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From International Laws to International Economic Community Law*

David A. Funk

Commerce first taught nations to see with good will the wealth and prosperity of one another. Before, the patriot, unless sufficiently advanced in culture to feel his world his country, wished all countries weak, poor, and ill-governed, but his own: he now sees in their wealth and progress a direct source of wealth and progress to his own country. It is commerce which is rendering war obsolete, by strengthening and multiplying the personal interests which are in natural opposition to it.1

AN IMPORTANT INTERSECTION between international law and international economics was adumbrated more than a century ago in this passage by John Stuart Mill. At that time, laissez faire economic theory prevailed and only a rudimentary international organization existed. It was then sufficient to ask how international trade leads to world peace. Since the era of John Stuart Mill, however, States have moved increasingly toward planned economies, regional economic communities have been established, and, in fact, a new science of economic development is aborning. Today’s international juridical scientist must determine whether and how international laws assist in building an international economic community. This community should lead to a more integrated international political community, which is necessary for truly effective international laws. Obviously the process is circular — “something very much like trying to lift oneself by one’s shoestrings.”2 This seems, however, to be the only

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* This article is the first portion of the sequel referred to in Funk, International Laws as Integrators and Measurement in Human Rights Debates, 3 CASE W. RES. J. INT’L L 123, 158 n.137 (1971).

1 J. MILL, PRINCIPLES OF POLITICAL ECONOMY 136 (5th London ed. 1864).

2 G. MYRDAL, BEYOND THE WELFARE STATE 280 (1960).
way to build international systems. Similar "bootstrap integration" processes may operate in the international legal system itself, though these move in tighter circles.\(^3\) When the inquiry is expanded to include international economics, it becomes necessary to consider the interplay of three international systems: the legal, economic and political. Though each system interacts as part of a total world system, they may be considered separate for analytical purposes. Similarly, despite the interrelation of the whole and all of its parts, a particular sequence of interactions may be separately analyzed and a particular starting point selected — in this case international laws. The object of this article is to develop a set of terms and some rudimentary theories as to how international laws, by furthering international economic community, further international political integration, which ultimately lends support to international laws as well. Once the theoretical implications of this process have been examined, empirical testing may be undertaken to build an international juridical science in this area of concern.

I. THE TERMS AND TASK

Whether integration is primarily a condition or a process has been the subject of some controversy. For some it is a "state of mind,"\(^4\) while others define it strictly as a "process."\(^5\) The latter definition suggests that systems analysis might be most useful in understanding this concept. In systems analysis there are no end-

\(^3\) Funk, *International Laws as Integrators and Measurement in Human Rights Debates*, 3 CASE W. RES. J. INT’L L. 123, 129-33 (1971), finds that contemporary theorists have advanced three basic explanations of how international laws directly develop their own support: (1) if international laws enunciate natural law principles they will be accepted as legally binding regardless of whether they are authoritatively promulgated; (2) the mere characterization of an international rule as a "law" secures some support for it from an association between international and municipal laws; and (3) international laws are self-fulfilling prophecies since the mere assertion of a rule as an international law contributes to the consciousness of policy-makers and the general public that an international legal system exists. In addition, international laws may indirectly develop their own support by establishing international institutions which result in increased personal contacts and institutional usages.


\(^5\) E.g., E. Haas, *Beyond the Nation-State* 29 (1964) particularly advises against "the reification of an analytical system" in this respect.
states during the "life" of the system and all reality is part of a process. Nevertheless, the level of affairs occurring in the real world can be distinguished conceptually from the level of analysis of those affairs. An observer may consider the process temporarily stopped so that he may analyze it. Later he may consider it in motion. Thus, on the level of observation and analysis, "integration" may be either a process or a state of affairs — producing integration or already integrated — depending on the observational perspective selected. It will be apparent from the context of the discussion which has been selected here.

Integration, in its most general meaning, refers simply to bringing parts together into a whole. Applied to social groups, integration implies some consensus formation, which has been regarded as the primary requirement for integration. In any event, it is important to distinguish the definition of integration from its specific results, such as equal treatment and opportunity. Similarly, the concept of integration should be distinguished from tests or measures of its existence or the means by which it is known, such as "making sacrifices in the common interest." With respect to social groups, integration may be divided into three separate types: social, political and economic. Social integration involves the unification of social groups which are not central to the political or economic systems. Since these three types of integration are related, social integration undoubtedly has some effect on political and economic integration. The present concern, however, is limited to political and economic integration, with the exclusion of social integration predicated on the assumption that its role is peripheral.

7 WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1174 (P. Gove ed. 1967).
8 Siotis, The Secretariat of the United Nations Economic Commission for Europe and European Economic Integration: The First Ten Years, 19 INT'L ORGANIZATION 177, 178 (1965), observes that "[i]ntegration occurs when consensus formation tends to become the dominant characteristic of relations among actors in a system."
9 P. STREETEN, ECONOMIC INTEGRATION 17 (1964), indicates that "[w]e shall speak of an integrated society if all members of that society are treated equally, enjoy equal opportunities, and an equal degree of liberty, and if they can to the fullest extent achieve whatever goals they may pursue, and in particular more goods and more leisure."
10 G. MYRDAL, AN INTERNATIONAL ECONOMY 64 (1956). In the international sphere "there does not exist that human solidarity which in the national state is a result of the historical process towards integration and which induces individuals and social groups to accept rules and regulations that are not to their own immediate advantage." Id. at 5.
11 B. BALASSA, supra note 6, at 2, observes that social integration "increases the effectiveness of economic integration . . . ." But Balassa, Toward a Theory of Economic
The amalgamation of political units constitutes political integration. In the international sphere, a result of this integration may be the transfer of “exclusive expectations of benefits from the nation-state to some larger entity.” Another result may be the diminishing among States of the desire and ability to conduct foreign and key domestic policies independently, seeking instead to make joint decisions or to delegate the decision-making process to new central organs.

Various tests have been devised to measure the degree of political integration. One index is whether “there is likelihood of internal peaceful change in a setting of contending groups with mutually antagonistic claims.” A further test of international political integration is whether rules like international laws “emanate from their own sources.” But these tests of the existence of political integration should be distinguished from the definition of the concept itself.

The amalgamation of economic systems constitutes economic integration. Some would limit this concept to “optimum” amalgamation — the degree of amalgamation considered desirable at a given time. For example, it has been said that integration of the various national economies is “the creation of the most desirable structure of the international economy, removing artificial hindrances to its optimum operation and deliberately introducing all the desirable elements of coordination or unification.” In this view, “the problem of integration, therefore, forms part of a more general problem, namely, that of optimum economic policy.”

Integration in Latin American Economic Integration 21, 23 (M. Wionczek ed. 1966), follows the text in excluding social integration from the definition of integration.


