

World Order and the Rule of Law: From Disorder, No Order Can Emerge

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If the 'I' negates disorder, that very I, which is separate, will create another form of disorder....that is, I see disorder in myself: anger, jealousy, brutality, violence, suspicion, guilt.... The mind is totally aware of all this disorder. Can it completely negate it, put it away?

Jiddu Krishnamurti

You Are The World, 1972, pp. 106-7

This statement by one of the world's great spiritual teachers also applies at the level of human political affairs. If you see disorder in the world, and you see that it derives from false premises, you cannot reform the disorder. You must simply negate it, put it away. One cannot create a civilized and humane social order from false premises, which imply disorder. The false premises of the present world logically imply disorder and empirically result in the massive planetary disorder that we see all around us.

Planetary political affairs must begin with true premises, which imply order. By "political affairs," I mean the principles by which we govern ourselves and organize our social, economic and civilizational relationships. The principles of political life are the first principles from which all order and civilized human relationships derive. Order derives from true premises. Disorder cannot be reformed. It must simply be negated so that a *founded* global society can take its place.

The principles of human political affairs (civilization) are quite simple and function as a "natural law" for human life. Every rational, clearly thinking person recognizes them in one form or another. These principles can be expressed and enumerated in different ways. In this essay I will discuss them as five most basic principles for human civilizational and political affairs. They are (1) universality, (2) unity in diversity, (3) individual flourishing, (4) reason and love, and (5) a community of dialogue directed toward mutual understanding.

Before we enter upon our discussion of these principles of order, I want to say that we should not assume that the solution to our problems will be easy or without sacrifice. We long for a world community based on universal recognition of human dignity and the other self-evident principles that we will be examining. But our agony and our motivation must be our grief at the immense suffering of people worldwide: their immense suffering in wars and wanton violence; their

immense suffering in cruel systems of economic exploitation and dehumanization; their immense suffering due to many forms of social, political, economic, or sadistic humiliation. We must think, write, and act out of our unspeakable grief at the holocausts going on everywhere on our precious planet. There are no facile answers. There is no easy route to a world founded and sustained on human dignity.

There are several prominent philosophers of law who have articulated something of what I mean by a world order based on human dignity in their analyses of the fundamental nature of law and lawmaking. The first thinker that I want to mention is Lon Fuller in his 1969 book *The Morality of Law*. Fuller distinguishes the “morality of duty” from the “morality of aspiration.” He says that the lawmakers cannot require the morality of aspiration from a population because this pursues human excellence beyond what is required for social harmony and good order, and this morality of aspiration separates into a great diversity of personal aspirations that cannot be generalized over through consistent laws.

The morality of duty, however, links with the most fundamental requirements of social harmony, a harmony based on the reciprocity of contracts, kept promises, and exchange of goods and services. Here is the proper sphere of enforceable law and the sphere of sanctions and punishments, whereas the morality of aspiration is the proper sphere of rewards and honors. The notion of reciprocity, he says, is “implicit in the very notion of duty” (1969: 21). Hence, there is a sphere or dimension of morality that is fundamental to all law, which establishes the social harmony that is essential for the morality of aspiration to operate successfully at all. That is the proper sphere of law enforceable by sanctions over individual persons.

Philosopher of law David Luban quotes Fuller as asserting that the function of the lawgiver is to “reduce the relations of men to a reasoned harmony” (2007: 103). Without law based on the morality of duty, therefore, the relations of men will be based on violence or chaos. Enforceable law introduces morality into human relationships, aimed at establishing a “reasoned harmony.” In addition, law-makers themselves are under the obligations to make excellent law, laws that serve this “reasoned harmony.” They are, therefore, under the morality of aspiration to make excellent laws as those in authority entrusted to govern others. As Luban puts this, “the rule of law establishes a moral relationship between those who govern and those whom they govern” (Ibid.: 99).

The obverse of Fuller’s “morality of law” is a condition when there are no laws or no effectively functioning laws. The implication is that human beings are left in chaos or fundamental disharmony. The implication, as Immanuel Kant (1957) put it, is that they relate to one another merely with “senseless freedom,” in “savage and barbaric” ways, not with the “rational freedom” of a reasoned harmony that not only establishes order but makes possible life-opportunities to fulfill the morality of aspiration.

