

Perspectives
Global Freedom and Democratic World Law
Actualizing Our Right to Planetary Peace



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1. Preliminary Conceptualizations of Freedom and Peace

The ideas of human freedom and peace remain elusive concepts and unattainable ideals for most human beings. Yet freedom has emerged in history as an idea directly linked to the concept of being human, and peace, we shall see, is a necessary condition of freedom. To be human is to possess a temporal structure that chooses among possibilities in varying degrees of actual or potential freedom. Phenomenologically, our existential freedom appears as a specifically human quality linked with the structures of human temporality, a quality emerging out of the evolutionary process beyond the apparent necessity and causal determinism of nature. As groups or communities, we experience this same dynamic of choosing among possibilities in the process of moving between past and future. The structure of both personal and public freedom, and its relation to the question of peace, is the focus of this essay.

Peace, as used here, is a positive concept that implies life within a community in which the threat of violence and war are reduced to the point where most can pursue lives characterized by human flourishing. The central purpose of law and the function of legitimate constitutional government, as John Finnis (1980) argues, is to promote individual human flourishing. Robert Dahl (1989) and David Held (1995), in their books on the theoretical foundations of democracy, refer to this central purpose of constitutional government as protecting and promoting *personal autonomy*, which is another way of expressing the concept of human flourishing. In his Chapter V, Finnis discusses human flourishing under the “basic requirements of practical reasonableness.” He refers these requirements to Aristotle’s idea of “the inclusive all-round flourishing or well-being” and states that “the basic aspects of human well-being are discernible only to one who thinks about his opportunities” (1980, p. 103).

Personal autonomy, or flourishing, means that adult individuals have substantial control over their lives within a social, political, and economic context of opportunities for actualizing a variety of ends that they may find worth pursuing. These thinkers assert that the right to the conditions that make flourishing possible belongs to each human being. Flourishing means that I have readily available opportunities for satisfying my physical needs for nourishing food, fresh water, sanitary conditions, shelter, clothing, social security in case of illness or old age, health-care, and other vital necessities. It means that I have easily available possibilities for education, for availing myself of the fruits of human knowledge and culture, and for making decisions that can significantly impact my future.

What are the necessary political and economic conditions that make human flourishing possible? This may be the most fundamental question within the lexicon of political philosophy. I argue that human flourishing in the ways identified here can and must only take place within a framework of peace, social justice, and a decent, healthy planetary environment. Peace, as used here, therefore, is not simply a negative concept signifying the noninterference of groups or states with one another. It is rather a positive concept in which the social matrix of the whole supports human flourishing without the dangers of arbitrary interference from groups, individuals, or governments.

My argument finds an ancestor in Kant's argument in both *Perpetual Peace* (1795) and *The Metaphysical Elements of Justice* (1797) that peace is not part of the natural condition of human beings living outside of republican governments. The natural condition he calls "war," a condition in which there is no enforceable constitutional authority over individuals that can prevent the stronger from harming the weaker if they so choose. Rather, "peace must be established" through the creation of republican government guaranteeing the freedom, dependence upon a single legislation, and equality before the law of all citizens.

In *The Metaphysical Elements of Justice*, Kant speaks of the "natural freedom" of states living side by side as a "condition of war" and argues that people have the right to "establish a constitution that will guarantee an enduring peace." (1965, p. 115). In *On the Old Saw: That May be Right in Theory but it Won't Work in Practice [Theory and Practice]*, he also states these ideas and argues that "what is valid in theory, on rational grounds, is valid also in practice" (1974, p. 81). Peace, in the sense of a rule of law premised on the political conditions for the flourishing of all citizens, is a necessary condition of their flourishing, valid both in theory and in practice.

Peace, like the right to a healthy planetary environment, is today becoming recognized as a "third generation" right (Wacks, 2006, p. 58). The *Constitution for the Federation of Earth*, for example, an historically recent document, developed from 1968 to its completion in 1991, guarantees these third generation rights, without which all other human rights are quite meaningless (cf. Martin, 2010). If first generation rights can be characterized as "negative rights" for persons to be free from governmental interference in their speech, assembly, association, religion, etc., second and third generation rights necessarily involve the social whole and therefore can be considered "positive rights" that necessitate government involvement. Thus, the rights to healthcare, education, and social security, for example (all contained within the U.N. Universal Declaration of Rights), may be considered second generation rights that require government institutions to organize and guarantee these rights.

The same is true of the third generation rights to a healthy planetary environment and to peace. The U.N. Universal Declaration only hints at the third generation of rights embodied in the *Constitution for the Federation of Earth* when it states that “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized” (Article 28). Just as first generation “negative” rights may be unrealizable without a social framework of second generation social and economic rights, so both first and second generation rights may be impossible without an international order that makes these possible.

