

Freedom, Law, and the Earth Constitution



Dr. Glen T. Martin
Professor Emeritus of Philosophy,
Chair of the Program in Peace Studies,
Radford University, VA

Part One: Evolutionary Holism

Humankind has experienced a paradigm-shift of momentous proportions in the 20th and 21st centuries. This is the shift to holism. Science has understood that the entire universe is a single, integrated whole and encompasses ever descending wholes within wholes. The Cosmos is a whole, our galaxy is a whole, our solar system is a whole, our planetary ecosystem is a whole, and humanity is a whole.

The outdated, early-modern paradigm derived from the 17th and 18th centuries in Europe and was synthesized by the work of Sir Isaac Newton, which appeared in 1687. This was the philosophy of atomism, mechanism, and determinism. It was thought that the universe was composed of independent building-blocks, known as atoms. Everything could be reduced to its separate, independent parts. Today, we know this is not true.

There are no parts separate from the wholes that encompass them and make them what they are. All things are interdependent with all other things within the holism of the new paradigm, which can be called the Einsteinian-quantum physics paradigm. In my own books, I have called it evolutionary holism.

Our planetary ecosystem is an interdependent whole that embraces thousands of smaller ecosystems and living creatures along with an evolving planetary geology. Life on earth is approximately 3.8 billion years old. Life evolved from simple cells to complex organisms and, finally, into the most complex form of life that we

know, human beings. The very complexity and integration of our human bodies, integrated within human cultures, has given rise to self-awareness.

We are the only known creatures that are self-aware, which means we are also aware of the cosmos, our planetary home on Earth, and human civilization that has colonized our planet. Human beings have themselves evolved through several stages of consciousness. We emerged from the womb of nature in which there was no self-consciousness. The process of self-awareness began with the ancient cave-paintings some 15-40,000 years ago, often called the “Age of Magic.”

Around 10,000 BCE human consciousness changed into a “mythological” consciousness. During this era the great river valley civilizations of the very ancient world flourished along the Nile River, the Yellow River, the Tigris-Euphrates River, and the Ganga River in India. During the famous Axial Period in human history (from the 8th to the 2nd century) BCE, human consciousness again mutated. We emerged as self-aware creatures who could distinguish knowledge from belief, who could ask fundamental questions about the meaning of life and the nature of the cosmos. We became the self-aware human beings that now have colonized our entire planet.

Rabindranath Tagore wrote: “It is the mission of civilization to bring unity among people and establish peace and harmony” (2011, 214). Since the Axial Period in human history, self-aware beings have flourished around the Earth in thousands of local cultures, languages, religions, and ways of life. Yet we are all the same. Today, we are on the cusp of ascending to a worldcentric level of consciousness.

We share the same deep human intelligence, we all speak some language (and all languages are translatable into one another); we all create laws for our nations to keep civil order and regulate human interactions, we all have the same basic needs; we are all integrally related to the communities that produced us, and we all understand the great philosophical concepts of love, justice, freedom,

truth, beauty, and goodness. Ultimately, we all share a common human dignity and universal human rights. Why, then, do we not see the rule of law in the same universal way?

Tagore declares that it is “the mission of civilization to bring unity and establish peace and harmony.” Yet today we are fragmented, divided from one another by wealth and class, and also by imprisonment within the system of sovereign nation-states. We are not a unity but are fragmented into some 193 militarized sovereign states, each suspicious of the others, each ready to go to war, each insisting on its independence and autonomy vis-à-vis the others.

This system of militarized sovereign nation-states structurally denies our human unity. It fragments humanity and brings with it war and injustice rather than peace and harmony. The UN Universal Declaration of Human Rights of 1948 declares that respect for human dignity and universal human rights is the foundation for freedom, justice, and peace in the world. Yet the fragmented system of militarized sovereign states puts human rights last—last after national security and militarism, last after economic competition and wealth accumulation. No wonder human-rights and dignity continue to be violated everywhere on Earth.

“Legal Holism” is the philosophy of law that overcomes this fragmentation. All law derives from a single source, our common human intelligence and need to regulate human interactions within complex societies. The doctrine of sovereign nation-states goes back to the Peace of Westphalia in 1648, some 350 years ago. It is a product of the early-modern paradigm of atomism and fragmentation. It assumes that you can divide humanity and the world into independent parts called sovereign nation-states.

Today we are reaping the whirlwind of this false ideology. In the 17th century nations were fighting with swords and riding horseback. Today they have intercontinental missiles and nuclear weapons. To continue to fragment humanity under this outdated ideology today is madness, legal, philosophical, and moral madness. The legitimacy of government

arises from the people and is responsible to the people. Today, “the people” can only mean the whole of humanity.

Part Two: Negative Freedom versus Positive Freedom

In the discipline of peace studies, a distinction is made between negative peace and positive peace. Negative peace takes place when a conflict is ended, through a peace treaty of some other means. Yet the peace is negative because the causes and conditions of the conflict have not been removed. Nearly all so-called peace through the history of the modern era has been merely negative peace. This history has been one of perpetual wars. The underlying conditions that make war possible have never been removed.

Positive peace takes place when the underlying causes and conditions of war and conflict have been removed. The same kind of distinction can be made with regard to freedom. There is negative freedom and positive freedom. Negative freedom means I am always struggling to protect and preserve my freedom against forces that would diminish or destroy my freedom. Persons may need to struggle against social and political conditions that threaten freedom. Nations need to struggle against other nations that threaten their so-called freedom.

