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## DEMOCRACY AS A WORLDWIDE PROCESS AND INTERNATIONAL LAW VIEWS OF THE UNITED STATES OF AMERICA

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**Abstract.** *Defeats of the fascist totalitarianism in World War II and that of the communist totalitarianism in the Cold War represent victories of the liberal democracy, personified in the United States of America as the indisputable leader of the demoliberal countries. The object of the liberal democracy is a world state, the projection of which had already been given by Kant, the unvoidableness of which was pointed out by H. Cohen, his Jewish follower, as well as by A.J. Toynbee, the English theoretician of history. The legitimacy of the world state lies in preventing wars among peoples and in replacing national policies by the universal economy. Initial steps towards the world state were made in the 20<sup>th</sup> century, first of all, thanks to the will of the United States: the League of Nations created in 1919, followed by the United Nations in 1945. It is reasonable to put a question: Is the mankind today, when the United States is the only world-wide power, close to attaining this goal, or new political confrontations are arising within it.*

*To provide an answer, we must start from the essence of the liberal democracy: it is plutocracy. However, its realistic constitution – trinity of the financial capital, urban masses and intellectuals demagogues – cannot be found in the formal charters and human rights declarations. As a plutocracy, the United States of America has developed a characteristic "pacifistic-militant" imperialism the basic principle of which is: Jujus economic, emus region. It is important to note that the basic principle of the communist imperialism belongs here as well: Cujus regio, ejus oeconomia. Following their basic principle, the United States of America gives up the classical, annexational imperialism and strive to replace it with a form more appropriate to that principle: "control". "Control", in a particular sense, imparted to it by the plutocratic imperialism, means that a controlled state formally remains completely sovereign, but that its policy is really determined by the state having "control" over it. The most complete the "control" is when the power exerting it completely takes over the economy of the controlled state.*

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*The doctrine which translate the North American imperialism into the world of the international law is called "Monroe Doctrine". What is particular about this doctrine is that the United States demands that other countries recognize it, but retain an exclusive right to its interpretation and application; under the "Monroe Doctrine", no one except the States can derive whatever pretensions.*

*In its original form, as that given by its creator, James Monroe, President of the Union, in 1823, it forbids European powers to intervene in the domain of the "Western Hemisphere"; in return, the United States promises not to mix into their conflicts. At that time, the "Western Hemisphere" covered the mainland of the North, Central and South Americas. The first significant correction took place during World War I, when the United States mixed into the European countries conflict on the side of Triple Entente, sticking to the viewpoint of banning any intervention with the "Western Hemisphere", the standpoint approved by all the Versailles Peace Treaty signatories. The next great correction took place after the war had broken in Europe in 1939. On the occasion the validity of the "Monroe Doctrine" was expanded to the expanses of the Atlantic and Pacific oceans extending, let us say, to Greenland, Iceland and New Zealand. Finally, President Truman expanded its validity to the whole "free world", the United States retaining the right to interpret which people are "free" and which are not. This evolution of the "Monroe Doctrine" is an expression of the strengthening of the North American major force imperialism.*

*Therefore, the perspective of the world state may be only through imposing the North American "control" to the rest of the world. Bit, this is impossible without further complications and conflicts. Particularly unavoidable is the conflict between the plutocratic and Islamic imperialism, since the latter is based upon the essentially different basic principle: Cujus regio, ejus religio and Cujus regio, ejus regio, respectively, which the secular international law replaces by the political theology.*

**Key words:** *democracy, world state, control, imperialism, Monroe Doctrine, West Hemisphere, "Cujus oeconomia, ejus regio".*

Defeats of both the fascistic totalitarianism in World War II and the Bolshevistic totalitarianism which resulted from the collapse of the Warsaw Pact and dissolution of the Soviet Union are phases of the victorious march of the Western, liberal democracy; it seems to have no more any rivals which could endanger it. Having this in mind, a question can be raised: Are we, today, at the end of the second millennium, facing the end of the political history as an era of conflicts of political systems and views or is, on the contrary, the liberal democracy only but a thesis in the Hegelian sense which necessarily calls for its own antithesis?