If peace is considered one of the presuppositions of the right to individual flourishing without interference, as I have suggested, then peace requires a social order (ultimately global) in which established institutions and procedures guarantee the peaceful planetary social environment that makes individual flourishing possible. Human flourishing within a social context does not, of course, mean the absence of conflict. It means that conflict is transformed from violence (violations of human freedom and dignity) that interferes with human flourishing into institutionalized procedural and social conditions for reducing violence to a minimum and replacing it with nonviolent conflict resolution techniques and institutions. Within a democratic or republican framework social institutions for minimizing violence include elections, referenda, political participation, and other forms of determining social change without resorting to violence.

2. Freedom, Human Flourishing, and *A priori* Rights

Freedom, bound up not only with time but language, constitutes our creative expression as human beings. As a language-using being, for example, a human being possesses the capacity to express an infinite variety of sentences (Pinker, 1994, Chap. 9). Language breaks a barrier of necessity found in all other biological creatures and unleashes a potentially unlimited freedom of thought, expression, and action. Our unlimited creative freedom provided by language is bound within the existential temporality of human life: the process of perpetual movement from the past into the future through a dynamic present.

In the living existential present in which past and future dynamically intersect, my decisions open up certain options for the future and close off others. I can choose to study my lessons this evening, listen to music, or go out with friends. Each choice closes off options regarding the future and opens up other options. Going out with friends may lead to meeting my future husband or wife. Studying my lessons may lead to the discovery of special intellectual abilities or self-awareness about what I dislike, or a greater understanding of history and human life. Each day a human being makes innumerable small and large choices among the options available that close off certain possible futures and open up others.

This freedom emerges from, and remains contingent on, many biological and physical necessities that circumscribe our lives. It requires physical and mental health. We require basic necessities such as food, sanitation, education, health care, and housing. Our freedom to actualize certain options and preclude others is contingent on a host of necessary requirements, some of which we have control over, others (like natural disasters or wars) may intervene beyond our control. The ones over which we have control often necessitate work: laboring in the sweat of our brows to sustain ourselves.

Laboring itself, of course, requires perpetual choices within the dynamism of the present, even if its basic goal is simply survival. But the will to survive, to live, goes beyond a mere biological instinct to live to the pleasure of living a temporalized existence, the joy of living as a being drawing upon its past and projecting itself into the future. Freedom, therefore, expresses both the quality of life and our sense of the intrinsic value of human life, as expressed, for example, in Article 3 of the U.N. Universal Declaration: “Everyone has the right to life, liberty and security of person.”

Article 3 typically conjoins three interrelated principles. First, the idea of our right to life that recognizes the intrinsic value of this core character of our humanity, which the Declaration repeatedly refers to as “human dignity.” Second, the right to life is routinely conjoined with liberty: the right to life must include liberty, indicating that the quality of a human life can be diminished or enhanced depending on the degree of latitude it has with respect to the future. Third, the right to life and liberty cannot exist without a social, economic, and political framework that creates personal security for persons. Without security, both my life and my liberty are threatened. These three items are can be understood as only one right, as is recognized by Article 3. I argue that the realization of the right identified in Article 3 ultimately requires planetary social, economic, and political conditions that make it possible. This is what is hinted at in Article 28 of the U.N. Declaration.

We recognize, therefore, that the freedom of temporalized existence is relative to the nexus of necessities and framework factors that condition our lives. Those who must work 12 hours per day, six days per week, to secure the most basic necessities of survival are not as free as those who do not need to work to live or who can secure the basic necessities with significantly fewer hours of work. We also recognize that those who work at chosen vocations that can procure the basic necessities while having a meaningful and fruitful working existence are so much freer than those who perform some alien drudgery necessary for mere survival.

For U.S. philosopher Alan Gewirth, this general capacity that persons have to pursue their own life-projects (existential freedom) is also the source and foundation of human rights. His books *Human Rights: Essays on Justification and Applications* (1982) and *The Community of Rights* (1996), ground human rights on the fact that every person is an actual, potential, or prospective agent who acts for purposes they regard as good. The ability of persons to act for purposes they regard as good within the framework of their temporalized freedom is similar to what I termed above “human flourishing.” For Gewirth, this “generic purposive feature of human action”— that persons act for purposes they regard as good (which is implicit in what he calls our “rational freedom”) —presupposes certain necessary conditions that make such human action possible: freedom and well-being. Without external (political) freedom, persons cannot act for purposes they choose, and without well-being (sufficiency of goods, security, and health) persons similarly cannot act. If I am sick, or starving, or in extreme poverty, I cannot act in my life-project for purposes I regard as good. These two together, Gewirth argues, form the necessary conditions for our human agency is to have even the possibility of successfully pursuing or achieving its goals (cf. Martin 2008, section 7.5).

