Reconstituting Humanity —
New International Law

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I. Self-Constituting Humanity

> 'The mind is its own place, and in itself
> Can make a heaven of hell, a hell of heaven.'
> John Milton, *Paradise Lost*, I.254-5.

1. Human Responsibility

1.1 Humanity has come face-to-face with itself. After 8000 years of accumulating self-consciousness, humanity has formed a certain idea of its self and its situation, an idea which is now filling human consciousness with anguished anticipation. The human animal looks at itself in its own consciousness, as in a mirror, and it sees that it is the most creative and the most destructive of all animals. The human species is the species which creates itself. The human animal is the animal which is its own predator.

1.2 Humanity is called upon at last to take responsibility for itself. The long centuries of accumulating consciousness – so short a period in the history of the species, let alone in the history of life on earth, of the earth, of the universe – have brought forth the familiar phenomena of the moral consciousness of the human individual and the social consciousness of human societies. At the end of an epoch, in one conventional reckoning of elapsed human time, at the end of a century and at the end of a millenium, humanity is beginning to recognize the remaining burden of human consciousness, the human responsibility of the whole of humanity within the universe of all-that-is.

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2. Humanity Self-made

2.1 Humanity is a figment of its own imagination. Humanity exists as humanity of and for itself. By its own efforts it has differentiated itself from the rest of what is, for it, the universe of all-that-is. It has identified itself as a particular form of living thing and as a particular species of animal. It has conferred upon itself unique species-characteristics.

2.2 We do not know if other parts of the universe, including other living things and other animals, are capable of conceiving of their own specificity. And we do not know how, if at all, they conceive of us as humans. We do not know that any other part of the universe conceives of us in the way that we conceive of ourselves. We do not know that humanity has any form of existence other than as humanity conceived by and for itself.

2.3 The human species is the species which creates itself.

3. Human Habitat

3.1 In conceiving of itself as humanity, it creates at the same time a universe fit for human habitation, the human habitat. It is a habitat in three dimensions – the natural world, the social world, and the inner world of the human individual.

3.2 The *natural* world is the human habitat conceived as not merely human, as the universe of all-that-is, in which we find ourselves to be a particular thing-that-is. The natural world takes part in human self-forming, in our self-identification as living things like other living things, animals like other animals. And the natural world takes part in human self-forming as an Other, because we identify ourselves as the species with uniquely human characteristics, including human consciousness.

3.3 The *social* world is the human habitat conceived as the place of our self-creating as a species, as the human co-habitants of the natural world, as the self-socializing animal. Human self-forming identifies its social world, by assimilation and differentiation, in relation to the natural world and to the inner world of the human individual. Without those two worlds there would be no social world, no place to cohabit, no world-conceiving consciousness.

3.4 The *inner* world of the individual is the human habitat conceived as consciousness, the place of the self-creating of the human personality. It is the place where consciousness identifies a self which is a unique self in relation to an Other which is the natural world and an Other which is the social world, but a self whose self-constituting is integrated with the self-constituting of those other worlds.

3.5 Humanity constitutes itself in the three worlds of the human habitat.

4. Human Reality

4.1 The self-made human world is reality-for-humanity. Human reality is the material from which we form our consciousness and hence the material from which we form ourselves. Each human being, each human society is a unique formation in and of human reality.

4.2 Human reality thus contains all the possibilities available to humanity. We make the natural world by naming its parts, explaining its functioning, transforming it through human action. Then the natural world, as so conceived, determines our possible relationships to the natural world. We make the social world by naming its parts, imagining its structures and systems, making theories as to its functioning, transforming it through willed action. Then the social world, as so conceived, determines our possible social relationships. We make the inner world of the human individual, relating our self to the natural world and to the social world, conceiving and forming the structures and systems and theories of our own self-constituting. We constitute the universal individual, the possibility which is the human being. And we constitute the particularized universal individual, the possibility of a unique human being, yourself-myself. Then our inner world, as so conceived, determines our possible individual life.

4.3 Our possibilities are our limits. The reality we make makes us.

5. Reality-making

5.1 We have found ourselves to possess two systems within consciousness for forming human reality, and we have named them Imagination and Reason. We can create reality-for-ourselves by *causing* events in the brain (imagination) and we can *order* such events into patterns (reason). The resulting patterns have come to be known in the English language as *ideas*, in the most general sense of that term.

5.2 We have also found ourselves to possess two systems within consciousness for processing ideas, and we have named them Memory and Language. Ideas may be available to us at a time other than the time of their formation (memory). And we can communicate ideas from one human consciousness to another (language).