L. Lindberg, The Political Dynamics of European Economic Integration 6 (1963) likewise identifies integration with “the process whereby political actors in several distinct settings are persuaded to shift their expectations and political activities to a new center.”

13 L. Lindberg, supra note 12, at 6.


17 Id. Tinbergen takes the term international economic integration "to mean the optimum of international economic cooperation," id. at 3, and defines "the state of economic integration as the economic policy which shows an optimum of centralization." id. at 21. Earlier he treated international economic integration as "the creation of the
free definition of economic integration facilitates discourse in that it becomes possible to speak of the degree of integration at a particular time as good or bad. Terms such as "over-integration" and "under-integration" may then be utilized to relate a given degree of integration to the optimum level. Economic integration has also been defined in terms of equality of general economic opportunity. Free trade tends to be incorporated into the application of this definition to the international economy. Quite clearly it is impossible for separate economies to operate as one without some equality of opportunity and lack of discrimination. However, this is not an absolute requirement and, in any event, need not be incorporated into the definition of economic integration. A more restrictive view equates economic integration with co-ordination or balanced growth among various sectors of the economy. Again it seems preferable to retain balanced growth as a separate concept so that it may be considered in relation to economic integration.

Some economists test economic integration by measuring equalization of factor prices and the extent of trade relations. But these partial tests should not be confused with definitions. The concept of economic integration adopted here approximates "economic union" or "total economic integration," which have been defined as follows:

An economic union, as distinct from a common market, combines the removal of restrictions on commodity and factor movements with a degree of harmonization of economic, monetary, fiscal, social and counter-cyclical policies. ... [T]otal economic integration presupposes the unification of economic, fiscal, and other policies and is the realization of the old Western ideal of equality of opportunity ... [namely] the loosening of social rigidities which prevent individuals from choosing freely the conditions of their work and life.” J. TINBERGEN, INTERNATIONAL ECONOMIC INTEGRATION 95 (1964).

18 G. MYRDAL, supra note 10, at 11, observes that "'[e]conomic integration' is the realization of the old Western ideal of equality of opportunity ... [namely] the loosening of social rigidities which prevent individuals from choosing freely the conditions of their work and life."

19 Balassa, supra note 11, at 24, finds that international economic integration "encompasses various measures abolishing discrimination between economic units belonging to different national states; viewed as a state of affairs, it can be represented by the absence of various forms of discrimination between national economies." B. BALASSA, supra note 6, at 2, observes that "the process of economic integration comprises measures that entail the suppression of some forms of discrimination."

20 P. STREETEN, supra note 9, at 9, uses "integrated" "in the sense of co-ordinated or balanced," though unbalance is not regarded as undesirable, so long as there is a unified policy with respect to the growth of industries, sectors, and regions.

21 See, e.g., Balassa, supra note 11, at 23, who finds equalization of factor prices unduly restrictive as a definition. B. BALASSA, supra note 6, at 1, refers to the existence of trade relations as merely a "sign of integration."
requires the setting up of a supranational authority whose decisions are binding on the member states.\textsuperscript{22}

From this posture "stages" of economic integration less than economic union can be considered steps toward economic integration and not different types of it.\textsuperscript{23} These stages or steps are analytically useful, but the key concept in economic integration remains the amalgamation of economic systems.\textsuperscript{24} This amalgamation may proceed through two different processes, which are termed "horizontal" and "vertical" economic integration. Horizontal integration is the progression from free trade area, to customs union, to common market, to economic union, and finally total economic integration.\textsuperscript{25} In contrast, "vertical" integration proceeds by economic sectors, such as with the basic industries of steel and coal.\textsuperscript{26}

Economic integration should be clearly distinguished from several related terms. One is "international economy"\textsuperscript{27} which treats the world as one economic system, but strictly from an economic viewpoint in the modern sense. "International political economy" implies a study of the international economy from a broader policy perspective. Finally, "international economic community" assumes that there is considerable economic integration already existing in the international economy, analogous to that found in the European Economic Community.\textsuperscript{28}

The phrase "international economic community law" has been

\textsuperscript{22}Balassa, \textit{supra} note 11, at 25.

\textsuperscript{23}B. \textsc{Balassa}, \textit{supra} note 6, at 2, is followed and summarized in Nye, \textit{Central American Regional Integration}, 570 \textit{Int'l Conciliation} 1 (1967) as follows:

International economic integration — a more complex level of interdependence — includes a number of means of expanding market size by abolishing discrimination between economic factors belonging to different national states. These are generally ranked in theory from the lesser interdependence of a free trade area (abolition of internal tariffs among members) to customs union (the addition of a common external tariff) to common market (the addition of free movement of labor and capital) to economic union (the addition of coordination of monetary and fiscal policy) to the greatest interdependence of \textit{total} economic integration (the unification of economic policies). \textit{Id.} at 8.

\textsuperscript{24}For an extended discussion of various definitions of economic integration see, Balassa, \textit{supra} note 11, at 22-25.

\textsuperscript{25}For types of horizontal integration see, \textit{supra} note 23; B. \textsc{Balassa}, \textit{supra} note 6, at ix; and Balassa, \textit{supra} note 11, at 25.

\textsuperscript{26}For the sectoral approach see, B. \textsc{Balassa}, \textit{supra} note 6, at 15-16; and L. \textsc{Lindberg}, \textit{supra} note 12, at 10.

\textsuperscript{27}See \textit{generally} G. \textsc{Myrdal}, \textit{supra} note 10, at 9-11.

\textsuperscript{28}In each of these terms, "international" excludes the Communist world since economic integration between free and planned economies currently presents such formidable problems. \textit{See, e.g.}, H. \textsc{Johnson}, \textit{The World Economy at the Crossroads} 2 (1965).
deliberately coined for this article. It is meant to refer to those laws which emanate from the political organs of an international economic community. Thus the present area of concern may be distinguished from two somewhat similar legal specialties. One is known as "international economic law" and considers the legal regulations affecting economic intercourse. More specifically, it deals with the relevant provisions of international law, including the operational regulations and administrative practices of intergovernmental economic organizations concerned with foreign trade and international payments, and any municipal laws relevant to this subject matter.\footnote{Hexner, Book Review, 53 AM. J. INT'L L. 503-04 (1959).} In the United States this would be known as the law of international trade or business, or international transactions. The other related legal specialty is called "international economic development law." This has been described as: "a body of principles determining the legal relationships of developing countries with foreign investors, and with national and international public development aid institutions. This field includes the principles of control over natural resources, the status of foreign investors, the legal character of concession agreements and the principles of compensation."\footnote{Schwarzenberger, The Principles and Standards of International Economic Law, 117 HAGUE ACAD. RECUEIL DES COURS 1, 7 (1966). Subfields of international economic law as defined by Professor Schwarzenberger include: international labour law, international social law, international transport law, and the law of international copyright and design. \textit{Id.} at 8. However, mere harmonization of municipal laws relating to a particular subject matter does not make them a field of international law. G. SCHWARZENBERGER, \textit{infra} at 213-14.} These concerns are to be contrasted to the present...
inquiry which deals with the role of international laws in international economic community development and the consequent implications for international laws. The term "economic community law" often appears in connection with the European Economic Community. It has also been applied to the development of new rules in the Central American Common Market and the Latin American Free Trade Association. Usually economic community law is assumed to be a natural concomitant of economic community, and these two phenomena do appear to be mutually supportive. Similarly international economic community law apparently stands in this same dual relation to international economic community.

