# THE EMERGENT WORLD FEDERAL SYSTEM AND ITS IMPLICATIONS FOR INTERNATIONAL LAW*

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The thesis of this lecture may be simply stated. It is that from the viewpoint of juristic theory in the circumstances of our time, international law has ceased to be law. Under the accepted standard criterion of positive law, it must be excluded from the concept of a legal order. This view may seem strange for, in our time, there is an ever-broadening, if not feverish, scholarly activity on this subject. I shall venture an explanation of this matter later.

The thesis of the moribund or defunct character of international law from a juristic viewpoint is founded on two broad grounds. The first is negative. It is that the social conditions that gave vitality, and meaning, and force to the classical theory have simply ceased to exist, transforming it into a myth. This may be a case by application of rebus sic stantibus. The second broad ground is positive. Not only has the profound change in the world led to the elimination of factual under-pinnings of the classical theory, it has also given rise to an entirely new political system that is in the process of emerging, to which classical theory can in no way correspond. The forces of integration that have been at work in the past two hundred years had at least brought a quantum leap in political transformation. The bonds of interdependence that bind the capitalist world have become so massive and enduring as to justify a tentative inference of an emergent unified political system in place of the previous Western community of nation states. The community of independent and equal States has evolved into a world federal system. Before elaborating on our subject, allow me a few preliminary and cautionary observations. First, is that the present lecture focuses on international law from a special viewpoint, which is that of juristic theory. Jurisprudence as the science of law aims at an adequate description of the phenomena of positive law in its various manifestations. It is, therefore, concerned to discover relationships between theory and reality in terms of historical experience and the data provided by the concrete legal orders. One direction of this inquiry is to uncover any resultant desuetude or inadequacy of particular theories, insofar as they fail to explain or account for contemporary phenomena. Once any theoretical inadequacy is

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uncovered and established, steps can be taken towards re-formulation, modification, or in the event of radical disparity, excision and replacement. As in all sciences, jurisprudence constantly endeavors through this process of adaptation to present an accurate theoretical picture or framework of legal experience and reality in the broadest possible terms.

The basis of this unending juristic study of theory in relation to social reality is the same basis for all sciences. This is the tentativity and fragility of theory insofar as it seeks to portray truthfully the experienced world of fact. Theory is always in the process of being falsified by facts. Our formulas seem unable to capture the whole of reality. If this is true in the physical and biological sciences, it is even more marked or pronounced in the social and moral sciences. Profound social and historical changes are forever in process. Such is the impetus or inertia of social change as on-going process that human concepts, theories and formulas are often outrun or outbased by conditions or events. This phenomenon of culture lag is true in all sciences of man. It is, however, most pervasive and persistent in legal science. This is explained by the nature of the subject matter, for law with its emphasis on certainty and stability is definitely conservative.

As legal historian and jurist, Mr. Justice Holmes had stated the problem in the field of legal science, posed by cultural persistence in the face of social change. The jurisprudence of any age begins with theory. Such theory, if fruitful in its relationship to social reality of the time, gains currency. With acceptance, it hardens into doctrine. The passage of time blesses the doctrine with the aura of conventional wisdom. Thus imbedded in the social thought of an age, the doctrine acquires life of its own. The precise social conditions that gave girth to the doctrine may disappear, or may be profoundly altered, yet the doctrine remains. The present lecture takes the view that it is this phenomenon of cultural inertia that explains the continuing currency of the classical theory of international law, enabling it to persist long after the social conditions that gave it birth and vitality had already disappeared and an entirely different world order had emerged.

