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1996 Kormendy Lecture

Regulation in the Single Global Market: From Anarchy to World Federalism?

HONORABLE DIANE P. WOOD*

Imagine we're in the midst of the town of Tombstone, before Wyatt Earp and his brothers brought law and order to bear. Everyone does exactly what he (usually) or she wants — if, of course, he's fast enough on the draw to protect his turf or he's clever enough to stay out of trouble. Rules — they're for sissies. Money is there for the making or the taking. The only problem is, shall we say, a certain uncertainty in both the quality and quantity of life. And while that might not bother the very toughest of the tough, even they need someone to farm the fields, raise the cattle, build and run the shops, and otherwise create the wealth, because without that, the town eventually dies.

From the point of view of the people who were trying to invest in the town, the anarchy of the Wild West was plainly undesirable. Even the most individualistic, rough frontierspeople eventually concluded that it wasn't enough to use self-help to protect their families, their clans, or their social groups. They finally went out and hired a new sheriff who could be counted on to enforce the laws fairly, both for and against everyone. With law and order established (or re-established), those who preyed on others and profited from the anarchy moved on or left the scene more spectacularly.

The interaction of States on the international stage may seem a far cry from Tombstone, but it is instructive to ask why that insight is, on the whole, correct. The answer lies in long-established principles of public international law, whose very purpose is to assure that the “might makes right” logic of Tombstone does *not* govern international relations. But, as we will see, those principles have been sorely tested in the second half of the 20th Century, as modern technology, transportation, and communication shrink the globe. Who owns cyberspace? Where is money as it flits around the world at the speed of light, moving from market to market faster than Superman? Where exactly do teleconference meetings take place?

In the past, it was fairly easy to ascertain which State had the right to regulate particular activities and persons. Each State had a regulatory monopoly over events and persons within its territory (unless another State made a legitimate claim based on nationality or one of the other recognized bases of international prescriptive jurisdiction). The corollary to the territorially-based regulatory monopoly was the notion that no other State

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could interfere in events or with persons located outside its territory. (This idea reached its most extreme expression in the insistence of certain countries that the outside world could never “interfere in their internal affairs,” in spite of the serious human rights violations that were taking place.) The idea that the world can be neatly partitioned into territorially distinct sovereign States seems hopelessly inadequate to the realities of today's world. Literal adherence to it would, ironically enough, risk re-creating a type of anarchy. Businesses even today often find themselves simultaneously facing a bewildering and sometimes conflicting array of national regulations from the different States where they operate, and the States themselves often fear — with good reason — that the regulatory apparatus with which they work allows important behavior to slip beyond the reach of any single State. Tools and theories developed in the 19th century simply don't work too well as we approach the 21st.

While there are many perspectives from which we could consider the problems posed by the disjunction between the identity of the lawmakers and subjects, my focus is on economic regulation. More particularly, I ask whether the world today risks Wild West style anarchy if it does not move forward to develop new international rules to govern international competition. I also take a look at the pros and cons of this kind of international rule-making, which I have dubbed the new World Federalism (in the interest of being at least a little bit provocative), and I suggest that it would be a mistake to take matters that far.

I. ANARCHY IN WORLD COMPETITION

A. *Regulatory Conflict Among States*

The international legal system contains very few rules regulating the way in which jurisdiction is allocated among sovereign states. In *The Case of the S.S. Lotus*, decided by the Permanent Court of International Justice, that court concluded that States may exercise jurisdiction unless there is a rule prohibiting their action.¹ This notion, of course, is in some tension with the rules describing when States may exercise their prescriptive jurisdiction. Those rules purport to restrict State power to situations where particular links to the State exist. Most commonly, States rely on links to their national territory, but they also may invoke connections related to nationality, security interests, or a limited class of other universal concerns.²

1. *The Case of the S.S. Lotus (Turk v. Fr.)*, 1927 P.C.I.J. (Ser. A) No. 10 (Sept. 7).

2. *See, e.g.*, RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 402 (1987).

