TECHNÉ, POLITICS, HUMAN RIGHTS: MILLENNIUM-EVE CONSIDERATIONS ON SOME ASPECTS OF GLOBALIZATION

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Globalization is changing the paradigms of world politics. The principles of "sovereignty" and nation-state are undergoing a crisis and this entails remarkable consequences on human rights policies. The absence of any congruence and symmetry between the subject who takes the decision and the frame of effect of the same decision. is evident, for example. Such a situation may be described as a crisis of the primacy of politics with the advent of the supremacy of *techné*. Should such a crisis materialize, this would mean the end of any human rights policy. We should therefore understand the evolution and fate of *techné* and to what extent politics and the fate of man are tied to the theoretical and juridical apparatus of the nation-state and to the principle of sovereignty. This is both a political and philosophical problem whose solution requires an investigation of the roots of western thought. In effect, the globalization process, understood as the present manifestation of the evolution of *techné*, could bring about - contrary to the worst expectations - a weakening of the principle of territorial jurisdiction and the strengthening of the principle of "responsibility". The latter could open the doors for a new human rights policy: one which is no longer tied to the model of the national state and no longer limited by the principle of sovereignty.

1. Power, Truth, Sovereignty

Establishing an efficient human rights policy that does not conflict with the principle of national sovereignty is today extremely difficult. The Kosovo war or the crisis in East Timor, together with many other increasingly recurrent cases, prove that the principle of national sovereignty is one of the main obstacles to a worldwide human rights defence policy. The establishment of an international penal court for crimes committed in former

Yugoslavia, or the arrest of the former Chilean dictator Pinochet, ordered by a Spanish judge testify to the crisis of the theoretical and juridical apparatus based on the principle of national sovereignty.

Nevertheless, it is nowadays difficult to figure out anything better than a nation state to defend human rights effectively. If a human rights policy has to be something different than simple humanitarian proselytism, i. e. if a "real policy" is aimed at, a series of coercive instruments ranging from embargoes to intercontinental missiles is necessary - these means being the exclusive prerogative of nation-states and of other organizations such as the UN and NATO, legitimized by the consensus of national states.

Therefore, if the political and juridical apparatus based on the principle of national states is actually in a critical phase, it is necessary to distinguish what has to be revised or rejected, from what has to be preserved. Should we ignore this, the risk is serious that the crisis of the national state and of the very principle of sovereignty may assist those who desire get rid of the "inconvenient" human rights question. The new emerging forces of the media and financial markets might thus develop unshackled and reach the climax of their power.

This article deals with the theoretical side of the whole question and analyses some data concerning specific events. First and foremost, we will discuss human rights in the light of the theoretical and juridical structure of the "nation-state". The question therefore arises whether philosophy, in this present day, is able to fix limits to the claims of power-holders? Is a philosophical foundation of human rights possible, today? This question presupposes that philosophy possesses an aristocratic impartiality in regard to issues of power and politics. However contemporary philosophy has itself given up this certitude. Whatever his philosophical trend may be, any thinker is nowadays aware that any philosophical "foundation" is possible only on the ground of modern reason, that also manifests in the forms of modern "power". Therefore, we know that modern philosophy and modern power have the same root. Any attempt to found human rights on a philosophical basis implies recourse to the theory of sovereignty. This is the core of the matter. We must recognize that in this modern age, "truth" and power are linked by a close

bond.[1] We exercise power through the production of truth: exercising power without a certain economy of discourses of truth[2] is impossible. Consequently, the transformation of the concept of truth involves the transformation of the conception of power and vice versa.