5.3 By these means, consciousness can constitute actual human individuality, with a personality persisting through time. And, by these means, consciousness can constitute actual society, with a constitution persisting through time. And consciousness can constitute the actual natural world, with a natural order persisting through time. By processes which occur within what we conceive to be a part of the natural world (the human body), we are thus able to make what is, for us, an actual human habitat, an actual human reality, and actual humanity itself.

5.4 Consciousness creates the universal which makes possible the particular which makes possible the actual.

6. The Human Conjuncture

6.1 The human situation is thus not a condition but a conjuncture. Even the idea of humanity (as universal and particular and actual) is contingently determined. That is to say, human self-constituting is not a fact but a process. How humanity conceives itself changes as an aggregated product of the through-time functioning of imagination, reason, memory, and language. And that product is determined conjuncturally, by the interacting of the human capacities with all the actual content of human reality, with all that nature and society and the individual make available as humanity's current possibilities.

6.2 For humanity the actual is the possible. The whole of the actual is the whole of the possible for human self-constituting – the willing and acting of world-historical individuals, the rise to consciousness of nations, the development of world-transforming techniques through science and engineering, developments of philosophical self-conceiving or social self-organizing, the infinity of particular actions making up the universality of social reality.

6.3 Neither a human condition nor a human nature is a permanent human fate. There is no such thing as the human condition. There is no such thing as human nature. Humanity makes its own fate, from day to day.

7. Human Necessity

7.1 Human freedom is human unfreedom. Each human being, at the moment of physical conception, is conceived also into the reality made by human consciousness. Each human being, to be born, is twice conceived, in body and in mind. Birth, in the body and in consciousness, is a process which begins at conception and ends at death.

7.2 In body, the process of birth takes place in the natural necessity of the humanly conceived natural world. In mind, the process of birth takes place in the artificial necessity of the humanly conceived social world. In the womb of the body and in the womb of the mind, the artificial necessity of the inner world of each human being begins to form, as it is formed by, the self-forming individual, self-forming in the natural necessity of the natural world and in the artificial necessity of the social world.

7.4 The natural necessity of the natural world is the systematic uniformity and integrity which human consciousness conceives to be the most general attributes of the universe of all-that-is. We have no means of knowing whether the uniformity and integrity of nature are attributes which would form part of a non-human conceiving of the universe. We cannot know whether they are reflections of corresponding attributes of human consciousness. It may be that when we look furthest into the natural universe we see most deeply into our own consciousness.

7.5 However, the human conceptions of the uniformity and integrity of the natural universe prove their utility, if not their own necessity, in and through human willing

and acting. Natural necessity, acting in conjunction with imagination and reason and memory and language, allows us to make predictions of events in the natural world. And that capacity in turn makes possible the artificial necessity of the social and inner worlds of the human being. Natural science, endowed with the natural necessity of the natural world, also makes it possible to make predictions as to the outcome of human willing and acting, including willing and acting in relation to the natural world.

7.6 The artificial necessity of the human world makes possible the continuity of society and of the human being, within an artificial uniformity and integrity which are the constitution of a society and the personality of an individual. Human freedom is the freedom to make human necessity.

8. The Role of Society

8.1 Society is the human species creating itself socially. In society humanity creates its species-characteristics, its species-reality, its artificial necessity. In society humanity makes its possibilities, and makes its possibilities actual. In society humanity universalizes the particular of the inner world of the human individual, and particularizes the natural world of the universe of all-that-is.

8.2 Society is structure and system. A structure is an arrangement of parts. A system is a functioning of parts. The structure determines what parts are contained in the society. The system determines how those parts interact with each other. The constitution of a given society is the structure-system of that society, a unique product of all that goes to make societies and of all that has gone to make that particular society.

8.3 Society exists nowhere else than in the human mind. And the constitution of a given society exists in and of human consciousness, the consciousness of those conceived as its members and its non-members, past and present. Wherever and whenever a structure-system of human socializing is so conceived in consciousness, there and then a society is conceived – family, tribe, organized religion, legal corporation, nation, state...

8.4 At the end of a century and of a millenium, in one conventional reckoning of elapsed human time, humanity has the possibility of reconstituting itself as society, the international society of the whole human race, the society of all societies.

9. The Role of Law

9.1 In law society remembers what it has decided to become. Law participates in society's self-forming, in human self-socializing, by retaining past acts of social willing with a view to their actualizing in future social willing. Law organizes the hold of the social past on the social future by organizing the hold of the social future on the social past. In law-making society speaks to its future, intending that, when the time comes, its future will listen to its past.

