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*Constitutionalizing Globalization: The Postmodern Revival of Confederal Arrangements.* By Daniel J. Elazar. Lanham, MD: Rowman & Littlefield Publishers, Inc., 1998. Pp. vii, 233. Index. \$23.95, paper; \$63.00, cloth.

Studies of the emergence and function of international organizations and more informal international regimes are assuming a central place in the discipline of international relations. While this concern appeared at least as early as the work of Hugo Grotius (1583–1642), several recent books have significantly advanced this stream of study. Michael Walzer's *Just and Unjust Wars* (1992), for instance, employs the notion of a "domestic analogy" to investigate whether a parallel relationship exists between politics within a state, on one hand, and reaching normative consensus among actors within the international system, on the other.<sup>1</sup> R. B. J. Walker's *Inside/Outside* (1993) has challenged the validity of theoretical distinctions between politics within and beyond state borders, arguing that the long-understood theoretical distinction between domestic and international politics is an aspect of world politics and not an explanation of them.<sup>2</sup> Finally, Paul Wapner's *Environmental Activism and World Civic Politics* (1996) has argued for the existence of a global civil society which, along with states, serves to "define and shape [global] public affairs."<sup>3</sup>

The work of these authors and others leads us to ask whether the distinction between global politics and "domestic" and "intra-state" politics is merely one of scale. Although primarily a scholar of federalism, Daniel Elazar, a professor of political science and director of the Center for the Study of Federalism at Temple University, makes a substantial contribution to the literature of global governance by drawing on history and theory. In his introduction, Elazar outlines how globalization is changing the context of world politics and generating new social strains in such areas as the environment, ethnic relations and trade. He further contends that confederal governing structures may provide an appropriate means for mediating these ten-

sions. Following the work of Ivo Duchacek,<sup>4</sup> he then discusses both the evolution of confederal governing structures over time and the compatibility of confederal governance with these newly prominent policy challenges.

As defined by Elazar, federalism is

the combination of constitutional choice, design, and institution-building to accommodate both existing states and trans-state linkages . . . by combining self-rule and shared rule in such a way as to ensure that shared rule will be confined only to those functions where it is absolutely necessary or clearly more useful to the polities and peoples involved. (P. 3)

He adds that "[f]ederalism does not concentrate on questions of sovereignty, but on questions of . . . jurisdiction. Sovereignty is quickly disposed of by being vested in the hands of the people, who distribute governmental powers to various authorities as they deem appropriate" (p. 199).

Elazar defines confederal governance in contrast with federalism; a different emphasis on the principles of subsidiarity and liberty distinguishes confederation. "In a federation," he notes, "the largest [political] arena" exercises the greatest influence over outcomes, while in a confederal structure, "the basic constituent arenas . . . constitutionally and practically [act as] the fulcrum of the whole model" (p. 60).

Traditionally, most observers of international affairs have assigned great analytic importance to the Treaty of Westphalia (1648), which formalized a world political system composed of state actors exercising equal, exclusive sovereignty over defined territories. As Elazar notes, however, the expansion and enhancement of economic and military activity over recent decades have placed in question the allocation of authority dictated by the Westphalian order. Elazar joins the ranks of such writers as Anthony Giddens (1990),<sup>5</sup> Arjun Appadurai (1996),<sup>6</sup>

<sup>1</sup> MICHAEL WALZER, *JUST AND UNJUST WARS: A MORAL ARGUMENT WITH HISTORICAL ILLUSTRATIONS* (2d ed. 1992).

<sup>2</sup> R. B. J. WALKER, *INSIDE/OUTSIDE: INTERNATIONAL RELATIONS AS POLITICAL THEORY* (1993).

<sup>3</sup> PAUL WAPNER, *ENVIRONMENTAL ACTIVISM AND WORLD CIVIC POLITICS* (1996).