The crisis of absolute truth is also the crisis of sovereignty. It reflects the crisis in contemporary Western paradigms of political thought, which originated in the Middle Ages and developed in the Age of Absolutism. Thus instead of concentrating on the problem of the solid and global kind of domination that a dictator exercises over people, we should consider the problem of the manifold forms of domination that can be exercised within society. We should not think of the uniform edifice of sovereignty, but the multiple form of subjugation. We should stop looking for the "heart" of power. The image of the "heart of power" is an instrument of the political struggle within the system of power. It is a "paradigm". This paradigm has had its day and it is now obstructing the understanding of both present and past times. The description of the uniform building of sovereignty is surely simple. However we are concerned with the description of the manifold forms of subjugation that develop in our society:

> "Power is employed and exercised through a net-like organization. Not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power. They are not only its inert or consenting target; they are always also the elements of its articulation. In other words, individuals are the vehicle of power, not its points of application".[3]

We should abandon the theological vision of power. Power resides

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[1] M. Foucault, "Power, Right, Truth" [1972], in *Contemporary political philosophy: an anthology*, edited by Robert E. Goodin and Philip Pettit, Blackwell Publishers, Malden, Massachusset, 1998 (1997). Originàl published in *Power / Knowledge*, Colin Gordon (Harvester, 1980), pp. 92-108. Copyright 1972, 1975, 1976, 1977 by Michel Foucault.

[2] M. Foucault [1972], p. 543.

[3] M. Foucault [1972], p. 546.

entirely in its real and effective practices.[4] The purpose of repression is not the supremacy of some values and interests over others, but the use of the mechanism of power itself. Therefore, the definition of power sounds similar to that of *techné*. That is the art of effectively pursuing an aim. However that is in a sense also the definition of truth.[5]

2. Some political aspects of digital revolution

If we consider that power and truth are inseparable, and that no power may be used without some production of truth, our task is to examine how the human rights question is to be seen in a world which witnesses a change in the common concept of truth. We should therefore ask what the specific political aspect of the digital revolution? First of all we should recognize that the "knowledge economy" has become the main sector in our social life. For example, in the USA about 60% of new jobs originate in the media field. However, the growing tangle of productive activities linked to media world must be contemplated from another viewpoint. The "media revolution" also involves a transformation of democracy because the modern *agora* tends to expand to the whole *polis*. Expressing one's point of view within political and social debates thus becomes easier and easier. The élites are growing "horizontal" like "search engines that organise the ever-increasing body of information. Therefore it's necessary to reconsider the concept of political representation. For example, assuming that the parliamentarian machine is fundamental in order to involve people in the policy-making process what is the destiny of Parliament (as the development of the interactive-communication net tends to extend to political field)?

What relationship can there be between public and private in a "continuous" and "direct" democracy? Shall the illuministic ideal of a "transparent society" become true? The situation is indeed very entangled. Both the multiplication of "channels" and the extension of the net may make society more "opaque". In effect, the relationship between "being" and the "appearance" of an event, as

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[4] M. Foucault [1972], p. 546.
[5] See "Verità" in: Nicola Abbagnano, *Dizionario di filosofia*, Torino, UTET, 1971.

the production and the reproduction of news, is increasingly committed to *on-line* people, who now act both as receivers and transmitters of the same news. The extension of the net produces new and serious problems. For example, how can we assure that everybody has the same opportunity of joining the net? However, the matter in hand concerns not only the traditional defence of freedom of expression and the rights of cultural minorities, but also the defence of democracy against itself. Therefore, as both Alexis de Tocqueville and Max Weber proved, the trend towards an overall popular participation in policy- making - that is to an absolute transparency - may lead democracy to a soft self- destruction. The continuous and direct democracy is always on the point of changing into what Max Weber called *Strassendemocratie* (Streetdemocracy),[6] that is a political system apparently open to all opinions and to all social and cultural instances but actually firmly in the hands of some small elite. Today, it is not a fictional exercise to imagine that a well-organized minority may manipulate public opinion thus achieving a disproportionate power with regard to its actual consistence.

3.   Globalization and old political "canons"

In parallel with the digital revolution, we should also consider the development that has occurred in finance and economy. How can a country shape its own destiny in a world where transnational business is increasing its power and technology is breaking down all the borders? Business seems to be the dominant institution on earth. 20 to 25 years ago we would attribute a ruling position to governments only. But the public perception of the role of the government in society is changing.