9.2 The hold of the social past on the social future is infinitely contingent, infinitely tenuous. The future will be determined by the flowing conjuncture of society, itself the ever-changing resultant of an infinity of actualities emerging from an infinity of possibilities. In law society makes use of particular (law-making) systems of social willing, specially designed to store a particular kind of information, information about what society will do in order to become that which it chooses to become. In law society makes use of particular (law-applying) systems of social willing to retrieve that information and to incorporate it in actual social willing. The present that was the future in society's past becomes, in this way, the past of society's next future.

9.3 So it is that law is social purpose actualizing itself. Without social objectives there can be no law. Social objectives may be actualized effectively by social systems other than legal systems. Legal systems have the distinctive characteristic that they are specifically designed to actualize social objectives. In law society does not merely choose its future; in law society wills its future.

10. Social Reality

10.1 Using socially the self-conceived capacities of individual human consciousness (imagination and reason and memory and language), society constructs great structures of ideas which may be called *theories*. Theories are social institutions designed to make possible the formation of derived ideas, as to what society is and as to what it shall become. Theories make possible the formation of actual social objectives. And they make possible the formation of actual social values which enter into every event of social willing and hence into all socially willed action. In a more or less arbitrary typology, theories may be given species-names – mythology, religion, morality, custom, history, philosophy, art, natural science… But, for present purposes, what unites them is more important than what distinguishes them.

10.2 Such theories are habitations in which society lives, as much as it lives on this or that piece of land, in this or that building. Theories are features of the landscape in the self-made human habitat. But, because they are present only in the human habitat, they are features which are ever-changing, always in a state of becoming. Theories take their form from the human conjuncture. Since society is

process and not merely state, system and not merely structure, society never ceases making the theories with which it makes itself.

10.3 The total social process of a society is theory working on theory. A society is a becoming in consciousness, not a being in time and space. Society is a reality-for-itself.

11. The Three Constitutions

11.1 The self-constituting of society has three faces – a legal constitution, a real constitution, an ideal constitution. In the legal constitution society sees its total self as it has been, as necessity, as obligation. In the real constitution society sees its total self as it is, as actuality, as action. In the ideal constitution society sees its total self as it might be, as potentiality, as desire.

11.2 The function of the *legal* constitution is to carry the structure-system of society from its past to its future. For this purpose, it uses the artificial necessity of the law to constrain social willing in the present. The function of the *real* constitution is to enact the social willing in the present by which society achieves its social objectives in relation to the infinite and unique specificity and complexity of the actual, using actual actors generating actual events, including events in the natural world of the universe of all-that-is and events in the inner world of the human individual. The function of the *ideal* constitution is to lead society to become the society imagined by its social objectives and its social values, to give to a given society an idea of its possible self.

11.3 Humanity invents time and space as the stage on which it may act out the drama of its self-constituting. The three constitutions make possible the self-constituting of a given society, given in time and space, surviving and prospering in time and space.

12. Social Exchange

12.1 At the heart of the social process is a mechanism which may be called the social exchange. Society transforms the willing and acting of human individuals into social willing and acting. Individual willing and acting which serves society's purposes may be recognized by society as social willing and acting. Society offers to respond in particular ways to individual willing and acting which serves society's purposes. Society seeks to affect socially significant action, social significance being determined by society itself. The actual intention of the actor, in willing and acting in a particular way, may be unknowable or unconsidered by society.

12.2 By this means the natural power of the human individual (physical and psychic) is transformed into social power. By this means also, society intrudes into the inner world of the human individual, colonizes it, socializes it.

12.3 The law is the most systematic way in which the social exchange is organized. The law establishes networks of legal relations among human individuals, especially the many different kinds of rights and duties, designed to produce individual willed action which serves society's purposes. If human individuals (contracting parties, neighbours, judges, state officials) act in accordance with the substantive content of actual legal relations, then they are liable to act in ways which conform with society's purposes.

13. The Perennial Dilemmas of Society

13.1 The structure-system of society described above gives rise to a series of systematic dilemmas which every society faces. They are not merely dilemmas of policy-making, although they are articulated or latent in countless perplexing problems of everyday social conflict and debate. They are not merely theoretical models, although they help to conceive in consciousness of the most fundamental processes of a society's total social process. And they are not merely enigmas, reflecting some limit to the capacity of the human mind to comprehend its own self-socializing activity. The five perennial dilemmas of society express in words the specifically dialectical nature of the social process. Humanity socializes itself in particular kinds of systematic tension.

13.2 (1) The dilemma of *the Self and the Other* is the dilemma of Identity. We are a self in relation to an other which is a self in relation to us as an other. All identity is also alterity. The individual (say, a person, a family, a nation, the human race) is an other in relation to another individual (person, family, etc.), that other being also a part of that individual's self.

