A MAIN SOLUTION FOR PROBLEMS OF MANAGEMENT IN THE 22ND CENTURY

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Abstract

Article researches the capacity of national and supranational levels for the governing and managing of global problems. Consumerism and profit per se have brought the world into the collision with nature and people's ability to cooperate with each other, disregarding their selfish and personal interests. Today's inability to rule the world is shown in national interests: states still manage their affairs regardless of the interests of other states. Global problems are beyond that; better sooner than latter, one has to respond to Nietzsche's question of managing the whole world with the formal proposition to strengthen the United Nations that is better than an arbitrary coalition of powerful states, other global power structures, or corporation elites. We should not wait for the new world war to bring more effective ways for solving global problems, because their current negative effects speak themselves in favour for the new global order. Paper is based on thoughts of great thinkers and favours the path to global constitution and federation of states, which could be possible to achieve if the UN will put democratic elements in most of its operations at first in its institutions.
Key words: *global problems, national states, United Nations, cosmopolitan state.*

Introduction

National states in evermore flexible and interconnected world still mostly operate in stable orbits of classical separation of powers and democratic rule over the apparently "ignorant people of the 18th century", along with the ideas worth (to be already in practice) of the 21st century.[1] Management of public affairs is very much the same as it was after the French revolution, but the notion of "public" in the prevailing capitalistic system has changed during the centuries mainly in one direction – ignorant people have been transformed into Fromm's *homo consumens* (Fromm, 1976, 1981, 1997). If the "ignorant people" were alienated from the power of state, the consumers are more and more alienated from themselves and from the state; the things belong less and less to us, but we more and more belong to them, while states are more and more dependent on global power structures.

In several cases (rich companies, interest organisations, lobbies, informal nets, elites) the equal treatment has been only formally applied, while the effective implementation of rights is still based on the wealth of an individual or an organisation (from the French Declaration of the Rights of Man and of the Citizen that proclaimed property as the sacred right), while politicians spend public money for maintenance of their political base (pork barrel or patronage) and familial connections (nepotism) reign among other forms of abuse of public power for personal gain (illegality, corruption). When alienation and search for profit and personal gain prevail in national states, how can they be prevented on a global scale, where big corporations and powerful states operate without regard for national borders and states defend only their national interests? What are global interests and who will defend them? Law is indispensable

for every society, following the legal maxim *ubi societas ibi ius*. Some basic legal principles may also help on the global level, because in the past they were helpful for individuals and national institutions. The emergence of the European Union as the supra-state organisation is also governed by the rule of law that is based on several general principles of law[2] that are of the utmost importance for the efficient management of all kinds of formal structures.

In the extreme case only revolution[3] can change the state's management – which other measure can be appropriate for changing management of the whole world with the exception of permanent menace of devastating war? The global warming and consequential rising sea level, changes in ocean currents and other weather phenomena (storms, tornadoes, earthquakes); scarcity of natural resources and their wasteful use, pollution, public health and (incurable or massive) population diseases, deepening inequality between states, migrations, unemployment, ageing of population and other risks of global proportions can bring mass destruction or drastic decline in population and have similar consequences as war. This forces us to take a common stand in addressing such problems by using green energy, decreasing concentrations of greenhouse gases in the atmosphere (decreasing an individual's carbon footprint, recycling and re-using eco-friendly materials, solar, wind and other forms of eco-energy) and sustainable use of pesticides. With mutual help of migrant workers we can build social politics with win-win effects (e.g. public-private partnerships, administrative contracts, social work), promote science and technology, research and development of human-friendly products, materials and services that would lead to new jobs, resulting in dignified living conditions, personal dignity and natural sustainability.

With time everything becomes much more complex also in areas that are not yet »mature enough« for their individual legal protection (*e.g.* micro parts of pesticides that are or could be harmful to human health in combination with other causes). In "mature cases" the states can build effective and efficient legal mechanisms for elimination of irregularities, while in immature cases the individual state is almost helpless and *inadequate*: "[T]raditional institutions are incapable of addressing the growing list of complex global issues' (Rischard, 2002: 17), '[f]rom the destruction of the twin towers on 11 September 2001 to the failure of trade discussions at Cancun in September 2003, issues are raised which not only concern large swathes of the world's population, but can only be adequately resolved by increased coordination and cooperation across borders' (Held, 2005, p. 240), 'all prevailing forms of governance are increasingly becoming "dead ends", unable to perform changing crucial functions' (Dror, 2002, p. x), 'unfortunately, the ability of the UN to function as an independent international organization has been hampered to a great extent, because the neo-colonizing global power structure has turned away from the UN as a legitimating institutional instrument for its interventionist policies' (Farazmand, 2004a, p. 10).

Alienation, consumerism, inadequacy of existing government methods in addressing global problems in connection with human dignity, natural sustainability, and general legal principles are the platform that requires different responses from the past ones. They still have to answer to the Nietzsche's question about managing the world: '[T]here is approaching unavoidably, slowly, terribly, as fate Itself, the great task and question: How shall the Earth

As a whole be managed (Nietzsche, 1991; [fragment No. 957])? This paper is focused on the possibility to govern and direct the future problem solving by improvements of structures on the level of states and the supra-state, for *democratic* global governance and not for the half-informal international networks or forces of global capital partnerships that have subjugated states by their fear of loosing existent business arrangements, credibility, or respect in international community. Cosmopolitanism originally descends from ancient Greek Stoicism meaning, "living as a citizen of the cosmos" that 'would be nothing more than a metaphor for living in agreement with the right reason that pervades nature' (Brown, 2006, p. 1). Nowadays the same metaphor could be used for describing states in global surroundings, where the

established conventions are based on the willingness of the powerful states to dis/respect them and are adversely (insufficiently) equipped for the global nature of common problem(s). What does common reason tell us about global circumstances?