This article uses "international laws" where "international law" usually would be found. "International law" is a term that is used in a number of different senses, whereas "international laws" is more clearly limited to rules that are accepted because they are made by authorized lawmakers. Thus "international laws" are the primary rules of Professor Hart in an international context. While true that the sanctions which oblige subjects of international laws to obey or endure the penalty may be peculiar to the diffused international system, we have already passed the stage where every international legal rule must receive the specific consent of all those bound by it. Thus it does not seem too early to use some such term.

"International laws" should also connote an association with domestic legislation. This connotation identifies the primary rules themselves as possible integrators, rather than some institutional aspect of the international legal system. Of course it is sometimes hard to decide whether a particular international agreement is an international law or merely *jus dispositivum*. General laws enable

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argues that though development is of international concern, it is a national process, and hence, there is no such thing as international development.

Had Professor Friedmann not already used the term, "international development" could have referred to the growth of the international economy as a whole. Perhaps "international economic aid law" then would have been a more accurate label for the problems of lesser developed countries.

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32 Ortego-Vicuña, *Developments in the Latin American Free Trade Association*, 61 AM. SOC'Y INT'L L. PROCEEDINGS 174, 180 (1967), observes that "we are in the presence of an incipient community law, characterized by autonomous legal instruments that emanate from the organs of the Association."

33 Funk, *supra* note 3, at 125. "International laws" is especially appropriate in the present context since treaties predominate in the field of international economic law. Schwarzenberger, *supra* note 29, at 12; G. SCHWARZENBERGER, *supra* note 29, at 214. See also id. at 36, 64, where it is suggested that international customary law is derived from treaties to a greater extent than is commonly recognized.
private individuals in domestic legal systems to arrange their affairs by making private contracts. Clearly these arrangements are not laws. Some international treaties are indeed "private" bilateral acts of international actors as subjects of more general international laws under which they are arranging their affairs. However, other "agreements" are really legislative acts in a diffused international system. Whether a given international agreement falls into the one category or the other depends on the surrounding circumstances; even the distinction between multilateral and bilateral treaties will not always be determinative.

The circular process whereby international laws help establish their own supports has sometimes been referred to as lifting oneself by one's own bootstraps and the analogy has been applied specifically to the growth of international integration. This circular analogy emphasizes the interrelationships involved in international systems. Linear cause and effect relationships are easier to comprehend because rational thought itself follows linear forms. But, to the extent that linear relationships do not adequately represent the realities of international life, they tend to mislead rather than illuminate. A familiar example of a circular process occurs in building a fire. The heat from the initial match increases the draft which in turn intensifies the heat until large logs are burning. Communications engineers have observed an analogous process in electronic feedback. Though this proceeds at a more accelerated rate, there is a similar sequence of mutual amplification. The phrase "cumulative circular causation" seems particularly apt in characterizing this process in a social setting. The process has been described as follows:

35 Funk, supra note 3, at 123 n.3.
36 G. MYRDAL, supra note 10, at 53 explains:
[A]dmitting the undoubted truth that the gradual realization of a world community will need people with changed attitudes, it is also true that it is most difficult to change attitudes, except by conditioning people through their life and work within the framework of a changed society. . . . The social scientist is then exposing the difficulty that all reformers meet. Every induced social change has to follow the pattern of lifting oneself by one's bootstraps: society with its forms and norms has to be altered pari passu with the people . . . .
37 G. MYRDAL, supra note 10, at 15, refers to "the social mechanism of cumulative causation which I believe has a wide if not universal application." He finds that "[i]n the cumulative social process, economic progress, equalization of opportunities, and political democracy are interrelated by circular causation, each one being both cause and effect of the others." G. MYRDAL, supra note 2, at 153. See also Riggs, Economic Development and Local Administration: A Study in Circular Causation, 3 PHILIPPINES J. PUB. AD. 86-146 (1959).
The underlying fact is the existence of such an interdependence between all the factors in a social system that any change in any one of the factors will cause changes in the other factors; these secondary changes are generally of a nature to support the initial change; through a process of interactions, where change in one factor continuously will be supported by reactions of the other factors, the whole system will have been given a momentum to move in the direction of the primary change, though much further.  

This phenomenon has been identified under many different names. For some it is a "deviation-amplifying mutual causal relationship."  

Another talks about "automaticity" as the high probability of "spillover and its complementary processes," and the concepts of "spillover" and the probability of "automatic politization" have been applied specifically to economic unions. Others speak of "self-organizing systems." In each case, change is being explained in terms of cumulative circular causation, the model thus appearing to entail all of the above descriptions.

This model of social causation is not without its dangers, however. It is easy to accept its automaticity too readily. An initial change in a system may also build up forces which "damp" or reverse it and tend toward homeostasis. Additionally, the temptation of trying to explain everything in terms of everything else should be avoided. If a process is completely circular, anything in it may be considered as the initial change which leads to the end result. Finally, a monistic urge must be acknowledged which apparently makes us want to see diverse elements as parts of one

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38 G. Myrdal, supra note 10, at 16.
40 Schmitter, Three Neo-Functional Hypotheses About International Integration, 23 INT'L ORGANIZATION 161, 164 (1969). Schmitter further states that "[t]he process of spillover has a cumulative tendency." Id. at 165.
41 Haas & Schmitter, supra note 12, at 716, 720 passim. Boulding, The Concept of World Interest, in ECONOMICS AND THE IDEA OF MANKIND 41, 61 (B. Hoselitz ed. 1965), finds that "[i]n the history of the building of nations from local communities a complex interaction can be traced in which webs of trade, law, police, and loyalties constantly grow by reinforcing one another" and "[w]e can now reasonably expect this process to be repeated on the world scale." Kitamura, Economic Theory and the Economic Integration of Underdeveloped Regions, in LATIN AMERICAN ECONOMIC INTEGRATION 42, 45 (M. Wionczek ed. 1964), observes that "[o]nce a form of international integration is established, there will always be an inherent tendency to move into a higher form of integration." But cf. note 78 infra for another "spillover effect."
42 Dechart, Positive Feedback in Political and International Systems, 9 AM. BEHAVIORAL SCIENTIST 8, 9-10 (1966). See also id. at 11, on "self-generated social change and development."
43 E. Haas, supra note 5, at 62.
system. The cumulative circular causation model is useful only if its elements are truly related, so the desire for simple explanation must not cause us to see more interrelatedness than is actually warranted.