What, then, is the rule? May States do virtually anything unless prohibited, or are their actions valid internationally only if they fall within a recognized branch of prescriptive jurisdiction? The truth appears to lie somewhere in the middle of these two extremes: if there is an acceptable, or reasonable, nexus to the regulating State, international law does not prohibit that State from exercising its power.³ The nature of that nexus and how close it must be to a traditional State interest is far from agreed, either among international diplomats and scholars, or in national or international tribunals.

This has led to a situation in which countries frequently come into jurisdictional conflict with one another. Antitrust law, for example, has led to a number of notorious conflicts reminiscent of our Wild West scene, such as the multinational dispute over the international uranium cartel, a similar dispute over the proper regulation of international shipping cartels, and, more recently, the efforts of U.S. regulators to keep foreign markets open to U.S. exports. Antitrust, however, has not been alone. The Arab boycott of the State of Israel offers a long-standing example of "extraterritorial" measures imposed by one group of countries, for their own policy reasons, upon the rest of the world.⁴ The recently enacted Helms-Burton Act in the United States,⁵ and the new law restricting trade with Iran and Libya,⁶ are both instances of the United States exercising its muscle to enforce its desired sanctions against Cuba, Iran, and Libya.

Although these kinds of conflicts are undesirable, they are inevitable in the absence of clear rules that neatly allocate jurisdiction over every matter to one and only one State. Yet no doctrine — territoriality or nationality, in particular — can carry this burden in the late 20th century, when virtually every form of human activity — notably including, for present purposes, commerce, society, and criminal activity — crosses international boundaries with barely a nod. States, in short, have been forced to broaden the jurisdiction principles that evolved in the world of nation-states characterized by 18th and 19th century Europe. With that broadening, more and more instances of jurisdictional conflict have naturally arisen. One State regulates on the basis of territoriality, and it finds its rules undercut or overridden by another State's "extraterritorial" rule (justified,

3. See, e.g., *id.*

4. See Howard N. Fenton III, *United States Antiboycott Laws: An Assessment of Their Impact Ten Years After Adoption*, 10 HASTINGS INT'L & COMP. L. REV. 211 (1987); AARON J. SARNA, *BOYCOTT AND BLACKLIST: A HISTORY OF ARAB ECONOMIC WARFARE AGAINST ISRAEL* (1986).

5. Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996, Pub. L. No. 104-114, 110 Stat. 785 (1996). For a discussion of the Act's legitimacy under international law, see Andreas F. Lowenfeld, *Congress and Cuba: The Helms-Burton Act*, 90 AM. J. INT'L L. 419 (1996) and Brice M. Clagett, *Title III of the Helms-Burton Act Is Consistent with International Law*, 90 AM. J. INT'L L. 434 (1996).

6. Iran and Libya Sanctions Act of 1996, Pub. L. No. 104-172, 110 Stat. 1541 (1996).

usually, by the effects within the second State of conduct or relationships in the first).

States have been pushed to a broader view of jurisdiction by the need to make their legitimate laws effective. A serious "free rider" problem is created when sovereign nations themselves are able to exploit the division of the world into separate sovereign territories. All the intellectual property protection in the world across Europe and North America is of little use if counterfeit factories flourish in Asia, producing so many goods both for their domestic markets and for export that customs authorities could never seize everything.⁷ Securities markets cannot be protected effectively from fraudulent schemes if the perpetrators have a safe haven in an outlier State.⁸ International banking is similarly vulnerable, and it is no coincidence that the famous Swiss banking secrecy laws have changed to allow for more cooperation with foreign regulatory authorities in recent years.⁹ It is also true that international markets may be distorted if one or more countries choose to tolerate or support cartels, whether it is the uranium cartel mentioned above, the once-feared OPEC oil cartel, or more mundane cartels like the one recently prosecuted by both the Department of Justice and the Canadian Bureau of Competition Policy in the thermal fax paper market. As I discuss in more detail below, however, it is less clear that cartels actually fit the "free riding" model, because they are so plainly harmful to the home (domestic) market also, and it is thus less clear that international lawmaking — our new World Federalism — is necessary to redress the problem.