Positive freedom occurs when conditions and social forces empower my free flourishing as a human being or my nation's flourishing as part of a world peace system. When the social order, economic order, and political order provide the proper conditions for my flourishing and growing as a human being within community, then my freedom is positive freedom. It is the same with nations.

British Philosopher Thomas Hill Green spoke of positive freedom in this way. For him, the end or goal of society “is what I call freedom in the positive sense, in other words the liberation of all the powers of men equally for contributions to the common good” (1964, 53). For Green, we need to develop a conception of well-being as common to

oneself and others, “for the right is one that belongs to everyone in virtue of his human nature” (ibid., 139). Every person on Earth as a right to positive freedom.

Similarly, British philosopher Earnest Barker writes “We can imagine a high level of general liberty under a system of national societies and national states. We can imagine a perfect liberty only in a world system and a world state” (1967, 28). American philosopher John Dewey writes that democracy is the highest ethical ideal because it sees the evolution of human relationships as transcending race, class, nationality, and social discrimination toward the free association and cooperation of mature personalities working together for the common good across our planet.

For these three thinkers, the system of militarized sovereign nation-states inhibits our human ability to develop positive freedom. If we live within militarized sovereign states requiring that we are always ready for war or conflict in order to defend our freedom, that is merely negative freedom. We can only lay the conditions for positive freedom for people and nations by transcending the system of militarized sovereign states through creating a federation of nations that ends war and creates the conditions for both positive peace and positive freedom.

Journalist and peace thinker Emery Reves wrote in 1945:

The founders of modern political democracy understood that freedom...for which man has been struggling for 5000 years, means in practice, only the proper regulation of interdependence of individuals within a society.... Human freedom is created by law and can only exist within a legal order, never without or beyond.... At the present stage of industrial development, there can be no freedom under the system of sovereign nation-states. This system is in conflict with fundamental democratic principles and jeopardizes all our cherished individual freedoms. (1945, 34, 66, 163)

Like Green, Barker, and Dewey, Emery Reves

understands that the system of militarized sovereign nation-states violates the ideal of democracy. Democracy means the free cooperation and flourishing within community for every person on Earth. Democracy means a world system based on our common human dignity and equality. Democracy means a system based on the rights and freedoms of each within the common good of all.

The Constitution for the Federation of Earth actualizes the above principle that all law derives from a single source: that is our common humanity. This Earth Constitution establishes positive peace on Earth along with positive freedom for all the Earth’s citizens. The present world system, predicated on unlimited economic competition and militarized sovereign nation-states blocks both positive peace and positive freedom. By moving humanity to the higher level of our true unity within diversity, the Earth Constitution fulfills our 5000-year quest for the right of every person to flourish within a framework of positive peace and freedom.

Part Three Conclusion: “A World Federation of Free Nations”

In his 1795 essay on “Perpetual Peace,” German philosopher Immanuel Kant affirmed that human beings have a moral obligation to live within a framework of positive peace and freedom. Our moral right and duty is to be flourishing citizens within a planetary human community that supports and empowers each person to fulfill his or her potential.

Kant observed that the system of militarized sovereign nation-states violated this moral imperative. He called this system “savage and barbaric.” Kant called for a federation of “free nations” in which the nations unite under a super-national Earth Constitution. For Kant, this is a fundamental moral command—our moral imperative is to unite under a democratic constitution for the Earth.

In 1942, during the Second World War, Mahatma

Gandhi introduced the following resolution into the Indian National Congress:

The committee is of the opinion that the future peace, security, and ordered progress of the world demand a world federation of free nations, and on no other basis can the problems of the modern world be solved. Such a world federation would ensure the freedom of its constituent nations, the prevention of aggression and exploitation of one nation by another, the protection of national minorities, the advancement of all backward areas and peoples, and the pooling of the world's resources for the common good of all. (In Hudgens, 1986, 14)

What Gandhi is describing is exactly what is embodied within the Constitution for the Federation of Earth, a document written by hundreds of world citizens working together and completed in 1991. The Earth Constitution pools the Earth's resources—its oceans, atmosphere, and major natural resources into a global commons to be used and protected for the common good of all. Most fundamentally, the Earth Constitution establishes a federation of free nations that “ensures the freedom of its constituent nations” precisely because the causes of war and violations of national freedom are removed. Nations become truly free only when the conditions for positive freedom have been established through the advent of democratically legislated, enforceable world law.

Sovereignty belongs to the people of Earth, not to national territories, and the rule of democratically legislated law governs all individual persons on Earth within a framework of advancement of the common good founded on positive peace and positive freedom. The inherent dignity and equality of all persons is at last realized by the Federation of Earth with each person's right to flourish within a supportive community regulated by democratic laws.

Under a ratified and actualized Earth Constitution, the true meaning of law is realized for the first time in human history. Law is and always has implied the rule of democratic world law. And the true

meaning of freedom is realized for the first time. Positive freedom has always meant the right of each to flourish within a framework of the common good of all.

The way systems are designed have consequences. The consequences of the present fragmented law-system in our world are war, poverty, and environmental destruction. We need to ratify the Constitution for the Federation of Earth. It provides a world system of law the consequences of which are clearly peace, prosperity, and ecological sustainability. It serves as the model for all authentic law and as the means to actualize our highest human potential for living in a world of freedom, justice, and peace for all humankind.

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