The ultimate goal of this inquiry is to develop a satisfactory explanatory theory. How to proceed has previously been epitomized: "As in the development of all new knowledge, one begins with hunches, applies them to empirical data, and reorders the original hunches into stable propositions based on empirical evidence." Each step is essential. In fact, the author of one early attempt to proceed without an adequate theory admitted this to be "a methodological weakness." The same defect hampered an attempt to deal with variables related to regional integration. The authors admit that they produced "aggregate data innocent of an informing model or theory." Although these studies isolated variables they did not adequately explain associations. They provided a useful beginning but the next step requires more rigorous theory-building. Admittedly the "school" of political scientists carrying on this work is pursuing a broader question than the one at issue here. They are asking what factors aid integration, whereas this inquiry deals only with whether international laws aid integration. The political scientist is left the task of fitting specific findings concerning international laws into their more general theories. The crucial questions here are how international laws aid international economic community development and how this, in turn, leads to political community with more binding international laws. So far the best work on these issues has come from political scientists, economists, and sociologists. But international legal scholars must build on this if they want to understand the social role of their own

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45 Schmitter, supra note 40, at 161.
47 Id. at 159.
48 Mario Barrera, Leon N. Lindberg, Philippe C. Schmitter and Joseph S. Nye, Jr. all appear to be former students of Ernst B. Haas and share some of his research interests and points of view.
49 So far much of the work on the role of laws as integrators has been limited to national and regional economic community development. Any theoretical suggestions applicable to the international context as well, however, have been taken into account. Nevertheless, no attempt will be made in this article to determine whether laws operate as integrators in roughly the same way in each of these three contexts.
Some might claim that such an inquiry belongs more appropriately to international economics. This discipline has made great progress as a social science since the days of Adam Smith and John Stuart Mill. However, until fairly recently, most economists have been too busy developing their science to investigate thoroughly the relation of economics to the other social sciences. Even an economic historian has commented that "[t]he last great book covering this wide range was John Stuart Mill's *Principles of Political Economy*, published in 1848." Moreover, he observed that "the sociologists have left the study of economic institutions to the economists, while the economists have left the subject to the sociologists." Even an economist with broader training than most apparently was satisfied to indicate points of contact between his theory of economic integration and political factors. He called attention to the need for coordinated action, but left the political implications to the political scientists. In the second quarter of the 20th century most economists apparently abandoned the study of economic effects of legislation to the legal scholars. But it can not be merely a historical accident that Adam Smith was a moral philosopher and also lectured on jurisprudence. Perhaps the new development economists will reestablish the relationship of economics to social and political forces. Meanwhile the juridical scientist should be able to make a unique contribution by analyzing thoroughly the role of laws in these processes.

The question of how international laws help to produce international economic integration and how this in turn helps to produce international political integration has been dealt with heretofore in general terms. Economists have observed that political integra-

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50. G. SCHWARZENBERGER, *ECONOMIC WORLD ORDER?* xi, 4 (1970), notes the necessity of supplementing the statics of international economic law with its dynamics. Multilateral treaties were explored from the standpoints of duration, exclusion of reservations, possibility of renunciation, exception clauses, escape clauses and the verifiable character of assertions of contingencies mentioned in these clauses to test the eligibility of particular rules as constituent parts of an international economic order. *Id.* at 67.


52. *Id.* at 12.


tion leads to economic integration and that this in turn reacts on the political sphere.\textsuperscript{57} This sequence has been observed in the contexts of GATT,\textsuperscript{58} the United Nations Regional Economic Commissions,\textsuperscript{59} and the European Economic Community.\textsuperscript{60} But the advance of theory depends on probing more specifically into how this process operates. For purposes of analysis, the process may be divided into two segments, the first being the determination of precisely how international laws help to produce international economic integration.\textsuperscript{61}

II. FROM INTERNATIONAL LAWS TO INTERNATIONAL ECONOMIC COMMUNITY

There are at least four major mechanisms by which international

\textsuperscript{57} B. Balassa, \textit{supra} note 6, at 7, claims that "[p]olitical motives may prompt the first step in economic integration, but economic integration also reacts on the political sphere; similarly, if the initial motives are economic, the need for political unity can arise at a later stage." Fenwick, \textit{Remarks on "Economic Aspects of Latin American Integration,"} 61 AM. SOC'Y INT'L L. PROCEEDINGS 185 (1967), referred to "the development of a new type of international law which, rather than being concerned with the regulation of conflicting interests, dealt with the co-ordination of common interests" and finds that "[i]t is this development in international law which will permit economic integration, and, it is hoped, will lead to the breaking down of political hostilities between states." \textit{Id.}

\textsuperscript{58} G. Curzon, \textit{Multilateral Commercial Diplomacy} 335 (1965), observes that "[a]n optimistic view would be that we are only at the very beginning of a world trade evolution which will integrate ever more closely the countries of this world and thus make a major contribution to world peace."

\textsuperscript{59} Gregg, \textit{The United Nations Regional Economic Commissions and Integration in the Underdeveloped Regions}, 20 INT'L ORGANIZATION 208 (1966), finds that "[t]he emphasis is upon economic integration . . . because it is a necessary antecedent to political integration."

\textsuperscript{60} Hay, \textit{International and Supranational Organizations: Some Problems of Conceptualization}, 1965 U. ILL L.F. 733-34, with respect to the transition from bureaucracy to political decisionmaking, concludes that "experience with the European Communities dispels the first doubt and, instead, lends support to the expectation that successful and complete economic integration will produce subsequent political integration." \textit{But cf. id.} at 770, to the effect that "[s]upranationalism need not lead to political integration."

\textsuperscript{61} B. Landheer, \textit{On the Sociology of International Law and International Society} 19 (1966), notes that "the organizational forms of world society will ultimately have to become totally different from those of the nation-state . . . . The nation-state has a centralizing function; world society can only aim at decentralization." \textit{Id.}

This leaves out of consideration one special variety of international economic integration which could come about through greatly increased cartel agreements among private business corporations with increasingly international operations rather than international laws. For example, Jay, \textit{International Co-ordination For National Economic Growth}, 40 POLITICAL Q. 137, 149 (1969), calls the international company "perhaps the principal agent of international economic integration." If governmental controls were limited primarily to municipal laws, this organization of the international economy by companies to suit themselves could be considered international \textit{laissez faire} with a vengeance. It is doubtful whether modern States would permit this situation to develop. In fact Schwarzenberger, \textit{supra} note 29, at 3, observes that "the non-Communist world seeks to find substitutes on the level of organized cooperation for the lost autonomousm of \textit{laissez-faire} economics."
laws actively aid the creation of international economic community. First, laws may lead to centralized economic planning. As Gunnar Myrdal has observed:

There is in all planning, even if it were ever so earthily rooted in comprehensive studies of facts, an element of belief in reason as an independent force in history and in the freedom of choice by which man can change reality according to his design and so turn the course of future development. In essence, planning is an exercise in a non-deterministic concept of history . . .