The United States of America deserves the highest merits for the victory of the liberal democracy over the two most powerful totalitarianisms. She is the greatest and the most powerful warrior and missionary of the fighting democracy. And that demoliberal radicalism of the United States particularly emerges in that she preaches democracy as a worldwide political system, as a federation involving the whole mankind. That the United States, as the principal warrior of the liberal democracy, is at the same time the principal advocate of its universal usage is not an unexpected thing; tendency towards

universality is a basic element of the liberal democracy. It was Kant<sup>1</sup> who pointed out to this reciprocity and then his Jewish follower H. Cohen<sup>2</sup> as well. But, the Americans were to become leading political advocates of the idea. Among the Fourteen famous points dedicated to the provision of the worldwide peace, presented to the US Senate by President Wilson on January 8, 1918, point 14 proposed foundation of a general association of nations, which would guarantee equal political independence and territorial integrity to both great and small nations.

Enormous international reputation and power that the United States had acquired during World War I – she came out from it as one of the greatest major powers – were recognized by creating the League of Nations by the Treaty of Versailles on June 28, 1919. It is interesting to point out that the United States neither signed the Treaty – separate peace treaties were concluded with Germany and her allies – nor joined the League of Nations. But, indirectly, her presence there could be felt very much. The member countries to the League of Nations were the Middle American states such as: Cuba, Guatemala, Haiti, Honduras, Nicaragua, Panama and Dominican Republic, which were under a full control of the United States, practically representing a part of her political system. On the other hand, Article 21 of the Treaty of Versailles recognized the validity of the so-called Monroe Doctrine, which will be particularly discussed later on, which forbade interventions of non-American states on the American continent, i.e. in the Western Hemisphere, by means of which the principle of non-interference of the League of Nations into those matters which were of vital importance to the United States of America was declared. Thus, the United States, as a major power, had a privileged position in the League of Nations: She could interfere with the affairs of the League of Nations, while the League of Nations did not dare interfere with her sphere of influence.

The reason for that simultaneous absence and presence was as follows. The United States wanted to be an arbiter in disputes between Great Britain and France, on the one hand, and Germany, on the other hand. But, still not being in position to give orders to those states, she resorted to the technique of "indirect power", similar to that exerted in the Middle Ages by the Roman Catholic Church. It is characteristic that, while the most important post-war questions were being resolved, reparation and intra-allies debts problems, the United States had the main say, rarely directly as a state, but as a rule unofficially. For example, according to Paragraph 2a. of Article I to the Annex IV of the Treaty of Paris dated January 14, 1925, when the Reparation Committee had to make a decision on whatever question of the Dawes Plan, attending the meeting with the right to vote was "a citizen of the United States of America"!

But, during and after World War II, the state of those relations had considerably changed in favour of the United States: Great Britain, France and Federal Republic of Germany practically became vassals to that non-European major power. That was why the United States of America, when a new worldwide union of states, the United Nations, was under creation, was not only the principal initiator, but also the main realizer of that institution: The first act of that new union, Declaration of the United Nations, was passed in Washington on January 1, 1942, under which, in fact, an antifascist coalition was

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<sup>1</sup> Kant, *Zum ewigen Frieden*, herausg. v. K. Kehrbach, Leipzig s.a., 20 sq.

<sup>2</sup> Cohen, *Ethik des reinen Willens*, 4. Aufl., Berlin s.a., 638, 642.

established. Preparing conference for the creation of the United Nations, at which the text of the future Charter was made, was held in Washington, from August 21 to October 4, 1944. The founding assembly, at which the Charter was accepted, was held in San Francisco from April 25 to June 26, 1945. From 1946, New York City is the residence of the UN. All those localizations are lawfully relevant as well, for law, as the order of a state and international affairs, is a spatial order.<sup>3</sup> They express aspirations of the United States to guarantee existence of the United Nations, to be its leader and thereby incorporate the right of that organization into her law order. In this connection, in contrast to the ideologically mainly neutral League of Nations, the United Nations feature liberal and democratic ideologies imparted, first of all, by the United States of America. An expression of that ideology is the Universal Declaration of Human Rights of the United Nations dated December 10, 1948. On the occasion of voting for the Declaration, there was no one vote against in the General Assembly; abstaining from voting were only the communist countries, Saudi Arabia and the Union of South Africa. That Declaration was made taking the 1789 Bill of Rights of Virginia and the French Declaration of the Rights of Man and of the Citizen of 1789 as a model. According to the widely accepted interpretation, the provisions of the Universal Declaration did not, indeed, legally bind member countries of the world organization.<sup>4</sup> But, in any case, they were binding for them as the rules of the **political morals**, which meant that liberalism was a worldwide and generally accepted world view.

