

# The Concept of Democracy and Our Global Social Contract

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World Constitution and Parliament Association  
India Chapter

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## **Part One: The Concept of Democracy**

Most people commonly understand that the word “democracy” literally means “rule of the people.” However, what this means in practice has long been contested and continues today to be plagued with deep misunderstandings. Is democracy a matter of conserving traditions and inherited forms of authority as provided by educated leaders, wealthy patrons, and community values (Edmund Burke)? Is democracy a set of formal agreements by which right-bearing, self-regarding individuals compete with one another within a spirit of self-interest and entrepreneurial competition (John Locke)?

At the other extreme, is democracy a corporate enterprise in which individuals become transformed into citizens through their social contract creating a solidarity in which they now defer to the “general will” of the whole (Jean-Jacques Rousseau)? Or does authentic democracy involve a “strong” participation of citizens who see community, solidarity, and the common good as created through their participatory actions and public involvement

(Benjamin Barber)?

Throughout history rulers were always said to be ruling in the name of the people, for example, receiving a mandate from God to be protector of the people and guardian of the common good. One fundamental issue of democracy is exactly what is this “common good”? If democracy is about the “rule” of everyone, then the common good would seem to be the social matrix that benefits everyone. Is this social matrix the “thin” procedural framework by which rights-bearers can pursue their (largely economic) self-interests within a free, competitive market place (Locke, John Stuart Mill)?

Or does the common good involve a comprehensive social gestalt that empowers people with a community spirit and forms of participation transcending competitive self-interest (Rousseau, Barber, John Dewey)? Or is the common good identical to the “requirements of justice” within a social framework that supports the flourishing of individuals participating in a range of intrinsically valuable goods discerned by practical reason (John Finnis)?

If we conceive of global democracy in terms of a global social contract, that contract might be conceived in Lockean terms as an agreement

on a minimum set of conditions for people to pursue their competitive self-interests. However, philosophy, psychology, sociology, and anthropology have come a long way since the 18th century with its Newtonian paradigm of atomism, mechanism, and subjectivism. These disciplines have shown that human beings do not exist as autonomous, rational individuals who exist prior to government and constitutional authority. Today, we understand that human beings are not the atoms of classical liberalism, and not the faceless ciphers of classical collectivism. Rather, we exist as “persons in community” (Daly 1996: 55).

When Robert E. Goodin argues that the “communitarian” view of democracy with its notion of “the social construction of identity” (2003: 39) destroys the personal independence and autonomy necessary for quality democracy, he creates a caricature of the insights that have been gained into personal growth since the 20th century. It is now widely understood that persons are simultaneously universal (the social construction of identity) and in a process of growth toward personal moral and cognitive autonomy that arises out of our socially constructed nature. Jürgen Habermas and many others have pointed this out. The implication is that we exist fundamentally and primordially as

“persons in community” and we cannot place personal autonomy above community nor community above personal autonomy. They arise together and the theory of democracy must be founded on this understanding. As Habermas asserts, “Individuation, as part of life history, is an outcome of socialization” (34).

Goodin is correct, however, that democracy must become “reflective” rather than merely preference based. It is disastrous to think of democracy as simply recording people’s preferences through elections or referendums. Preferences can be whimsical, mistaken, based on ignorance of the facts, emotionally driven, and easily manipulated by mass media or government propaganda. Whatever the common good may be, it is unlikely that the rule of preferences will comprehend or promote that. We need to find ways to get thought and reflection into the democratic process and ways to discover the deeper common good in which democracy must be grounded.

What does “rule of the people” really mean? A human being is a growing, developing person within community. A human being lives in a dynamic present between a remembered past and an envisioned future structured by a range of immediate, as well as remote, possibilities. As

Habermas declares: man “in his anthropological universality – is everywhere the same” (39). “The concept of humanity,” he continues, “obliges us to take up the “we”-perspective from which we perceive one another as members of an inclusive community no person is excluded from” (56)

For Habermas, the morality governing our individuality is identical to the morality governing communities, both arise from a communicative core that presupposes equality, freedom, and a normativity of mutual respect. Our individuality arises from a community that presupposes this and grows toward an autonomy in which we freely choose to recognize and respect the equality and freedom of others. The constitution, government, must be founded on this reality, on “the reciprocal and symmetrical relations of mutual recognition proper to a moral and legal community of free and equal persons” (2003: 65). “Rule of the people” means that government must be based on the moral foundations that arise from our existence as “persons in community.”