B. *Competition Among Firms*

Even though virtually every multinational firm is accountable at least to the country in which it is organized, and usually also to the country where its seat of operations is located, anarchistic tendencies also occur at the private sector level. What happens when no country can effectively make actors responsible? We know that international drug cartels often manage to slip between the cracks. Even for legitimate business, it is difficult at best even to know that a transaction has taken place in cyberspace, much less to be confident we can pin it down sufficiently to

7. See, e.g., W.L. Hayhurst, Q.C., *When Sovereignities May Collide — Sovereignities and the Regulation of Business in Relation to Intellectual Property: A Canadian Perspective*, 20 CAN.-U.S. L.J. 195 (1994).

8. For one example, see Frank S. Shyn, *Internationalization of the Commodities Market: Convergence of Regulatory Activity*, 9 AM. U. J. INT'L L. & POL'Y 597 (1994).

9. That cooperation is often necessary in aid of criminal law enforcement activities, related to organized crime and the drug trade. See, e.g., Lisa A. Barbot, Comment, *Money Laundering: An International Challenge*, 3 TUL. J. INT'L & COMP. L. 161 (1995).

allow one or more particular countries to regulate it.¹⁰ What should we do about a cartel that carefully does most of its business in a country with weak or nonexistent antitrust enforcement, that will resist strongly when a country with injured consumers tries to collect evidence that would prove the cartel's existence? We are naive if we think that tax havens, cartel havens, consumer fraud havens, or other gaps in the international regulatory framework do not exist.¹¹ Furthermore, knowing that they exist, we are also naive if we think that some companies will not exploit them, to the detriment of legitimate commerce.

What happens, given the lack of coordination among States mentioned above, when every government decides to stick its finger into the regulatory pie, using its own definitions, its own system, and its own penalties? At a minimum, the answer is "inefficiency"; at worst, it may be "chaos." It required an International Postal Treaty to ensure that the mail could be delivered more or less seamlessly from one country's postal service to another.¹² Telecommunications has required similar international attention.¹³ Again looking at antitrust, when large multinational companies enter into merger agreements, they may find themselves filing not two, not ten, but as many as fifteen to twenty pre-merger notification forms with national competition authorities, before they know for sure that the deal has been cleared.¹⁴

II. THE REGULATORY RESPONSE: TWO PATHS

Given the twin problems of regulatory conflict among sovereigns and the "feast or famine" nature of the rules applicable to multinational enterprises, it is important to consider realistic responses. Two broad

10. See, e.g., Geneva Georgini, Note, *International Digital Publishing and Territorial Copyright: Is the European Union Letting Infringers Slip Through Its "Nets?"* 21 BROOK. J. INT'L L. 243 (1995); Dan L. Burk, *Patents in Cyberspace: Territoriality and Infringement on Global Computer Networks*, 68 TUL. L. REV. 1 (1993).

11. See Karen B. Brown, *Allowing Tax Laws To Cross Borders To Defeat International Tax Avoidance: The Convention on Mutual Administrative Assistance in Tax Matters*, 15 BROOK. J. INT'L L. 59 (1989).

12. The United States is party to a number of conventions regulating international postal arrangements. See 39 U.S.C. § 407 (1994), authorizing the Postal Service to enter into postal treaties or conventions with the consent of the President. See, e.g., Universal Postal Union: Second Additional Protocol to the Constitution, General Regulations, Final Protocol and Annex, Convention, Final Protocol and Detailed Regulations, July 5, 1974, 27 U.S.T. 345, 1005 U.N.T.S. 9 (hereinafter *Lausanne Convention*).

13. See Harold M. White, Jr. & Rita Lauria, *The Impact of New Communication Technologies on International Telecommunication Law and Policy: Cyberspace and the Restructuring of the International Telecommunications Union*, 32 CAL. W. L. REV. 1 (1995).

14. See ORGANIZATION FOR ECON. COOPERATION & DEV., *MERGER CASES IN THE REAL WORLD: A STUDY OF MERGER CONTROL PROCEDURES* (1994) (prepared by Prof. Richard Whish and the present author).

possibilities exist: (1) we could take a few more steps toward a new form of world government and international rule-making, to ensure that the rules applicable to the 21st century world exist at the same level as the human activities to which they apply, or (2) we could work harder on coordinated enforcement of national laws, recognizing the need to preserve the advantages of localized political and legal structures while minimizing the inefficiencies of multiple systems. Successful examples of both models exist. The hard question is which one to follow for what kind of problem: this is not the place for a "one size fits all" solution.