Liberal democracy, however, is **plutocracy**. In England, the birthplace of liberal democracy, respectable politicians could as early as 1700 establish "how on the stock exchange elections can be traded as securities and how the price of a single vote is in the same way known as is the price of an acre of land".<sup>5</sup> Financial capital, city masses and the intellectual chatterer and demagogue are the "holy trinity" of the liberal democracy and its real constitution. In contrast to the written constitutions, abounding in to-the-life-strange doctrinaires, not speaking about money as a political force, architecture, which is not only the most glorious art, but the highest representation of the political power as well, is a more vivid witness in the search of the political truth. Dominating the one-time landscape were temples, medieval castles and kingly courts, symbols and localizations of theocracy, feudalism and monarchical principle. Nowadays, large cities of the West are dominated by the headquarter buildings of banks, insurance companies and multinational concerns, symbols and localizations of plutocracy.

Modern established lawyers, political scientists and historians of the West, educated and engaged under the Cold War criteria, are speechless about the political power of the financial capital or casually speak about it, like, for example, the German professor Krüger, who admits that the stock exchange is a "barometer of the public opinion" and "a point of a particular sensibility of a state".<sup>6</sup> Nevertheless, the nature of the things is that truth always finds its advocates. In his capital sociological work, Pareto points to a fatal

<sup>3</sup> That law is primarily a spatial order and then a norm, was a teaching of C. Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum*, Köln 1950, 13 sqq. et passim.

<sup>4</sup> See: G. Dahm, *Völkerrecht*, I, Stuttgart 1958, 427 sqq.

<sup>5</sup> J. Hatschek, *Englische Verfassungsgeschichte bis zum Regierungsantritt der Königin Viktoria*, München 1913, 588.

<sup>6</sup> H. Krüger, *Allgemeine Staatslehre*, 2. Aufl., 1966, 451, 592.

tendency of great western democracies towards the "demagogic plutocracy regime".<sup>7</sup> In this connection, corruption is a legal phenomenon in the regime of modern states: "Small states, such as Switzerland, having a very honest population, can stay out of this course inundating all great civilized states and, full with mud, overflowing from the past into the present. It was frequently quoted that the absolute regime in Russia was no less corrupted or corrupting than the ultra democratic regime of the United States of America... Where the Representatives can create or destroy governments, parliamentary corruption generally rules... Those phenomena, observed by many authors, are generally described as a deviation, "degeneration" of "democracy". But, when and where has anybody ever seen a state to be perfect, or at least to be good, from which this has deviated or "has degenerated"? Nobody can say. It can only be observed that when democracy was a party in opposition, then it was less stained than nowadays; but this is a general trait of almost all the opposition parties, which, in order to do misdeeds, lack less will than power."<sup>8</sup> We owe much to Spengler for getting us acquainted with the plutocracy-democracy coupling in the perspectives of the world's history.<sup>9</sup> It was Kant who already claimed that the desirous worldwide "peace union", "foedus pacificum", could be effected only by means of "financial power" and "trading spirit".<sup>10</sup>

An answer to the question why it is so, that is to say an insight into the cause and effect mechanism is, however, a stroke of good fortune to G. Simmel in his "Philosophy of Money". Namely, money, as a representative of formless connections among persons is at the same time a representative of individual freedoms as well. In consequence, individual freedom is not simply absence of dependence in general, say dependence of labourers upon the objective production process, but it occurs as the absence of dependence upon a single **individually determined master**. Increase in individual freedom really means increase in dependence upon the objective forces: "increasing culture makes us increasingly dependent upon objects and upon the increased number of objects."<sup>11</sup> "It is only when economy has grown to its full expansion, complication, internal mutual performances, that there occurs that dependence among people, which, with the personal element of the individual excluded, more strongly points to itself and makes his freedom a more positive consciousness... Money is absolutely a suitable representative of a relation of such kind; because it, indeed, creates relations among people, but leaves people outside them; it is an exact equivalent of real doings, but a very inadequate equivalent for that what is individual and personal within them: Narrowness of real dependences founded by money is for the consciousness sensitive to differences a background from which a differentiated personality and his freedom are obviously rising up from those dependences."<sup>12</sup>

It is possible, henceforth, to pass to the level of law principles and concepts. The basic principle of the Soviet, communist imperialism is: *Cujus regio, ejus oeconomia*. On the other hand, the basic principle of the North American, "pacifistic-militant"

<sup>7</sup> V. Pareto, *Traité de Sociologie Générale*, II, Lausanne/Paris 1919, 1457.