That international law has a historical ending, should neither surprise nor sadden any one with a sense of history, since international law, like many other social institutions, had a historical beginning. Like many institutions with which the West had gifted the world, such as the industrial system, constitutional government, the nation-state and the law merchant, international law was primarily a creation of the robust capitalist system that had emerged at the start of the modern era in Europe. As the feudal order broke down in Europe, Nation States had arisen, accompanied by the development of an industrial system and a capitalist class that administered it. Soon their power and influence wrought social upheavals everywhere, peacefully in England and with violence in many European countries. An entirely wordly orientation gave rise to philosophies appropriate to different spheres of life. Thus, *laissez faire* economics justified the pre-

eminence of free trade in national policy. In the sphere of human intelligence and knowledge, empiricism came to the force, with its emphasis on human observation, perception and experimentation as the only trustworthy foundation for rational belief. In politics, the triumphant capitalist class justified its power on the very conceptual instrument of its success. Under the Social Contract theory, government was an instrument of the industrial class, in the language of its classical exponent, for the preservation of its property.

As soon as external trade became profitable for the rising industrial staes, it was imperative to subject their relationships within a definitive order. This order is provided by the classical theory of international law. In the classical conception, the several capitalist states were the subjects of this international order. The regime governing their relationship is free and open competition for trade and profit. The freedom of each compromised alternatives of action according to its best interests. The very instrument of mercantile success likewise became the basis for normal relations of States with one another. The very nature and effect of a treaty is contract. Treaties are contracts among sovereign States.

Because the quest for trade and profit is the over-riding interest of the State in its relations with others, all means directed to the success of that quest were legitimate. Within each State, it was recognized that the sphere of individual autonomy or freedom prevented the use of certain methods in securing business gain. Fraud is outlawed, and certainly so is the use of force or intimidation. But in external trade, such limitations were not recognized. Where a country refused to allow access to its raw materials or to its markets, the trading State was authorized to use force to compel such access. Generally, after a treaty was imposed upon it, it was recognized as a binding contract under international law.

We thus see that the theory of international law was posited to explain the new situation that had arisen in Europe. This theory described an order of rules regulating the inter-relations of States. The postulates of such relationship were the independence, freedom and equality of the State vis-a-vis other States. The vitality and adequacy of this theory, as developed by the classicists lay in the correspondence of its essentials with the facts prevailing. Each nation-state was, in the circumstances of the time, permanent and indestructible. The technology of the time was compatible with this assumption. Gunpowder in its most destructive form demolished only individual combatants. There was as yet no capacity for wholesale genocide. There was no equivalent at the time of our present capacity for total annihilation by nuclear holocaust. What guaranteed territorical integrity and national survival was not so much that there was greater respect and goodwill for other peoples than obtains at present, but that the resources available to each nation for destruction of other nations was considerably more

modest. Certainly, in the subjective terms of ferocity, malice and hatred, the combatants of that period were no less agitated than the participants in contemporary conflicts. But their weaponry, in comparison with that of today, was virtually primitive. At their worst, hostilities involved only armies and fleets, which were small percentages of the population. Invasions and battles affected only tiny portions of the national territory. Apart from trampled crops, or seized livestock and perhaps a few burned houses, the great battles of that period became invisible as soon as the dead were buried and the wounded taken away. Battles were fought, and wars were lost or won, without the general population being ever directly affected by the hostilities. Civilians of that period were spared the horrors suffered by noncombatants in the great wars of the present century. The vitality of the theory of international law as propounded by the classical authors was thus rooted in profound social facts. First is the virtual indestructibility of the nation-state through war on physical hostilities. No matter how its fleets were mangled, its armies, routed, or its government humiliated, the Nation survived to fight another day, and perhaps win the next time around. The wars then were not the catastrophes of the present age; they were, from the vantage of national existence, benign afflictions, to be borne periodically for King, country and profit. The significance of this fact for the theory is clear. Since war was not in fact destructive of the international community nor of its component state, its occurrence was acceptable and in fact accommodated within the theory. Hence, the law on the practice and usages of war was developed in, and became later the dominant part of, international law. In this conext, the famous observation that war is a continuation of diplomacy passed for acceptable conventional wisdom. It is only the capacity of our time for unprecedented mass destruction that makes the observation of Clausevitz horrifying.