Old-new solutions to Cosmopolitanism

Notwithstanding the fact that many years have passed since the book *Il Principe* was published, Machiavelli is still partially right about the two ways of fight: 'the first with the laws, other by force … whereas the first is often insufficient, man has to resort to another' (Machiavelli, 1990, p. 63). New economic and social processes represent a new threat to economic and global stability and also a new possibility for different global order. The process of globalisation that has gained momentum through the removal of the iron curtain and with modern communication technology has begun in the 15ᵗʰ century with the formation of colonies. Today with globalisation of economy and technology it actually creates huge global problems, which directly affect the ability of states to provide public goods and services. The capitalism can be a "culprit" (Klein, 2007; Federici, 2004; Steinbeck, 1992; Moore, 2010; Zizek, 2010) for the global crises, but the same could happen in other cultures where the system overuses its main idea ("Nothing too much" and "Know Yourself"[4] could be helpful self-restraints), because it forces just the opposite to happen, for instance communism does not include proportionately greater rewards for better skilled individuals in comparison with common people, while merits are distributed by public power; the capitalism with a desire to earn as much as possible doesn't include efficient control mechanisms and authoritative proportional redistribution of merits to individuals with smaller capacity than the best. Both systems have differentiated and evolved themselves in their handling of *property* that has almost always been the source of power, exploration, submission, and war. Since the negative global consequences of our actions can be almost equal as the consequences of war, it is useful to equate them. A war is a constant companion of the most significant changes in development of humanity; it causes new organisations and serves as a sobering result for past actions. All pre-war stages and the war itself were already built in the political philosophy of Jean Jacques Rousseau: his theory of federation of nations deserves to be mentioned again, because his ideas have not received thorough investigation (wars are the constant even today, with many potential eruptions that are mostly based on exploitation of foreign natural sources – of course under the "labels" of democracy, freedom, etc.).

Rousseau in his *The Social Contract* has shown a path toward exploration: '[M]an was born free, and he is everywhere in chains' (Rousseau, 2001, p. 13); the notion of chains has been also used by other authors.[5] He described the relation between slavery and freedom in *Discourse on the Origin and Basis of Inequality among Men* [1754] and in *The Social Contract* [1762]. According to him (and to rational thinking) the state of nature was a primitive condition without law. Human beings left this primitivism for the common benefits and necessity of cooperation, but the emerging property robbed people of their ability to distinguish between the right and wrong, between real and potential interest – in fact – it caused one of the most perverse frauds in the name of the good.

> The rich, in particular, must have felt how much they suffered by a constant state of war, of which they bore all the expense; and in which, though all risked their lives, they alone risked their property … the rich man, thus urged by necessity, conceived at length the profoundest plan that ever entered the mind of man: this was to employ in his favour the forces of those who attacked him, to make allies of his adversaries, to inspire them with different maxims, and to give them other institutions as favourable to himself as the law of nature was unfavourable (Rousseau, 1993, p. 66).

The evolution of division of labour has increased efficiency in production and property and also increased the desire for "more" that is above personal needs, the man has put on chains, which are becoming increasingly hard to wear. Rousseau tried with his social contract to eliminate 'the advantage of a few ambitious individuals [which] subjected all mankind to perpetual labour, slavery, and wretchedness' (Rousseau 1993, p. 67). By joining people into civil society through the social contract and abandoning their claims to natural right, individuals can both preserve themselves and remain free. This is because 'submission to the authority of the general will of the people as a whole guarantees individuals against being subordinated to the wills of others' (Rousseau, 2001, p. 23). The social contract 'rather than destroying natural inequality ... substitutes a moral and legitimate equality for the physical inequality that nature may have created amongst men. So even though they may be unequal in strength or intelligence, they become all equal through convention and law' (Rousseau, 2001, p. 29). The introduction of private property can prevent misery among the poor only by political institutions backed by the law that is founded on general will. In the future social order would also be accomplished through conventions and law, in the same manner on the global and national levels, but it shall also prevent what was already happening in the time of Rousseau and is still present today: the insatiable desire for more of everything (property, power, functions, wealth, fame, etc.) that proliferates itself like a sin.[6]

Rousseau therefore considered the individual's natural state of freedom and equality that had existed before the advent of states, because continuing struggles over the emerging property and the consequent desire for peace replaced it with civil society, where they had sacrificed a part of their freedom in order to be free in the rest. This had happened through an agreement, in which 'the general will alone can direct the State according to the object for which it was instituted, i.e., the common good' (Rousseau 2001, p. 31). So man had left the state of natural liberty and peace and had entered into the state of oppression and war that was natural among nations. Rousseau already talked about it in the Discourse on the Origin and Basis of Inequality among Men, where he indicated the solution in the direction of 'great cosmopolitan spirits, who, breaking down the imaginary barriers that separate different peoples, follow the example of our Sovereign Creator, and include the whole human race in their benevolence' (Rousseau, 1993, p. 69). He further developed this "solution" in *A Lasting Peace through the Federation of Europe* [1756], where he offered remedy for the misery and waste of war between nations in Federation that would operate on grounds of humanity, justice, and common force.