<sup>8</sup> *Ibid.*, 1472, 1474, 1459.

<sup>9</sup> Spengler, *Der Untergang des Abendlandes*, II, 1. – 15. Aufl., München 1922, 496 sqq.

<sup>10</sup> Kant, o.c., 34.

<sup>11</sup> Simmel, *Philosophie des Geldes*, 3. Aufl., München/Leipzig 1920, 318.

<sup>12</sup> *Ibid.*, 321.

imperialism (Pareto)<sup>13</sup> is the above reversed principle so that it now reads: *Cujus oeconomia, ejus regio*. The basic principle of the plutocratic imperialism is, therefore, turning the basic principle of the proletarian and bureaucratic imperialism upside-down and vice-versa. But, both principles belong to the same world of concepts.

Of highest significance for the law history of the North American imperialism is the so-called "Monroe Doctrine". The doctrine was originally formulated by James Monroe, prominent statesman, Secretary of State and finally the President of the United States (1758-1831) in addressing the Congress on December 2, 1823.<sup>14</sup> During the 19<sup>th</sup> and 20<sup>th</sup> centuries, the doctrine experienced the most versatile interpretations and forms of usage. But, originally, it refers to the European powers, warning them that the United States shall consider each attempt of those powers to acquire new colonies on the American continents and to impose their political system to a part of this hemisphere dangerous for her "peace and security". In turn, the United States promise not to interfere with the wars of the European powers. Consequently, the Monroe Doctrine also refers to the states of the American continents and the Western Hemisphere, primarily to the Latin American states, thus placing them under her protection. At the same time, those states are forbidden to allow even such territorial changes in favour of Europe that might result as of a peaceful way as well as to voluntarily accept any interfering of Europe, as something contrary to the interests of the United States. It is because of that that those states have received this doctrine with conflicting feelings. On the one hand, protectorship of their northern neighbour must have pleased them. On the other hand, limitations to their freedoms, brought about by the protectorship, were unpleasant. That was why those states expected with more liking protection offered at that time by Great Britain.

The Monroe Doctrine, proclaimed with the consent of Great Britain, was an expression of aspirations of a newly-born and still weak imperialistic power, which wanted to set boundaries of and protect a great space, anteroom for its future expansions, against the old and more powerful imperialistic powers then united in the "Holy Alliance" (founded by: Russia, Austria and Prussia), in fact the first European union. Such a great space, such an anteroom over the frontiers of one's own state territory is in essence a trait of imperialism. The most intensive way of actions of an imperialistic power over its great space is annexing territories within that space, which is, from the modern international law state point of view, practically impossible, out of the question. On the other hand, an imperialistic power can force the states within its great space to jointly with it constitute a federation, the method used by the Judaeo- Bolshevistic Russia against the soviet republics created on the territory of the former Russian Empire. The most recent technique to imperialistically subdue that great space, practically devised by the United States and most frequently used by her, is "control", a concept originating from the Anglo-Saxon trade law and the American political science. In that specific sense, a state controlled formally remains fully independent, it establishes and maintains diplomatic relations and concludes international agreements with other states on its own, but, actually, the politics of that state is fully determined by the imperialistic state "controlling" it. The United States interprets the Monroe Doctrine so that she can

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<sup>13</sup> Pareto, o.c., II, 1476, 1037 sqq.

<sup>14</sup> Text of the Monroe Doctrine in: *The Democratic Tradition in America*, Ed. by C.E. Wheat, 1943, 245-247.

establish her "control" over the states of the Western Hemisphere. In that sense, more than obvious was the wording of the note sent by Olney, Secretary of State, to Great Britain in connection with the Venezuelan frontier conflict in 1895: "To day the United States is practically sovereign on this Continent and its fiat is law upon the subject, to which it confines its interposition."<sup>15</sup> Here, particular attention should be paid to the fact that the United States lays an exclusive claim to interpret the Monroe Doctrine so as to allow no country to refer to it.