The second social fact that lent vitality to the theory of international law is that within the community of States (exclusively European at the time), there was a continuing equilibrium in terms of national power. Power in this context means nothing more than the capacity for war. In the actual historical development, this capacity was somewhat specialized. Thus, Portugal, Spain, England, and Netherlands were sea powers. On the other hand, France, Austria and Russia were land powers. There was none of the supremacy in all branches of the armed forces that was to prevail later in the great world wars. It is this equilibrium in the capacity for war that underlies the famous concept of balance-of-power, which was believed to stabilize international relationships and thus preserve the peace. That it did not, is not attributable to any defect in the concept; rather, this is due in large measure to a propensity generated by the confidence in the indestructibility of the Nation, even if it loses a war. Where a successful war leads to incalculable advantage, while a lost war merely inflicts acceptable inconvenience, risk is outweighed by an unhappy combination of great expectations and a facile optimism in beating the enemy.

The significance of the international equilibrium for the theory of international law is profound. Such equilibrium is the empirical basis for the postulates of State sovereignty and independence and equality of States. By and large, in the situation at that time, each State stood a more or less even chance of defeating or overcoming an enemy. Thus, each state provided its own deterrent to an attack or invasion, sufficient more or less according to the relative circumstances. That in actual war, some States were beaten by others did not diminish the significance of the equilibrium, for oftentimes, in terms of actual losses sustained, the vanquished was not so much worse off than the victor. In fact, in this situation, the equilibrium had a built-in self-correcting or adjusting mechanism. As soon as one State was defeated, the community of States moved through diplomatic measures to ensure that the vanquished recovered its war potential as speedily as possible. This was less out of concern for the vanquished and more out of fear that the victor may become too strong, as to threaten the rest.

Insofar then as each State had such quantum of physical power as to preclude any attack with impunity, there existed factual foundation for the idea of State sovereignty and independence, and the principle of equality among the several States. If a State had the physical means for a putative repulsion of invasion, to this extent it enjoyed independence of control from without, and such independence would necessarily presuppose internal control or domination. Hence, the postulates of the theory of international law, as classically propounded, rested on adequate empirical considerations obtaining at the time of its articulation. The view of world order, implicit in the theory of international law, had adequate support in the social conditions of the time. It is this substantial congruence of classical theory with observable reality and historical experience that explains the swift evolution of theory into doctrine and conventional wisdom that persists to this day.

It is not easy to say precisely when the social conditions obtaining in the time of Grotius and implicit in classical theory disappeared from today's world. It is certain, however, that by the time the first atomic explosion ushered the nuclear age, the world of Grotius had vanished. Gone was the invulnerability of the Nation-State to physical dissolution and destruction. The holocaust unleashed with thermonuclear devices can literally wipe off any nation off the face of the earth within an hour. Thus, atomic weaponry falsified the primary factual support of classical theory, which is the capacity of the Nation-State to survive war. It is no longer the case that a State's physical existence could not be terminated in the course of war. The sad truth is that with nuclear weapons, it has become technically feasible to physically destroy not only a nation but even many nations in the same instant, or even the entire planet.

The end of the invulnerability of the State to total destruction likewise marked the end of the equilibrium of power that made the community of free and equal States possible. The limited capacity to destroy, which marked

the outer limits of State power in the pre-atomic era, was characteristic of all States, hence, none had a decisive edge over any other. But with nuclear weapons, the old balance disappeared totally. Not only was the capacity to destroy without physical limit, this capacity was also a monopoly. For practical purposes today, this monopoly is shared by only two nations: America and Russia. In the capitalist world, only America has the undoubted capacity for nuclear extermination. In the socialist orbit, Russia holds the same position. While a few other countries also have nuclear weapons, in terms of over-all destructive power, these are negligible if taken in world perspective.

In the theory of international law, the States are deemed equal because none had the capacity for total destruction and each had capacity inflicting substantial harm. With nuclear monopoly, the social conditions underlying the theory had disappeared entirely. This has left the theory, which had been part of conventional wisdom for several centuries, stranded. The new situation drained the theory of its validity. For the norms of international law have meaning, effect and force only if the application of coercive sanctions in case of violations continues as a realistic alternative. In the pre-nuclear era, a State which violated its international obligations was subject, and often subjected to reprisals, often involving force. The character of international norms as law in juristic theory is justified because the international equilibirum permitted the application of sanctions against the defaulting obligee. But with the world divided today in the few "haves" and many "have nots" in terms of nuclear capacity, how can the "have nots" even consider coercive sanctions against the "haves"? Not only would resort to such sanctions be unrealistic; in practical terms, it is unthinkable.