“Government” is the collective authority of society not only to ensure a basic conformity with the ground rules necessary for effective coordination of large numbers of people (e.g., no murder, no theft, no extortion, etc.).

Government is also the organization of society in such ways as to empower citizens to flourish through equal opportunities in pursuit of the life-goals and in the development of their potential as unique human beings. Third, government operates within a framework of “rules of recognition and change” that provide a stable continuity for the human community to move through time in patterns of ordered, nonviolent change and progressive movement into an ever-better future under our common human ideals of justice, fairness, equality, and freedom.

“Rule of the people,” in its deeper meaning, then, clearly does not indicate the rule of arbitrary preferences or the tyranny of some ignorant majorities. The phrase points to the foundational human truth that “government,” if it is to satisfy these three basic functions, must be democratic in the sense that the authority of society is organized on behalf of human flourishing, human aspirations, and nonviolently on behalf of the continuity of society in the progressive service of actualizing our common human ideals. There need be nothing “paternalistic” about this in that many of the mature, autonomous citizens produced within an authentic democratic framework will be precisely those elected to positions within the

administrative, legislative, and judicial branches of such a society.

Today, we must add “ecological sustainability” to these ideals since the nonviolent continuity of society cannot endure without a healthy and supportive biosphere. This clearly is one reason why democracy today must be planetary. No territorial nation can any longer provide nonviolent continuity into the future by itself. Similarly, war, in all its forms, is the very opposite of democracy and inevitably destroys democracy, again making it imperative that we move to the level of planetary democracy under the social authority of the people of Earth.

John Dewey substantially agrees: “Democracy, in a word, is a social, that is to say, an ethical conception, and upon its ethical significance is based its significance as governmental. Democracy is a form of government only because it is a form of moral and spiritual association” (1993: 59). “Rule of the people” means the rule of the moral and ethical framework that embraces all human beings now embodied within specific rules for recognition, change and adjudication (Hart 1994) that we know as government. Democracy arises from what it means to be a human being.

One might associate these ideas with the “Religion of Humanity” expressed by Rabindranath Tagore in which “Religion consists in the endeavor of men to cultivate and express those qualities which are inherent in the nature of Man the eternal and to have faith in them” (in Nusbaum 2013: 88). If religion can be understood as the quest for the actualization of our highest human qualities of love, compassion, justice, and freedom so democracy can be understood as the collective social foundation that undergirds this quest. In other words, “rule of the people” means governmental arrangements that promote the development of morally mature, free, loving and autonomous people and the nonviolent continuity of these arrangements into the future.

For Dewey, democracy is about cultivating the highest potential of the human personality: “From this central position of personality result the other notes of democracy, liberty, equality, fraternity,—words which are not mere words to catch the mob, but symbols of the highest ethical idea which humanity has yet reached—the idea of personality...” (1993: 62). The “real” in human affairs, is necessarily based on the “ideal” (65), since the ideal arises from our temporalized existence in which we act

to realize the ideal that we envision out of the dynamic present.

For Dewey, as for Habermas, our growth toward ethical and cognitive maturity is always a growth toward universality, which is “equivalent to the breaking down of those barriers of class, race, and national territory which kept men from perceiving the full import of their activity” (111). The full import in the development of personality involves discernment of our common humanity, transcending even “national territory.” We must discern “the secondary and provisional character of national sovereignty in respect to the fuller, freer, and more fruitful association and intercourse of all human beings with one another [that] must be installed as a working disposition of mind” (120).

Democracy is the conception of human association and human potential arising out of our common human condition of temporalized persons -in-community who grow toward the ideals arising out of that condition. It is inherently universal, for the realization of our fuller human potential necessarily transcends the limitations of class, race, and national sovereignty to the planetary level of unity in diversity. The “rule of the people” means these essential possibilities of our humanity embodied

in a concrete constitution that protects and enhances human growth toward our common human ideals across the board.