The United States turned her back on the old, annexational imperialism and it was already in the Monroe Doctrine, and then, in 1932, in the Stimson Doctrine, that she declared herself its enemy, because her plutocratic imperialism was just such that "control" appeared like an appropriate form for its implementation. Its basis and purpose are, namely, to take over the economy of the state controlled by gaining its market. Therefore, of importance for the "control" is transfer of gold, industries and labour force, but not transfer of territory. "Control" can be accomplished in a peaceful way, which substantially does not differ from the communist technique of **infiltration** into noncommunist institutions and organizations. But, as ultima ratio, there also occurs the use of physical force, which was proved by a series of wars and military interventions from the middle of the 19<sup>th</sup> century to date the United States resorted to against Mexico and other Middle American republics.

With the strengthening of the United States there occurred, however, appropriate changes in the Monroe Doctrine and its great space, Western Hemisphere, began to widen. Declaring war on Germany on April 6, 1917, and thus entering World War I, the United States removed a promise given in the Monroe Doctrine not to interfere with the military conflicts of the European countries. The Stimson Doctrine, originally diplomatic notes of Henry Stimson, Secretary of State, of the same contents and submitted to Japan and China, which reads that the United States will not approve annexation or ceding of territories caused by the use of force or threat to use force, is already an attempt of establishing protectorship over the whole world similar to that imposed by the Monroe Doctrine on the Western Hemisphere. Of significance here is that the United States absolutely disagree with the idea that some other state proclaims its own Monroe Doctrine. When Japan proclaimed her or Asia Monroe-shugi in connection with her spreading in China, a great number of the North American experts in the field of the international law strongly opposed the idea, stating that the Monroe doctrine was a monopoly of the United States and that is not transferable to dissimilar political and geopolitical situations, except, possibly, by the consent of the United States herself. An author, Moon, rejects Japanese claims stating that the United States involves almost half of the population of the Western Hemisphere, while Japan has only 6 to 7 percent of the population of Asia.<sup>16</sup> But, in principal, that reasoning cannot stand. More interesting and characteristic is a debate reported by Westel W. Willoughby, a well-known professor of political sciences and law counsellor of the Republic of China, who has dedicated an entire chapter of a book of his, whether Japan had valid right to adopt the Monroe Doctrine relative to China. That indisputable expert does not deny (in 1927) that Japan,

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<sup>15</sup> Quotation after: J.B. Moore, *Digest of International Law*, VI, 1906, 553.

<sup>16</sup> P.Th. Moon, *Imperialism and World Politics*, New York 1927, 363

due to her geographic and political position, has certain "specific position" toward China. But conditions of economic or whatever necessity does not entitle her to violate contractual rights of other states. Instead, Japan should strive to gain the Chinese market in a free competition.<sup>17</sup> Thus, colonial imperialism: no; imperialism which submits to the market system of the liberal capitalism, and only it: yes. After World War II, the United States began to lead a decisive anticolonial policy directed to Great Britain, Holland and France which resulted in "West cold halfwar"<sup>18</sup> That destruction of the three great West European colonial empires did not turn to a "hot war", not only because of the immense superiority of the United States, but because of further advantages, which to the detriment of West, would be of use to her principal enemy, the Soviet Union.

At first, the Western Hemisphere was considered to consist of the American continent mainland, "New World" discovered by Columbus. As for the sea expanse surrounding it, it was supposed that the sea freedom principle was valid in the sense of the international law of the 19<sup>th</sup> century. At the beginning of World War II that viewpoint changed and the Western Hemisphere spread to the oceans as well. This changed viewpoint was, first, voiced by the Panama statement of the American Foreign Ministers of October 3, 1939. It reads that inside the safety zone, which extends from both sides of the American continent to the Atlantic and Pacific Oceans to the width of 300 miles, belligerent parties, for the purpose of protection of the American states, must not undertake any acts of hostility. It was that this widening of the Western Hemisphere to the oceans has busied a large number of geographers and cartographers. Of particular significance, here, is a geographic preciseness to which S.W. Boggs, geographer of the US State Department, resorted to, for the purpose of setting boundaries of the Western Hemisphere as an area of application of the Monroe Doctrine. In consequence, the boundaries of the "New World" do not coincide with the boundaries of the Western Hemisphere. The cartographers usually define it by drawing a line through the Atlantic Ocean lying on the 20<sup>th</sup> degree of longitude to the west of the zero meridian. Hence, it results that belonging to the West Hemisphere is Greenland, even Iceland along with Azores and Cape Verde Islands, which, as Boggs himself admits, contradicts with their historical belonging to the "Old World". For example, Greenland, the largest island all over the world and Danish province, was discovered, long before Columbus, by Vikings, in 982, who began to settle down there in 985. Until World War II, geography did not consider Greenland as a part of America. Today it does, obviously under the weight of the American political arguments. On the Pacific side of the globe, the border of the Western Hemisphere runs along the 180<sup>th</sup> degree of the altitude, mainly along the so-called international date line, where Boggs makes certain peaks on the north and on the south. The west islands of Alaska would thus belong on the whole to the Western Hemisphere, the same as New Zealand, while Australia would stay out of it.<sup>19</sup> P.S. Jessup, the North American expert in international law, adds the following comments to the Boggs memorandum: "The dimensions are rapidly changing nowadays and our interests in Hawaii today (1940, M. P.) correspond to those we had in Cuba in 1860; the argument of self-defence may,