<sup>4</sup> IVO DUCHACEK, *COMPARATIVE FEDERALISM: THE TERRITORIAL DIMENSION OF POLITICS* (1970); Ivo Duchacek, *Antagonistic Co-operation: Territorial and Ethnic Communities*, *PUBLIUS*, No. 4, 1977, at 3; *Consociations of Fatherlands: The Revival of Confederal Principles and Practices*, *PUBLIUS*, No. 4, 1982, at 129; and *Dyadic Federations and Confederation*, *PUBLIUS*, No. 2, 1988, at 5.

<sup>5</sup> ANTHONY GIDDENS, *THE CONSEQUENCES OF MODERNITY* (1990).

<sup>6</sup> ARJUN APPADURAI, *MODERNITY AT LARGE: CULTURAL DIMENSIONS OF GLOBALIZATION* (1996).

Martin Albrow (1997),<sup>7</sup> and James Rosenau (1997),<sup>8</sup> contending that social changes engendered by increasing globalization have driven "a paradigm shift from a world of states . . . to a world of diminished state sovereignty and increased interstate linkages" (p. 17).

Like other analysts of globalization, Elazar subscribes to the division of history into epochs, choosing premodern, modern and postmodern periods for his typology. He cites the advent of nuclear weapons, extensive worldwide flows of goods and information, recognition of a global environment, and an expanding consensus on human rights as markers for the consolidation of a postmodern era. Elazar asserts that, in this new context, "the state system is acquiring a new dimension, one that . . . is now coming to overlay the [Westphalian] system that prevailed throughout the modern epoch" (p. 19). As a major factor in the acceleration of this shift, he highlights "the . . . legitimization of ethnic identity" (*id.*) and national self-determination, which he associates with the postmodernist preference for local knowledges over global norms.

In short, Elazar finds that

[t]he implications of this [post-Westphalian] paradigm shift are enormous. Whereas before . . . state[s] strove for self-sufficiency, homogeneity, and . . . the concentration of authority and power in a single center, under the new paradigm all states have to recognize as well their interdependence, heterogeneity, and the fact that their centers, if they ever existed, are no longer single centers but parts of a multi-centered network . . . necessary in order to survive in the new world. (*Id.*)

Continuing this argument along lines similar to Karl Polanyi's (1944) notions of "embedding" and the "dual movement,"<sup>9</sup> Elazar notes both the globalizing and the localizing potentials of postmodernity. Here, he embarks on his above-mentioned theoretical contribution concerning the compatibility of postmodern social patterns resulting from increased globalization and confederal governing structures. While noting that "globalization offers greater opportunities to move in both directions" (p. 32), Elazar

also points out that such "movement . . . requires political structuring for governance anchored in appropriate constitutional frameworks" (*id.*). Immediately, then, the author points to the frameworks he perceives as matching postmodern world society: "As the dust settles in the 1990s, we find more federations than ever before covering more people than ever before. These can be seen as the foundation stones of the new paradigm" (*id.*).

In tracing the progress of confederal structures in world politics, Elazar's study considers both the emergence of modern states—including the United States—and the development of intergovernmental organizations, particularly in Europe. He notes that, consistently, confederation has involved transformation of a polity "from the effort and ideal of being totally sovereign and self-sufficient to becoming autonomous jurisdictions within a larger system" (p. 4). While confederal structures "vary in the degree to which they bind their members" (p. 6), Elazar also finds that their plural focus "has played a role in restoring democracy in various states," including Spain, Argentina and Brazil, and in the reunification of Germany (p. 33). For the author, confederal structures bypass hierarchical distributions of authority, deploying separated powers to frame a "matrix" of policy areas and jurisdictional domains. Elazar writes that as a new policy domain becomes salient in a confederal system, governing structures allow for the "organic" involvement of different interested parties, rather than subjecting each issue to mass political contention within and between states (pp. 55–58).