The second philosopher of law I wish to cite as a framework for this essay is Ronald Dworkin in his 1977 book, *Taking Rights Seriously*. Dworkin argues that behind all legitimate law there are moral principles embedded in the very “logic of the law.” There are principles such as fairness, equality, and due process of law that function behind the actual positive laws and judicial

decisions on the books that every lawmaker and judge worthy of the name attempts to honestly consult.

The Constitution of the United States, for example, presupposes human dignity and assumes “moral rights which individuals possess against the majority,” as well as against the state (1977: 133). “The logic of the text demands” that lawmakers and judges face the “moral issues” embodied in the text (Ibid. 136). Hence, part of the purpose of enforceable law is to protect human dignity by protecting individual rights against the majority and the state. Human rights are not some abstract ideal residing inside people in some ghostly manner, Dworkin states, but are embodied in the very nature of legitimate law and judicial decision-making.

If human rights, which Dworkin calls “trumps,” arise from the internal logic of democratically legislated enforceable law itself, and if moral principles like equality, fairness, and due process similarly form the “interpretative principles” in the background of law, then what of situations when there is no law – like the condition that obtains between sovereign nation-states that, by definition, recognize no enforceable law above themselves? For nation-states, so-called international laws are mere treaties entered into by each signatory state to voluntarily agree to abide by certain (largely unenforceable) rules. Failure to abide by these rules does not, in the nature of the case, result in sanctions against individuals, because it is a representative of the nation as a kind of fictitious entity, as a quasi-legal territorially bound collective personality, that signs the voluntary agreement. Unlike the rules of contract within genuine legal systems, the violator of the contract does not face arrest, sanctions, or jail-time.

The regime of presupposed rights and implicit moral principles that Dworkin associates with genuine law and reasoned human order does not exist between nations. The system of so-called sovereign nations (interfaced with their multinational corporations) is really a fragmented system of disorder. Moral relations among nations or among individuals at the international level do not arise from any legal system in which they function as presuppositions or implicit principles. Rather the relation is largely ungoverned; it is a relationship of power in which multinational corporations can exploit the poor in dehumanized conditions or nations can send assassination teams to kill suspected enemies without due process of law.

The third philosopher of law I wish to cite as a framework for this essay is John Finnis in his 1980 book, *Natural Law and Natural Rights*. Finnis begins the book by identifying seven objectively real goods of human life that are self-evident to practical reason. He identifies these as life, knowledge, friendship (sociality), aesthetic experience, play, practical reason itself, and religion. These are the primary goods of human moral life for every individual, and his book makes a powerful argument for this conclusion. The purpose of the law, he says, depends on its ability to secure justice (1980: 260), and justice means social arrangements based on the common good: laws that maximize the ability of individual citizens to successfully pursue any or all of these self-evident goods for their own lives.

There appear to be obvious similarities here with the thought of Fuller and Dworkin. The morality of duty involves the creation of laws that foster the common good of the society. This dimension of law creates a reasoned harmony making possible the pursuit of life, knowledge,

friendship, etc., goods that may well be governed by the morality of aspiration. In the language of Dworkin, implicit in law and lawmaking for Finnis are background moral principles that constitute justice in a legal system, a justice that makes possible the human flourishing that pursues the goods discerned by practical reason. Because there is no democratically legislated enforceable law for our planet itself (divided as it is into some 193 sovereign entities recognizing no effective law above themselves and little individual accountability for agreements and treaties) there is also no moral dimension of reasoned order that obtains at the global level, only chaos, fragmentation, and naked power relationships.

There is, therefore, a broad sphere of overlap among these three philosophers of law. First, law includes the morality of duty which creates a reasoned harmony among human beings through its enforceable rules and their sanctions. Second, the logic of law presupposes fundamental moral principles, human rights, and human dignity that are not there in some ethereal “ghostly” way prior to the law itself. Third, law protects the common good (or the justice of equality) in order for people to be able to actualize real and concrete goods that apply to every human life and within every culture on our planet. I will argue below that the five fundamental principles of legitimate law and order can be derived from the broad vision about the meaning and purpose of law that can be derived from these prominent philosophers of law. All five of these principles, fundamental to human civilization and the rule of law, are lacking at the planetary level. They cannot be established at that level without negating the very disorder that blocks their actualization.