Mainstream democratic theorists are slowly working their way toward this universality of the concept of democracy. But the process is laborious for those whose context has always been the [unwarranted] presupposition of nation state sovereignty as the proper locus for democratic government. Philosopher David Held in *Models of Democracy* attempts to “rethink democracy for a more global age.” He finds that we must develop a model of “cosmopolitan democracy” that envisions democratic participation “across nations, regions and global networks” (353).

He appears to understand some of the limits and difficulties of trying to actualize democracy on the level of militarized territorial states whose destinies are strongly influenced by transnational global, political, and environmental forces, but he has no real, viable proposals for actualizing “cosmopolitan democracy,” barring timid modifications of the unworkable UN system. (The UN system is based on treaties among sovereign nations and hence can never solve our global dilemma under its current Charter. Sovereign nations recognizing no enforceable

law above themselves are precisely the problem.)

Social scientists Terry Boswell and Christopher Chase-Dunn offer a more concrete vision of global democracy in their 2000 book *The Spiral of Capitalism and Socialism: Toward Global Democracy*. Their analysis of the global capitalist system reveals much more clearly why democracy is defeated at every turn within nation-states. As they put it: “We contend that it may also produce a better world in the future if the peoples of Earth understand the structures and processes of the modern world-system and act to transform the current system into a collectively rational and democratic global commonwealth” (xii). Nevertheless, their correct vision that human rationality both envisions and requires a global commonwealth remains largely in the realm of theory since they do not mention any specific constitutional arrangements necessary to make global democracy a reality.

More advanced than any of these thinkers is the work of philosopher Errol E. Harris in his 2008 book *Twenty-first Century Democratic Renaissance: From Plato to Neoliberalism to Planetary Democracy*. Harris discusses the variety of democratic theories and their critics throughout the book. The essential features

of democracy, he argues, include government that effectively promotes the common good, which includes “the condition of positive liberty” (118) in which “civil and human rights are indefeasible” as well as “the equality of all persons before the law” (120) and the basic “security” of all citizens (131). The notion of the common good, he concludes, is a concept that has “objective significance.” No one can doubt the benefit of “an efficient and well organized transport system,” or “a well-run and hygienic health service” for the common good (118-19).

However, he goes on to show that the system of militarized sovereign nation-states with its perpetual wars and national security regimes systematically defeats democracy within nations, as do the growing planetary environmental crises in which the conditions for a flourishing life are rapidly diminishing. These conditions throw nations internally into chaos requiring emergency measures that defeat democracy (121-131). “As the sole condition on which sovereign power can be legitimized is that it can maintain the conditions of the good life, strictly speaking the nation-state is no longer the legitimate bearer of sovereign authority.... Only if the dangers currently overshadowing the human race can be removed and the associated world problems effectively tackled will there be

any prospect of regenerating the democratic idea” (132).

## **Part Two: Democracy and the Constitution for the Federation of Earth**

The Constitution for the Federation of Earth, Harris maintains in his 2005 book *Earth Federation Now!*, is by far our best option for accomplishing both of these necessities. It is designed to effectively deal with the entire range of world problems: global militarism and wars, global human rights protection, global resource management for the common good, reasonable global economic equality, global environmental protection and restoration, as well as with all other problems beyond the scope of sovereign nation-states (Articles 1 and 4).

The democratic idea that arises from our common human situation, Harris maintains, can only be regenerated through shifting the scale to planetary democracy. The Earth Constitution is brilliantly designed to both deal with our global crises and to establish truly meaningful democracy premised on the equality, freedom, security, and common good of the peoples of

the Earth. The most advanced democratic theorists have articulated the conditions for a more mature and participatory democracy beyond a regime based on mere “preferences.” This advanced democracy is structured into the Earth Constitution.

For Dewey, the “totalitarian menace awakens us to a deeper loyalty to intelligence, pure and undefiled, and to the intrinsic connection between it and free communication: the method of conference, consultation, discussion, in which there takes place purification and pooling of the net results of the experiences of multitudes of people” (1993: 208). Democratic government provides the mechanisms for a collective rationality in which people work together for the common good. For Goodin, democracy must develop infrastructure that encourages people’s “empathic recognition” of opposing points of view, so that democracy becomes “reflective” even on the level of large societies that transcend the level of face to face discussion and rely on representative “trustees” to deliberate empathically on the issues (2003: 72).