Nowadays, none of us could honestly deny that only a limited share of the world is in the hands of politicians, while most of it depends on financial top management. As Edward Luttwak shows in his latest book,[7] the market is becoming uncontrollable through an unfettered freedom to buy and sell. As business becomes more

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[6]   See: Giorgio Rebuffa, *Nel crepuscolo della democrazia*, Il Mulino, Bologna 1991.

[7]   Edward Luttwak, *Turbocapitalis*, Copyright 1998 by Edward Luttwak

powerful, governments run the risk of being seen as roadblocks. Take the example of GBDeC (Global Dialogue on Electronic Commerce) that describes itself as an "organisation that responds to the need for strengthened international co-ordination" created because "conflicting policies, rules and regional patchwork regulations are obstacles to the emerging on-line economy".

So, politics is seen as an obstacle to progress, that is to the freedom and well being of people. In a document signed by IBM, Time Warner, Sony, AT&T, Portugal Telecom and another hundred corporations, we read that the communication business came to an agreement to "identify solutions and provide input on regulation or business self- regulatory codes of conduct in consultation with governments". It is erroneous to consider the globalization purely as an economic issue. It is a serious political problem. National governments are forced out of the business concern and are losing their influence over the movement of information and capitals. We should understand that globalization can change political structures within countries. Politicians cannot ignore that domestic policies can excite some reactions by transnational firms that have interests within their own countries. Take the familiar case of a transactional business that employs a large number of workmen in a country, or the case of a transnational firm controlling most of the mass media in a country. How can the politicians of that country take certain decisions that could damage the interests of that transnational firm, without envisaging a rise in unemployment or an anti-governative press-campaign?

Globalization disrupts standard political practices. Let's consider an Italian story. In 1998 Mr. Berlusconi was about to sell his firm - "Mediaset" - to Mr. Murdoch. So, he could both make an astonishing pile of money and resolve the so called "conflicts of interests", the left charges him with because he's both a political leader and the best Italian manager in the field of mass-media (by the way, in that way Mr. Berlusconi would follow Mr. Luttwak's repeated advice). However the left, especially the neo-communist party, opposing the plan of Mediaset sale, was sometimes blandishing, sometimes attacking Mr. Berlusconi. Its first argument was that "Mediaset is a home-good, i. e. too much home business to let it fall into foreign hands". Some opinion makers suggest that the leftwing adopted that position because if Mr. Berlusconi had sold its business by himself he would have had politically "free

hands" and the left would have no longer been able to put pressure on him by bringing about some restrictive bills on the "clashing interests".Maybe there is some truth to this thesis. Certainly the Italian left- wing is deeply worried about globalization in that, effectively, it is not easy to imagine how globalisation will develop and what kind of effects it will have in various countries. For a small country, globalization can be a blessing for the enlargement of the market for its goods, but it can also involve the risk of being absorbed by larger countries.

4.   The global village and cosmopolitan idea

Paradoxically, the development of the "global village" can originate a crisis of the western cosmopolitan ideal.   There exits a tension between the cosmopolitan assumption of a universal "humanity" that transcends all specific cultural differences, and the western preference for democracy and constitutionalism. The western essential preference for democracy collides with the recognition of the variety of cultures and political traditions. From the contemporary western viewpoint, even non-democratic cultures and political traditions - which constitute the majority of the countries in the world - should be praiseworthy and respectable! So, we should recognise that the development of the new communication technology may not necessarily lead to democratic governance and individualism, as well as to the acceptance of the western conception of human rights. Most Arab and Asian governments while welcoming the economic advantages of new technologies, strongly oppose the spreading of democratic culture and the assertion of human rights.

