a private sphere of choice, moral consensus in America set clear limits on the sphere of legitimate state action, limits which were formally written into the United States Constitution as a Bill of Rights.

Nor was that all. The consensus over moral equality and equal liberty also made a crucial contribution to the success of American federalism because it worked against the kind of class-consciousness which had intensified social conflicts in Europe, creating powerful centralizing mechanisms within each state.

That, in Tocqueville's view, had been the sad story of France from the fifteenth to the nineteenth century. The bureaucratic form of the French state was its offspring.

extracted from 'Democratic Liberty on a Continental Scale?', the first chapter of 'Democracy in Europe' first published by Penguin Books in 2000, 250 pages, £8.99; ISBN 0 14 028793 0.

(Permission being sought)

Notes on the Function & Structure of the League of Nations by Dr. Aidan Rankin

Principles

First, the *League of Real Nations* needs a clear statement of principles, on which its supporters of diverse political backgrounds can agree. For these, I would suggest:

- the right to self-determination for all peoples who wish to be independent;
- the responsibilities of independent states to their own people, the environment and respecting the integrity of other states;
- the right of independent states to develop their own systems of government, provided they respect human dignity;
- the repudiation of political violence and terrorism;
- the commitment to settling secessionist disputes by peaceful means.

Research Bureau

Secondly, what would the *League of Real Nations* do?

I shall start with the academic, or ‘think tank’ side of the *League*, which will be needed to give it political clout and intellectual credibility.

The *League* should act as an information and resource centre for the study of independence and secessionist movements. It should commission and publish papers, some ‘scholarly’, others ‘popular’, on relevant subjects.

These would not only be about specific independence movements, but broader issues such as globalisation, the impact of technology, economics, ecology, different forms of democracy (i.e. not just the politically correct ‘Western’ model), the emergence of ‘super-states’ and trade blocs, or the survival of ‘indigenous’, or native cultures.

Action Centre

One of the main problems facing nations seeking independence is isolation.

A function of the *League* should therefore be to forge links between peoples facing similar situations, through conferences and media events to give a mouthpiece to unrepresented peoples.

An important aspect of the *League* should be political lobbying - drawing the attention of politicians and opinion-formers, both in the UK and abroad, to issues affecting independence, or the rights and responsibilities of self-determination.

Non-violent conflict resolution should be one of the *League's* priorities. It should provide a forum for negotiation between independence movements and governments, or between small states in dispute over borders, populations and resources.

Another function of the *League* should be to provide practical and peaceful assistance to peoples seeking independence. This could include map-making which helps such peoples clearly to define their borders, or help with adapting traditional forms of government into systems compatible with international norms but still distinctive.

Structure

All these functions of the *League* more or less overlap. The research aspect of our work would strengthen the campaigning strategy and vice versa.

I believe, therefore, that the *League* needs to establish itself as a registered charity, with a board of trustees drawn from politics (cross-party), academia, business, the media and other relevant areas. A short-list needs to be drawn up.

The *League* will need an office and a few dedicated research and campaigning staff. This is not to suggest that the *League* should become a ‘typical NGO’. Quite the opposite. But it cannot rely solely on voluntary work.

The financial possibilities of this will need to be discussed. One option would be ‘full independence. Another would be an affiliative status...at least until the *League of Real Nations* were ready for full autonomy.

edited by Peter Etherden from a private correspondence (8th June 2000)