13.3 Nationality is, for example, a self-other reciprocating mechanism. The unique selfhood of the individual is negated in the co-selfhood of the nationality; the otherness of other individuals is negated in the co-selfhood of nationality; the co-selfhood of other human beings is negated in the non-co-selfhood of non-nationality.

13.4 (2) The dilemma of *the One and the Many* is the dilemma of Power. The many of society (individual human beings, individual subordinate societies) struggle with the one of society. The one of the individual human being or subordinate society struggles with the many who are society. A society is a society because it is one. A society is a society because it is many. Social consciousness is one because it is the consciousness of a society. Social consciousness is many because it is the consciousness of individual human beings.

13.5 Political institutions are, for example, reciprocating one-many machines. The many of opinions and human situations are turned into the one of social objectives and decisions; the one of social objective and decision is turned into the many of modified opinions and human situations.

13.6 (3) The dilemma of *Unity of nature, Plurality of value* is the dilemma of Will. The willed action of society serves society's purposes. But society's purposes are formed in struggle, including the struggle of the perennial dilemmas of society. Society's purposes are not found simply by contemplating the natural order of the universe of all-that-is. Nor are they found simply by contemplating the innermost recesses of the inner world of the human individual. But the social struggle of value is the struggle of a society and of human beings who do conceive themselves as having a natural specificity within the universe of all-that-is and who conceive of individual consciousness as not being exhausted by its participation in social consciousness. Social unity is also human diversity. Human unity is also social diversity.

13.7 Social theories (paragraph 10.1 above) are, for example, reciprocating unity-plurality processes. A social theory unifies all the ideas that it affirms and all the possible ideas that it negates. Without negation there can be no affirmation. Without affirmation there can be no negation. But all unification of ideas, whether by affirmation or negation, is an affirmation of the possibility of all such ideas, including the possibility of their negation.

13.8 (4) The dilemma of *Justice and Social Justice* is the dilemma of Order. Society is a realm of order within a realm of order. It is a self-ordering within the self-ordering of all that is beyond society, the order of the universe and the order of individual consciousness. Society is a self-contained order which conceives itself to be not self-contained. The superordinate, society-transcending, immanent order of justice is in permanent and irreducible tension with the coordinate, society-forming, contingent order of social justice. Even if both are humanly conceived, each is humanly conceived to be other than the other.

13.9 The differential economic valuation of goods is, for example, a reciprocating justice/social justice process. Value is not immanent in the goods, since the natural order of the universe is not conceived as an order of value, but value is a quality that the goods would have if they were immanently valuable. Value is immanent in the goods, since value is not determined by the inner world of the human individual, either the individual who possesses or the individual who desires, but value is an accident of accidents, modifiable without affecting the substance of the goods.

13.10 (5) The dilemma of *New Citizens, Old Laws* is the dilemma of Becoming. Society, in making itself from day to day, is for ever surpassing itself, outliving itself, destroying itself. Such is the nature of the growth of living things. Such is the nature of the form of life which is a society. To become what it is, society must cease to be what it is.

13.11 It is in the law itself that this tension expresses itself most openly. Law is necessarily out-of-date, made in the past for application in the future. Law is also necessarily retroactive, since the law-maker cannot know the actual situation in which the law will be applied. Law is applied because it has already been made. Law is made when it is applied.

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13.12 Moral judgment is another example of a reciprocating new citizens/old laws process. Moral judgments are always arbitrary and inappropriate, having regard to the infinite specificity of actual given moral situations. But it is the generic identity of actual moral situations that makes categorical moral judgment possible and necessary.

14. The Generic Principles of the Constitution

14.1 Given the self-constituting of humanity in the self-socializing of society and given the structure-system of society as a specific process of dialectical development, it is possible to identify working principles of a society's constitution. Once again, it must be made clear that such principles are categorical, not substantive in character. They are generic, not inherent. They are an operating programme not a compendium of values. They are the operating programme of social power.

14.2 The following are such generic principles.

(1) Law is an integral part of the total social process of society. It cannot be understood except as such.

(2) Law is not a set of rules but a process of transformation, containing that which is transformed, that which transforms, that which becomes.

(3) Legal power is a form of social power, so that all legal power is delegated power, delegated by society to serve its purposes.

(4) It follows also that all legal power is intrinsically limited power, limited by the fact of delegation and by the principle of social purpose.

(5) Since legal power is social power organized with a view to generating conforming willed action by human individuals, all social power is subject to legal power.