> There is no doubt that such a Federation, by giving to the existing bond the completeness which it now lacks, will increase all its advantages and compel all the parts to unite for the benefit of the whole body. But, before this result can be brought about, the Federation must embrace all the important Powers in its membership; it must have a Legislative Body, with powers to pass laws and ordinances binding upon all its members; it must have a coercive force capable of compelling every State to obey its common resolves whether in the way of command or of prohibition; finally, it must be strong and firm enough to make it impossible for any member to withdraw at his own pleasure the moment he conceives his private interest to clash with that of the whole body (Rousseau, 1917, p. 59-60).

In his mind, sovereignty plays the same role in relations among states as property does in relations among individuals;[7] what is the social contract between people in the state is also between states in the global world.[8] The other great thinker on global state was Immanuel Kant. In his *Idea for a Universal History from a Cosmopolitan Point of View* [1784] he stated that 'the history of mankind can be seen, in the large, as the realisation of Nature's secret plan to bring forth a perfectly constituted state as the only condition in which the capacities of mankind can be fully developed, and also bring forth that external relation among states which is perfectly

adequate to this end' (Kant, 1963). Nature directs people in direction of a cosmopolitan solution, in direction of world citizenship; man must strive to achieve enlightenment, to make the good that 'he clearly understands, must step by step ascend the throne and influence the principles of government'. Kant in this article philosophically (in ninth thesis) 'attempts to work out a universal history according to a natural plan directed to achieving the civic union of the human race [that] must be regarded as possible and, indeed, as contributing to this end of Nature'. His main work on peace was *Perpetual Peace* [1795] in which he stated six preliminary propositions for a perpetual peace among states.[9] In the light of today's global problems that endanger existence of the human race, the idea that 'human nature is so constituted that we cannot be indifferent to the most remote epoch our race may come to, if only we may expect it with certainty … even faint indications of approach to it are very important to us' (Kant, 2003, p. 42), is not only correct, but must serve as a principle of development of society. Kant's rational conclusion on impacts between nations and related cosmopolitan right leads (not only) to peace (that would guarantee our freedom and life, but to our existence):

'[S]ince the narrower or wider community of the peoples of the earth has developed so far that a violation of rights in one place is felt throughout the world, the idea of a cosmopolitan right is not fantastical, high-flown or exaggerated notion. It is a complement to the unwritten code of the civil and international law, necessary for the public rights of mankind in general and thus for the realisation of perpetual peace' (Kant, 1957: 105).

Kant considered a law on world citizenship as an indispensable condition for human rights and perpetual peace. Making a league of nations was the inevitable result of social evolution. The answer to existence and peace lies in the order, which can be brought through education. This enlightenment requires a commitment of heart to the good that is clearly understood. Kant predicted that the ever-growing war debt would eventually make war economically impractical; this fact and the value of interstate commerce would prepare the way for an international government, even though there has never been one in world history. Kant's six propositions are similar to Rousseau's effort for the Federation of European nations with a common Parliament, Government and Tribunal (all having a supranational character) in five articles (permanent Congress, settling issues through arbitration or judicial pronouncement, number of votes, presidency, guaranty to property, conditions for the joint ban on confederate, standing powers).

Although in their lifetime no league of nations was established, the idea was not forgotten. The idea was far from reality and out of time in which it arose. Colonial rivalry between great national powers and wars for the liberation of nations that filled the other half of the XIX and beginning of the XX century were the basic obstacles for any kind of organization of states on a broad political basis, while economic and technical cooperation between states developed much faster; major economic development forced the states to subordinate themselves to the common discipline, so that already in the second half of the XIX century existed bodies with a permanent international administration (the International Telegraph Union - 1865; Universal Postal Union - 1874, International Bureau of Weights and Measures - 1878, International Union for the Protection of Industrial Property – 1883...). Cooperation in economic and technical fields has gradually made possible broader cooperation between the countries. The formation of the first general political organisation with a much more complex mechanism took place with the establishment of the League of Nations after the First World War in 1919. Catastrophic events during the Second World War have shown that the maintenance of the world peace and security required a stronger organisation. Allied forces expressed their willingness to join in the formation of the universal world organisation after the war. It was their intention to make it a political power of the international community that would also act as a pivotal centre for

all other (administrative, economic, technical and political) international organisations. These ideas come to life in June 1945 with the establishment of the United Nations.

International organisation is obviously formed when certain objectives cannot be achieved through domestic facilities (including diplomatic means). New emergent organisations change the structure of the international community and reduce the power of each individual country. Although countries continue to be major factors in the international community, they're no longer sole and exclusive actors; this fact clearly indicates the beginning of a new phase in global development that reflects the new map of a future world, but there must be more to it. The idea of the European Union of Nations hasn't therefore been created ex nihilo from the United Nations or the current European Union (which is its nearest approximation with permanent institutions), but has roots way back in the Treaty of Westphalia (1648). United Nations and European Union were both created to ensure peace by practicing tolerance and promoting economic and social advancement of all nations (UN), while the Treaty establishing the European Coal and Steel Community (1952) was based on world peace through establishment of an economic community. Both of them follow the leitmotif of the Treaty of Westphalia that was successful, because its principles contain "forgiving the sins of the past", mutually beneficial economic development, and the "benefit of the other" (The Treaty of Westphalia, 1648). Political values are not generated within the states, but in the particular context of underlying political philosophy.