Human rights are the presuppositions of our rational freedom because they form the necessary conditions of human action that apply universally. Since human rights are conceived to include all human beings, Gewirth extends the rights deriving from this capacity for free pursuit of ethical goals to children, the feeble, etc., (with appropriate qualifications) as persons inheriting the same potential for the free pursuit of goals. In a similar fashion, Jürgen Habermas, who finds that human rights form the presuppositions of our capacity for communicative action, extends the rights deriving from our capacity for communicative interaction to children and others through what he calls an “ethical self-understanding of the species” as a whole (2003, p. 40).

People assimilate a variety of moral principles and ideas about goods to be pursued from their diverse cultures and backgrounds. Nevertheless, in all cases, freedom and well-being constitute the necessary conditions of the possibility of pursuing these with any hope of success. They form, therefore, for Gewirth, the presuppositions of all morality. No meaningful moral action or pursuit of any good is possible without these. These generic features of human rights (freedom and well-being) form the conceptual background for the specific, positive rights that may be written into republican or democratic constitutions.

If freedom and well-being are the generic features of human rights that form the moral criteria by which we can evaluate the legitimacy of governments and their laws, then, for Gewirth, these translate into positive laws primarily in the form of procedural and formal principles. Again, the argument here is similar to Habermas’ notion that the presuppositions of communicative and moral action are basically procedures that are judged by principles of logical coherency and consistency (1982, pp. 267ff). For Gewirth, we can evaluate not only positive laws but the legitimacy of governments on how well they embody the generic principles of freedom and well-being. The purpose of governments is to secure and protect these *a priori* rights. We call these rights “inalienable” because all persons are “potential, actual, or prospective agents.”

The right to political freedom as the necessary condition of successfully living according to our human existential freedom (human flourishing) will necessarily include the rights to civil liberties, such as habeas corpus, right to a fair trial, freedom of speech and press, and political participation in government. The right to well-being will include the economic and social arrangements that provide security of person and personal property and a framework whereby education, health, and other necessities for acting with a reasonable chance of success in one’s purposes can be secured. Finally, the right to planetary peace provides the *a priori* framework within which alone the first two classes of rights are possible at all. All three classes of rights are presupposed by our rational autonomy, that is, by our temporalized existential freedom.

3. Communities and Human Rights

There are many thinkers of the past century who have understood the principle that the human self does not appear as rational freedom or autonomous agency prior to its development within a cultural and social matrix. The self is a product of its social interactions and not some metaphysically pre-existent atom that was subsequently inserted into society. Society is not a collection of self-interested atoms, competing with one another and requiring that government only serve as an umpire regulating the general mayhem of selfishness and

egoism. This so-called “liberal” version of society, behind much Hobbesian, Lockean, and capitalist thought, is no longer tenable.

In contrast to these assumptions, a number of thinkers have explored the notion of community within works devoted to the philosophy of law or human rights, for example, Ronald Dworkin in *Law's Empire* (1986), John Finnis in *Natural Law and Natural Rights* (1980), Lon Fuller in *The Morality of Law* (1969), Alan Gewirth in *The Community of Rights* (1996), and Jürgen Habermas in *Inclusion of the Other: Studies in Political Theory* (1998a). Despite their differences, they all recognize this notion as fundamental to understanding law and human rights. Some thinkers are reluctant to affirm the idea of a community that transcends the collection of individuals that comprise it on the grounds that such ideas of a “totality” transcending individual persons may invite totalitarianism, whether in the form of Stalinism or fascism or some other collectivist ideology (Levinas 1969, p. 52). However, the thinkers listed above recognize the principle that the identity of persons is substantially constituted by the communities within which we develop without attributing to the community some metaphysical level of reality or personality above and beyond persons.