The first of these principles is universality. Human dignity, rights, and responsibilities belong to all human beings without exception. Such universality has never been realized in human affairs even though it has been recognized by the most ancient texts and philosophical schools such as the Stoics of ancient Greece and Rome. It is a principle that became central to 20th century thought as expressed, for example, in the UN Universal Declaration of Human Rights and in Articles 12 and 13 of the *Constitution for the Federation of Earth* (see Martin, 2010b). In the early 21st century, we are long past the time when this universality has become an absolute necessity for the survival of humanity. Human dignity, rights, and responsibilities must become foundational in human affairs. Yet without universally enforceable world law these rights remain abstract and disembodied. It is the rule of enforceable law that makes rights and dignity actual, since rights and dignity are implicit in the very nature of law. Abstract ideals, like those embodied in the UN Universal Declaration of Human Rights, cannot create a decent world order. These moral principles must be embodied concretely within enforceable world law.

Our primary planetary institutions operate in direct violation of these principles. Both the global economic system and the system of sovereign nation-states violate the universality of human rights and dignity. The economic system operates as if economics were a set of inviolable quasi-scientific laws (supply and demand, free market, etc.), with the result that two billion of the Earth’s population live on less than two US dollars per day. Their human rights and dignity are violated by this system of division and fragmentation that ignores their humanity by making possible economic theft, systemic exploitation, commodification (turning human beings into market commodities), and consequent dehumanization.

Similarly, the system of sovereign nation-states divides the planet into approximately 193 independent territories recognizing no constitution and no enforceable laws above themselves. All so-called “international laws” are merely voluntary treaties on the part of these sovereign nations. Since they are voluntary, nations can withdraw, ignore, or withhold assent to any particular international agreement. In practice, under such a system the stronger dominate and exploit the weaker. Small or weaker nations are coerced into accepting so-called laws, including trade and monetary rules, imposed by the powerful nations and their financial institutions. Universality, the principle that human rights and dignity be applied systematically throughout civilization, is institutionally violated by this system of fragmentation.

These truths have been pointed out ever since Immanuel Kant’s 1795 essay on “Perpetual Peace,” yet little has changed in this system of world disorder since that time. National sovereignty contradicts the moral universality of human dignity and human rights. Scholars commonly identify the Peace of Westphalia of 1648 as first recognizing this concept of national sovereignty. Under this historically constructed ideology (which is neither natural nor moral) each state is autonomous over its internal affairs and independent in its foreign relationships. The moral universality of human dignity and human rights is systematically and institutionally ignored. As G.W.F. Hegel put it, “Each state is consequently a sovereign and independent entity in relation to others. There is no Praetor to adjudicate between States.... Consequently, if no agreement can be reached between the particular wills, conflicts between states can only be settled by *war*” (1991, pars 331, 333-34).

There can be no true civilizational universality to human rights and dignity without a *Constitution for the Federation of Earth* that embodies this universality and translates it into enforceable world law. If there ever is to be a “reasoned harmony” in human affairs, it can only come through the rule of enforceable law, universal over all people. The principle of national sovereignty fragments the world into incommensurable territorial units, most of them militarized, in response this condition of a lawless international world disorder.

From the principle that nations recognize no law above themselves (disorder) you cannot derive the recognition of human rights and dignity through the universal rule of law (order). You can only derive more disorder. But seeing the horror and destructive nature of disorder (perpetual wars, destruction, dehumanization, deception, and exploitation), one can simply negate that disorder, put it aside. No “evolution” of the present system is going to change false premises into true premises. Our obligation is to *found* planetary systems of universal validity, for example, by recognizing the authority of the *Earth Constitution* from which civilization can derive all valid universal laws protecting the rights and dignity of every person on Earth.