Global Political Philosophy

The benefit and advantage in taking care for the other and not oneself (and thus diminishing self-interest) is to replace competition with care and cooperation.[10] It seems that man achieves the best results in caring for others, when he is engaged in work, for which he knows that other people also receive benefits. It is a kind of legal fairness, elimination of conflict of interests in daily activities of people that is *per se* aimed at future generations. It is obvious that behind every successful agreement stands strong will and determination, an idea that deserves attention, time, and invested energy. The formal act is always lagging behind its actual base, which it wants to sanctify, while intellect gives meaning to it, thus ensuring the fullest participation of people. The idea is before the practice. Idea without practice is only a pious wish, while practice without idea is only an event without meaning. Forthcoming idea of the development of the society should evolve in the ethical direction as in "old days": ethics of Aristotle is most closely connected with the political sciences, in particular with the theory of practice and legislation. Goal is to establish the highest ethical good, which is in *eudaimonia* or human flourishing, happiness in 'engaging of the soul in accordance with virtue' (Aristotle, 1994, p. 59 [1098a]). Since old virtues are never really old, they can also serve as the base for the 'new ethics, new attitude towards nature, human solidarity and cooperation and are also due to pure economic reasons necessary, if the Western world doesn't want to be completely destroyed; this appeal to the mind, even without the emotional and ethical considerations, can mobilise the spirits not only a small number of people' (Fromm, 1980, p. 243). Global problems can be viewed from 'a central difference between a liberal democratic and a quasi-Confucian or classical Greek "substantive morality" view of governance … of good life. In the first, every individual should decide what is for him or her "good life"; whereas in the second, some given value system or collective choice postulates the nature of good life' (Dror, 1994, p. 15). The state of nature for a person is not a passive, but an active one; both *Vita activa* (Arendt 1996; [1958]) and *Active Being* (Fromm, 1980, p. 138) mean that a human uses his mind for critical evaluation of present forms and productively engages in new valuable changes for the good of entire society. Political philosophy must from the global point of view *a fortiori* start from critical, rational standing point and actors must not in their mind look for personal pleasure,

hedonism, consumerism, and taking, but prosperity of collective, human flourishing, solidarity, activism, and giving. It seems that everything is in our human nature and various perspectives on life.

The natural state between nations is only the "state of war" and every rational person would agree with Plato, Rousseau, Tocqueville … that no one is strong enough that would be all the time stronger then all the others.[11] In the short run the colonisation has also brought prosperity (at least to the colonialist states), but in the long run it has been bad, especially for the colonised country. Rousseau built his philosophy on the basis of reason, which can be very limited as psychoanalysts, psychiatrists, and psychologists have already found out. Kant and Rousseau based the union of nations in prevention of war and misery that resulted from armed conflicts. The waste of war can be measured by those who are killed and by those who aren't born – in fact the second case is even more precious – 'a loss far more serious and more irreparable than that of those who die [is]: a loss due to those who are not born, to the increase of taxes, to the interruption of trade, to the desertion of the fields, to the neglect of their cultivation' (Rousseau, 1917, p. 77). After the end of WW II these horrors of war affected the preamble of the Charter of the United Nations, that starts with: 'to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind' (Charter, 1945). But today a sorrow to mankind can appear without a war – in global threats that endanger nature and entire humanity. 'We the people'[12] of the world are becoming our worst enemy.

People usually become aware of consequences when they already occur; only the horrors of World War II led to the founding of the United Nations; increased flooding gave attention to measures for their prevention, earthquakes gave greater attention to better building construction, car accidents to greater caution. Despite the fact that humans do not always have sound character, that they break promises in proportion to the elapsed time from the unpleasant event, human mind can predict consequences in advance and sustain actions that could bring serious damages to mankind. Great forces understand that the major impact of nuclear weapons would threaten the existence of a large part of humanity and that's why they try to ban use of nuclear weapons. The nuclear accident in Fukushima (through increased awareness of the dangers of nuclear energy) gave greater attention to the safety of nuclear power plants; Germany even decided to completely stop producing nuclear power by 2022 (USA Today, 2010). Prevention of war and possible consequences of nuclear energy or nuclear weapons that would have global consequences have led to a reasonable decision to avoid the consequences before they arise, i.e. by eliminating their causes. Today's awareness of the consequences is present because we still have in front of our eyes past horrors that can be repeated or may occur in a very short time. At admission of the Charter of the United Nations the states had probably before their "eyes" past horrors that can happen again in the lifetime of their generation or their children's generation, but the "sight" has been lost for all other forthcoming generations. Technology and development have brought the convenience of goods and humans are very reluctant to give them away. It takes considerable efforts for humans to disregard their own comfort in favour of not yet born generations. The world is too big to be retained by force in long-term. Old values and new actions will be necessary to prove that violence isn't solution for current problems.

Contemporary literature of the last few decades speaks of global problems that cannot be resolved in present time, but are even more present. They can be found in all global areas where the model of perfect competition cannot be well applied and has negative side effects (incomplete markets, insufficient information on the side of supply, externalities, unemployment, macroeconomic imbalances, disproportionate gains in public services, paternalism, etc.). When they grow to the global dimension, it is necessary to regulate them globally. Reason for legal intervention can be called by the common name – the "tragedy of the commons," which is described in Garret Hardin's *The Tragedy of the Commons* (1968). This »tragedy« could be traced back to Aristotle (384-322 BC) that has argued against common goods of the polis of Athens.