<sup>17</sup> Willoughby, *Foreign Rights and Interests in China*, Baltimore 1927, 402. sqq.

<sup>18</sup> Nolte, *Deutschland und der Kalte Krieg*, 2. Aufl., Stuttgart 1985, 220 sqq.

<sup>19</sup> On this, see: P.S. Jessup, *The Monroe Doctrine*, *The American Journal of International Law*, 34 (1940), 704.



perhaps, lead us thus far that the United States shall have, one day, to wage war on the Yangtze, the Volga or the Congo." Thus, the Western Hemisphere may be present anywhere. But, way back on January 22, 1917, that President Wilson officially assumed the attitude that the Monroe Doctrine had to become a worldwide doctrine.

Not long after World War II that idea began to come true in the form of the "Truman Doctrine". It is contained in the address of the same President of the United States to the Congress on March 12, 1947.<sup>20</sup> The President's address asks from the Union lawmakers to approve military and economic assistance to the governments of Greece and Turkey; the former country being endangered by a fall under the "communist" control, the latter by a disintegration; should this happen "confusion and disorder might well spread throughout the entire Middle East". Application of the Monroe Doctrine spreads in this manner to Europe and Middle East. Even more than that. The Truman Doctrine, which, in fact, represents declaration of Cold War divides the mankind into two parts: "free world" and the world of "totalitarian regimes": "At the present moment in world history nearly every nation must choose between alternative ways of life. The choice is too often not a free one. One way of life is based upon the will of the majority, and is distinguished by free institutions, representative government, free elections, guaranties of individual liberty, freedom of speech and religion, and freedom from political oppression. The second way of life is based upon the will of a minority forcibly imposed upon the majority. It relies upon terror and oppression, a controlled press and radio, fixed elections, and the suppression of personal freedoms." It is unavoidable that the United States must take over protection of the "free world": "We shall not realize our objectives, however, unless we are willing to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon the totalitarian regimes [Applause]."

Only that the states of the "free world", as a new Western Hemisphere, in addition to the West European and Anglo-Saxon states, have mostly been anything else but "free peoples". Among others, entering this "free world" were two clerical and fascist dictatorships, Spain and Portugal, different Arabic tribal monarchies, as well as two military and police regimes, literally maintained on bayonets, Iranian and South Vietnamese. Also, the United States has lavishly supported Tito, the communist revisionist, because of his anti-Russian orientation. Therefore, the tissue that bound "free peoples" could not be mutual views on political institutions, but only "control" exerted upon them by the United States. This also demonstrates substantial indifference of the plutocratic imperialism towards the forms of political regimes. Basically, it is quite of no importance to it whether some regime is formally democratic or not, of importance is only whether it accepts "control" of the United States or still resists her. This has already been proved by the events occurring in Latin America, the primeval territory of interest to the Monroe Doctrine, where democracies leading politics detrimental to the North American concerns were destroyed and those dictatorships pleasing to those concerns supported or even imposed by the United States. To improve her industry, particularly that military, and to make her allies more dependent upon her, the United States has even supported or supports enemies of "free peoples", at one time the Soviet Union and

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<sup>20</sup> Select Readings in American Government, Ed. by W.B. Stubbs and C.B. Gosnell, 1948, 718-723.

Hitlerite Germany,<sup>21</sup> nowadays Islamic fundamentalism. It may seem that this strategy contradicts the nature of the United States as the most democratic state in the world. But, having plutocracy in mind as an essential element of the actual constitution of the liberal democracy and that it in democracy as well does not rule otherwise than as a "control" over official institutions of the regime, then it is evident that there can be no contradictions; the same law, the law of the plutocratic "control", determines both interior and foreign politics of the United States.