(6) Since legal power is social power, that is, power transformed to serve the social interest, all legal power is subject to the social interest.

(7) It follows from all that above that the exercise of all social power, including legal power, is accountable to society. Through accountability power which has been socialized and then actualized re-enters the system as potentiality.

14.3 If there is a principle of all principles it is, perhaps, that public interest is to social systems what gravity is to physical systems. The entropy of social systems is anarchy. A social system counteracts two tendencies – a tendency to disintegrate into the subjectivity (including the irrationality) of the inner world of the human individual and a tendency to disintegrate into the materiality (including the bestiality) of the natural world of the universe of all-that-is. Each society, including self-socializing humanity, orders itself by ordering those other worlds with the energizing force of public interest, a force which seems to be drawn from the self-ordering of both those other worlds.

II. The Millenial Challenge

'What is Zeus doing now? Is he
dispersing the clouds or gathering them?'
Aristophanes, *The Birds*, 1502-3.

15. Geistwende

15.1   What is being seen as a change of epoch may also be seen as a time of general spiritual change. The *Zeitwende* is also a *Geistwende*. In the course of the last two millenia, apparently settled societies all over the world have experienced periods of great spiritual change: the disintegration of the Roman imperial system; the global dispersion of Christianity and Islam; the eruption of colonialism into societies in Africa, the Americas, and Asia; the so-called westernizing (and re-westernizing) of Russia, China and Japan; the times of so-called Renaissance, Reformation, and Revolution in Europe. We may now be witnessing a great spiritual change affecting the human world as a whole, a reconstituting of humanity itself.

15.2   Such spiritual changes are seismic events, a shifting of the deep structures of human self-conceiving and human self-socializing. There are catastrophic breaks in the process of reality-making (section 5 above). There are catastrophic breaks in the process of theory-making (section 10). There are catastrophic breaks in the process of self-constituting (section 11). The self-conceived human conjuncture (section 6) is abruptly otherwise.

15.3   Law, with its central structural-systematic role in society (section 9 above), is a main stage on which such great social dramas are played or, at least, like buildings in an earthquake, law is the place where obscure events and processes make themselves most apparent. The overt struggle may seem to centre on the customary and legislated structures and systems of society, even if that struggle is only a symbolic presentation of struggles at the deepest levels of human self-conceiving.

15.4   International law, symptom and symbol of a dying *Zeit* and a dying *Geist,* will be transformed in the transforming of a human world struggling to reconstitute itself in consciousness.

16. Human Self-transcending

16.1   The *Geistwende,* at this particular *Zeitwende,* is exceptional not only in its global scale but also in its theoretical scale. Our particular human conjuncture is characterized by an intensity of self-consciousness which marks it out from all its predecessors. We have ways of conceiving of our predicament which surpass those available to any of our predecessors. The greater is human self-consciousness, the greater is the burden of human self-creating.

16.2   The development of the human conjuncture in recent centuries, and especially in the 20th century, has given rise to a widely held belief that the modern world is essentially a world invented by Europe, a world 'Made in Europe'. European theories, European social systems (political and legal and economic), European forms of consciousness have swept across the face of the world, so that a European

form of human reality seems to have displaced, or at least modified substantially, local and traditional forms of human reality everywhere.

16.3 Such a belief attributes too much and too little to Europe. The way the world is has its roots in ground much deeper and much wider than that of modern Europe. And the challenge of modern Europe to the future of humanity is much more complex and far-reaching and troubling than Europe's impact on other cultures.

16.4 Countless familiar aspects of global human reality, as it has developed over the millenia and as it still exists today, were not the invention of modern Europe. Religion, mythology, supernaturalism, theism, spiritism, ancestor-worship, pietism, magic, mysticism, worship, sacrifice, prayer, idealism, materialism, scepticism, heresy, superstition, fatalism, historicism, ideology, ritualism, the soul, the mind, the body, empire, monarchy, republic, city, city-state, tyranny, democracy, oligarchy, absolutism, totalitarianism, political ambition, elections, public offices, public life, public opinion, political power, universal order, social order, morality, custom, etiquette, traditionalism, formalism, anarchism, nihilism, priesthood, bureaucracy, imperialism, colonialism, tribalism, caste, class, family, nationality, citizenship, nationalism, sectarianism, racism, xenophobia, slavery, property, privilege, revolution, communism, socialism, utilitarianism, education, learning, indoctrination, mathematics, natural science, metaphysics, time, space, mortality, immortality, eschatology, ethics, epistemology, psychology, language, dialect, plastic arts, architecture, epic poetry, lyric poetry, drama, fiction, music, dance, folk-songs, folk-tales, fables, sport, games, pastimes, humour, satire, sexuality, marriage, adultery, sensuality, prostitution, friendship, patriarchalism, kinship, hospitality, ethnic and gender discrimination, intolerance, persecution, oppression, exploitation, corruption, abuse of power, virtue, vice, truth, beauty, goodness, honour, altruism, vendetta, warfare, exile, conquest, immigration, militarism, pacifism, crusade, genocide, torture, espionage, hunting, agriculture, gardening, crafts, technology, industry, money, commerce, price, work, wage-labour, taxation, trade-protection, courts, legalism, legislation, customary law, arbitration, promise, oath, bond, inheritance, gift, exchange, justice, contract, treaty, responsibility, compensation, punishment, illness, medicine, surgery, remedies, mental alienation, luxury, decadence, death…