Temporality, we have seen, the movement from past to future through the living present, forms an *a priori* framework for human life intimately connected with the concepts of freedom and human flourishing. A second *a priori* framework, inseparable from the first and implicit in the above discussion, involves our always being “with others.” The temporal structure of our lives is social. It is always and everywhere within a social context and many of its features, such as our sense of what options are open to us (as, say, women or Moslems or blacks) have socially constructed content. The freedom that we experience as temporalized beings is always a socialized freedom, inevitably dependent on the others: family, village, inheritance of the efforts of past generations, education, the very acquisition of language, culture, and government. In *Time, Freedom, and the Common Good* (1989), Charles E. Shover argues that these insights are foundational for a democratic public philosophy:

If all free activity is inherently social, and draws upon a heritage while thrusting ahead with others. The common social freedoms, within which each seeks to find his own, is the ‘social temporality’ that members of a community share together. As individuals and as society members, a forward-looking freedom is the only freedom we may have, a ‘freedom for the future’. (1989, p. 75)

What binds a group together is a twofold commitment: to face the future together in terms of its unifying concerns *and also* to an acceptable procedure on how to do so. The import of procedure is precisely that it defines the freedom of its members, individually within it and together in future-referring prescriptive terms. (Ibid. pp. 82-83)

“Public freedom” is the phrase I am using for the ways in which constitutionally formed communities collectively decide a way into their common future through debating the options available to them in the light of a remembered past and making collective decisions according to accepted procedures. The concept was brought to prominence by political philosopher Hannah Arendt (1963, pp. 114-115). It intends to capture the fact that communities, like persons, are characterized by a temporality that chooses among perceived options as they move from a remembered past toward an envisioned future. As we have seen, such public freedom within societies under the legitimate rule of law is necessarily constitutional, in which there are defined procedures for making binding decisions for the

community that empower the existential freedom of each citizen and apply equally to all citizens.

My temporal structure arises as human, and hence as a being among others. The others, therefore, like my body and the infrastructure of material necessities, form an *a priori* condition of my temporal freedom. We live as social beings from the very beginning and our individualized temporal freedom (the uniqueness of each of us as persons) arises from the community. The unique individuality of each of us is derived from the communities within which we are embedded and cannot be sustained or developed apart from those communities. I realize that my unique freedom—my unique ability to appropriate my past and actualize my life-possibilities into a projected future—also involves a public freedom, that is, a freedom characteristic of the communities of which I am a member. The community is also moving from an inherited past and actualizing present perceived possibilities to move into an envisioned future.

Within many communities, there is a great deal of controversy over each of these factors. In communities not bound by a republican constitution, moving into the future is accomplished through a more or less random intersection of powerful forces and ideas that lack legitimacy because they are not consciously premised on the freedom and well-being of community members. Hence, my existential freedom as a human being invariably arises from my membership in communities, and my existential freedom can only be protected and empowered through the “positive freedom” provided by a constitutionally bound republican or democratic community.

My individual freedom presupposes the freedom of all the others as similar social beings within communities and presupposes the existence of the human community as a whole. All language-using beings share this dynamic temporal structure. I cannot separate my personal freedom from that of all the others. As Jürgen Habermas expresses this:

Freedom, even personal freedom, freedom of choice in the last instance, can only be thought in internal connection with a network of interpersonal relationships, and this means in the context of the communicative structures of a community, which ensures that the freedom of some is not achieved at the cost of the freedom of others.... The individual cannot be free unless all are free, and all cannot be free unless all are free in community. (1986, p. 146)

Habermas has uncovered the presuppositional dimensions of communicative action directed toward mutual understanding that places communicative dialogue *before* secondary and parasitic forms of speech: strategic, technical, manipulative, or ideological (1998b). Collectively, our future depends on the development of public spaces where dialogue directed toward mutual understanding and “collective will formation” can take place (1998c, 450) that is then translated, within constitutionally legitimate communities, into democratically made societal decisions. For Habermas, the assumption of equality (of voice) and democratic decision-making is built into the very structure of language and hence our humanity.

The idea of community, important as it is, can be dangerous if it is misunderstood, just as it can also give us the promise of a cooperative and harmonious society when properly understood (cf. Blain 2004). Gewirth affirms the idea of a “community of rights” transcending natural racial, cultural, religious, or natural communities. This is not the idea of an autonomous cultural unity that imposes its values on the individuals who comprise it.

Rather, human beings find their multiple connections with one another in the affirmation and exercise of those human rights that make possible a meaningful human life. Just as Habermas argues that the principles of constitutional (procedural) democracy are presupposed as universal values for all language-using beings, so Gewirth sees the universality community of rights as presupposed by human existential freedom.

A democratic community creates institutions, customs, and traditions in which the freedom of each is a condition of the mutual support and freedom of all. Such communities empower their members, foster cooperation and devotion, and enhance the realization of human ends through providing an environment that supports freedom and creativity. A democratic community does not require certain ethnic, religious, or metaphysical conditions for its realization. As Gewirth expresses this in *The Community of Rights*: communities also need “moral justification” (1996, p. 93). One cannot appeal to the historical or the prior status of the community as a justification for denying human rights. The common good that can inspire devotion arises out of our universal human condition of existential rational freedom. The common good in its broadest sense constitutes the constitutionally embodied provisions for freedom and well-being that empower each person. Here, as with Habermas, we are but a short step from the conception of a universal, planetary common good that institutionalizes the right to peace.