The same principle applies with even more force to law-making. The very process of consciously creating laws introduces an element of rationalism into the situation. This is likely to be reflected in more rational goals such as broad international economic integration as opposed to temporary accommodation of trade problems. There is also a tendency to provide for equal treatment of situations in defined categories as opposed to ad hoc solutions. There is more stress on general values. In a word, diplomatic negotiation may produce short-run gains through "splitting the difference"; but international laws introduce more firm rational principles on which international economic community can be built.

Second, international laws can further economic integration by providing a focus for diffuse domestic interests in economic internationalism. This helps to counterbalance specific domestic interests which benefit from protectionism. National policymakers are, therefore, free to proceed faster toward international economic integration because they are able to point to the obligations of their State under international laws as a reason for opposing special business interests. Thus economic integration may gain some support from those who favor obedience to laws generally. This utilizes respect for municipal law to gain support for internationalism. Both of these mechanisms have been observed operating in the Organization for European Economic Cooperation and

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62 Analytically, international laws instrumental in furthering international economic community may be distinguished from those which merely contain concrete measures regulating the trade which follows from international economic integration. In practice a given measure in multilateral treaty form may be both cause and effect of further international economic community.

63 G. MYRDAL, supra note 2, at 7.

64 G. MYRDAL, supra note 10, at 53, observes that these are "closer to basic ideals and, consequently, more liberal and generous than the diversified valuations determining behavior in everyday life."
They may be used to build international economic community as well.

Third, international laws may remove domestic impediments to world trade. The early merchant adventurers somehow managed to carry on international trade despite municipal restrictions like medieval tolls and the regulations accompanying the mercantile system. The underlying theory of GATT is to combat analogous modern remnants of this kind of regulation in order to facilitate world trade and eventual international economic integration.

Finally, as municipal restrictions were removed from world trade, the later merchant adventurers also benefited from the development of a relatively uniform law merchant and some basic rules of international law; international laws may add to this legal framework for international trade and thus enable trade relations to increase. International commercial laws may provide additional "common rules" in a developing international law merchant. In particular, an international legal framework for economic relations may facilitate factor movements. One major advantage of colonialism as an economic system was the protection of capital movements between the mother country and the colony by predictable laws. Today domestic laws in the host countries may provide a favorable investment climate to encourage factor transfers to some extent. But international laws may also alleviate problems of in-


67 Röpke, Economic Order and International Law, 86 HAGUE ACAD. RECUEIL DES COURS 203, 218 (1954), points out that:

An intensive economic exchange which implies a wide range of the division of labour and thereby a high degree of mutual dependence of individuals is impossible unless . . . we feel that we can rely upon a moral, legal and institutional framework which, formally and materially, protects exchange relations and the claims deriving from it. Otherwise, we can hardly be expected to bear the enormous risks involved.

In order for extensive world trade to be possible, there must be a suitable currency and "an unimpeachable legal order and beyond this, an unwritten but generally recognized code of norms, principles and rules of behavior and value ideas . . . [so that] all members of the community know how to be sheltered by a minimum of reciprocal confidence and by an atmosphere of security and continuity." Id. See Mann, supra note 29, passim. Cf. Philip, Social Aspects of European Economic Cooperation, 76 INT'L LAB. REV. 244, 254-55 (1957), that "the economic unification of Europe requires not only the lowering of customs barriers but the establishment, in an extended market, of common rules applied through common institutions."

68 G. SCHWARZENBERGER, FOREIGN INVESTMENTS AND INTERNATIONAL LAW 200 (1969), recalls "the advantages for investors resulting from the colonialism and imperialism of bygone days — a reasonably assured continuity of public order and an effective legal system producing a favorable investment climate." J. TINBERGEN, supra note 16, at 32.
ternational investment. For example, they may provide better means for settling disputes between international investors and host countries. Also, an international insurance program would provide one method of protecting capital investments. Finally, improved international industrial property laws facilitate combined capital and technology transfers. Solution of problems such as these is partly a matter of harmonizing domestic laws. But international laws may provide an independent international legal order for international trade. This serves the cause, not only of national development, but of international economic community development as well. By the same token it may be argued that international laws could facilitate international labor movements too. At one time these were significant factor movements. However, they have virtually ceased and now offer little chance of helping to integrate the world economy. If the trend toward one world culture someday makes significant labor migrations possible, national human rights standards applicable to immigrant groups, for example, would facilitate such migrations. In that event international laws would have fostered another step toward international economic integration by building a legal ordering framework.

A fifth, though minor, means by which international laws aid international economic integration is associated with the compilation of international economic statistics. It is hard to conceive of substantial progress toward international economic integration without this information. In theory, it could be collected and compiled by a private organization operating under domestic laws. In practice, it is easier for international institutions created by international laws to carry on this work. It could be argued that international institutions, not international laws, are making the contribution to international economic integration here. But at least international laws are indirectly responsible since they establish the institutions which

69 See, e.g., G. Delaume, Legal Aspects of International Lending and Economic Development Financing (1967); G. Schwarzenberger, supra note 68, passim.

70 E. Nwogugu, The Legal Problems of Foreign Investment in Developing Countries 280 (1965).


73 G. Myrdal, supra note 10, at 2, observes that "labor migration has ceased to function as a factor of integration even between the advanced countries and offers no prospect of playing any important role in integrating the underdeveloped countries into the world economy."
gather and compile the information. Meanwhile, through the introduction of rationalism, supporting internationalism, providing an ordering framework, and freeing trade and labor movements, international laws are making a direct contribution to international economic integration.

III. FROM INTERNATIONAL ECONOMIC COMMUNITY TO INTERNATIONAL ECONOMIC COMMUNITY LAW

The examination of mechanisms by which international laws can build international economic integration is a first step toward a theory of international economic community law. Another element which must be considered is the feedback of the above process — ways in which international economic integration facilitates political integration and support for international laws. Several of these follow from functionalism, which suggests that cooperation in solving common problems comes to provide "its own dynamic" and leads to structural change.74 Another functionalist proposition would suggest that as people start working together on specific and limited goals they become more willing to expand them into general institutions. Functionalist arguments may be subdivided into two basic positions. "Private functionalism" sees private citizens working together and becoming more likely to support political integration as a result. "Public functionalism" sees contact between various official representatives of States or international organizations as the key factor. In private functionalism the arena of cooperation may be international trade. Incipient international economic integration leads to increased personal contacts among those engaged in this trade. Public functionalism, in turn, includes two different viewpoints. One sees contact among officials of States as furthering international political integration. The other sees contact among members of an international bureaucracy as the main integrative factor. International economic integration should provide a fertile field for cooperation on specific programs among both types of officials. One paradox in public functionalism, however, is that interaction among State officials75 probably leads less surely to political integration, though it has more influence on national policies. Conversely, interaction among international bureaucrats probably creates a stronger bloc for political integration, while having less influence