The disappearance of realistic and meaningful coercive sanctions against States with nuclear capacity, excludes international law from the concept of positive law. In juristic theory, no social order can be a legal order, unless there is an effective system of coercive sanctions. Hence, from a rigorous application of the established criteria of positive law, the theory of international law appears to be a defunct or a historical legal order. This is so because it describes a world order whose essential empirical conditions have ceased to exist.

Let us consider the possible refutation by devotees of international law. First of all, the element of coercive sanctions is not at all precluded by the nuclear capacity of the State guilty of an international delict. The offended State, even if it is without nuclear capacity, must have resources that can be utilized for inflicting hostilities or waging war on the offender. There is no physical impossibility of resort to coercive sanctions. Now, if such State, instead of exercising its right under international law, chooses to forego such right, this does not mean that the right does not exist, it is simply not exercised. Hence, sanctions as a defining element have not disappeared from international law.

It is true of course that forbearance from the exercise of a legal right is altogether different from the situation where no right exists. But juristic theory is grounded in rationality of social behavior. If a non-nuclear nation resorts to war against a nuclear power, with a view of exacting compliance by force, it is risking by any rational calculation, possible extermination or very grave harm, for a sake of a limited good. Such behavior being suicidal, hence, exceptional, should not be taken as a basis for establishing a theory. In terms of normal behavior of nations in such a situation, sanctions are a practical impossibility, hence, inexistent from a realistic and rational point of view.

Second, it may be pointed out that the theory remains vital, hence, valid because coercive sanctions remain a practical course of interaction among nations without nuclear capacity, and among those nations with nuclear capacity.

In actual historical experience since 1945, coercive sanctions have been resorted to and with success in many cases. This is evidence of continuing fruitfulness of the theory. In answer, it should be stressed that the point made, while true, is not decisive. For the validity of a theory lies on its adequacy in explaining observable phenomena of which it takes account. It will not do for theoretical consistency for international law to posit sanctions as practical with respect to certain delicts, but at the same time admit that the same sanctions are not practical (i.e. do not exist) with respect to delict of the same kind if committed against States with nuclear capacity. The effect is to admit that while its norms are law with respect to the general case, they are not law with respect to the exceptional case. This breakdown in consistency is fatal to the theory.

A third approach would eliminate sanctions altogether as a criterion of legality. Since most violations are settled satisfactorily without resort to force, including those committed by nations with nuclear capacity, the level of compliance is sufficiently high as to render international law effective, and therefore, classical theory remains valid. This approach is typical of statistical frequency or incidence. In other words, if in terms of percentages, there is redress or compliance in sixty per cent of the violations that occur, or any other level deemed satisfactory, then, in terms of outcome or result, international law is effective, hence, valid, without regard to the existence or efficacy of sanctions. While this may be satisfactory from the viewpoint of other social sciences or humanistic disciplines, it is wholly untenable insofar as juristic theory is concerned. For basic to legal science is the concept of positive law, which ascribes legality to a rule *only* if some sanction or other is annexed to a violation of duty. Without the element of sanction, rule of law would be indistinguishable from non-coercive social orders, such as most systems of morality. If the behaviorist approach were to be accepted, compliance with the norms of international law would be essentially voluntary, like rules of etiquette. This would only confirm Austin's dismal

conclusion, reached almost a century before the first nuclear bomb was exploded, that the so-called international law are nothing but rules of international morality.

We now turn to the second ground for our thesis. As stated earlier, there is a positive side to the elimination of the factual underpinnings of international law. Not only did the States, which were free, independent and equal in classical theory, become grossly unequal and vulnerable in the contemporary condition of nuclear monopoly (save those sharing the monopoly), they have, in addition, been transformed through increasing bonds of interdependence into units of a more inclusive political order. This new order may justifiably be described as the emergent world federal system, embracing most if not all the capitalist economies.