This notion of a community of rights, Gewirth asserts, can inspire great devotion in citizens, just as many traditional communities continue to inspire devotion among their members based on ideological, ethnic, religious, national, or cultural identities (Ibid. p. 93). However, we can also see the important distinction between such “natural” communities and the community of rights. The community of rights is based on our universal existential freedom, what I have termed our “*rational freedom oriented toward wholeness*” (2008, pp. 49-61), or what Gewirth calls the “reasonable self.” This temporalized structure of rational freedom serves as a universal principle providing a moral and rational grounding for the community of human beings as such, a universal community that transcends all religious, ethnic, cultural, or national communities. It is certainly true that my personal identity is largely formed by the nexus of natural communities with which I am involved, but the self-hood and existential freedom that develops out of this process transcends natural communities and activates my universality as a human being belonging to the human community of rights and presupposing the right to peace without which my first and second generation rights are relatively meaningless.

The millions of persons who see themselves as “world citizens” in the early Twenty-first Century routinely think in terms of such concepts as our “planetary community,” the “community of persons” on the Earth, “global civil society,” or the “community of citizens in the world.” This includes many persons of faith communities, such as Islam, Christianity, Hinduism, or Buddhism. If a community is a group of persons with a broad common identity, then these uses of the idea of a world community are perfectly appropriate. This may include what Habermas means when he speaks our “anthropological universality” (2003, p. 39) or what Kant means when he find the universal basis of morality and constitutional authority in the concept of “the humanity dwelling within” each of us.

The concept of a planetary “community of rights,” like that of the “sovereignty of humankind,” identified by both Emery Reves (1945) and Masao Abe (1985, Chap. 9),

supersedes our cultural identities and limited natural communities. It makes possible a universal, rationally justified loyalty. Not only is such a loyalty justified but it is morally required. As Kant puts it, our “absolute moral imperative” is to leave the state of nature (a condition of immoral war) and establish peace under a republican constitution. Reves’ book *The Anatomy of Peace* (1945) is a classic expression of the concept of sovereignty of humankind and the absolute (moral and practical) need to express that sovereignty within a global political public forum or world parliament. Albert Camus, in his famous essay *Neither Victims, Nor Executioners* (1946) also argues for a world parliament premised on dialogue as the only thing that can free us from being “murderers, or accomplices of murderers.” Implicit in his argument is also the possibility of a global community of those who refuse to be complicit in the world system of institutionalized murder.

There is a universal bond uniting humanity that today requires expression in a republican or democratic constitution that institutionalizes that universality. Karl Marx spoke of our “species being.” Erich Fromm spoke of “recognizing oneself as part of humanity” (1962, p. 156). The U.N. Universal Declaration of Human Rights speaks of our common “human dignity.” Presupposed in all such universal ideas is the notion of a universal community of rights. Human rights to freedom and well-being within “a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized” are universal, inalienable, and the foundation not only of a legitimate *Earth Constitution* but of a possible devotion to the universal human community constituted under such a constitution. The members of Amnesty International around the world often understand this devotion very well, as do members in Greenpeace, Oxfam, Doctors Without Borders, the World Constitution and Parliament Association, and dozens of other international NGOs.

The *a priori* generic rights of freedom and well-being have little meaning unless embodied within constitutional governments that articulate these rights in terms of specific procedures and institutions. In today’s globalized world where there can be no peace within nations because of global conditions, they also cry out for embodiment within a global constitution that establishes peace as a necessary condition for both freedom and well-being. The community of rights today is planetary. Constitutionally mandated republican or democratic law constitutes the necessary condition for actualizing and protecting the community of rights.

The conceptual and moral grounding for democratic world government is found in these considerations. Traditional communities are not the sole basis of human solidarity and moral commitments. And even though the sovereign nation-state formed the conceptual background for the development of theories of republican and democratic government protecting rights and establishing peace, we see clearly today that the fragmentation of the Earth into some 193 armed camps. Today’s fragmented world constitutes what Greg Palast refers to as an “armed madhouse” (2007). Such a world cannot possibly protect human existential freedom and the *a priori* rights it presupposes. Mortimer J. Adler draws the correct conclusion concerning the imperative for democratic world government. We are now in a position, he argues, to institutionalize the universal human rights that characterize the entire human community:

“All”—when what is meant is *all without exception*—is the most radical and, perhaps, also the most revolutionary term in the lexicon of political thought. It may have been used in the past, but it was never seriously meant to include every individual member of the human race, not just the members of one’s own class, or even one’s fellow countrymen, but every human being everywhere on Earth. That we are now for the first time in history beginning to mean all without exception when we say “all” is another indication of the newness of the emerging ideal of the best society, the institutions of which will benefit all men everywhere, by providing them with the conditions they need to lead good human lives. (1991, p. 90)

4. The Social and Dialogical Framework for Freedom in the Human Community

The community, therefore, and our common humanity (the human community as a whole), as a common framework within which are all embedded, makes possible the freedom of each of us as temporalized individuals. Our individuality is inseparably bound to the human community. For this reason we must concern ourselves with the relation of the community to freedom and peace. My personal freedom to determine my life and my fate within the limitations specified above functions within a context in which community groups also manifest a temporalized existence drawing on a past in a living, shared present and projecting toward a possible future. Peace, institutionalized at the level of the world community to end war and violence within human affairs, can now also be understood as a presupposition of the very possibility of human flourishing.

A community’s freedom to negotiate the future is done, for example, by a family, as when parents plan for their children’s marriage or college education or inheritance of the family business. It is done by a local community through its collective decision-making process in which community resources are allocated and decisions are made that close off certain possibilities for the group and open up others. (For example, should a new road be built through the center of town, and what consequences are likely to follow upon this course of action?)

Collective decision-making processes are necessary at all levels of community existence, from the family to the global levels. Regions need to make decisions about use of resources, such as rivers and forests. Nations need to make decisions regarding economics, resources, protection of liberties, education, transportation, security, and a host of other factors. In each case, those charged with making decisions draw collectively upon a more or less shared past and, in discussion with one another within the living present, make decisions that project the community into an imagined future, closing off certain possibilities and opening up others.

My unique freedom is inseparable from multiple dimensions of public freedom. It derives from the human community as its precondition, and the various levels of community within which I am embedded, from the family to the locality to the state, national, and global levels, bear on my own personal temporalized freedom. The decision made on the national level, for example, to go to war, or to institute a military draft, bears on my individual freedom: I may be required to pay my share of taxes to support the war or I may be drafted into the military in the service of this national war effort.

As a thoughtful human being aware of this multi-dimensional temporalized structure of human freedom, I understand the importance of reflecting on the nature, organizational structure, and decisional processes through which the various communities within which I am

embedded move into the future. Historically, it has often been the province of political philosophy to reflect on government and processes of community decision-making in relation to the temporalized life-possibilities of the individuals within each community. Today, the conclusions of political philosophy have moved to a new level of universality (Martin 2008, Chaps. 4-6).

Emerging from this history of political philosophy has been the demand for democratic or republican forms of government that attempt to integrate the good of the community (and methods of determining its collective future) with the good of the individual (and the rights of individuals to determine their personal future insofar as this is compatible with the similar rights of all the others). Unless there are democratic, transparent, and coherent decision-making processes within which I can participate and that serve our common human interest in freedom, my personal freedom is endangered and compromised. I have, therefore, a very powerful interest in understanding the nature and possibilities of public freedom. I have a powerful interest in promoting, protecting, and participating in public freedom within all levels of community that encompass me.

For the past 200 years or more, the reality of human beings *as one common species* living on every part of the globe has become ever-more widely understood. This awareness escalated with the First World War that gave birth to the world federalist movement that included peace activists and advocates of world government such as Rosika Schwimmer or Lola Maverick Lloyd. These activists expressed the need for representative democracy at the planetary level. They argued that the system of militarized sovereign nation-states is *inherently* a war system that can never lead to peace on Earth but only ever-greater mutual slaughters and wars. These thoughtful leaders adamantly linked peace with freedom. The Second World War, and the use of weapons of mass destruction, only served to increase this awareness among citizens worldwide of the need for a higher form of democratic decision-making and public participation beyond the level of the nation-state (cf. Martin 1010, Introduction).

However, it is only in the past half century that awareness of so-called global problems has spread throughout the world. Today, people everywhere are aware of problems such as global warming, population explosion, resource depletion, pollution, militarism, weapons of mass destruction, and other problems commonly recognized as global in scope and therefore beyond the decision-making capacities of individual sovereign nation-states. With respect to global problems, there are no viable decision-making processes for our planet, and what little coordination exists through the U.N. is non-democratic in the extreme (since the U.N. sees itself in Article 2 of its Charter as a *confederation* of autonomous sovereign nation-states). Today's globalized world exhibits a chaos of militarized nation-states and huge multinational corporations making decisions in relatively complete *fragmentation* from one another. They are collectively and often unwittingly determining a future for our planet that looks extremely bleak. They are institutionally creating conflict and violence everywhere on our planet that impacts every nation and every community. There is no institutionalized decision-making process, no "public freedom" for the human community as a whole.

