

## Chapter 14

# World Society before Globalisation: Some Insights from Julius Stone

*David B Goldman*

'Globalisation', rather than necessarily being a catch-all term which covers anything modern, technological, free-trade economic and international, can be thought about, with the right premises, as a striving, a struggle. It can be an apocalyptic notion, crowning centuries of quest for a world society, in the Western tradition. General consciousness of the concept of globalisation only emerged in the late 20th century. As a concept, a world society or universal society has been around much longer. The view favoured in this chapter is that globalisation can be considered to be a continuation of centuries of aspiration for a world society co-existing with other societies – albeit with inherent problems, contradictions and urgencies more recently appreciated.

Julius Stone insightfully and critically appreciated the development of a world society at a time when it was not nearly so apparent as it is today. In concerning himself with some fundamental jurisprudential problems of his time, including the idea of 'a common law of mankind' – which, in today's style would be rephrased 'humankind' – Stone addressed these problems with sufficient force to deserve currency today in the 'globalisation and law' literature. His prescient thoughts, moreover, on the problems of codification (especially his retrospective on Savigny's plea for historical jurisprudence in 19th century Germany), connections between technology and sovereignty (particularly with reference to aerial and satellite espionage) and the prospects for international criminal law (particularly his reflections on the Eichmann trial) provide reason today for considering him something of a prophet of the perils and potentials of a utopian idea of globalisation whose time had not yet come.

Before evaluating the foreshadowed contributions of a man who most probably would have been justifiably cynical about several words above, it will do well to survey, briefly, what 'globalisation' means in association with the term 'world society'.

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