The second principle of order is the principle of unity in diversity. For all phenomena within the universe, science has shown that the diverse parts of reality cohere with one another within systems that unite them into unities. Unity in diversity constitutes the structure of the universe and operates on a multiplicity of levels composed of parts within wholes that are in turn parts within ever-greater wholes. Human beings form one level of unity in diversity within this vast scheme. Our unity is that we are all human. Our diversity is that each person is a unique individual. Our humanity and individuality form an inseparable whole. In his book, *The Tao of Physics* (1975), physicist Fritjof Capra summarizes the insight of 20th century science in the following way:

Thus modern physics shows us once again – and this time at the macroscopic level – that material objects are not distinct entities, but are inseparably linked to their environment; that their properties can only be understood in terms of their interaction with the rest of the world. According to Mach’s principle, this interaction reaches out to the universe at large, to the distant stars and galaxies. The basic unity of the cosmos manifests itself, therefore, not only in the world of the very small but also in the world of the very large; a fact which is increasingly acknowledged in modern astrophysics and cosmology. In the words of the astronomer Fred Hoyle:

“Present-day developments in cosmology are coming to suggest rather insistently that everyday conditions could not persist but for the distant parts of the Universe, that all our ideas of space and geometry would become entirely invalid if the distant parts of the Universe were taken away. Our everyday experience even down to the smallest details seems to be so closely integrated to the grand-scale features of the Universe that it is well-nigh impossible to contemplate the two being separated.” (209-210)

As I argued in my book *Triumph of Civilization: Democracy, Nonviolence, and the Piloting of Spaceship Earth* (2010a), sound political principles are founded on unity in diversity. These principles must be universal to all human beings since the unity that unites us is precisely our common humanity. Under global capitalism this unity is broken through vast mechanisms of exploitation where people are dehumanized and alienated from their common humanity. The profits for a few are extracted from the cheap and dehumanized labor of the many who are being used as tools for production or services for the few. The present world provides no universal order of law that can regulate the effects of capitalism. Entire nations that are poor have little choice but to be victimized by a system that does not generate universal human rights to be respected by enforceable laws requiring companies to treat employees humanly.

Under the disorder of sovereign nation-states, the world is fragmented into competing territories violating the fundamental principle of political order that all be united by a common constitution that recognizes and protects the great diversity of persons and groups. Persons outside of each nation have no rights or freedoms according to the laws of the nation, for laws only apply internally. From the disorder of capitalism and sovereign nations, order can never follow. Only by ratification of the *Earth Constitution* can we negate the disorder and affirm the orderly starting point of universal unity in diversity.

Recognition of the diversity of people is implicit within the “logic” of genuine enforceable law. The logic of law generates common duties for everyone, enforceable through sanctions, and hence social harmony, but it also generates human rights as rights against the majority, the state, and, we now see, the global economic system. Human rights apply to each individual person. They are the principle of diversity that allows each person to pursue some or all of the objective goods identified by John Finnis, or to pursue the morality of aspiration identified by Lon Fuller. The *Earth Constitution*, in its Preamble, explicitly asserts the principle of unity in diversity. This common universal law and common constitution constitutes the unity, the global social contract, for all peoples. Both the explicit and implicit logic of the *Constitution* (universal, democratically legislated enforceable laws) generates the idea of human rights protecting each person’s uniqueness and unique lifelong pursuit of objective goods.

The third fundamental principle of human and civilizational affairs is the principle of individual human flourishing. The purpose of law and the function of legitimate constitutional government is

to promote individual human flourishing. The right to the conditions that make flourishing possible belongs to each human being, as, for example, philosopher Alan Gewirth has pointed out in his book, *Human Rights: Justifications and Applications* (1982). For Gewirth, human rights are the logical presuppositions of the free pursuit of human goods by each human being. Since each human being pursues what he or she conceives of as good, human rights protecting both freedom and well-being form the logically required and morally grounded conditions for human life to exist at all.

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, and other vital necessities. It means that I have easily available possibilities for education, and for availing myself of the fruits of human knowledge and culture, and for political participation. It also means that my flourishing in these respects takes place within a framework of peace, social justice, and a decent, healthy planetary environment. Human rights protecting my freedom and well-being are the necessary conditions for human flourishing.

Some scholars have identified an evolution in philosophical thinking about human rights through three generations – first-generation political rights (free speech, association, due process of law, etc.), second-generation economic and social rights (education, health-care, social security, etc.), and third-generation rights to planetary peace and a protected environment (e.g., Wacks 2008: 149-50). All three generations of rights are necessary features within a world that can protect individual human flourishing. Only the *Earth Constitution* is built on protection of all three generations of human rights as a whole. No constitution of sovereign nation-states can give citizens guarantees of planetary peace and a protected, life-friendly planetary environment. From the disorder of sovereign nations (no matter how enlightened their constitutions), the fundamental conditions of human flourishing cannot emerge.