While providing a thorough history of confederal structures, Elazar recounts the emergence of functional integration through the European Union and the proliferation of similar regimes both across issue areas and in other geographic regions. The author reminds readers that

[p]eoples and polities can and indeed do claim to be sovereign without claiming the right . . . to be totally independent. They only reserve to themselves the right to decide how and in conjunction with whom they will exercise those of their powers that they are willing to delegate and emphasize that they have the sovereign authority to do so. (P. 63)

Elazar concludes that "[a] new world order has developed, based primarily on the same functional foundations as the European Union" (p. 156). Evaluating recent history, Elazar finds ev-

<sup>7</sup> MARTIN ALBROW, *THE GLOBAL AGE: STATE AND SOCIETY BEYOND MODERNITY* (1997).

<sup>8</sup> JAMES ROSENAU, *ALONG THE DOMESTIC-FOREIGN FRONTIER: EXPLORING GOVERNANCE IN A TURBULENT WORLD* (1997).

<sup>9</sup> KARL POLANYI, *THE GREAT TRANSFORMATION* (1944).

idence for the emergence of global confederal regimes concerning health, communications, environmental resources, intellectual property and agriculture, among other issues.

Since at least the end of World War I, one of the principal advantages cited by advocates for expanded application of international law lies in law's potential for establishing and maintaining peace. By contrast, Elazar's exploration of this topic yields a more nuanced impression of the peacemaking role of regimes. For example, he cites the role of "federal paradigms" in advancing the resolution of long-standing confrontations in South Africa, Northern Ireland and the Middle East (p. 35). At the same time, Elazar notes that, although the state of Yugoslavia possessed extensive federal institutions, it eventually degenerated into the Balkan crisis. What Elazar neglects to realize, however, is that it was the dismantling of the federal structure by Serbian President Slobodan Milošević that led to the initiation of the crisis and that the retention of a functioning federal structure or its re-creation might have prevented the Balkan conflict.

Indeed, Elazar contends that current "nationalist explosions are all based on a hidden premise that none of these small nation-states . . . will have to go it alone. Slovenia and Croatia would not have seceded from Yugoslavia [without] expectations that some day they [would] get into the European Community" (p. 90). Looking at state-diaspora relations—a topic increasingly engaged by such political theorists as Appadurai—he reaffirms a linkage between sovereignty and sustained group identity, writing that "ultimately, a people must have a state in order to have a diaspora" (p. 183).

Elazar acknowledges the limitations of territorially or substantively limited confederal solutions to areas beset by ethnic violence, such as in the territory of the former Soviet Union and the former Yugoslavia. He understands that embedding two opposed groups in the same relatively small political unit, particularly shortly after a conflict, would "rarely work." On the other hand, he sees great promise in the peacemaking capacity of broad-based, wide-arena arrangements involving multiple partners beyond those in conflict, where "those engaged in or

reflecting ethnic conflict will also find it necessary [but] very difficult to stay out of [such] sharing arrangements" (pp. 219–20). Such a finding provides some degree of support for efforts in Latin America, the Middle East and eastern Europe to couple the resolution of conflict with conventions involving former combatants in regional cooperation structures.

In a relatively brief work, Elazar engages central issues of civic political theory and world politics. He further expands the scope of his work by informing his examination of federalism with concepts from historical sociology. However, while his study is intimately concerned with the mechanics and consequences of regime building, Elazar pays scant attention to the social origins of the ideas and principles forming the foundation of international law and the genesis of binding authority. This criticism is particularly warranted because he accepts the validity and necessity of multiple value frames and ideologies without explaining how societies come to prefer one set of principles over another. Moreover, some of his interpretations of institutional history—particularly with respect to the Commonwealth of Independent States and the developing world—seem a bit optimistic.

Nevertheless, *Constitutionalizing Globalization* is a valuable addition to the literature of globalization. Like few other contemporaries, Elazar has seriously brought his background in intergovernmental relations to bear on questions of an emerging global polity. The historical sections support the author's thematic contentions and suggest the existence of the trend he discusses. The book should thus be of significant use as a collection of provocative ideas for both graduate students and active practitioners. It might have been even more useful for international lawyers if Elazar had been better acquainted with the idiom of international law and used its terms, as relevant, in the course of his argument.

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