My individual I temporalized freedom, like that of everyone else on the Earth, is in jeopardy. For temporalized freedom is always future oriented, and I find that the future is cut off from me at every level. Even at the level of my family, I cannot guarantee my children a future because the collective human future is itself in jeopardy. My children will be forced to live or die in an environment hostile to life: full of pollution, deprivation, war, disease, and death. There is no planetary public freedom for the Earth. There are no democratic or republican political processes by which human beings can collectively discuss and determine a future for humanity, that is, a future that deals with the many global problems that are beyond the scope of nation-state decision-making processes. Harris writes:

As in physics observer and observed cannot be divorced from each other, so in sociology and politics individual and society are interdependent, and the social whole cannot be dissipated into a merely collection of persons.... No nation nowadays can be wholly independent and self-contained, for each is affected by what is done and by what happens in every other; and as all are equally affected by environmental deterioration, the whole of humankind has become a single community, the common good of which is necessarily implicated in the good of every individual and every society.... Humanity must become a single unified community—that is, a society in which the common interest takes precedence over sectional and sectarian interests. (2000, 103, 106, and 115)

Part of the reason for there being no institutionalized mechanisms for planetary public freedom to determine a viable collective future for humanity is the fact that the world remains divided into formally autonomous fragments in a relation to one another that Kant called “war.” There is no common freedom, dependence on a common legislation, or equality before the law that could establish peace, and, along with peace, the possibility of human flourishing at all levels from individual to national communities to the community of the whole.

The insights of Kant and Gewirth come together at this point with those of Habermas and Arendt that a “public space” is necessary for the actualization of public freedom in republican or democratic societies. For Kant, the presupposition of the possibility of peace is republican government, and, since the international system of autonomous sovereign nation states constitutes a state of lawlessness and war, peace must be established on a planetary scale through “a constitution similar to a civil constitution” bringing rational freedom and equality before the rule of law to all. For Gewirth, human rights are the presupposition for human beings expressing the existential freedom that constitutes their fundamental humanity and common dignity, and these rights must include both political freedom and a well-being that makes possible both personal security and acquisition of the basic necessities of life. In today’s community of rights that encompasses the entire human community, and in the face of today’s economic interdependency and high tech weaponry, the right to well-being must necessarily include the right to planetary peace, and peace, we now see, implies my right to politically participate in the process by which a future is chosen for humanity. Both Habermas and Arendt in their unique ways insist on the need for an institutionalized public space in which a dialogue can take place that results in institutional decisions that can direct the community into a viable future. All three arguments point to the imperative for actualizing a third generation right to planetary freedom and peace.

5. Global Dialogue, Public Freedom, and Peace

Where do such freedom and peace come from? How are human beings to come together in a forum capable of action to reach, through dialogue, mutual understanding concerning the realities of our human situation (its totality)? How are they to devise a course of action directed toward the future? How are they to devise collective actions that must be taken to create and protect a future for humanity and our common home, the Earth?

“Public freedom” arises only within public spaces permitting genuine dialogue about the world to take place. We transcend our private subjectivities and begin to apprehend the world “in its totality” only through dialogue with others within a public political space. A number of world federalist thinkers (as far back as the two world wars) realized this fact that a public political space encompassing the diversity of all the world’s citizens for discussing the future of humanity does not exist. Eventually some of these thinkers took steps for bringing together world citizens in four Constituent Assemblies (between 1968 and 1991) that created the *Constitution for the Federation of Earth* (cf. Martin 2009, Appendix A).

The *Constitution* provides humankind with a carefully worked out structure for democratic world government centered on public freedom. It mandates a tri-cameral legislature providing for dialogue among all the world’s constituencies and well as a multiplicity of other ways to foster public participation in the collective destiny of humankind (cf. Martin, 2010, Chapter IV). It articulates a process of discussion, decision-making, and action that completes and embraces the historical human project of temporalized freedom that all along (we have seen) included the entire human community as its most basic presupposition. In creating this framework for planetary republican government, it institutionalizes peace as an *a priori* right that protects the dignity of individuals to pursue their own multitude of human forms of flourishing.

Article One of the *Constitution* states six “broad functions” of the Earth Federation – revealing that the sphere of action of the world government will be all those global problems beyond the scope of individual nation-states. This is certainly vital and grounds for ratification of the *Constitution* by the people and nations of Earth according to the democratic criteria specified in Article 17. However, philosophically, the *Constitution* does much more than this. The history of political philosophy and human know-how today culminates in human beings taking practical steps to create public freedom at the planetary level.