Neither can the famous formula of utility cannot give us the principle of individual human flourishing for the citizens of our planet. The idea of promoting the greatest happiness of the greatest number of people fails in a number of ways, including regarding the issue of means and ends. The idea of utility does not give us universality. We are not speaking of the greatest happiness of the greatest number but of the right of each person to live within conditions that promote his or her flourishing. These rights, we have seen, are implicit in the idea of legitimate law itself. But the world has no common legitimate law. Even most international laws apply only to nations and not to individual persons, and, notoriously, none of these so-called laws are unenforceable.

Individual human flourishing needs to be the principle of both means and ends, for it is the individual human being alone that has dignity and universal rights. No human (as an end in himself or herself) may be used as a means for the happiness of others, whether this be workers exploited for the happiness of capitalists or presently living persons sacrificed for a greater happiness of future generations. As stated above, this does not mean that the path to the future will be easy given the horrors of our present world disorder. But that path must be premised on the truth of human dignity, and rationally correct principles of order, not on false principles of utility, “proportionalism,” or fragmentation.

Under capitalism individual human flourishing for vast numbers is destroyed by the process of supply and demand treating human beings as commodities to be used in the service of private profit. Under the nation-state system, the individual human flourishing of those outside the territorial boundaries is of no concern to national governments. Foreign policies conducted in national self-interest (inevitable within this system of fragmentation) invariably violate individual human flourishing for those outside these boundaries, and (because military expenditures deplete internal resources and destroy democratic openness) for citizens within nations as well. The only way to establish legitimate government directed toward providing the framework for individual human flourishing is to establish a world constitution that supersedes the global institutions that now impede universal individual flourishing for all persons on Earth.

The fourth principle of global political affairs includes the right and duty to develop our reason and our love. This is related to the above three principles and is an extension of them. Perhaps the very core of individual human flourishing involves the development of our reason and our love. As philosopher and psychoanalyst Erich Fromm has argued in *Beyond the Chains of Illusion: My Encounters with Marx and Freud*, and in other writings, reason and love, our two highest human qualities, should be holistically integrated within every human being. Each of us needs to recognize ourselves, Fromm writes, “as part of humanity, of living according to a set of values in which the full experience of love, justice, truth, is the dominant goal of life to which everything else is subordinated; it means a constant striving to develop one’s powers of love and reason to a point at which a new harmony with the world is attained; it means striving for humility, to see one’s identity with all beings, and to give up the illusion of a separate, indestructible ego” (1962: 156).

The *a priori* framework of legally articulated social and economic conditions provided by government at all levels, from local to planetary, must maximize the possibilities for the development of reason and love in the citizens. This principle that the function of good government is to make possible this development of “virtue” (human excellence) in citizens was first elaborated in western political thought by Aristotle, some 2400 years ago.

Aristotle saw that the defining characteristic of the human animal was rationality and that the development of excellence also included informing our emotions and desires with this rational principle. He focused on “friendship” as a highest form of love in human relationships. In this same period, Plato developed this inseparable complement of reason under the concept love as *eros*. A human being is a synthesis of these two principles, reason and love. His *Symposium* articulated the role of love as desire in terms of a redirecting and shaping of that desire to become the indispensable ally of reason, ascending the “ladder of love,” as he put it, to true virtue (*arête*).

Four centuries later, Jesus Christ expressed the fundamental role of love in terms of caring for others, compassion, and deep respect for all (*agapé*), even “for the least of these my brethren” (Matt.25:40). In truth, love is properly a combination of friendship, desire, compassion, and respect for human dignity and secures our right relationship to the world, its creatures, and other persons. Love is our solidarity with human beings and all of life. It binds people together in friendships, families, communities, and the human community.

Reason, the complement of love, sees the universality of the human community that love binds together. Reason sees the self-evident truth of the natural law principles articulated in this essay and acts to secure these principles in human political, economic, and social affairs. Reason, like its complement, love, is also at the heart of the very concept of legitimate law. A law for the world would be the very embodiment of reason and love for the world.

Love not only embraces all people without discrimination and therefore itself is a manifestation of unity in diversity. Love also empowers reason in its task. Without love, reason can become heartless social engineering. Without reason, love can become self-indulgent and ineffective sentimentality. Love supplies energy and reason's universally affirmative character. It lifts reason to its highest potentialities. Like universal law, it embraces all without discrimination.