16.5 Proud civilizations and ancient nations – Egypt, Persia, India, China, Japan, Islam – and countless complex societies all over the world have contributed to forming the human reality which determines our contemporary human conjuncture. What modern Europe has done, what has given so great a world-transforming power to the European form of human reality, is something which is a linear development from countless historical sources, but which has led to a profound change in the nature of human reality.

16.6 Europe has found ways of socially organizing the transcending of the three worlds of the human habitat. In rationality, there has been found a way for consciousness to take power over the inner world of human consciousness. In natural

science, there has been found an apparently unlimited capacity to transcend, and so take power over, the natural world. In the human sciences, there has been found a way of taking social power over social power.

16.7 By the aggregation of these means, humanity as a whole has acquired an unprecedented power over human self-constituting. One way of stating the millenial challenge is this: will humanity be able to take power over its self-transcending?

17. Alternative Reality

17.1   In the effort of mind to take power over mind, humanity has made use of a number of Archimedean levers. All of them are very ancient, going back to the earliest times of recorded human socializing. All of them are still active in the forming of human reality. They may be grouped together under the labels of Alternative Reality, Parallel Reality, and Philosophy.

17.2   Alternative Reality is a reality which is intended to be other than the reality which humanity believes to be its actual everyday reality. It has often taken a literary form. The author uses the power of imagination to invent, the power of reason to order, and the power of language to communicate an altered version of everyday reality. The effect is transcendental in that everyday reality becomes transfigured by juxtaposition with the imagined reality. Alternative reality surpasses everyday reality by unfocusing it and then refocusing it. In its literary form, the enterprise may be intended as a source of shared aesthetic pleasure, or it may be used for a polemical purpose, to cause a particular understanding of everyday reality with a view to causing a change in that reality. New forms have been developed. Science fiction and so-called magic realism, and video games, have become a significant part of mass culture, a consumable commodity, a form of entertainment.

17.3   But such instances of alternative reality are insignificant by comparison with the most ancient and most substantial forms, which have come to be known as mythology and religion. Mythology and religion can present a total reality which is other than everyday reality but which has the profoundest effects on everyday human reality. Through the mental process known as *belief*, such alternative realities may come to be not merely a pure theory as to the true nature of reality, and of humanity's true place in that reality. They may become the practical theory by reference to which individuals and societies live their lives. By the notoriously obscure word *belief* is here meant the human capacity not only to acknowledge some particular product of imagination and reason but also to make it a source of purpose and value in the performance of willed action.

17.4   The first problem posed by alternative reality is that there is no known physical limit on the power of imagination to invent, the power of reason to order, and the power of language to communicate ideas. The second problem is that alternative reality can be the basis of the most abject form of social oppression. Surpassing in its potentiality the most absolute of physical tyrannies, alternative

reality is a weapon of ultimate power in the hands of the idea-wielding few as they enslave the mind-hungry many. No idea so absurd or so dangerous that the few cannot induce the many to believe it. No idea so sublime or so fruitful that the few cannot induce the many to deny it. Whatever the human mind can believe human societies can adopt as the theory of their self-socializing, and as the ground of their abuse of the other, the outcast, the dissenter, the unbeliever. There is no limit to the social power of imagined reality, not even the limit of self-sacrifice and mass murder, of and by the many entranced by the few.

17.5   Since there is no existing reason to think that the human mind will ever overcome the need to transcend everyday reality, with a view to finding the nature and purpose of the universe of all-that-is or the specificity of a nation, there is no existing reason to think that the production of alternative realities, including mythologies and religions, will ever cease. And there are signs that, at this particular *Zeitwende*, alternative realities are actually increasing their power over the minds of the many.