75 Cf. L. LINDBERG, supra note 12, at 286, which describes this process at work among national representatives to the European Economic Community.
on the national policy decisions necessary to bring it about. In any event, public functionalism is based on an "iron law of bureaucracy"; bureaucrats automatically strengthen the goals they serve by "mediating governmental positions and upgrading common interests." Conflicts are resolved through this upgrading of common interests and expansion of tasks primarily by virtue of the "spill-over hypothesis." In order for this process to proceed, the initial tasks assigned must be defined neither too precisely nor too vaguely. Of course, if spillback occurs, any resulting political integration will be short-lived. Unfortunately, the typical draftsman of international legal documents is trained to seek the most limited objectives possible with the maximum precision. If he is to achieve lasting spillover, however, he must restrain these tendencies, because it is loosely defined, broad tasks and somewhat loose phraseology which enable bureaucracy to push for further expansion of authority in the direction of increased political integration.

International economic integration becomes international political integration through a second set of forces: those by which economic planning becomes policy. It has already been noted that law may lead to planning; but planning may also lead to law. There

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76 Nye, supra note 23, at 61.
77 Id. at 12.
78 Haas, supra note 14, at 95-96. Schmitter, supra note 40, at 162-64. This spill-over hypothesis should not be confused with the "spillover effect" which Professor Fisher applies to a transfer of support from municipal laws to international laws. See Funk, supra note 3, at 130 n.35 & accompanying text. See Siotis, supra note 8, at 179, which defines spillover as "the crossing of the threshold from one level to another."
79 Nye, supra note 23, at 61, found that spillover requires "specific tasks that continuously involved the other tasks with which the governments were concerned."
80 Nye, Patterns and Catalysts in Regional Integration, 19 INT’L ORGANIZATION 870, 880, 886 (1965).
81 G. SCHWARZENBERGER, supra note 68, at 152, identifies "one of the classic rules of legal planning: to aim at the minimum of legal restraint required or attainable in a particular historical situation."
82 Dechart, supra note 42, at 9, describes this process as follows: [The World Bank, ILO, FAO and others] have followed the customary growth pattern of all self-organizing systems with an increase not only in size but in the functional differentiation and articulation of their components. As these more or less autonomous systems increasingly articulate among themselves the relational web of the world community becomes ever more dense. This process is currently in a phase of early and very rapid development. It possesses an internal dynamic for growth since almost any international initiative today creates new bonds, or develops existing bonds between the most diverse institutions... [W]hat may be arising is a new homonoia, based in part upon task orientation, based in part upon a common scientific culture. Insofar as these bonds form institutional patterns they are amenable to formal description as a constitution. This is a living and developing constitution which may eventually provide the key element in a worldwide "rule of law."
may be a conscious desire to confer more power on central political institutions in order to obtain the increased advantages of economic unity, but the trend toward international political integration may be an almost unconscious outgrowth of the international economic planning process itself. This has been called "a continued drift toward supranationality," so that economic planning is "the chief candidate for integrative functions in the future system." The term "gradual politization" — where, from initial technical and noncontroversial programs, the actors turn to broader, more political, means of accomplishing them — has also been applied to this process. Thus economic union moves quite naturally toward political union. The general acceptance of planning in national economies may facilitate this process on the international level. Today, rational interference with market forces is by no means confined to the "planned" economies; it is now commonplace in welfare capitalism and developing countries. In addition, the day of laissez faire economies appears to be over, not only nationally, but internationally as well. People are no longer satisfied with merely removing artificial barriers to trade. In fact, only those who derive some early benefits from free trade are willing to stop there. The lesser developed countries want "rational" interference with the free play of market forces to achieve specific goals. But this requires institutions to choose ends and means as well as to institute and administer specific programs. In a word, some sort of international political institution becomes necessary to carry out the planning function which likely began on a purely economic level. Thus an international economic community, by its own internal logic, moves on toward international political community. Put in terms of the economic history of the United States, it may be said that "[i]n international economics, we are passing from the age of the Sherman Act to the age of the progressive income tax."

83 See generally Professor Ernst B. Haas as quoted in L. Lindberg, supra note 12, at 290, that "[o]nce governments have committed themselves ... to certain common measures of fundamental importance to the daily lives of their entire citizenry, they can resolve future problems of implementing the agreement only by means of further delegation of power to the center...."

84 L. Lindberg, supra note 12, at 290, has observed this phenomenon in the European Economic Community as follows: "[O]nce involved in an undertaking of this magnitude, the Six have found it difficult to avoid moving farther and faster than originally planned."

85 E. Haas, supra note 5, at 292.

86 Haas & Schmitter, supra note 12, at 707.

Eventually economic planning virtually implies some sort of political action and economic integration virtually implies economic planning. Planning generally proceeds in phases, by "successive approximation" in choosing provisional targets and optimal factor allocations. But someone must make these choices so that some political solution eventually is required.

Many observers have noted the need for international political integration to carry out the planning required by international economic integration. They argue correctly that political decisions eventually must be made on many matters of economic policy. This includes the "distributive justice" of present allocations of goods and services to lesser developed countries. Also, national develop-

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88 Tinbergen, *International Economic Planning*, 95 DAEDALUS 530 (1966), indicates that "planning will be defined as the preparation for political action, that is, action by public authorities.... Economic planning then refers to the economic activities implied, such as governmental investments and financial, commercial and other types of economic policy."

89 See Kitamura, *supra* note 41, at 63, to the effect that "regional economic integration is, in essence, a matter of regional planning."


91 It has frequently been noted that it is necessary for international political integration to accompany complete international economic integration. B. Balassa, *supra* note 6, at 2, states that "total economic integration presupposes the unification of monetary, fiscal, social and countercyclical policies and requires the setting up of a supra-national authority whose decisions are binding for the member states." Balassa, *supra* note 11, at 25. M. Van Meirhaeghe, *International Economic Institutions* 76 (1966), finds that "economic unification without political unification is inconceivable." G. Myrdal, *supra* note 2, at 265-67 observes:

[O]nce the Welfare State has come into existence in the rich Western countries, and once the underdeveloped countries are becoming independent and are launching upon individual economic policies in the interests of their national development, there is, as a matter of fact, no alternative to continued international economic disintegration, except to strive for a Welfare World. The trend towards national planning leads by a process of causation to the creation of a need for international coordination and planning. The institutional forms which offer themselves for international coordination and planning are the inter-governmental organizations.