From the so far reported, it can be concluded that the United States has two quite different basic views on the international law and international politics; one **universalistic**, the implementation of which is the United Nations, and the other **particularistic**, the expression of which are understanding and practice resulting from the Monroe Doctrine. As a personification of universalism, the United States appears in the role of a well-intentioned constitutional ruler; as a personification of particularism, she comes forth in the shape of hydra thriving on someone else's economies. And when a moment of conflict between the universalism and particularism occurs as possible maxims of her activities, she straightforwardly gives precedence to particularism; war threats to Serbia and Yugoslavia in October, 1998, and bombing raids on Iraq in December of the same year make that determination obvious. But, that inconsiderate particularism may be disastrous to the United Nations, the same as the beginning of World War II in 1939 brought about factual liquidation of the League of Nations, although formally existing until April, 1946.

The very deadening of the United Nations, which may result due to overlooking and abusing the organization by its founders, will also be the end of the idea of the worldwide democratic federation and beginning of drawing new lines of global confrontations. The seed of those confrontations is germinating in front of the world. In its largest seed-bed, Russia, communism has regenerated and found new allies. The communist manifestations spectacle in Moscow, with red flags waving along with those monarchist and anarchistic, speaks a lot for itself. But, it must be born in mind that liberal democracy and socialism-communism, irrespective of their differences, are not absolute opposites. They are branches of the same spiritual tree. This was, for example, claimed by Spengler<sup>22</sup> and Karl Popper<sup>23</sup>, the two otherwise so different thinkers. Not only that A.J. Toynbee, on his part, shared this opinion, but even he saw in the Russian communism the means of westernization of those parts of the world which are hardly accessible to the western civilization in its original form.<sup>24</sup> The true negation of both liberal democracy and communism is Islamic fundamentalism, which is also an imperialism of high style. It personifies a militant, expansionistic nature of the prophet Muhammad's religion. Therefore, the names "Islamic fundamentalism", "Islamic imperialism" or even "Islam in its authentic form" are equally justified. Truly, it is militarily weaker than its two rivals, but spiritually stronger than both of them. Demoliberalism and communism are economic and political doctrines only. According to Toynbee, "idol" of the latter is "Leviathan",

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<sup>21</sup> See: K. Deschner, *Der Moloch*, Stuttgart/Wien 1992, 208 *idd.*, 219 *sqq.*

<sup>22</sup> Spengler, *o.c.*, II, 501 *sqq.*

<sup>23</sup> K.R. Popper, *The Open Society and Its Enemies*, Princeton N.J. 1950, 274 *sqq.*, 292 *sqq.*

<sup>24</sup> A.J. Toynbee, *A Study of History*, XII, 1961, 544.

while "idol" of the former is "Homunkulus".<sup>25</sup> The Islamic fundamentalism (imperialism) is, on the contrary, an integral world view, the basis of which is announcement of one God who does not stand any idols around him and who requires their destruction. The Islamic fundamentalism (imperialism), therefore, looks down on the most precious principles of liberal democracy.<sup>26</sup> As a public law doctrine, it goes back to the principle from the times of religious wars between the Roman Catholics and Protestants: "Cujus regio, ejus religio". But, since the Islam fundamentalism (imperialism) is being spread nowadays quietly infiltrating into the Western countries, its approach is as well: "Cujus religio, ejus regio". Here, therefore, views of a secularised international law, established over the period from the 16<sup>th</sup> to 18<sup>th</sup> centuries, are no more in question but of the concepts of political theology. Therefore, it may happen that the international law we know at present would be made obsolete by the conflicts with the Islamic fundamentalism (imperialism), and be replaced by an international law which draws its doctrines from theology and ecclesiastical laws.

## **DEMOKRATIJA KAO SVETSKI PROCES I MEĐUNARODNO PRAVNI NAZORI SJEDINJENIH AMERIČKIH DRŽAVA**

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*Porazi fašističkoga totalitarizma u Drugom svetskom ratu i komunističkoga totalitarizma u Hladnom ratu predstavljaju pobjede liberalne demokratije, koju oličavaju Sjedinjene Američke Države, kao neosporni predvodnik demoliberalnih zemalja. Cilj liberalne demokratije jeste svetska država, čiju je projekciju dao već Kant, a na čiju je neminovnost ukazivao njegov jevrejski sledbenik H. Cohen, kao i engleski teoretičar istorije A.J. Toynbee. Legitimnost svetske države leži u sprečavanju ratova među narodima i u zameni nacionalnih politika univerzalnom ekonomijom. Pre svega zahvaljujući volji Sjedinjenih Država, učinjeni su u 20. veku početni koraci ka svetskoj državi: 1919. stvoreno je Društvo naroda, a 1945. Ujedinjenje nacije. Opravdano je pitanje: da li je čovečanstvo sada, kada su Sjedinjene Države ostale jedina svetska sila, blizu ostvarenja tog cilja, ili se u njemu rađaju nove političke suprotnosti?*