18. Parallel Reality

18.1   A second traditional means of human self-transcendence may be termed Parallel Reality. Throughout the whole of recorded human social history, humanity has been creating a secondary reality of the imagination which is, nevertheless, designed to be some sort of facsimile or simulacrum of everyday reality. From cave-paintings and Greek tragedy to soap-operas, humanity has seemed to have a need to see itself in a mirror of its own making, to inhabit also a looking-glass world.

18.2   In the 19th century novel, in the mass-production novels of the 20th century, and now especially in film and television, the need seems to have become obsessional – to experience an imagined version of everyday human reality, to experience it as powerfully, more powerfully, than everyday human reality. To speak of escapism cannot be enough. To escape into, not a better world, but the same world is paradoxical behaviour which itself would call for explanation. More likely is it that parallel reality offers a form of self-transcendence to those for whom transcendence through articulated ideas is not possible or, in the case of high art, to those for whom articulated ideas are not enough. Parallel reality detaches everyday reality from the moral responsibility of the spectator, from the endless oppression of the need to will and act, and the detached reality is made orderly by the mind of its creator, more orderly than the chaotic flux of everyday reality, and, finally, the spectator can observe and possibly judge that detached reality, godlike in this respect at least.

18.3   On this view, parallel reality may be a diffuse form of human self-enlightenment, a non-philosophical philosophy. But there are grave problems in the social phenomenon of parallel reality. Parallel reality is made by particular human beings. It is a form of social power in their hands, a power to manipulate human reality directly, not, as in the case of alternative reality, through the communication of

articulated ideas but through interfering in the formation of the infinitely diffuse, complex, and dynamic phenomenon which is humanity's self-made world. It can alter its spectators' apprehension of the natural world – including the creation of a reality containing ideas which are not in conformity with the hypotheses of natural science. It can alter their apprehension of the social world – including the creation of political and social and moral prejudices which have the added power of being unarticulated. It can alter their apprehension of their inner world – including the creation of unarticulated assumptions about what it is to be a person, a good person, a valuable person, a healthy person.

18.4   The result is that the consumers of parallel reality come to live in a human reality which contains two realities with no clear frontier between them. Phenomena from the parallel reality emerge as consumable products in the everyday marketplace – merchandized, as it is called. Participants in the parallel reality, the performers, emerge from that reality to present themselves as actual human beings, but charismatized with the aura of the supernatural, and their actual personal lives become part of a sort of tertiary reality, neither fully actual nor fully parallel. And then actual public life, politics and elections and wars and disasters and social phenomena of all kinds, are presented through precisely the same media of communication as the parallel reality. In this way, actual public life takes on the character of a parallel reality, less believable but less avoidable than wholly imagined parallel reality.

18.5   The net result is a characteristic and notorious feature of the millenial challenge, of the *Zeitwende* which is also a *Geistwende*. With the globalization of mass culture, the many of humanity are adrift in a sea of collective fantasy, sleepwalking in a waking dream, formed and manipulated by the few who manage the great systems of mental production, the mass reality industry.

19. Philosophy

19.1   Philosophy is one of the most elusive of human activities. It seeks to reconstruct human reality, not by generating an alternative reality nor by mirroring reality, but by re-presenting reality to consciousness in the form of articulated ideas, ideas which, once articulated, enter into dialectical interaction with other such ideas. Philosophy is consciousness considering consciousness, in order that consciousness may know consciousness better. Philosophy is human self-contemplation. In philosophy mind seeks to transcend mind.

19.2   Philosophy, like the making of alternative and parallel realities, is thus a form of social power. It knows that it is concerned with society's theories (section 10 above), with the ultimate mental structures and systems of society's self-socializing. But its aspiration is to be the theory of a society's theories and, even, the theory of such theories in general, the theory of all social theories. It knows that it cannot avoid interfering in the generation of human reality, that it cannot fail to exercise that kind

of social power. But it seeks to be an empowering of power, an ennobling of power, an enlightening of power, enabling power to think about its nature, its sources, its limits, its responsibilities, carrying human self-consciousness further and further, always seeking to go beyond what seem to be the current limits of self-consciousness.

19.3   Philosophy does not find the truth. It seeks the truth. Philosophy does not reveal truths. It seeks to speak truly. It does not prove or disprove anything. Philosophy seeks to speak more freely and more fully and more clearly than any other form of speech. Philosophy relies on one ultimate assumption, the assumption of rationality. Philosophy assumes that rationality is a capacity of the human being which combines the ordering capacity of the human mind with the supposed order of the natural world. Rationality is an integrating capacity of the human mind, given that the human mind is an aspect of the integrating capacity of human physiology. Rationality is a system for processing information in consciousness which reflects the systematic functioning of non-consciousness.