In 1998, the U.S, Department of State, recognized that with the information Revolution, the struggle to control information has moved well beyond the realm of traditional media. In fact, many Asian governments, such as Singapore and China, violate basic rights of free inquiring and freedom of information and try to limit the access to internet and the business communication means such as cell-phones, modems and satellite television which are not easy to control. They accuse the western- democratic values to be responsible of sexual corruption. Paradoxically, those government vindicate their policy in the name of the preservation of the

religious and cultural identity of their countries, that is. in the name of the western democratic value of multiculturalism.[8]

The East Timor case constitutes clear evidence of how political matters are involved in globalization. On one hand, Internet has become the primary tool to defend human rights in East Timor. On the other hand, the political situation has become very complicated because it involves many interests that go beyond the nation-state framework. In November 1975, East Timor ceased to be a Portuguese colony. In December it was already invaded by Indonesian troops. Since the invasion of 1975 a civil war has been raging between the large majority of people (about 80 per cent) who opposed Indonesian invasion and a tiny minority supported by the Indonesian government and its troops. So far, according to conservative estimates by non- governmental organizations, including Amnesty international, the death toll in east Timor is about 300.000, that is more than 35 per cent of the population. Despite the increasing seriousness of political and human situation in East Timor, international institutions such as UN and European Union, have long followed a soft policy on Indonesian invasion: that is., many resolutions, but few active decisions. However, as access to Internet has become more affordable and accessible - since 1993 approximately – the East Timor campaign has become a well co-ordinated international campaign. In early fall of 1999, using the search engine "Altavista" we found 35.566 Web pages containing the phrase "East Timor". Now, in East Timor first hand information from the world is available in few minutes.

Under pressure of an increasingly shocked public opinion, the action of UN, UE and of western governments, especially of the USA administration, with regards to the East Timorese situation is becoming more efficient. In Spring 1999 the United Nations sponsored an independence referendum in East Timor, supervised by its observers. Violence by anti-independence militiamen was growing to madness, with attacks on civilians, UN officials and journalists. Nevertheless, on September 23rd 1999 East Timor voted on whether to become an independent nation or an autonomous

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[8] See: Charles Ess, "Cosmopolitan Ideal or Cybercentrism? A critical Examination of the Underlying Assumption of 'the electronic global village'", Drury College, Philosophy and Religion Department, Editor: John Dorbolo.

region within Indonesia. Obviously, voters choose independence. During election days, President Clinton warned Indonesia about the consequences of violence in East Timor. He warned the Indonesian president that should any incidence violence occur during the referendum regarding self-rule in East Timor, then relations with the United States would have been seriously damaged. The USA president had to overcome the firm opposition of American financial milieus with strong interests in Indonesia. USA action has been slow and uncertain although the aim has finally been achieved. At present, the situation in East Timor is still hot, but the main objective has been reached. Indonesia has, at least formally, taken distance from the guerrilla opposing independence.

5. The "rule of the law"

East Timor events are a clear evidence of how the situation has become increasingly complex after the end of the cold war. An epoch-making change has thus occurred which leads us to revise our political categories. Despite the fact that technology is often considered the driving force behind the globalization process, we should recognize that the word 'globalization' only gained currency after a political and ideological event such as the collapse of communist regimes in Eastern Europe.

Although some communist countries - such as China and Cuba - still exist, we can now declare that the communist era has come to an end. The latter began after the end of World War II, when the global political map was divided in three worlds: the first world, the so-called "free world"; the second world, that of communism; and the third world, that of developing countries. That geopolitical tripartition was the "paradigm" of all policies in the period between 1945 and 1990, as well as of human rights. Decolonization and growth in the number of independent nations were on the Agenda; the result was a dramatic increase in the number of United Nation members. The first and the second world wielded strong pressure on these new countries to join their blocks, the communist philosophy capitalizing on the interpretation of colonial exploitation, the rich North versus the poor South, etc.. If we now look at the worldwide political map, the scene is quite different. As a result of both the collapse of the Soviet Union and the success of their own economy, the United States are more than ever a leading

nation. The political unification is transforming Europe from a geo-economical community operating on a restricted scale, into a First world, geo-political giant, without any military power of its own yet. In the meantime, NATO has become the only international institution, which can effectively intervene, in a military-political crisis. Although the Security Council is now trying to free itself from paralysing vetoes, Unites Nations and all its allied institutions are nonetheless going through difficult times.