That all persons call the same thing mine in the sense in which each does so may be a fine thing, but it is impracticable; or if the words are taken in the other sense, such a unity in no way conduces to harmony. And there is another objection to the proposal. For that which is common to the greatest number has the least care bestowed upon it. Every one thinks chiefly of his own, hardly at all of the common interest; and only when he is himself concerned as an individual. For besides other considerations, everybody is more inclined to neglect the duty which he expects another to fulfil; as in families many attendants are often less useful than a few (Aristotle, 1885, 1261b).

This reason serves *a contrario* for public law in all areas where competition doesn't work. Back to present time.[13] The global dimension is already on agenda of school curriculum in some schools,[14] while political leaders still cannot agree on the importance of global problems.[15] Zizek (2010) identified those problems as the four horsemen of the apocalypse in near future: the worldwide ecological crisis, imbalances within the economic system, the biogenetic revolution and exploding social divisions and ruptures, Jean-François Richard (2002) stressed that the current international system is not effective, accountable, or fast enough to solve many of the big issues we face, issues of our planet (global warming, biodiversity and ecosystem losses, depletion of fisheries, deforestation, water deficits, maritime safety and pollution), of our humanity whose size and urgency require a global commitment (massive step up in the fight against poverty, peacekeeping, conflict prevention, combating terrorism, education for all, global infections, digital divide, natural disaster prevention and mitigation), and issues in our rulebook that need global regulatory approach (reinventing taxation for the twenty-first century, biotechnology rules, global financial architecture, illegal drugs, trade, investment, and competition rules, intellectual property rights, e-commerce rules, international labour and migration rules). It is known that drastic change in circumstances leads to profound changes in behaviour (Zimbardo's and Milgram's experiments). It would be preferable that humanity will not have to experience these horrors, although they are almost inevitable, because people will not give up their pleasures that lead to destruction.

What everyone understands in theory is more complex in praxis, but the practical level sufficiently shows enough facts that it could be taken seriously. What is (currently) out of sight is also far from the heart. Great efforts will be needed to raise awareness of the people about the problems of others that may soon become our problems too. The actual situation is critical enough that we should discuss the basic global ideas of political philosophy, which are based on common problem solving, because it is obvious that current premises are not adequate for solving some of the aforementioned problems. A platform could be placed on a number of common denominators. The first two could be the Westphalian principles: "forgiving the sins of the past" and "benefit of the other", while 'global dimension can be understood through eight key concepts: global citizenship, conflict resolution, diversity, human rights, interdependence, social justice, sustainable development, values and perceptions' (DFID 2005:4). Further eight concepts – the "cosmopolitan values" – can be found in Held (2005, p. 264-265): 1) equal worth and dignity; 2) active agency; 3) personal responsibility and accountability; 4) consent; 5) collective decision-making on public matters through voting procedures; 6) inclusiveness and subsidiarity; 7) avoidance of serious harm; and 8) sustainability. Principles 1-3 set down the fundamental organisational features of the cosmopolitan moral universe, principles 4-6 form the basis for translating individually initiated activity or more broadly privately determined activities into collectively agreed or sanctioned frameworks of action or regulatory regimes, while principles 7-8 lay down framework for prioritising urgent needs and conservation of resources.

Global Constitution without the Global State

A universal world constitution beyond the nation-states has been so far unsuccessful. This is also true for legal efforts to see the United Nations Charter as the constitutional law of the international community (Fassbender, 1998; Dupuy, 1997), while for others 'a constitution with a claim to bindingness, legitimacy and enforceability, as some international lawyers seek to do, is a mere illusion' (Teubner, 2004). Teubner's thesis refers to the constitutionalisation without the State: 'emergence of a multiplicity of civil constitutions. The constitution of world society comes about not exclusively in the representative institutions of international politics, nor can it take place in a unitary global constitution overlying all areas of society, but emerges incrementally in the constitutionalisation of a multiplicity of autonomous subsystems of world society' (ibid). He favours so called "societal constitutionalism" of David Sciulli, which connects the possibility of a non authoritarian social order under modern conditions with 'the presence of institutions of external procedural restraint' and institutionalisation of procedures by the "collegial formations", that is, in the specific organisational forms of the professions (Sciulli, 1992, p. 56, 80). The thesis on exclusion, profession and its autonomy refers to nothing else but well-known codes of conduct for organisations or professions. Teubner somehow forgets that digital communication as his example of 'self-regulation of the internet as an autonomous system [which] takes on dramatically more value' (ibid) [than the difficulties in reaching intergovernmental consensus] can't be automatically transferred to other global problems. In time when many people still don't have enough food and water, some "electronic code" that has the 'electronic means of constraint' is irrelevant. Who will give the "professional autonomy" to the nature? "State must give us a break – we are professionals – and we know what we are doing" - is a good statement for fields that need autonomy for their development, but complete autonomy of nature is possible only without people. Behind every norm is some kind of force, because a norm becomes irrelevant in the case of non-reaction to its transgression. Teubner calls constitutional lawyers as witnesses (quoting Uerpmann 2001, p. 566; 2004) for confirmation 'that international politics can at best pursue its own constitutionalisation, but not that of the whole world society … [because] the constitutional quality is established in any emergence of a legal system'. Yes, but we must differentiate between the basic arrangement of the state and professional organization. *Quod licet Iovi, non licet bovi*. Constitutional arrangement for state's activities in the fields of public services and public interest for enabling or limiting public power is different from activities of any professional organization (e.g. Dental Association) that can self-regulate its profession – but what if some member violate professional norms and continues his practice? Who will take care for the rule of law? Then the public power must step in. How the professional associations behave to their customers, citizens, is not entirely left to the profession, but also to the other side (and to the third side, if consensus is not possible); by the same argument the privatisation, digitisation and globalisation must be answered by some higher order through cooperation and communication among interested professions. Because power is missing (public coercion) and special interests are limited, I agree with Dobner (2009, p. 619) that 'transnational constitutionalism may remain not more than an utopian idea which in reality either falls short of a sufficient account of reality or of the standards of democracy'.