*Odgovor mora početi od suštine liberalne demokratije: Ona je plutokratija. Njen zbiljski ustav – trojstvo finansijskog kapitala, gradskih masa i intelektualca demagoga – ne nalazi se, međutim, u formalnim poveljama i deklaracijama ljudskih prava. Kao plutokratija, razvile su Sjedinjenje Američke Države jedan svojevrstan, "pacifističko-ratoborni", imperijalizam, čiji je osnovni princip: Cujus oeconomia, ejus regio. Značajno je da u isti red dolazi i osnovni princip komunističkoga imperijalizma: Cujus regio, ejus oeconomia. Sledstveno svom osnovnom principu, Sjedinjenje Američke Države odustaju od klasičnoga, aneksionističkog imperijalizma i teže da ga zamene formom primerenijom tom principu: "kontrolom". U osobenom smislu, koji joj daje plutokratski imperijalizam, "kontrola" znači da kontrolisana država ostaje formalno potpuno suverena, ali da njenu politiku faktički potpuno determiniše država koja ima "kontrolu" nad njom. "Kontrola" je najpotpunija kada sila koja je vrši, potpuno preuzme ekonomiju kontrolisane države.*

*Doktrina koja severnoamerički imperijalizam prevodi u svet međunarodnog prava jeste*

<sup>25</sup> A.J. Toynbee, *A Study of History*, IX, 2<sup>nd</sup> impression, 1955, 621.

<sup>26</sup> M. Petrović, *Univerzalna prava čoveka i islam*, Zbornik radova Pravnog fakulteta u Nišu, XXVI (1986), 125 sqq.

"Monroova doktrina". Njena osobenst sastoji se u tome, što Sjedinjene Države zahtevaju od drugih zemalja da je priznaju, ali pri tom zadržavaju isključivo pravo na njeno tumačenje i primenu; iz "Monroove doktrine" niko osim njih ne može izvoditi ma kakve pretenzije.

U svome prvobitnom vidu, kakav joj je 1823. dao njen tvorac, predsednik Unije James Monroe, ona zabranjuje evropskim silama intervenciju u oblasti "zapadne hemisfere"; zauzvrat, Sjedinjene Države obećavaju da se neće mešati u sukobe među njima. "Zapadna hemisfera" obuhvatala je tada kopno Severne, Centralne i Južne Amerike. Prva velika korekcija nastupila je u Prvom svetskom ratu, kada su se Sjedinjene Države umešale u sukob evropskih država na strani sila Antante, ostajući pri tom na stanovištu zabrane intervencije unutar "zapadne hemisfere", sa čime su se saglasile potpisnice Versajskog mirovnog ugovora. Sledeća velika korekcija nastupila je nakon izbivanja rata u Evropi 1939. godine. Tom prilikom je važenje "Monroove doktrine" prošireno na prostranstva Atlanskog i Tihog okeana, protežući se, recimo, na Grenland, Island i Novi Zeland. Konačno, predsednik Unije Truman proširuje njeno važenje na celi "slobodni svet", pri čemu su tumačenje toga, koji je narod "slobodan", a koji nije, zadržale za sebe Sjedinjene Države. Ova evolucija "Monroove doktrine" izraz je jačanja imperijalizma severnoameričke velesile.

Perspektiva svetske države može, dakle, biti jedino u nametanju severnoameričke "kontrole" ostatku sveta. No, ono je bez daljnjih komplikacija i sukoba nemoguće. Naročito je neizbežan sukob plutokratskog sa islamskim imperijalizmom, budući da ovaj počiva na suštinski različitom osnovnom principu: Cujus regio, ejus religio, odnosno: Cujus religio, ejus regio, koji seksualarno međunarodno pravo zamenjuje političkom teologijom.

Ključne reči: demokratija, svetska država, kontrola, imperijalizam, Monroova doktrina, zapadna hemisfera, "Cujus oeconomia, ejus regio".