To be considered a "democratic country" and thus "on the right side" was enough. Therefore, western democracies often deliberately ignored repressive behaviour of certain anti-Communist governments, such as Pinochet's Chile, or Franco's Spain. Nowadays, things are increasingly difficult. The alibi of anti-communism no longer subsists, and a surface acceptance of democratic principles is not enough to be numbered among Western democracies, and this does not necessarily imply being recognized as a partner with whom good diplomatic and economic relationships may be entertained. On the other hand, a new problem arises: the framing of international policy within juridical categories and the ensuing primacy of law over policy and the supremacy of jurisdiction over national governments.

This is the challenge posed to the "rule of the law". A political system can be defined "democratic" if it is *accountable to* and not *above* the law. So, in a democratic system, universal human rights are neither juridical and nor politically disposable. We have to emphasize the difference between the "existence" of law and the "rule" of the law. The 1998 Human rights report of U.S. Department of State says: "Many governments confuse the existence of the law with the rule of the law. In too many countries - Cuba, Iraq, Libya, North Korea, Sudan, and Syria, to name only a few - the rule of law has been warped to oppress the whims of a tiny ruling élite. In others, well-intentioned laws, have become paper fictions, providing cover for corrupt politicians and criminals. Some governments legislate restrictions for free speech, free press, and other key rights in the name of the rule of law. For the rule of law to be truly effective, a country's legal system must be independent and in conformity with universal human rights principles".

So, in the age of globalisation we are being faced with a serious matter that must be dealt with, that is the trustworthiness of governmental local leaderships. The U.S. Department of State takes

various examples and particularly those of Russia and Ukraine, where "the persuasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures, allowed criminals to act outside the law to influence politicians, police investigations, and court decisions". But who lays down that law? Who is the lawmaker and who applies the law? In the age of globalization, the destiny of democracy lies entirely with this question.

6. Democracy and globalisation

Whether we are for democracy or against it, we used to consider a "symmetrical" and "congruent" relationship between politic decision-makers and recipients of politic decision, as peculiar to any democratic system. However with globalisation, that relationship is no longer obvious. In fact, usually, a broad definition of democracy should include the followings points:

a) participation by all people in the decisions that shape their lives;

b) government by majority rule, with the recognition of the rights of minorities;

c) freedom of speech, press, and assembly; freedom to form opposition political parties and to run for office;

d) Commitment to individual dignity and to equal opportunities for people to develop their full potentialities.

Obviously, point a) which is. at the basis of the other points - seems to involve a "symmetrical" and "congruent" relationship between policy decision-makers and recipients of political decisions. Such a strong relationship seems to be the only possible guarantee for citizen-voters, who can thus clearly identify those who are responsible for decisions as well as their geopolitical and juridical range of action. However, in the technological age a political decision can have very prominent effects beyond the geo-political and juridical sphere of its genesis. The most common example is that of a government deciding to install some atomic power stations within its territory. But today we can provide other examples, such as decisions concerning interest-rates, defence of environment, drug circulation or pornography on internet. The development of technology has set fire to the boundary posts of nation-states.

The process of restricting the range of influence of nationa
governments develops within the borders of each country too
"Authorities" independent from governments, parties and citizer
voters, are multiplying in all western countries and they have
jurisdiction on very important matters such as free competition,
telecommunication, etc.[9] All through the twentieth century the idea
that political decisions have to be legitimated by consent was
usually accepted. But that idea has developed through the
"paradigm" of nation-state. So, when we talk about "consent" we
think of a community living within a well-bounded territory within
a well definite jurisdiction, where political decisions affect that area
and those citizens. However, in a worldwide system of regional and
global interconnectedness the nation-state model is becoming less
effective.

7. The destiny of *techné* and new human rights policy

Whenever violations of human rights occur, the basic topic put
forward in public debates is that the reason of politics must prevail
over those of economy, defence and technology. However we should
ask ourselves what is it, that joins economics, defence and
technology against politics? The answer is that the former falls
within the range of "technique". What's "technique"? "Technique" is
"rules set up for the effective achievement of aims". Technique
demands "competence". What's politics? Politics is the science of
government. Its aim is good government and the wellbeing of the
community. Politics demand "responsibility".