A. *International Rule-making*

In the area of economic regulation, the World Trade Organization (WTO) is surely the preeminent example of a successful locus for international rules. The WTO enforces both the General Agreement on Tariffs and Trade (GATT 1994,¹⁵ the successor to the original GATT 1947) and a host of ancillary agreements, such as the General Agreement on Trade in Services (GATS)¹⁶ and the agreements on Trade-Related Intellectual Property (TRIPS)¹⁷ and Trade-Related Investment Measures (TRIMS).¹⁸ Before 1994, the GATT had a reasonably successful dispute settlement mechanism, and under the WTO that system has been improved even more.¹⁹ Enforcement works realistically, both through authorizing injured countries to take retaliatory measures, and more commonly through international pressure to conform to validly adopted panel reports.

In the area of private law, harmonized or uniform global rules have also been evolving. One of the most successful examples is the United Nations Convention on Contracts for the International Sale of Goods, which has been adopted by most of the major trading nations and which gives a

15. General Agreement on Tariffs and Trade, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, LEGAL INSTRUMENTS - RESULTS OF THE URUGUAY ROUND; 33 I.L.M. 1125, 1154 (1994).

16. General Agreement on Trade In Services, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1B, LEGAL INSTRUMENTS-RESULTS OF THE URUGUAY ROUND vol. 31; 33 I.L.M. 1125, 1168 (1994).

17. Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, LEGAL INSTRUMENTS—RESULTS OF THE URUGUAY ROUND vol. 31; 33 I.L.M. 1125, 1197 (1994).

18. Agreement on Trade-Related Investment Measures, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, *reprinted in* OFFICE OF THE U.S. TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT, URUGUAY ROUND OF MULTILATERAL TRADE AGREEMENTS 139 (1994).

19. For a discussion of the new WTO procedures, see Steven P. Croley & John H. Jackson, *WTO Dispute Settlement Procedures, Standard of Review, and Deference to National Governments*, 90 AM. J. INT'L L. 193 (1996).

measure of predictability to the enforcement of international contracts.²⁰ More generally, the world has seen the renewed development of a global *lex mercatoria*.²¹ Particularized conventions are in place for many sectors, including aviation, telecommunications, shipping, postal services, and pharmaceutical products. In the environmental field, international activity is expanding rapidly, given the indisputable truth that the global environment demands effective global measures.

B. *Coordinated Enforcement of National Laws*

The avenue of coordinated enforcement is premised on the idea that the mere fact that activity takes place at one level — here, international — does not mean that the regulation of the activity must necessarily also be at that level. Instead, it seeks to address the globalization phenomenon through closer coordination of national laws which can and do differ. At present, the international securities markets continue to be regulated at the national level by each country's competent authorities. Although all of the laws are designed to ensure the integrity of the market, the mechanisms used vary considerably among countries. Nevertheless, the authorities have succeeded in building a network of cooperative agreements that have enabled them to enforce the laws even when international activity is involved. The same general system is still used for taxation of transnational activity. This area, perhaps best of all, exemplifies the strong political interest States have in continuing to legislate and enforce at the national level, even as they work to find mechanisms to cooperate internationally in their law enforcement efforts. In the end, this insight is the one underlying all forms of federalism: keeping the legislation at the national level ensures accountability and democratic legitimacy, while improving international cooperation helps to make the law effective at the international level. One predictable side effect of expanding cooperation is a gradual harmonization of substantive standards, but this happens only as far and as quickly as domestic constituencies are willing to let it occur.

III. THE MODEL FOR COMPETITION POLICY: INTERNATIONAL OR NATIONAL?

It only remains to consider where competition policy belongs in this general structure. Should we conclude that because business is international, antitrust rules can be nothing less than global in their reach, or does it make

20. U.N. Doc. A/CONF.97/19 (1981), reprinted in S. TREATY DOC. No. 9, 98th Cong. (1980).

21. See, e.g., Donald B. King, *Globalization Thinking: Commercial and Consumer Law Illustrations*, 39 ST. LOUIS U. L.J. 865 (1995).

more sense to follow the second model of national law with international cooperation? Those who advocate international rules point out, accurately, that other closely related legal regimes are international, such as the GATT rules prohibiting certain tariffs, quantitative restrictions, and a variety of non-tariff barriers to trade, and the many other rules now administered by the WTO, such as GATS, TRIPS, and TRIMS. In broad terms, the WTO has a comprehensive set of rules designed to ensure that governmental measures will not operate as restrictions on international trade. In the interest of symmetry and effective coordination, the internationalists argue, the WTO system must include rules forbidding private anticompetitive restraints on international trade.