Reason here is not merely instrumental or technical reason calculating how to achieve ends that arise from irrational, blind desires. In *Communication and the Evolution of Society*, Jürgen Habermas reconstructs Max Weber's famous study of capitalism in which Weber pessimistically concluded that human beings had little hope in the face of the domination of our highly "rationalized" economic and nation-state institutions. Habermas' critical analysis illuminates larger dimensions of reason (communicative and directed toward mutual understanding) that underline our potential for a higher synthesis of reason and love as articulated by thinkers like Fromm. The idea of reason as a mere instrumental servant to blind desires is a modern perversion of the profound tradition of synthetic reason in western thought. From Plato to Aquinas, reason was understood as cognitive awareness of the moral dimension and the primary ends of human life, ends that are also comprehended intuitively by the love that binds us together with the world, other creatures, and the human community.

Hence, the idea that reason only deals with the means and not the ends of human life is a modern perversion of the profound tradition of reason in western thought, as Jon Finnis (1980) so clearly points out. Reason, rather, understands the moral dimension and the primary ends of human life, ends that are also comprehended intuitively by the love that binds us together with the world, other creatures, and the human community. Reason establishes social harmony through the morality of duty at the heart of genuine enforceable law. It also discerns the ends that appear through the morality of aspiration, ends articulated as self-evident human goods by Finnis.

Love is a principle of order just as much as reason, for love is the foundation of the relationships that bind us into families, communities, and the human continuum. Love also binds us to our wonderful planetary home and the ultimate cosmic miracle of the universe within which we live our lives. The conception of blind, heartless economic "laws" promoted by global capitalism is not only untrue, but it is a principle of disorder than cannot be reformed or evolved into an order premised on love, which means a world of peace, justice, and human flourishing. This disorder must be negated by our reason and our love, and a global social democracy must be founded premised on the priority of human dignity and human rights within economic relationships.

The same is true of the system of sovereign nation-states. This "system" is no system, for it constitutes an institutionalized disorder dividing humankind into 193 incommensurate entities

without any binding principles of law or justice above themselves. One cannot evolve this system while retaining the principle of national sovereignty which is the essential component of this disorder. One must negate the disorder and establish an order *founded* on genuine principles, summarized by the five basic concepts articulated in this essay. Sovereignty must be replaced by a global social contract founded on the human community itself.

This means the ratification of a *Constitution for the Federation of Earth* that establishes universal order, based on reason and love, in human political affairs for the first time in history. All of us are under a moral obligation to develop our reason and our life, but our ability to pursue this duality of human excellence is inhibited and blocked by both global capitalism and the system of sovereign nation-states. Our capacity to follow the morality of aspiration indicated by the nexus of reason and love is made possible by universal enforceable laws under the *Earth Constitution*. Reason and love, therefore, cannot be significantly followed or fulfilled apart from a global social contract both based on these principles and making possible their further development.

The final principle in universal human political affairs is a community of dialogue directed toward mutual understanding. Such a community of dialogue must be institutionalized within the universal laws under the *Earth Constitution*. The moral imperative for dialogue directed toward mutual understanding (as opposed to strategic or manipulative uses of speech) has been shown by Jürgen Habermas (1998) and others to be fundamental to language itself and hence to being human. Political life under laws characterized by universality, unity in diversity, human flourishing, and reason and love must also be structured to make communicative speech possible. The World Parliament created by the *Earth Constitution* transcends political struggle among self-interested parties through structuring speech to optimize the possibility for dialogue directed toward genuine understanding and communication.

Under the global capitalist system of disorder, speech is pressured to become commercial or manipulative speech directed toward maximizing self-interest. Under the nation-state system of international disorder, speech is institutionalized to become the speech of deceptive diplomacy, veiled threat, and strategic maneuvering on behalf of perceived national self-interests. Nowhere is communicative dialogue encouraged because the disorder of these global institutions leads to the disorder of dishonest speech. However, the principle of harmonious reason and order embedded within the very logic of legitimate, enforceable laws gives us, for the first time in history, the possibility of engaging with and between people invested with governmental authority, from all around our planet, in a reasoned dialogue concerning the future of our planet and its citizens and how to create laws that embody the common good, functioning to protect universal human rights and human flourishing.