The positing of a world federal system tying capitalist economies together is justified in terms of juristic theory. The decisive citerion of an integral or unified political system is the existence of a centrally directed coercive apparatus able to enforce central policies and directives by force if required. In this regard, a nation State is a population with common cultural characteristics subject to a government with coercive capability to maintain order and enforce its norms and commands among such population.

When we consider the capitalist world today, we find in most of its sectors and areas the presence or manifestation of a centrally directed coercive apparatus capable of employing irresistable physical force. This is the Western military organization, the core of which is the armed forces of the United States. There are two main components in this organization. One we shall call the federal military complex consisting of the American forces and the forces of its NATO partners. The other is the supportive military complex, consisting of the armed forces of the other countries in the capitalist world.

In terms of presence and destructive capability, the federal military complex is perhaps the most pervasive and powerful in the world today. In most areas of the capitalist world (including most of the oceans), we find elements or units of this complex deployed or stationed. There are over a thousand overseas bases in the world where federal units are maintained. Throughout the oceans of the world, we find federal naval units (mostly American) operating. There is hardly any significant land mass or sector of ocean, where federal forces of one type or other are not found. In terms of nuclear capability, the federal forces have a distinct and clear edge over their socialist rivals, particularly if the performance of their missile delivery systems is taken into account.

Within the capitalist world, there is no countervailing force that can successfully resist or counter the massive physical might of the Western military organization. Its potential use as an irresistible instrument of phy-

sical dominance or control produces as a normal response, an inclination to conformity or compliance with federal policies. On the whole, the overwhelming power of this military organization has an integrating effect on the capitalist world as a whole, since it bars as a feasible alternative opposition or resistance to centrally determined programs or policies.

The supportive military complex provides two distinct contributions to the maintenance of federal power in the capitalist world. On the one hand, they can be employed as auxiliaries to federal troops in preventing border encroachments by socialist forces. Fighting contingents provided by small countries in the Korean and Vietnam conflicts had more than a cosmetic role, they provided vital suportive functions to federal forces. The second contribution is system maintenance through internal stability within their respective countries. By successfully countering rebellions of wars of liberation, these forces prevent defections to the socialist camp, and thereby preserve the territorial integrity of the world federal system.

There are three principal methods for maintaining loyalty to federal interests on the part of the supportive military complex. First is federal indoctrination and training of the native officer corps. This is accomplished in training camps and centers in the great industrial states, such as the United States. A second method is military aid, which excites gratitude and loyalty to the federal cause. A third is a system of direct and indirect rewards for loyalty and support among the officers, effected through the business and industrial establishments in each country.

While juristic theory rightly focuses on a centrally directed coercive apparatus as decisive, it must not be supposed that the Western military organization above discussed is the sole basis for positing the world federal system. It is, of course, the ultimate basis. If necessary to the federal interests, its irresistible force can be applied to any country, part or sector within the capitalist world with devastating and overwhelming effect. But this has so far not been necessary for a very good reason. It is a truism in social relationships that once overwhelming power is perceived, it is rarely, if ever, necessary for the holder to actually exercise or to apply it, for those subject to the power will readily adapt their behavior according to commands or directives of the holder. Within the capitalist world, there has been general conformity with the centrally defined programs, objectives and policies, thereby actually obviating any necessity even just for the flexing of the military muscle, let alone actually using it.

Now, this is true only up to a point. Military power has well-defined limits, particularly and even more so nuclear. Hence, sensitivity to federal power on the part of those subject to it only partly explains acceptance of federal directives. Other more direct and equally powerful forces are at work, with integrative effect.