For Barber, democracy must become animated through the activation of a citizenship based solidarity that goes beyond voting for preferences

to transformative participation in governing: “the creation of a political community capable of transforming dependent, private individuals into free citizens and partial and private interests into public goods (1984: 132, italics his). The Earth Constitution is not only designed to deal with all those global crises that transcend the internal affairs of nations, it is designed to actualize all of these features with respect to living democracy as well.

In its second bill of rights, called “Directive Principles for the Earth Federation,” the Constitution requires that the Federation “assure to each child the right to the full realization of his or her potential” (Article 13.12). Here we see one of the many ways that the Constitution reflects the very essence of democracy, which we have seen above is based on our common humanity and individual potentialities. Our continuous growth as human beings requires that we actualize the potentialities within each of us and within the human community.

The Constitution also reflects Dewey’s insight that communicative forums of all sort magnify our individual intelligence into a collective rationality that can effectively deal with our problems. The Constitution, throughout its structures, agencies, and departments, is

based upon dialogue and collective decision-making. The World Parliament, central to the entire system, is comprised of three houses: the House of Peoples, the House of Nations, and the House of Counsellors. Each house dialogues within itself and all houses also meet jointly in a common conversation.

The entire Earth Constitution is constructed on a holistic basis to integrate agencies, departments, and the Parliament itself within a synergistic framework. In addition to this, each agency or branch of the government never headed by one CEO but rather by a group of 5 or sometimes 10 highly qualified persons. We might modify the popular saying here to declare: “Five heads are better than one.” Each of the 5 is elected from a different one of the 5 official continental divisions of the Earth Federation.

Hence, the World Executive is headed by a Presidium of five, one from each continental division. The Collegium of World Judges is headed by a “Presiding Council” of five World Judges, one from each continental division, the World Attorneys General is headed by five Attorneys General, one from each continent, the World Ombudsmus is headed by a “Council of World Ombudsen,” one from each continent.

Each House of the World Parliament shall elect a “panel of five Chairpersons,” one from each continent. Six of the seven agencies of the Integrative Complex shall be headed by a “ten member commission” (in addition to their Cabinet Minister and Senior Administrator), divided among the continental divisions.

Dialogue and discussion are structurally built into the fabric of every agency of the Earth Federation government. In each case, the 5 or 10 members of the “council” or “commission” must reach decisions and act collectively. In addition, the powers of each agency or branch of the Earth Federation are defined specifically, along with the limits on these powers. Dialogue is the basis for the action of each agency and that action is carefully limited to the broad function, repeated throughout the Constitution, of “service to humanity.” In many cases, including for each member of the World Parliament, the leaders must take a “pledge of service to humanity” (Article 5.4.4).

The Constitution requires that “Voter’s Information Booklets” be prepared before each Parliamentary election, summarizing the issues, giving the candidates backgrounds, and allowing the same space for the candidates to speak to the issues. No longer will big money

or deceptive advertising determine elections. People will necessarily have to make their decisions based on thoughtful assessment of the issues, not on blind emotions evoked by deceptive big-money advertising.

The World Executive, head of the Executive Branch and the World Administration, is carefully limited in its powers. It has no military powers, no authority to declare a state of emergency or refuse to administer the budget approved by the World Parliament. It does not supervise the World Police, who are directly responsible to the World Parliament (not the Executive Branch). It has no veto power over any legislation passed by the Parliament. It is restricted to dialogue and reasoning within a framework of transparency. There are no reasons for any national security secrets in the form of classified documents and secret meetings. Democracy is here institutionalized at the global level, which is not only its appropriate level, but the only level on which it can actually work.

The same arrangements apply to the World Police and Attorneys General. The “means of enforcement” in Article 10.4 encourage continually reducing the need to use lethal force and finding alternative methods of enforcement. The Police are required to continually develop

the means of non-violent conflict resolution and fair hearings for all peoples. The Police and Executive are watched over by the World Ombudsmus (again directed by a group of 5, one from each continental division) who has responsibility for seeing that human rights are protected, that Article 13 “Directive Principles” are implemented, and that government operates transparently, efficiently, and democratically.