Reasons for Global Constitution and the "Global State"

After the disastrous World War III, in 2150 World Government, United Earth was formed that included virtually all of the old nation states on Earth. The Earth with other planets established The United Federation of Planets that is founded under the Charter of the United Federation of Planets of 2161.

In the quote mentioned "Federation" from the *Star Trek* television series is, with its permanent political institutions and division of power, the closest approximation to the Rousseau's idea of Federation that is established under the auspices of war. The federation is a rational conclusion as long as there are global problems that must be answered by public law, which is based on power. Every law is based on force and it would be superfluous to say that this would not be so in this case. International law that is related to mutual behaviour of sovereign states and other formations with their relative autonomy of decision-making could be described as a work of equal partners without the use of following concepts: the state, public power, coercion, peace, war, neutrality, etc. In short, without state's concepts and central managing of common affairs that go beyond the borders of members states. That's why the international law, as it exists now, is inadequate for solving global problems, because states will have to give up part of their sovereignty, freedom, and decision making to the supranational institution that will act directly by applying the principle of subsidiarity, which is also true for the EU. For the energy conservation, increased efficiency and effectiveness, cost, speed, responsiveness and accountability, the only rational conclusion is construction of a cosmopolitan state.

Yearbook of International Organizations provides the most extensive coverage of international organizations available today and includes international non-governmental (INGOs) and intergovernmental organizations (IGOs). Yearbook reflects dynamism of international arena; it contains (on 12 July 2011) entries on 64587 (34995 active) civil society organizations in 300 countries and territories, in every field of human endeavor (Yearbook, 2011). **International organisations are beginnings of the cosmopolitan state; all major** international organisations, particularly IGO-s, have established specific divisions of powers, which basically reflect the three branches of government on the national level. As the times are changing, so recipes for new diseases are emerging. The principle of legality was the major cornerstone for the rule of law at the transition to democratic regimes from previous absolutistic ones, but its glorification on the other hand led to dysfunctions that were already described by critics in the time of Max Weber. The principle of legality includes working "by the book" and also activity, which is located in the cognitive perception of new situations, anticipation of future trends and elimination of potential problems. States are slowly becoming aware of it and participate in various formal relations within the international treaties, agreements (UNCLOS,[16] FAO,[17] ICSID,[18] IMO,[19] ISA,[20] WMO,[21] IMF,[22] WB[23] etc.), and informal clubs, which are taking increasingly more and more binding decisions, although they are not formally adopted (G7 – FATF,[24] G8, G20, the Basel Committee on Banking Supervision, etc.) and are perceived as the "global administrative law" (Kingsbury, Kirsch and Stewart, 2005).

Such in/formal gatherings are not enough; every day practice unveils more problems that must be solved in global manner. One nation, organisation, its organ, or some eminent public figure should step forward and bring out the first draft of global constitution. No matter what the concrete content of the draft will be, it will have to include the principles that will justify the constitutional structure of the global community and will sanctify relationships between the global state and its constituent units. Principle of primacy, attribution of competences, subsidiarity, duty of co-operation, direct effect of rules, relations between the institutions of global community (e.g. division of power, institutional balance) are similar to those that are integrated in the EU. They will probably get more concrete content with the operation of a global court, in a similar way that the Court of Justice has defined the constitutional structure of the EU. These constitutional principles will most likely contain the rule of law, of proportionality, legal certainty, legitimate expectations, human rights, and similar rules that will regulate the relationship between individuals and community. Substantive principles will have to regulate specific fields, like access to water, green energy, public order, global crime, etc.

Like the "Rome wasn't built in a day" so many modern institutions take time to be erected. The UN (from 1945 to present) and EU (from 1958 to present) can be taken as examples (higher

popularity of EU than UN is a sign that economic reasons are still prevailing over humanitarian ones). We expect something similar in building the global state, but its longevity cannot prevent it to be built step by step. At this point in time it is rather utopian idea, although it may be useful in the near future, when the circumstances will be different from today. More realistic view would be to strengthen the UN 'as a facilitating and enforcing body in a wide range of global governance partnerships' (Farazmand, 2004b, p. 88) or in changing its structure more in the "state-way": General Assembly as the Parliament, Security Council not as the Executive Council (Dror, 1994, p. 191), but as the upper house of Parliament, as the Global Council, the Economic and Social Council (ECOSOC) as Executive Council (Secretary-General as the prime minister or the president),[25] International Court of Justice as the Supreme or Constitutional court and specialized agencies as the ministries or public agencies. This could be one of the future paths, but the UN itself must show its preparedness to challenge practices and initiate the reforms in its existing institutions (*e.g.* in the Security Council, in ways that the General Assembly communicates with states, economy and civil society).