One is the federal economic organization, which transcends the territorial units of the capitalist world. There are two primary sectors, the industrial and the dependent sector. The industrial sector consists of the industrial or developed areas, mainly the United States, Western Europe and Japan. The dependent sector consists of the remaining areas, which export raw materials and import consumer products from the industrial sector. A division of labor underlies the segmentation. While the industrial sector is characteried by high grade skills and sophisticated or highly complex production technologies, the dependent sector usually employs manual labor or skills attendant to low-grade technology, much of which is obsolete or outmoded in the industrial sector. The terms of exchange or trade between units of these two sectors is centrally determined from the industrial sector, through world-wide marketing organization and arrangements. For coherence and stability of trading values, a federal currency is prescribed, administered by the federal monetary agency, the International Monetary Fund. Originally, the currency was United States dollars; economic dislocations of contemporary experience has led to some modifications: the federal currency is now supplemented by the stronger of the currencies, plus SDR's of the Fund. In terms of exchanges for systems maintenance and stability, the key federal instrumentalities are the multinational or transnational corporations. Their over-all transactions provide compensating stability within the industrial sector, and effect exportation of surplus from the dependent sector at a satisfactory level. Within the industrial sector, and between the industrial and dependent sectors, economic integration is achieved through production and trading patterns, investment and financial arrangements, monetary convertibility, etc. Alignment of centrally determined policies is induced in the host countries through a ruling elite with political and business interests wedded to the federal organization.

No less powerful in fostering integration into the world federal system is the complex of cultural institutions which condition the beliefs and attitudes of over two billion people. Primary among these are the religious, educational, and informational institutions. The direction is not only cultural homogeneity, but also widespread acceptance among the population of the values of capitalist culture. Through various programs and arrangements, the native elites in the dependent sector are provided the learning, skills and techniques essential to leadership under federal hegemony. Through the global network of media-print, broadcast and celluloid-cultural conditioning is constantly at work among the population aimed at inducing patterns of behavior responsive to federal objectives and policies.

Assessed in terms of juristic theory, the over-all impact, effect and consequence of these integrating mechanisms we have briefly mentioned is an emerging, if not already emerged, world federal system, with all the elements of an integrated political system. Its objectives are implicit in its basic nature: the preservation and strengthening of the capitalist system. Its

government, although not yet formally structured has taken definite organizational shape. The intricate webs of special and technical composite staffs from the major components of the industrial sector (United States, Western Europe and Japan) operating on a regular if not permanent basis, already provides bureaucratic continuity, expertise and support to the ad-hoc-gatherings of the leaders of these countries in all matters affecting federal interests, including military, economic and cultural affairs. In the emerging collective leadership, the roles of chairman and spokesman and over-all leader, belong to the President of the United States. This is clearly shown in all the summit meetings of the federal governing board. The pre-eminence of America in the federal set-up is likewise shown by the headship of its representatives of the key federal instrumentalities, such as the NATO military organization, the International Monetary Fund, the World Bank, etc. The reality and cohesiveness of the world federal system is amply shown by the federal military complex, the federal monetary system, federal credit institutions, and the equivalent of the great chartered companies in the modern era: the multinational, transnational or global corporations. That the world federal systems does not have the precise and formal structure of a national State does not detract from its reality and force as an on-going political system.

If our thesis is correct, that the community of free, independent and equal States have been transformed in the capitalist sphere into a world federal system, what is the effect on international law? Simply this, that international law, as articulated by classical theory, has ceased to be a valid legal order, it is now a *historical* legal order. As all the textbooks show, the great concerns of international law developed under the classical theory were (1) existence of States, (2) relations among States, chiefly war, (3) the resultant treaties and (4) acquisition of territories. These matters all belong to the age of *lassiez faire;* today, world capitalism, like national capitalism, has gone Keynesian, in that pervasive governmental regulation is necessary to make it work.