The sixth broad function of the *Constitution* captures something of this dimension: “to devise and implement solutions to all problems which are beyond the capacity of national governments, or which are now or may become of global or international concern or consequence.” The future oriented character of the global public space under the *Constitution* is here assumed: drawing on the collective knowledge of the world and members of the World Parliament, the government must address future problems that are beyond the capacity of the nation-states. The tri-cameral legislature, with participation of constituencies from around the world, will devise and implement these solutions.

Having understood the temporal and community presuppositions of our individual personal freedoms, political philosophy has articulated the theoretical and practical foundations for democratic and republican forms of government, which are now understood as the only legitimate forms of government—since every person is a temporalized freedom with equal rights to participate in the communities of public freedom that bear in innumerable

ways upon his or her individual life. However, with the ascent to the philosophy of democratic world government, political philosophy now fulfills its historical quest to understand and properly institutionalize the relation between individual and public freedom in its only fully coherent and logical possible form—public freedom, established as public peace, for the entire human community (cf. Harris 2008, Chaps. 7-8 and Harris 2005, Introduction).

The historicity of the human project, involving its *a priori* temporalized and “always with others” structures, logically demands political forms of freedom applying to humanity as a whole. The organization of these structures, however, is necessarily “federal,” that is, there is public space for democratic government at every level, from the local to the regional to the national to the world level, for collectively people require freedom at each level to arrive at public decisions regarding issues appropriate to that level.

Today’s so-called anti-globalization movement resists the domination of huge fragments (such as nation-states or multinational corporations) in the name of peoples’ right to life, liberty, and security of person, that is, in the name of democracy. Indeed, local democracies today are often the most transparent and effective *loci* of freedom. At the national level this essential transparency soon disappears within a fragmented world of militarized nation-states premised on secrecy for the sake of national security. The so-called democracies within these militarized nation-states often assume freedom is possible *within* a nation while human rights violations, support for dictators, covert operations, and war are acceptable in foreign policy. This constitutes a fatal mistake that destroys freedom at every level. The national-security state closes off republican government in a veil of militarized secrecy, hence defeating democracy at the national level, and making democratic openness, communication, and transparency more difficult at every level.

Global economics as it operates today performs the same destructive function. Banking cartels, multinational corporations, World Bank structural adjustment programs, and other global economic actors inevitably impinge on local and national governments at every level, making democratic decision-making extremely difficult throughout the planet. Ultimately, Habermas’ “there can be no freedom unless all are free” requires a global public political space where the future of humanity as a whole can be decided in the face of the many global problems that exist beyond the scope of individual nations. Ultimately the system of fragmented militarized nation-states and the system of global economic monopolies defeats freedom at every level. These forces can only be controlled by a non-military democratic global government that replaces violence and the threat of violence with a world parliament providing public space for all cultures, peoples, nations and regions to enter into a discourse regarding the future of humanity upon this planet.

The Preamble to the *Constitution for the Federation of Earth* provides perhaps the most basic philosophical framework for the *Constitution* through making clear that the “principle of unity in diversity” is the only possible coherent basis for planetary peace, justice, and freedom. And the *Constitution* itself provides a framework for global public space within the World Parliament encompassing all the peoples and nations of Earth along with the set of institutions, from judiciary to civilian police, necessary to maintain and protect that global public space. Here lies the real significance of the *Constitution* for philosophers

and global thinkers. It culminates the human quest for freedom and draws humanity together into the global community that is *already presupposed* by every individual temporalized life-project and every community of decision-making on Earth.

Its practical effects will serve to bind humans together within a framework of common dialogue and decision-making regarding our common human fate. For institutions are established that make all persons equally responsible as legal world citizens before one, universal common law that allows for democratic diversity at every level within the world federal system. It brings the theoretically understood structure of human freedom (that the human community is presupposed in every individual temporalized freedom) into the practical public realm by institutionalizing a public freedom for the human community (where public freedom ultimately belongs) to deal with issues insolvable at the local and regional levels. It makes collective human flourishing possible at the planetary level because it has *established* (to emphasize Kant's term) world peace.

This public freedom, within a globally established peace system, is not only a fulfillment of the philosophical quest of political thought over the centuries and a major actualization of our human quest for freedom and the right to flourish (which can only exist within a context of peace). It is also the foundation stone for human survival and flourishing upon planet Earth—for these possibilities can only take place within a framework of planetary freedom and peace—through the establishment of planetary public institutions embracing and protecting the individual personal freedom (and hence the future) of every citizen of our precious planet Earth. What is required at this point in history, more than anything else, is ratification of the *Constitution for the Federation of Earth*.

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