In the above-mentioned Rome there is the state of the Vatican City that is a sovereign city-state within the city of Rome and which represents its global dimension. The Vatican City State is distinct from the Holy See, which dates back to early Christianity. 'Ambassadors are officially accredited not to the Vatican City State but to "the Holy See", and papal representatives to states and international organizations are recognized as representing the Holy See, not the Vatican City State'.[26] The Holy See, not being a country, issues diplomatic and service passports, while Vatican City State issues normal passports;[27] it is 'the main Episcopal see of 1.2 billion Latin and Eastern Catholic adherents around the globe',[28] that is between the number of people in China (approx. 1.25 billion) and India (1.1 billion).[29] The organization of Holy See is the closest example of how would look the state with global dimensions, because it is globally interconnected with all Christian churches around the world. The institutional arrangement of the Holly See is similar to presidential system of government. Renovated UN can use the Holly See as an example of a formally arranged institution, guided by strong will and hope for better future.

Although the global governance is inevitable, we should not miss the arguments for the importance of sovereign states in protecting the values of individual liberty and autonomy that are the hallmark of the Western political tradition. Rabkin, for example, sees global governance in conflict with a commitment to the ideal of democratic, constitutionally constrained self-government: '[g]lobal governance rests on the quite different premise that legislative consent to law is not so important to the authority of law ... Systematically left out is the power of a legislature to determine a state's own law' (Rabkin, 2005, p. 41). This is really no hard argument, because praxis in EU speaks for itself. Individual state joins with other state(s) like an individual, if it cannot solve bigger problems. State's law is determined by other entities, but the state gives its consent. Self-government is based on the principle of subsidiarity, so the nation-states can base their alliances on the same principle. Nevertheless previously mentioned warnings must not be overlooked, because they help creating a better form of global governance.

Conclusion

The above-mentioned science fiction Federation of the 22nd century need not be only a fiction. It will eventually become reality with an increasingly rapid development and its even bigger consequences on the global level. The word "management" implies an entity, an institution that decides on the objectives and the means to achieve these objectives. To address the problems of management that are based on a whole century, at the beginning of new one at which we are now and on a larger, global part of the world, it is more appropriate the word "strategy" that shows the procedures, methods of planning and management of large (primarily military)

operations to reach wider goal.[30]Every generation redefines its objectives, values, normalities, and also its orientation for the future. Future decisions will also depend on present decisions. The world has not any kind of strategy for future global development at all. Pessimistic view claims that the world needs war every few decades to sober, while the optimistic view claims that the world needs energy from charismatic people, persuading our "natural" reason into the course of nature. The long-run "higher-order" tasks for managing global problems are related to the strategy – to survive. The fight for survival between states will change into the very struggle for survival of mankind. Darwinian principle of natural selection will not be reflected in the survival of the most capable, but – applying critical mind – will use the most appropriate resources at the global level, thus causing local effects and vice versa. National interests and relations of power between states will play a secondary role in the light of global problems. States know that solution of global problems in the short run brings only monetary obligations and coercion for non-compliance; the emergence of powerful transnational connections is therefore unlikely to happen, if there is no serious global threat to which the world should respond. In complex and globally oriented situations the idea of integration and cooperation is gaining momentum, while the old bureaucratic working models are still carried on. Global political philosophy demonstrates the old tension between *The Great Transformation* (Polanyi) and *The Road to Serfdom* (Hayek), but a powerful Leviathan is needed to push changes in social structure and to mitigate side effects of competitive capitalist economy. With this we must be aware of the danger of tyranny that can result from governmental control of economy and central decision-making. It would be preferable to abandon the selfish individualism for cooperation and solidarity for those that cannot help themselves. The principles of subsidiarity, proportionality, rule of law, human rights and obligations will accompany mankind in the future – but greater emphasis must be given to the last one. What must happen that the world will come to its "Independence Day"? I hope that the question about our being will never be like Hamlet's, but our existence depends on us and foremost on our actions, on us – in one voice.

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Notes

1 Ideas like the wider public participation in public matters *via* Internet.
2 The Court [the Court of Justice and the Court of First Instance] has recognized, among others, the following as general principles of Community law: the principle of equal treatment or non-discrimination, of

proportionality, of legal certainty, of the protection of legitimate expectations, of fundamental rights and the rights of defense (Tridimas, 2000, p. 4).

3   Recall on the so-called Arab Spring as the revolutionary wave of demonstrations and protests that has been taking place in the Arab world since December 2010 (revolutions in Tunisia, Egypt, a civil war in Libya, civil uprisings in Bahrain, Syria and Yemen, major protests in Algeria, Iraq, Jordan, Morocco and Oman, along with other minor protests (see Bowen, 2011).

4   They were the mottos in the Delphic Oracle (Plato, 2010).

5   The chains are also used in Fromm as the metaphor for our items of property: 'Although they in themselves aren't »bad«, they turn bad. In fact, when we attach ourselves to them, they become chains, they impede our freedom' (From, 1980, p. 113).

6   Sin creates [an inclination] to sin; it engenders vice by repetition of the same acts. This results in perverse inclinations, which cloud conscience and corrupt the concrete judgment of good and evil. Thus sin tends to reproduce itself and reinforce itself, but it cannot destroy the moral sense at its root. Para. 1865, Catechism of the Catholic Church, 1994. They all can be encompassed also with seven deadly sins: wrath, greed, sloth, pride, lust, envy, and gluttony. Opposing virtues can be humility, generosity, love, kindness, self-control, faith and temperance and zeal.

7   I must here ask my readers to distinguish also between public economy, which is my subject and which I call government, and the supreme authority, which I call Sovereignty; a distinction which consists in the fact that the latter has the right of legislation, and in certain cases binds the body of the nation itself, while the former has only the right of execution, and is binding only on individuals (Rousseau, [1755], 2004, p. 4).