So, we envisage a struggle between Jurisdiction and
Responsibility. This picture is actually a "paradigm" to understand
a lot of contemporary political problems. Movies (take for the
example the film "Air Force One" with Harrison Ford), suggest some
situations of conflict between a person who risks at most his career
or some money - a capitalist, or a military attaché or a spokesman
- and a person who, because the community relies on him, risks his

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[9] See: David Held, "Democracy: from city-state to a cosmopolitan order?", in
Contemporary political Philosophy..., pp. 85-86; David Held, *Models of Democracy*,
Cambridge, polity Press, 1996 (2). Copyright by David Held.

life - a politician for example. However, if technique and politics are set up against each other, they must be objects of the same kind. For example: black and white are reciprocally in contrast because they are both colours. So, if technique and politics are in contrast, what domain do they belong to? We should use here an ancient Greek word: *techné*. *Techné* is the art of making the world apt to be subjected to the human transformation activity. The aim of *techné* is not the transformation of the world, but its unlimited transformability.

In short, in order to frame the problem of human rights appropriately within the "global village" we should adopt a philosophical perspective. In particular, we should consider some aspects through the eyes of a philosopher who centres his reflection on the "destiny of *techné*", that is the Italian philosopher Emanuele Severino. Severino, especially in his latest works,[10] explains that *techné* is not a simple means man makes use of to attain his goals, but it is the main goal of all human issues or activities, so it is the horizon in which both the western individual and the idea of world (that's an originally western idea) rise.

All the great powers of the world - such as communism, capitalism or Christianity - use *techné* to achieve their aims. However, taken globally, the situation is overturned as if in a dark room, in that, *techné* uses the great powers of the world and their values to develop itself. Take for example the relationship between political parties and mass media world. No political party can do without the support of mass media and compete with the other parties. In Italy, during the electoral campaign for the European elections in 1999, left-wing parties did not use TV-spot. They did that for two reasons. "Politics isn't a brand of soap" some left-wing leaders said in public debates. However, there was yet another reason, "we will not finance the electoral campaign of Silvio Berlusconi" they said. In effect, Mr. Berlusconi is both the leader of a centre right coalition called "Polo per le libertà", and as the owner of three sevenths of the national TV-network besides being the biggest Italian manager in the communication field. Therefore, left wing parties lost the elections while Mr. Berlusconi's party,

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[10] See: Emanuele Severino, *Il destino della tecnica*, Milano, Rizzoli 1998

"Forza Italia", was entirely successful and became the first Italian party. Most of left-wing politicians recognized that the television self-blacking-out played a very prominent part in the electoral failure of their parties. So, a few weeks after the Election Day, the Italian centre-left government brought in a bill prohibiting all parties from conducting an electoral campaign by means of TV commercials. However the bill has been opposed not only by Mr. Berlusconi and his allies, but also by many authoritative left-wing politicians, who consider it both unjust and harmful for the left itself. Therefore, Italian government had revised many of its bills. Therefore, every party inevitably wants the mass media - i.e. the "means" by which it competes with its adversaries - to be more and more efficient. So, the means has become the target of political parties.

Obviously the mass media are not *techné*. Techné is the horizon of human activity. Techné is the work of giving rise to conditions of further and unlimited world- transformability. So, in all fields of human activity, such as economy, science or defence means become the very purpose. Techné is essentially a destiny. This destiny originally reveals itself in Parmenides' Philosophy which established the difference between real being and apparent world:

> "The thing that can be thought and that for the sake of which the thought exists is the same; for you cannot find thought without something that is, as to which it is uttered. And there is not, and never shall be, anything besides what is, since fate has chained it so as to being whole and immovable. Wherefore all these things are but names which mortals have given, believing them to be true — coming into being and passing away, being and not being, change of place and alteration of bright colour".[11]

Through Parmenides western civilisation takes the first step towards nihilism, i. e. towards the firm belief that the whole world has risen from nothing and that it will return to nothing. Parmenides foretells the nihilism and fights it, but paradoxically,