W. Röpke, *supra* note 72, at 105, indicates that "a collectivist order which brings the economy entirely under political control presupposes a state corresponding to the sphere of planning." He explains that "an international planned economy... represents as it does the domination of politics over economics on an international level, cannot manage with the international quasi-order of the liberal epoch but presupposes a real super state." *Id.* at 78. Röpke, *supra* note 67, at 211, observes that economic integration "presupposes a corresponding extra-economic integration (social-political-moral-institutional-legal integration)," and "under no economic system can economic integration go further than social-political-moral-legal integration which is based on psychological forces, on laws, and on institutions."

ment plans require coordination, especially in the agricultural sector. The growth of international business corporations requires international political organizations to regulate their activities properly. Ideally, international trade requires a world currency and this, in turn, requires a world state. Even present world economic agencies need further coordination; an overall international development plan is urgently needed. However, it is a common mistake to assume that these needs will be widely recognized and that what is needed necessarily will come to pass. In fact, some observers are pessimistic about the prospects for international economic planning, whether needed or not. Theoretical discussion cannot settle this factual issue. Whether international

CEEDINGS 28, 49 (1965), that aid to lesser developed countries is merely a new trade preference.

93 Tinbergen, supra note 88, at 556.
94 Kitamura, supra note 41, at 57.
96 J. Tinbergen, supra note 16, at 84.
97 Tinbergen, supra note 88, at 544-46.

99 Balassa, supra note 11, at 28-29, concludes that "coordination of economic policies amounts to abandonment of sovereignty in favor of a world organization to an extent that is unlikely to be undertaken — at least in the near future." Kitamura, supra note 41, at 58, finds that "the political preconditions for the necessary adjustments in the exercise of national sovereignty are still lacking." W. Röpke, supra note 72, at 109, states that "the Nation is the highest geographical political level, on which a collectivist economic order is possible." Röpke, supra note 67, at 227, explains that "an international collectivist order, being an order which amounts to a thorough 'politisierung' of economic life, requires a degree of international government which would largely exceed that which the liberal age could achieve." "Since a world State is clearly out of the question, a worldwide system of planning is to be ruled out as a practical possibility." Id. at 241. In fact the "paradox of international collectivism" is that:

On the one hand, it makes an international State an absolute necessity while, on the other hand, it makes its attainment, which is most difficult at any time, impossible for the very reason that the international government which international collectivism calls for is to be a collectivist one which, as such, must be highly centralized, riding roughshod over the national susceptibilities and ways of life.

Id. at 244. Therefore "the nation must be regarded as the highest political and geographical level at which a collectivist economic order is possible." Id. at 246. G. Myrdal, supra note 2, at 157, concludes:

In spite of all the hopeful publicity about international economic integration here and there in the world, the main trend towards economic nationalism is unbroken, and the driving forces behind this trend are the very policies of national planning which in the individual nations, are so necessary for progress and have had such wholesome results at home.

But cf. W. Friedmann, supra note 30, at 13, for the more hopeful view that the international commodity agreement is the "establishment of a degree of managed trade economy for such commodities."
economic integration will lead to international political integration through the need for international economic planning is yet to be proved. Theoretical analysis may isolate the issues and set forth some explanatory relationships among variables, but empirical testing may disclose intervening variables or determine that suspected relationships in fact do not exist. So what seems in theory to be a natural progression from economic planning to policy, may turn out not to be so "natural" after all.

Thirdly, international economic integration leads to international political integration as a result of increased economic interdependence. As international economic specialization takes place, autarchy declines and this raises for every State what has been called "the gradually rising price of disruption." As a result, inter-State conflict outside of international institutions should gradually decline, and conflicts adjusted more frequently within such institutions. In addition, increased interdependence of national economies makes increased international cooperation necessary to prevent transmission of undesirable cyclical fluctuations from one economy to another. Thus increasing economic interdependence should accelerate the cumulative circular causation process leading to political integration.

Finally, international economic integration increases international homogeneity which in turn makes political integration easier. The point has been made, perhaps too forcefully, that the developed nations are pulling away from the underdeveloped ones in overall economic development. But as one observer points out: "[v]irtually all underdeveloped countries have at least one large city, and some have several, in which the architecture, the transportation, the boulevards, the bars, the nightclubs, and restaurants, and even the technology seem much the same as in Europe or North America." Though economic integration may accentuate quantitative differences, it may increase qualitative similarities in life style, at least in the elite and urban sectors. Political integration apparently requires a certain "minimum homogeneity" and the overall effect of economic integration is to increase homogeneity. To be sure

100 Nye, supra note 80, at 872.
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history records many instances of conflict between similar peoples as well as between dissimilar ones. Nevertheless, increasing similarity of life style through economic integration removes one barrier, and probably provides a bridge, to political integration.

The role of sheer wealth resulting from increased international specialization and economies of scale is much more problematical. It has been said that "[o]nly in an expanding world economy will there exist the conditions for mutual generosity without which the integration process would not get far."104 Perhaps the desire for wealth makes economic integration more attractive.106 But economic wealth per se is probably not as significant an aid to political integration as functionalism, economic planning, interdependence and homogeneity.

IV. THE DOUBLE INTEGRATION PROCESS

The discussion thus far has analyzed portions of the integration process as separate steps and has assumed a progression from international laws, to economic integration, to political integration, to more binding international laws. Some questions may be asked now about this process as a whole. There are those, for example, who treat the process as very nearly automatic and refer to "automatic politization" and its conditions.106 A theory of causation utilizing an "automatic" process may be useful in isolating conditions of integration but is not very satisfying as an explanation.

104 G. MYRDAL, supra note 10, at 51.
106 Barrera & Haas, supra note 46, at 150-51. Cf. Nye, supra note 80, at 882, as follows:
Perhaps there are two links to look for between economic and political union in developing areas: first, the nine pattern variables which establish the preconditions for political action, which would bring states "up to the brink"; and second, some outside actors or events which would provide the will power to leap from the brink to the other side rather than allow spillback. But if this is true, can we be satisfied until we have attempted to examine these "outside actors or events"?

Nye, supra note 23, at 59, warns:
[I]f a larger sense of political community of common loyalties, does not grow at a rate commensurate with the politization of integration, the result may be stagnation or (if functionalists are correct about the linkage between sectors) a cumulative retrogression or "spillback" until the institutions and tasks of integration are at a level that the prevailing sense of community, expectations, and interests can support. Such was the case with the Common Market in East Africa where the sense of regional community or loyalty was not sufficient to support the high level of economic integration that had been achieved under colonial rule.

Cf. supra note 80.
Once concurrence of antecedent and subsequent variables has been discovered, one naturally wonders why they should occur automatically in a certain sequence. Thus, analysis of the integration process should move beyond association toward explanation if possible.