Article 10.1 states that “The enforcement of world law and world legislation shall apply directly to individual, and individuals shall be held responsible for compliance with world law and world legislation regardless of whether the individuals are acting in their own capacity or as agents or officials of governments at any level or of the institutions of governments, or as agents or officials of corporations, organizations, associations or groups of any kind.” Here we discern a key to a democratic world system transcending the nation-state war system. There is no immunity: no more “diplomatic immunity,” no privileges of corporate power or nation-state government immunity from prosecution, no more military personnel claiming they are “only obeying orders.” These non-democratic features are rife in our present world system. Democracy can only exist when law is enforceable over all individual persons,

and this can only be effectively realized at the world level.

Article 10.1.5 states that: “Those agents of the enforcement system whose function shall be to apprehend and bring to court violators of world law and world legislation shall be equipped only with such weapons as are appropriate for the apprehension of the individuals responsible for violations.” Just as all individuals are responsible to the law, so there is no need for weapons that target whole groups or communities (hence no military weapons). A military is only necessary where democracy does not exist, when whole nations or groups can be targeted outside of due process of law and outside of recognition of their universal human rights to “life, liberty, and security of person.” Under global democracy the role of the police is transformed. It is not in the least military, but rather, foundational to genuine democracy.

The mandate of the police includes article 10.4.4: “A basic condition for preventing outbreaks of violence which the Enforcement System shall facilitate in every way possible, shall be to assure a fair hearing under non-violent circumstances for any person or group having a grievance, and likewise to assure a fair opportunity for a just settlement of any

grievance with due regard for the rights and welfare of all concerned.” Here, again, we find a fundamental feature of democracy. The mandate of the World Police, like that of the World Courts and the World Ombudsmus, is precisely this institutionalization of fairness, justice, and nonviolence.

Democracy eliminates violence because its goal is justice and the “welfare of all concerned,” not the welfare of the rich, nor of any sovereign government, nor of corporate power. “All,” as Mortimer Adler declared, “is the most radical... term in the lexicon of political thought,” and for the first time (under the Earth Constitution) “we are beginning to mean ‘all’ without exception when we say ‘all’” (1991: 90). Thomas Jefferson declared that “All men are created equal,” at the same time excluding slaves and women. Only under democratic world law can we really mean this as a fundamental moral principle. Under nation-state absolute sovereignty, the slogan has little meaning.

The World Ombudsmus is an entire agency dedicated to realizing this principle. Part of its mandate is “To promote the welfare of the people of Earth by seeking to assure that conditions of social justice and of minimizing disparities are achieved in the implementation and

administration of world legislation and world law.” It must protect the two bills of rights: the great range of civil liberties in Article 12 and the rational ideals of a transformed world system in Article 13.

Among the many wonderful freedoms guaranteed by these Articles, I will only mention three: (1) “Freedom of assembly, association, organization, petition and peaceful demonstration.” (12.4), (2) “Freedom for investigation, research and reporting.” (12.8) and (3) “Encouragement for cultural diversity; encouragement for decentralized administration.” (13.16)

The World Police, the World Courts, and the World Ombudsman are mandated to provide the citizens of Earth with the freedom of assembly and association necessary to rational dialogue and debate, with the power of investigation and information necessary for informed dialogue and debate, and to respect the diversity and decentralized citizen participation necessary for vibrant participatory democracy.

The Earth Constitution, as our global social contract, puts humanity for the first time ever on the foundation of true democracy. This is because the three fundamental functions

of democracy, outlined above, can only be actualized on the global level when the citizens of Earth have given up their obsession with violence and war and come together to create a society in which each child is assured “the right to the full realization of his or her potential.”

These structural arrangements for empowered democracy are enhanced through the elaborations that have been made by the Provisional World Parliament meeting under the authority of Article 19 of the Constitution. Article 19 calls for the people of Earth to begin the Earth Federation now, even while they are waiting for full ratification to take place by the peoples and nations of the Earth. The Parliament has met 14 times between 1982 and 2015 and has passed some 67 World Legislative Acts (WLAs) that have enhanced, enabled, and promoted the letter and spirit of the Earth Constitution.