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[11] Parmenides, *On Nature*, VIII, 35-40, translation by John Burnet.

he opens the road ahead of it. Therefore, with Parmenides begins the "western insanity". Severino says that if someone does not believe in the Nothing, the things are capable of being isolated and the world is untransformable and aimless too. This discourse isn't a criticism of western civilisation at all. *Techné* is not an option; it is rather a fate. It is our truth. We should ask ourselves how we can remain within the destiny of *techné*. Severino's thesis may suggest new ways for the development of the question concerning human rights in the age of the "global village". We cannot be sure at all that the development of *technés*' destiny involves the establishment of technology and the power of technicians over politicians. According to recent experiences, we learned that someone, who is both endowed with an elasticity of mind and is driven by a high sense of responsibility towards other people, can be more efficient than someone who is simply "competent" and pursues only his personal success.

Beginning mid-eighties, all main political disturbances in the world came about to dismantle some big power-structures that were founded not on responsibility but on "competence" and "knowledge"; within those, it was very important to be able to reach information and resources which could grant access to power posts. The breakdown of East-European communist regimes is the best example. Likewise, even not so violently, happened in other countries, such as Italy and United Kingdom. In Italy two thirds of the ruling political class had been eliminated by inquiries about political corruption. A lot of wrongs have been made. Magistrates accused most political parties, especially the socialist party, while they were more lenient with some politicians, especially communist and left Christian-democrats. In this way, some people were imprisoned or left abroad, while others, although they were not alien to old politics and its evils, got free. Magistrates became the idols of the people. They posed as sociologists and political analysts. At last, they could finally fulfil the intellectual and political ambitions they had cultivated since the Seventies, when university leavers and full of ideals, they had been attracted within the area of the communist party. After the storm, people have lost their affection for magistrates-heroes and now they are asking that the magistrates, instead of writing the history of the Italian political system, become more efficient and strict against urban delinquency and hardened criminals.

So, in the UK the Thatcherian policy dismantled some structures of the Welfare state and began the privatisation of public enterprises, thus destroying some old fashioned power-systems. So, it gave rise to new chances for all people and compelled both left-wing politicians and trade unions to abandon the old dual scheme proletariat-capitalists, and to take up the variety and changeability of the post-industrial society. After that, British society became economically more efficient and more competitive, because a lot of privileges and old customs that might hinder new people's social improvement had been removed. So, British people began to demand a policy caring more for social problems. Labour party came therefore back in power, but with a quite new policy. The UK therefore, has not witnessed a victory of the finance "technicians", and in Italy there has not been a victory of the "technicians" of the justice. Both in UK and in Italy "technicians" have been used to contrast other "technicians". So, the development of the civilization of *techné* doesn't involve the subjection of politics, but on the contrary, it seems to entail the supremacy of politics, i.e. responsible powers.

8.   The death of the "Westphalia model"

Globalization means the death of the "Westphalia model", i.e. the model of international regulation that ruled over western countries after the peace of Westphalia, in 1648. On the basis of the Westphalia model, the world is made of sovereign states recognising no superior AutoRoute and where disputes among states are often settled by force. The political-philosophical side of the "Westphalia model" is Hobbes' idea of power. Assuming that the state of nature is like a "war of all against all", the international system of states is in a continuous "picture of war". This is the foundation of the so called "Realpolitik".

The foundation of the Westphalia model is essentially philosophical, inasmuch it is the very philosophy of the "subject" - this is even more evident if we consider it in the light of its historical development. Modern "subjectivity" has originated, in its development, the multiplication of "subjectivities", and of their inter-relationships. A crisis has therefore emerged of this subjectivity, which may be only defined on the basis of its inter-relationships. Similarly, the Westphalia model has produced a crisis

of its foundation, i.e., the idea of nation-state.