International advocates also point out that the line between state involvement and private involvement is often extremely hard to draw, especially in countries with a tradition of state ownership of key sectors, or extensive regulation and close bureaucratic controls over private sector activity. The possibility of evading the commitment to competition policy would be too great, they fear, if the rules covered only public restrictions, and not private ones. This was an important reason why Europe included rules against both state distortions of competition (principally state aids) and private distortions in the competition rules of the Treaty of Rome.²² Given the diversity of systems that exist around the world, those urging international rules argue that at least a framework indicating how the two types of restrictions — public and private — should be addressed ought to be in place.

These are not insubstantial points, but it is equally important to consider the reasons why we might not want to move forward with international competition rules at this time. In the United States, we are in the midst of one of the great federalism debates of our history, rivaled only by the early 19th century, the post-Civil War Period, and the New Deal. We need only recall the Supreme Court's 1995 decision in *United States v. Lopez*,²³ which held that Congress exceeded its authority under the Commerce Clause when it passed the Gun-Free School Zone Act of 1990, 18 U.S.C. § 922(q)(1)(A), or the Court's 1996 decision in *Seminole Tribe of Florida v. Florida*,²⁴ which held that the Eleventh Amendment prevents Congress from authorizing suits by Indian tribes against States pursuant to its powers under the Indian Commerce Clause, or the recently enacted welfare reform legislation,²⁵ which effects a dramatic shift of responsibility

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22. TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY, Mar. 25, 1957, 298 U.N.T.S. 4.
23. 115 S. Ct. 1624 (1995).
24. 116 S. Ct. 1114 (1996).
25. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-

for welfare programs from the federal government back to the states, to recognize what a profound reexamination of these questions is underway.

The trade-offs between local accountability, the ability to tailor solutions to problems unique to each area, and different preferences that are implicated in this debate apply with equal or greater force when we ask whether rules should stay at the national level or if we need to move up the final notch to the international level. This was a key point in the debate over approving the North American Free Trade Agreement, or NAFTA,²⁶ and the debate over approving the results of the Uruguay Round GATT negotiations. Putting aside the occasionally hysterical nature of some of the rhetoric — the references to great sucking sounds, and the like — fundamental questions were raised about the extent to which, as a member of the world economic community, it was necessary or wise to entrust certain decisions to a world-wide organization. One can agree with the final outcome of both those debates and yet still acknowledge the importance of the structural questions that were raised.

In Europe, the same concerns about local accountability have been debated with renewed force ever since the achievement of the single European market in 1992. In the Maastricht Treaty,²⁷ which is better known as the treaty committing the Member States of the European Community to ever closer integration, there is an important counter-principle known by the rather odd word “subsidiarity.” It means, roughly speaking, that all regulation should take place at the most local level of government possible, unless there is a justification for moving it up the ladder. In the Community, this debate takes the form of one between assigning powers to Brussels for particular subjects or leaving them with the Member States. It is similar to (although not identical with) the federalism debate in the United States. An observer just before Maastricht might have thought that the Community (or now, the Union) was moving inexorably toward a federal system not unlike ours, or perhaps the looser versions of federalism exemplified by Canada or Switzerland. Today, the same observer would not be so sure. The momentum may have turned back the other way, just as we are reconsidering in the United States whether too much authority has shifted to Washington, and if so, what powers ought to be returned to the states or left alone there.

Concerns for democratic legitimacy are, I believe, the driving force leading to the current trend in Europe and motivating much of the

193, 110 Stat. 2105 (1996).

