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Law School to World Court: Legal and Judicial Dimensions of the Pacific Shift

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I. INTRODUCTION

This article introduces the concept of the Pacific Shift and explores the impacts of this shift on Hawaii's judicial and legal system. The Pacific Shift is not only a shift of economic wealth from one global center to another, but it is also a transfer of cultural myth and meaning as well as technological and intellectual innovation from the Atlantic to the Pacific.

As this reorientation of global economic and cultural power from Atlantic civilization to Pacific civilization is a historical movement, we must be careful not to be drawn into a short-term outlook. We must not be overly concerned with present trade-wars or geo-politics. Rather true shifts of empires take decades and even centuries to conclude. These shifts often lead to changes in consciousness. Thus the cultural, legal, religious assumptions and visions of the future of Pacific civilization will be fundamentally different from the present Atlantic civilization. The Pacific Shift then is not only about a change in which elites define and control the politics and economics of the world system, but it is also a shift in how we see each other and how we relate to our history and our future.

We have seen such historical shifts before. The shift from riverine to Mediterranean was not only a change in power, but also a shift of religion, culture, law and thus worldview.¹ The shift from a dominantly Greek and Roman culture to a more ascendant Spanish, British, and Dutch culture, that is to Atlantic civilization, was equally mythic. We are thus hypothesizing that the basic shift from Atlantic to Pacific culture not only will be a shift in the global center of power, but given the ability of the center to transform the periphery in its own image, also a shift of global values and worldviews.

Ethos and Resources

Evidence in support of the Pacific Shift hypothesis continues to increase. At the common sense level of the immediate present, one daily reads of the ability of the Japanese to penetrate American markets at will. This miracle has not been accidental. The Japanese have managed to transcend traditional dichotomies of labor/management, business/government and capital/labor modes of production. In addition, Johan Galtung, in his extensive research on the emerging Pacific Center, argues that besides all the productive assets needed for a new center (population, labor, technology, raw materials and capital), the nations of China, Japan, and regions of South-east Asia influenced by them, could run an effective capitalism that transcends the traditional growth/distribution problem of economic development. These countries have, in addition to their

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The author would like to thank former Administrator Director of the Hawaii Judiciary, Lester E. Cingcade, for his support of futures research. It is through individuals like him that Hawaii may become a true international center.

¹William Irwin Thompson, *The Pacific Shift* (San Francisco, California, Sierra Book Club, 1985).

Confucian tradition which defines the vertical component of organization (respect for authority, non-manual work, family, and education), a Mahayana Buddhist tradition, which defines the horizontal component of organization (solidarity, collectivity and communality), as well as an eclectic mix of Christianity, Liberalism and Marxism.² They have a cheap, disciplined but talented labor supply, numerous resources such as ocean minerals, energy and protein as well as oil, tin and rubber. They also have advanced telecommunications technologies, manufacturing abilities, global graneries, and aerospace, electronic and entertainment/leisure products.³ In addition, they are supplanting traditional banking centers—five of the ten largest banks are now Japanese.⁴

Thus, we should not be surprised by record growth rates for Rim nations. While Japan expands at a 5% to 6% growth rate, South Korea, Singapore, Taiwan, and Hong Kong expand at 7% to 10% rates, China is growing at a 9.5% rate and South-east Asian nations at rates between 4% and 7%.⁵

Global Trends

However, this Shift is also part of numerous other fundamental transitions. Among these are the decline of the nation-state as a functional unit of trade, unity, and allegiance. Capital and nuclear pollution both transcend national boundaries. Thus, although there will be a regional shift of power, the management of the planet will be a global effort and problem. Another trend that will define the nature of the Pacific Rim world is the transition from industrial to electronic technology: from print to video. While industrial technology and print were key ingredients in the rise of the Atlantic, it appears that information and electronic/video technology will be part of the technological revolution that will accelerate the ascendance of Rim nations.

But not all the trends are clear or self-evident. Because of inequities in the Pacific, among the Third World, among Pacific Island states, and the realization that trade among unequals largely helps the rich, it may be that the Pacific Era will bring about economies based on cooperatives, that is the emergence of the self-reliant development model.⁶ This model may result because of the rise of the Third World and its demands for a fair share of global output, and the rise of the cultural self-reliant movements throughout the world that are anti-systemic in nature. Thus while the agricultural era coincided with the riverine as the center of focus, the Atlantic with that of industrial competitive capitalism, the Pacific may be the era of globalism based on local self-reliance.

But it is the prospect of profits, of new technologies, of new languages and cultures that

²See Johan Galtung, "Global Goals, Global Processes and the Prospects for Human and Social Development," (Tokyo, Japan, United Nations University Working Paper, October 1979). Also see Ezra Vogel's latest book, *Comeback: Charting the Future for America* (New York: Simon and Schuster, 1985). He argues that 1985 may be the year that Japan surpasses the U.S. as the dominant world economic power. According to Vogel, as quoted by Sam Jameson, "Japan seen 'overtaking' United States this year," *The Honolulu Advertiser*, May 28, 1985, p. A-6:

"We still tend to think of the basis of world power in old-fashioned terms, in which the power belongs to the countries with natural resources and strategic physical locations. [But Japan has proved that] the basis of international power is now human resources and organization, the ability of a nation and its institutions to respond quickly and effectively [to changing conditions]."

See also William Overholt, "The Rise of the Pacific Basin," *Pacific Community*, pp. 516-534 (July 1974).

³Including the U.S., Australia, New Zealand and Canada, the [Pacific] region has 80% of the world's nickel, 65% of its iron ore, 54% of its zinc and bauxites, 49% of its copper, 47% of its silver, and 46% of its coal," writes Paul Hooper, "Introduction," in *Building a Pacific Community*, at p. 2 (ed. Paul Hooper, Honolulu: East West Center, 1983); See also Hank Koehn, "Pacific Rim 2010," *Report for Security Pacific Bank* (1982).

⁴Leslie Helm, "Now Japan Wants to Conquer Global Finance," *Business Week*, April 8, 1985, p. 58.

⁵Data is from the following two articles: Ulrich Hiemenz, "Structural Change in Manufacturing: Issues and Perspectives for Developing Countries," and "Paul Kuznets, "Economic Development, Export Structure, and Shifting Comparative Advantage in the Pacific Basin," in Robert Benjamin and Robert Kudrle, *The Industrial Future of the Pacific Basin*, pp. 13-35 and pp. 35-39 (Boulder: Westview Press, 1984). Also see weekly issues of *Business Week* for up to date growth and trade figures as well as Charles Alexander, "Jumping for Joy in the Pacific," *Time*, November 12, 1984, p. 80.

⁶See P. R. Sarkar, *Problem of the Day* (Ananda Nagar, India: Ananda Press, 1959), Sohail Inayatullah, "P.R. Sarkar as Futurist," *Renaissance Universal Journal* (forthcoming 1986), and Johan Galtung, "Implementing Self-Reliance," *Transnational Perspectives* (Vol. 3, No. ¼, 1976) for perspectives on the Self-Reliance model.

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