The Westphalia model itself starts a process of global interconnections among states and societies. With the development of industrial capitalism, defence policy began to be linked to economic goals. Power sovereignty became more and more dependent on the economic resources of a country and vice versa. So, the Westphalia model covers a period from about 1648 to 1945. The awful and boundless destructive power of the nation-state defence-machine showed itself in World War I e II. Such evidence induced western countries to reconsider the "Westphalia model" and to find the way to connect sovereign states through a dense network of relations, both *ad-hoc* and institutionalised. So, the Westphalia model evolved into the "UN Charter model". Against the doctrine providing that international law primarily concerns political and strategic affairs of nation-states, now international law is progressively concerned by orchestration and regulation of economic, social and environmental matters. But this structure is founded on the division of the globe into powerful nation-states, with different geopolitical interests. So, in the UN Charter model there is a contradiction between the fundamental recognition of nation-state and the objective of a transnational interconnection among people. This contradiction is particularly manifest in the special power accorded to the five permanent members of the UN Security Council. So, UN shows itself very susceptible to the agendas of the most powerful states: the rights of nation-state always prevail against the rights of people. The same happened during the crisis in Kosovo, when the veto of China and Russia stopped UN's armed intervention against Milosevic and NATO started up its armed mission in Kosovo and Serbia.

The UN's model remains a state-centred model, in which the transnational actors, as non-governmental organizations and social movements, play a minimal role. This model is essentially contradictory: on one hand, it holds the equality of all countries (one country, one vote in the general Assembly), on the other hand it recognises a special role to geopolitical strength (special veto power in the Security Council granted to super-powers). However, globalization involves the crisis of nation-state model. But that's not a regular trend. Paradoxically, many countries and people, in the age of globalization, are looking for their identity in their traditions or in their past, or are finding new aggregation models no longer

founded on the nation-state concept but on ethnical or religious traditions. So, the globalization can lead either to a global integration or to unlimited fragmentation.

In many cases the national sovereignty has become quite illusory. For that, we have to distinguish between the *de facto* and only *de jure* sovereignty. A lot of third World countries, that had previously been denied sovereignty, today consider sovereignty as a defence from globalization. But their sovereignty is merely de jure. They are de facto, economically dependent and vulnerable to globalization. *De facto*, power sovereignty heavily depends on the economic resources of a country. We should ask ourselves: how can we expand democratic institutions and agencies? In fact, that is the only way to defend democratic systems.

Today's political scientists no longer construct institutional models only through economic, social, historical and ideological paradigms, and, at last, they acknowledge that institutions have an active and conditioning function in shaping political behaviours and values of both social classes and individuals. So, it would be theoretically much easier to build and legitimate some *ex-novo* institutions to defend human rights over and above all juridical bounds of nation-state. This is very important because today's globalization tends towards a restriction of the nation-state's range. Which institutional models can we now design in order to regulate new conflicting situations? Maybe we have to train ourselves to elaborate some institutional models without the "category" of nation-state. So we could tackle the fate of democracy in the light of the development of globalization. Understandably, in some countries, politicians strongly resist the radical reforms that people claim. In fact, a radical reform of a political system can involve the destruction of power-systems that are intertwisted with the structure of a nation-state and its national history. But within the global village the defence of human and civil rights is no longer possible throughout the nation-state. Human rights can only be defended through transnational institutions.

This means that our policy-making ideas should be entirely revised, as the instruments of political analysis, conceived within the nation-state category, are no longer valid. On the other hand, western-democratic though has invested most of its energies and credibility on these instruments. We should therefore tackle the root of the problem, the same basis of western political rationality in

order to reconstruct the theoretical building of democracy. The destiny of human rights linked to a philosophy. Only a serious philosophical work could enable us to redesign a theory of the rights of man in the globalization era, without the limits and the convictions of the principles of sovereignty and the existence of·the national state. We should investigate the roots of the western thought and find new inputs to elaborate a theory of human rights.

The same notion of "subject" may not be seen as the basis for a theory of the "person". The "subject" is proving to be – what he has always been – an invention of modern times, exactly as the national state. How can we define a "subject" when we are actually dealing with a multifaceted reality such as Internet? The search is not necessarily bound to be successful, but every great step on the path of knowledge is always a leap in the dark.