Communicative dialogue directed toward mutual understanding among equals is a fundamental principle of order interrelated with the other four principles expressed in this essay. Communicative dialogue invites (and assumes) universality. It invites (and assumes) unity and diversity. It invites (and assumes) human flourishing, reasoning, and love, just as these principles in turn invite and assume communicative dialogue. Our world does not have a viable future under its present fragmented systems of disorder. It even lacks any mechanisms for an authoritative, meaningful dialogue concerning how to negotiate our gravely endangered future.

Only the rule of democratically legislated enforceable law can provide the possibility of dealing with our endangered future. The very logic of law embodies universal moral duties. It establishes a justice-oriented order making possible the universal pursuit of the most basic goods of human existence, and it establishes concrete legal principles of human dignity and inviolable human rights, providing both unity and diversity. The present lawless world must be superseded by a non-military, democratically founded, lawful world.

Global Institutional respect for human dignity in a world that protects human flourishing cannot evolve or emerge from disorder. True conclusions cannot derive from false premises. The false premises of global capitalism and so-called sovereign nation-states cannot provide the basis for an evolution of truth with regard to the human condition or human political and legal affairs. Dropping disorder does not mean failing to preserve what is valuable about the United Nations or other global institutions that have some features premised on human dignity, for example, the World Health Organization or the UN High Commission on Human Rights. Such institutions must be preserved when the false Charter of the UN (premised on sovereign nation-states) is replaced with a genuine *Constitution for the Earth*, premised on the truth of human dignity. In place of the disorder of the current world anti-system, we must make a paradigm-shift to the principles of order and truth.

We need a world that is institutionally structured (and founded through a founding ratification convention) on the five principles identified in this essay. In place of the disorder of the current world anti-system, we must make a paradigm-shift to the principles of order embodied within the legitimate, universal rule of law. We need a world that is rationally and lovingly organized on universality, unity in diversity, human flourishing, reason and love, and communicative dialogue. We need to ratify the *Constitution for the Federation of Earth*.

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Works Cited

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Capra, Fritjof (1975). *The Tao of Physics - An Exploration of the Parallels Between Modern Physics and Eastern Mysticism*. Berkeley: Shambhala.

Dworkin, Ronald (1977). *Taking Rights Seriously*. Cambridge: Harvard University Press.

Finnis, John (1980). *Natural Law and Natural Rights*. Oxford: Oxford University Press.

Fromm, Eric (1947). *Man for Himself – An Inquiry into the Psychology of Ethics*. New York: Holt, Rhinehart, and Winston.

_____ (1962). *Beyond the Chains of Illusion. My Encounter with Marx and Freud*. New York: Simon & Schuster.

Fuller, Lon L. (1964). *The Morality of Law*. New Haven: Yale University Press.

Gewirth, Alan (1982). *Human Rights: Essays on Justification and Applications*. Chicago: University of Chicago Press.

Habermas, Jürgen (1979). *Communication and the Evolution of Society*. Thomas McCarthy, trans. Boston: Beacon Press.

_____ (1998). *On the Pragmatics of Communication*. Edited by Maeve Cooke. Cambridge, MA: MIT Press.

Hegel, G.W.F. (1991). *Elements of the Philosophy of Right*. Alan Wood, ed. Cambridge: Cambridge University Press.

Kant, Immanuel (1957). *Perpetual Peace*. Louis White Beck, trans. New York: Macmillan.

Krishnamurti, Jiddu (1972). *You Are the World*. New York: Harper & Row.

Luban, David (2007). *Legal Ethics and Human Dignity*. Cambridge: Cambridge University Press.

Martin, Glen T. (2010a). *Triumph of Civilization: Democracy, Nonviolence, and the Piloting of Spaceship Earth*. Pamplin, VA: Institute for Economic Democracy Press.

_____. (2010b). *The Constitution for the Federation of Earth: With Historical Introduction, Commentary, and Conclusion*. Pamplin, VA: Institute for Economic Democracy Press. (The *Constitution* can also be found on-line at www.earth-constitution.org, www.worldproblems.net, www.worldparliament-gov.org, and a number of other websites.)

Wacks, Raymond (2008). *Law: A Very Short Introduction*. Oxford: Oxford University Press.