26. North American Free Trade Agreement, Dec. 17, 1993, U.S.-Can.-Mex., 32 I.L.M. 289.

27. TREATY ESTABLISHING THE EUROPEAN COMMUNITY, Feb. 7, 1992, O.J. (C 224) 1 (1992), [1992] 1 C.M.L.R. 719 (1992).

federalism debate in the United States. The higher up one goes, the more remote the decisionmakers and the harder it is to fine-tune policy. Whether the question is tax policy, the type of social welfare system desired, or the extent to which a free market structure will prevail in which competition is the centerpiece of the economic regulatory system, people have a right and an interest in having a say in what the rules will be. The risk of pushing lawmaking up the ladder, from the state level, to the national level, to the international level, is the attenuation of the electorate's ability to influence these decisions. On the other side, of course, it can be inefficient or worse if a plethora of laws exists that lead to forum shopping among states or countries, bureaucratic transaction costs, and the gaps in regulation noted at the outset of this paper.

IV. AVOIDING TOMBSTONE: INTERNATIONAL RULES OR NATIONAL COOPERATION

What, then, should we do with competition rules? It seems plain that we need *something* beyond uncoordinated national rules. But in this connection it is important to recall a few facts about the actual state of competition law in the world today. On the positive side, more than fifty countries now have competition laws that are based, more or less, on the same principles that underlie the U.S. antitrust laws: prohibition of cartels, prohibition of abusive or monopolistic behavior by firms with significant market power, prevention of anticompetitive mergers and acquisitions, and regulation of anticompetitive vertical restrictions (*i.e.* resale price maintenance, tying arrangements, exclusive distribution, boycotts, etc.).

On the negative side, this leaves more than a hundred countries without such rules, or more than seventy WTO members without them. These are, on the whole, the very countries with little experience in free markets. (All twenty-five member countries of the Organisation for Economic Co-operation and Development already have competition laws, and they meet regularly in the Competition Law and Policy Committee to discuss common problems and approaches.) Countries without competition laws are often unsure whether this is the right step for them to take, or if they would be better off sponsoring national champions, allowing local monopolists, or otherwise taking a benign approach to anticompetitive arrangements. They point out that this is exactly what Japan and Korea did for many years, and their economies did not seem to suffer. For the record, I believe that this view fails to take into account the significant benefits a well enforced competition law can confer, but the point here is different. Until the political consensus develops in those countries for the enactment and enforcement of a competition law, it would be wrong and ultimately unproductive for the international community to force such a law on them.

This is why, in my view, the case for international rules is not yet a compelling one. The benefits that come from competition rules are already being enjoyed among the countries that have such laws, and they increase every day as enforcement becomes more reliable, more sophisticated, and more pervasive. The burden of proof should be on those who advocate another layer of rules, with another layer of bureaucracy, to demonstrate why existing institutions cannot do the job. Arguments for symmetry between rules addressing public and private restraints do not carry the day. It is also unclear whether the WTO process would yield the right rules in the end. Competition authorities have tried to de-politicize these rules and to ground them instead on economic criteria. The WTO, however, is a fundamentally political forum, better suited to mediating disputes between States than to analyzing the ins and outs of relevant market definition or the contestability of a particular market. Finally, even though many (including myself) believe that the fundamental principles of competition law can be applied universally, at a more practical level it is not clear that the same competition rules that are best for the United States and Europe are equally suitable for Byelarus, Zimbabwe, and Pakistan. The level of economic development, the strength of social and legal institutions, and the type of economy that a country has had may require refinements in competition rules from place to place that are better handled individually than under the umbrella of an international organization.

If opting against international rules left one only with anarchy as an alternative, it might be necessary to accept those difficulties and move forward notwithstanding them. The situation, however, is not that grim. We still have the cooperation model, which has worked so well in equally important economic areas like securities regulation and taxation. This is not, it is important to underscore, a model of unadulterated unilateralism. To the contrary, cooperation among nations can bring about effective regulation of anticompetitive practices and at the same time leave world markets free to develop as they may. Experimentation, local modifications, and shared experience are all possible under this system. We can and should build strong bridges with our neighbors, near and far; create a credible system of law enforcement that makes it clear that world business doesn't operate in today's Tombstone; and move on to the new World Federalism only when the case has been made that nothing less will do.