8   If the equality sign is put between state and sovereignty, a person and property and pairs are cross-compared, the relation between the state and property is shown as public property or public good, relation back from the property to the state is shown as state's legal system that protects property with public authority, between the person and sovereignty result is in basic human rights, while the sovereignty (people as a whole) act on the person as the public interest or public service. If from the pair sovereignty = state is removed the first, people are without power, but they have merit to claim for it, while in the second case the state has no merit for obtaining power. Because people have value per se (state doesn't), they can claim power to be arranged in some other form that is present in the state without sovereignty. Here is the place for social contract that can be also applied in global arrangements.

9   1. No treaty of peace shall be held valid in which there is tacitly reserved matter for a future war. 2. No independent states, large or small, shall come under the dominion of another state by inheritance, exchange, purchase, or donation. 3. Standing armies shall in time be totally abolished. 4. National debts shall not be contracted with a view to the external friction of states. 5. No state shall by force interfere with the constitution or government of another state. 6. No state shall, during war, permit such acts of hostility which would make mutual confidence in the subsequent peace impossible: such are the employment of assassins, poisoners, breach of capitulation, and incitement to treason in the opposing state (Kant, 1957, pp. 85-89).

10 The 1648 Westphalia Peace only succeeded because of an economic policy of protection and directed public credit—dirigisme—aimed to create sovereign nation-states and designed by French Cardinal Jules Mazarin and his great protégé Jean-Baptiste Colbert. Colbert's policy was to undertake and fund, from the royal coffers of Louis XIV, all forms of industry, mining, infrastructure canal building, city building, beautification of the land … including the promotion of all aspects of science through the creation of the Royal Academy of Sciences under the leadership of Christian Huygens. Thus, clearly, Colbert's idea of "the Advantage of the other" was aimed at benefitting future generations. It precluded primarily the idea of competition, a politically correct term for enmity (Beaudry, 2003).

11 [I]f the princes who are accused of aiming at universal monarchy were in reality guilty of any such project, they gave more proof of ambition than of genius. How could any man look such a project in the face without instantly perceiving its absurdity, without realizing that there is not a single potentate in Europe so much stronger than the others as ever to have a chance of making himself their master? … In a word, as all the sources of power are equally open to them all, the resistance is in the long run as strong as the attack; and time soon repairs the sudden accidents of fortune, if not for each prince individually, at least for the general balance of the whole (Rousseau, 1917, pp. 52-53).

12 In preamble to the US Constitution.

13 Today authors also warn of many global problems (see e.g. Dolšak and Ostrom, 2003; Committee on Stabilization Targets for Atmospheric Greenhouse Gas Concentrations Board on Atmospheric Sciences and Climate, 2011).

14 Although economic advances have brought huge improvements that have changed the lives of millions of people, one in five of the world's population still lives in extreme poverty, lacking access to basic healthcare, education and clean water, with little opportunity to improve their condition. Global poverty impacts negatively upon us all. The actions of all people impact on others throughout the world … The solutions to

many global problems, whether climate change or inequality, are more likely to be realized through genuine understanding of our mutual interdependence, and of that between humans and the natural world (DFID 2005, p. 4).

15 The UN Secretary-General Ban Ki-Moon has spoken about humanitarian crisis in Africa where 'UN agencies have asked for $1.6 billion dollars to pay for essential life-saving programs in the region, but have only received half that amount. We cannot afford to wait. I urge Member States to support our appeal fully, and without delay' (UN News Centre, 2011).

16 United Nations Convention on Law of the Sea.

17 Food and Agriculture Organization.

18 Centre for the Settlement of Investment Disputes.

19 International Maritime Organization.

20 International Seabed Authority.

21 World Meteorological Organization.

22 International Monetary Fond.

23 World Bank.

24 Financial Action Task Force.

25 ECOSOC with its functional, regional and standing commissions, ad hoc bodies, expert bodies composed of governmental experts, of members serving in their personal capacity and other related bodies is closer to classical functions of governmental ministries. See http://www.un.org/en/aboutun/structure/index.shtml

26 See http://en.wikipedia.org/wiki/Holy_See (12. 5. 2011).

27 Holy See is institutionally consisted of the Holy Father and the Roman Curia (Secretariat of State, Congregations, Tribunals, Pontifical Council, Synod of Bishops, offices, Pontifical Commissions, Swiss Guard, Institutions connected with the Holy See, Labour Office of the Apostolic See, Pontifical Academies). See http://www.vatican.va/phome_en.htm

28 See http://en.wikipedia.org/wiki/Vatican_City (12. 5. 2011).

29 See http://www.blurtit.com/q709433.html (14. 5. 2011).

30 Management - in the 17th and 18th centuries the development of meaning was influenced by association with Middle French, French †*mesnagement* (French *ménagement*) household economy (1551), measure in one's actions (17th cent.), consideration and constraint toward others (1665): compare French *ménager*. Originally: the working or cultivation of land (Oxford English Dictionary, 2011). Strategy - the art of a commander-in-chief; the art of projecting and directing the larger military movements and operations of a campaign; in (theoretical) circumstances of competition or conflict, as in the theory of games, decision theory, business administration, etc., a plan for successful action based on the rationality and interdependence of the moves of the opposing participants. Retrieved from http://www.oed.com/view/Entry/191319?rskey=cMzZUk&result=2&isAdvanced=false#eid20537745 (24. 6. 2011).

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