It is appropriate for one interested primarily in international laws to initially consider the feedback loop as beginning and ending with these laws. However, he must ultimately ask whether the cumulative circular causation process may just as well begin and end at some other point. It has been said that regional economic integration may begin equally well in any field of economic activity.\textsuperscript{107} If the international integration process is truly circular, it may also begin at various points in the cycle. It is just as perilous to assume a single catalyst out of hand as to assume that all events are equally effective. However, if there are necessary first steps, it is appropriate to ask whether international laws may be one of them.

Another question is whether the cumulative circular causation process under discussion here is unilinear or alternating. The "spillover effect" has already been encountered,\textsuperscript{108} but so has the possibility of "spillback."\textsuperscript{109} This would indicate that the process is alternating, but there still may be an overall direction after smaller fluctuations cancel each other out. On the other hand, the international integration process may be fluctuating both in detail and general direction. In that case, questions could be raised concerning the factors outside the cumulative circular causation process which induce spillover as opposed to spillback and those that affect the overall direction of the process.

Finally, some steps in the cumulative circular causation process may be accomplished more easily than others. For example, economic integration is said to be easier to achieve than political integration.\textsuperscript{110} One observer cites the failures of the European Defense

\textsuperscript{107} Kitamura, \textit{supra} note 41, at 46.
\textsuperscript{108} \textit{Supra} notes 40 \& 78.
\textsuperscript{109} \textit{Supra} note 106.
\textsuperscript{110} Blough, \textit{The Fartherance of Economic Development}, 19 \textit{INT'L ORGANIZATION} 562, 565 (1965), observes:

International economic cooperation is easier to achieve than political cooperation because the national interests of different countries are less difficult to harmonize in economic than in political matters. International economic cooperation can provide not only the negative benefits of avoiding conflict but also the positive benefits of increasing welfare in all countries.

Hexner, \textit{supra} note 29, at 504, concluded that "[w]hereas in the area of 'political' intercourse national governments display excessive sensitiveness in defense of their 'domes-
Community and the European Political Community, in contrast to the success of the European Economic Community, as proof of this proposition. The desire for material progress has been called "a world ordering system" itself. It remains to be seen whether international laws on economic matters are the best place to begin the cumulative circular causation process. But at least this procedure would avoid "the legalistic frontal attack on sovereignty that federalists advocate." When this aspect of the double integration process, as well as its automaticity, beginning point, and directional characteristics are more fully understood, it may be possible to provide satisfying answers to questions such as these.

V. AN EMPIRICAL TEST PROPOSAL

Though adequate theory is the first step toward international juridical science, it can only test the validity of propositions like the foregoing for internal consistency. The next step must be empirical testing. Properly controlled empirical inquiry should provide additional knowledge of the international integration process and the specific ways in which it operates. If international laws interact with international economic and political integration as indicated above, there should be some concrete instances where they can be shown to be doing so.

An example of this interaction may be the growth of shared community perspectives on aid to lesser developed countries. One might expect a demonstrable succession from initial resolutions, through increasing incorporation of lesser developed economies into a world economy, to a greater role for lesser developed countries in international institutions, with more binding international laws evidencing a new consensus supporting aid. What started in the spirit of balancing advantages or ultimate self-interest should be turning into a nearly universal obligation simply to share some economic resources. There are those who say something like this is happening. Harold Lasswell sees international laws as "crystallizing expectations" of aid by lesser developed countries, so that the language in international bodies becomes "more saturated with..."}

111 Hay, supra note 60, at 734 n.6.
112 Waddington, supra note 105, at 673, observes that "it is only by concentrating their attention on the material future that mankind can discover a community of interest which could serve as an adequate basis for a world order."
113 Nye, supra note 23, at 10.
words and phrases of obligation, approximating the conventional discourse of [a] statute or treaty."\textsuperscript{114} It has been suggested that the growing international obligation of developed countries to share resources is balanced by a concomitant international obligation of lesser developed countries to promote their own development as best they can.\textsuperscript{115} The former proposition indicates a growing sense of community, which has been called a key index to political integration.\textsuperscript{116} Even though these processes are still developing, it has been suggested that they are "the most important new departure in contemporary international law and organization."\textsuperscript{117} Of course, statements of authorities, no matter how perceptive or experienced, are not very convincing proof of attitude changes.\textsuperscript{118} However, economic measurements may provide a more objective index. For example, the rate of transactions between countries has been considered as one measure of the "prospects of integration" and trade measurements have been used to indicate the transaction rate. Studies of this type have already been used in the EEC to measure political integration.\textsuperscript{119} Some observers have even used international economic relations as the primary measuring rod of economic integration.\textsuperscript{120} Another index of economic integration may be the de-

\textsuperscript{114} Lasswell, \textit{The Relevance of International Law to the Development Process}, 60 AM. SOC'Y INT'L L. PROCEEDINGS 1, 5 (1966). Schwarzenberger, \textit{supra} note 29, at 9, notes that "the principle of international good-neighborliness, vague and shadowy in the Charter of the United Nations, has obtained a concrete meaning and remarkable virality when transformed, for instance, in the GATT and OECD Conventions and bilateral agreements on development aid into the standard of economic good-neighborliness."

\textsuperscript{115} Fatouros, \textit{supra} note 30, at 20.

\textsuperscript{116} Nye, \textit{supra} note 23, at 5 n.1.

\textsuperscript{117} Feliciano, \textit{supra} note 30, at 16, concludes that "[t]he policy which would require assistance from those capable of extending it reflects expectations which have not as yet received the same enshrinement in the language of law and obligation which the minimum coercion principle has."

\textsuperscript{118} W. FRIEDMANN, \textit{supra} note 30, at 8.

\textsuperscript{119} See, e.g., Funk, \textit{supra} note 3, at 156 n.135, 161, where an authoritative statement is compared with the results of an application of methods of content analysis.

\textsuperscript{120} Barrera & Haas, \textit{supra} note 46, at 156.


gree of equality of factor prices\textsuperscript{123} after adjustments for other influences affecting them.\textsuperscript{124} In some such fashion, the degree of economic integration should be susceptible of fairly precise economic measurement.

It has already been observed that "a claim to redistribution is an assertion of community."\textsuperscript{125} If this is so, the impact of international laws on this claim should be demonstrable. The resulting growth of economic and political community should in turn demonstrably strengthen international laws. It is only necessary to devise and execute some empirical tests to measure these relationships. If they are successful, they should reveal the growth of international economic community law, at least with respect to sharing resources with developing countries. This in turn may furnish an example of the interaction of international laws and international economic integration to produce an international political community.\textsuperscript{126}

\textsuperscript{123} Nye, \textit{supra} note 23, at 5 n.1.
\textsuperscript{124} Balassa, \textit{supra} note 11, at 23.
\textsuperscript{125} Chayes, \textit{supra} note 87, at 343.
\textsuperscript{126} The author expects to carry this study forward by first devising a quantitative measure of international economic laws, and then applying it to multilateral economic treaties to see if international laws lead first to increased international trade and then to increased obligations to aid lesser developed countries.