If this be granted, what is the subject matter of the feverish activity in academic circles and policy research centers affecting so-called international relations? Insofar as such studies are directed to legal norms affecting two or more countries, my view is that, like the jurists of the late Republic and early Empire of Rome, they are working out a Jus Gentium for the world federal system. Their labors have therefore a historical precedent. After Roman arms had placed so many peoples and races under Roman power and rule, their leadership was faced with a crucial problem. What law would govern these peoples, most of them former enemies, now conquered subjects of the Roman people? Certainly, they could not be governed by the law of Rome, their conqueror. The Jus Civile was sacred to the gods: it was the law of the Roman congregation. Certainly, such law could not benefit these subject peoples, whose inferiority was indisputably established

by their defeat. The law of the conqueror was not fit for the conquered. Roman genius now rose to the demands of Roman conceit and pride, and worked out a system under which (1) Roman law remained exclusive for Romans, (2) disputes among the same people were governed by their own law; and (3) disputes involving different peoples were to be governed by institutions distilled from all the local law systems. Through the comparative method of legal research and development, the Roman jurists gave to imperial Rome and to the world the Jus Gentium, which was the federal common law of Rome, applicable to non-Romans under Roman rule.

You will not miss the irony, I trust, that while from the Roman viewpoint, Jus Gentium was developed as a law inferior to the Jus Civile and therefore appropriate for the governance of inferior (because conquered) peoples, the classical writers echoing the encomiums of the latter day Roman jurists, based international law on the Jus Gentium, deriving most of their doctrines, precepts and principles from the very system developed by Rome for colonial rule.

With the Jus Gentium, history may well be repeating itself on this particular theme. I feel justified in calling the legal order of the world federal system, the new Jus Gentium because the circumstances of its creation bears striking similarities with those of the old. First, like the old, the new is in form *enacted* law. The bulk is established by treaty, hence, conventional or enacted law. In its formal expression, it is thus no different from the Jus Gentium which sprang from the Edicts and rulings of the Roman Praetor. Second, like the old, the new serves a central policy, in terms of the goals, objectives, strategies, and programs of the world federal system. Third, like the old, it applied only to matters not purely domestic or internal to a particular country, which continue to be governed by the local law. Fourth, like the old, the new Jus Gentium insofar as it purports to define the relations between those in the dependent sector and the industrial sector, is *colonial,* in terms of resultant disadvantage to those within the dependent sector.

Of course, in the outward circumstances of their adoption, a difference seems to obtain between the old Jus Gentium and the new Jus Gentium. So far as the historical evidence shows, the Roman Praetors framed and adopted the Edicts, without the slightest participation on the part of the subject peoples of Rome. In this sense, the old Jus Gentium was unilaterally imposed. On the other hand, the treaties and other agreements giving rise to conventional law (which is the bulk of the new Jus Gentium) are executed with the participation and consent of countries or territorial units subject thereto. Hence, it may be claimed that the New Jus Gentium, unlike the old, is founded on the free consent of the governed. On the surface, of course, this conclusion may be justified. But if the situation is analyzed and the circumstances considered, no genuine consent exists between the two insofar as the form or mode of their adoption is concerned.

A distinction must be made between the appearance of freedom from the reality of freedom. The necessity of this is abundantly illustrated in our daily lives. If a motor vehicle insurance coverage is to be obtained, as it must, because required by law, the applicant cannot truly bargain on the terms with the insurance company. He merely signs on the dotted line on a printed contract. The same goes for shipping goods under bills of lading, or getting bank loans, or lease of buildings from the established realty companies. These are contracts of adhesion. They are distinguished from true contracts in terms of the absence of bargaining power of the individual user or hirer, in relation to the massive bargaining power of the company. Now, insofar as treaties and agreements are executed between those in the industrial sector, and those in the dependent sector, these conventional instruments are contracts of adhesion. In reality, because of the overwhelming military and economic power under federal arrangements the units in the dependent sector do not enjoy that quality of bargaining equality, and prescribes mandatory terms for certain types of contract to off-set in some respects the contractual disadvantage of the weaker party, there obtains at present no such compensating mechanism in the world federal system. This is the general purport and direction of many Resolutions of the United Nations General Assembly in the economic sphere. It is to be hoped that through their solidarity, cooperation and active espousal of their interests, the societies in the dependent sector can generate the collective strength which is an essential springboard towards a more just, equitable and stable order in the world federal system.