On the level of dealing with world problems (the addressing of which is defined as “broad functions” of the Earth Federation in Article One) the Parliament has passed World Legislative Acts further protecting the environment, outlawing weapons of mass destruction, dealing with resource depletion, addressing global economic equality and poverty reduction, and protecting

human rights. On the level of establishing an empowered, vibrant democracy for the Earth, the Parliament has also passed a number of acts directed toward this goal.

It has passed WLA 26, the Education Act, in which all schools under the authority of the Earth Federation will have students progressively study (1) global issues, (2) the Earth Constitution, (3) issues with respect to quality of life, (4) the requirements for world peace, (5) unity in diversity, and (6) requirements for good government. Through such a curriculum students will be empowered to become active world citizens contributing to planetary democracy and the common good, and they will receive training in that “empathic recognition” that Goodin affirms as essential to representative, trusteeship, democracy.

Among the many other acts of the Provisional World Parliament directed to enhancing vibrant global democracy under the Earth Constitution, let me mention just three more. First, the Parliament as passed WLA 57 establishing the “Collegium of World Legislators.” This requires all of those elected to the World Parliament, including the 1000 in the House of Peoples, the 200 in the House of Counsellors and the approximately 300 in the House of Nations to

undergo training in “dialogue directed toward mutual understanding” and “nonviolent communication skills.” The clear purpose is to enhance the quality of dialogue and debate within the World Parliament, helping the Parliament to become the collective intelligence for the trustees of humanity and not a mere place for promoting partisan interests.

Secondly, the Parliament has passed WLA 59, the Truth and Reconciliation Commissions Act. This Act requires the government to set up such commissions wherever in the world there are serious disagreements that may lead to violence or significant social harm. Procedures for these commissions require local empowerment with local participants taking the lead in the process of truth and reconciliation through non-violent communication and mutual dialogue. The act prohibits the government from using these for any spying or undercover work, and requires that governmental authority provide the framework, sanction, and empowerment for the reconciliations that take place.

Vibrant democracy operates in just this way. It means that mechanisms for communication and understanding and collective intelligence provide a foundation for citizen participation, so that violence, whether overt or structural, is

avoided, and human flourishing can take place within a safe and supportive framework. None of this is seriously possible under the present regime of militarized nation-states and whose lawless and violent behavior is both mimicked and mirrored by global terrorism. This global chaos of violence continues unabated while the planetary environment is collapsing all around us.

Thirdly, the Parliament has passed WLA 29 that creates a “Global People’s Assembly,” creating a worldwide system of meeting places for civic dialogue and debate through which citizens have a direct link to the government offices of their representatives in the House of Peoples. This displaces the current lobby system, such as that in the U.S., in which wealthy and corporate entities hire professional lobbyists to promote their privileged, non-democratic interests. The Global People’s assembly will encourage dialogue and debate about global issues and democratic living worldwide. It provides a direct, grass-roots means for people to communicate with their elected representatives in the House of Peoples.

As Harris, Dewey, and Habermas understand it, democracy emerges as our fundamental mode of human association. Its development

must therefore be moved to the planetary level, since democracy is defeated at the national level by world crises that are beyond the control of the nations. At the planetary level it can really flourish for the first time because democracy is precisely about our common human dignity and about developing our common human and individual potential. It cannot intelligibly be said to stop at arbitrary territorial borders.

The Earth Constitution serves as a global social contract that recognizes our fundamental human condition as persons within community. It is designed not only to establish world peace and environmental sustainability while eliminating global poverty and misery. It is also designed to empower planetary citizenship everywhere, creating a framework for dialogue and debate such that our collective human intelligence will be immeasurably enhanced and our human potential significantly actualized.

For the first time in history, a framework will be in place in which all individual persons can develop to the fullest of their capacities, assuring “each child the right to the full realization of his or her potential.” At the same time, it will enhance, empower, and “complete” our global community, that vibrant and harmonious community that can only be, and indeed

must be, the essential framework for both our global consciousness and individual human flourishing. Let us join together to establish real democracy on the Earth for the first time. It is high time to ratify the Constitution for the Federation of Earth.

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Martin has published or edited seven books and many articles and reviews on a variety of topics in comparative philosophy, the spirituality of human liberation, economic democracy, and democratic world government....(from [www.peacefromharmony.org](http://www.peacefromharmony.org))