19.4   Philosophy is thus a vocation not a profession, an aspiration not a method. It is a moral attitude. The power which Europe attained over the three worlds of the human habitat was the power which rationality gives, but that power was the result of a particular form of moral commitment. One of the society-forming theories of modern European society, over the last millenium, has been a moral theory – that the human conjuncture can be made better by the application of rationality.

19.5   Natural science is, in this sense, a moral activity. Its objectivity has been an expression of a moral commitment to the application of rationality to the natural world. And the fruits of that commitment have transformed humanity's world-transforming capacities. Engineering in all its forms is, perhaps, the purest example of the application of the moral imperative of rationality to the natural world. And the fruits of engineering have modified every aspect of the human habitat, often generating structures and objects which have that special form of beauty which is the outward sign of inner rationality.

19.6   The human sciences, as they developed in the 19th century, and the universities which became the primary focus of their social action, were also, in this sense, a moral endeavour. They sought to apply rationality to human reality itself, especially to the social world and the inner world of human consciousness. Thousands of the most intelligent members of society devoted themselves, priestlike in more ways than one, to a communal life of rational contemplation. The graduation of students and the publication of books came to be their particular contribution to the era of mass-production.

20. The Paradox of Self-mastery

20.1   In the year 1900 there might have seemed good ground for a European to believe that humanity had now made available to itself a capacity for unlimited and orderly progress. Societies were being rationally reorganized, and not only for the

benefit of the most privileged classes. Systems for the production of apparently unlimited wealth were becoming commonplace. The physical conditions of life were being rationally transformed. Even the human mind, that last frontier, was being explored and settled by pioneers of the human sciences. And yet the most sensitive minds in 1900 were full of anything but unrestrained optimism. *Fin de siècle* expressed the anguish of a European nation which saw within itself not only a new possibility of human self-mastery but also an old possibility of human self-destruction. We who have known the 20th century know that the pessimistic optimism of 1900 was prophetic.

20.2   If the Seven Sleepers of Ephesus were to reawaken now from another sleep of 200 years, they might well think that humanity had, in the meantime, gone mad. Humanity has gone into a wild, manic frenzy of ideas and activity. Thousands, millions of books have been published on every conceivable subject. Human imagination and human reason have poured forth torrents of ideas, and many of them have been put into social practice, in one way or another. Cities, states, nations, empires, cultures have come and gone. Great industries have been created and destroyed. New industries have been created from nothing, countless new forms of human activity have been invented. Science and engineering have gone into their own self-absorbed ecstasy of inventiveness – dragging most of humanity into mass production, mass consumption, mass culture. Mountains have been laid low, valleys filled, rivers moved, climates reversed.

20.3   And the busier it gets, the more numerous the human species becomes, like some species of insect, tireless over-achievers in the evolutionary struggle. And hundreds of millions of human beings exist in poverty, disease, and squalor, rich only in their perseverance and their self-surpassing dignity. And the few – shameless self-enriching bourgeoisie surrounded by the desolation of the many, shameless self-empowering governors manipulating the bodies and the minds of the many – use all the power that science and engineering have put into their unworthy hands as if it were their personal possession. The quality and quantity of evil keeps pace with the quality and quantity of good.

21. The Thorns in the European Flesh

21.1   It is obvious from the history of the last two centuries, and especially from the history of the 20th century, that transcendental human power over the natural world, the social world, and the inner world generates an astonishing increase in net social energy. It is equally obvious that that increase of energy in turn generates new problems of social control, problems which are liable to overwhelm the social systems which generate it and must control it. Two potentially devastating problems of social control can now be identified.

21.2   The first is that each form of transcendental power – the rationality of the inner world, the work of the human sciences in relation to the social world, and the power of natural science over the natural world – contains a disabling flaw. The second problem is that there has been differential social development of different

societies and, in particular and above all, the social development of international society has not kept pace with the social development of the most dynamic among its subordinate societies. These two systematic problems are intimately connected with each other, so that the task of overcoming them will be extremely difficult. Our response to them will make more or less probable humanity's ultimate self-destruction.

22. Rationality Routed

22.1   In the 18th century, European philosophy set itself a challenge which would have profound consequences in the 19th and 20th centuries. How can rationality justify itself? How can rationality claim to speak the truth, if the only ground of truth can be found in the method of rationality itself? The natural world could not be the source of truth, because surely we only know the natural world through the lens of rationality. Belief, in the sense of subjective certainty, could not be the source of truth, since belief is surely a matter of emotion, and emotion is a matter of physiology. How can consciousness transcend itself when it only has consciousness with which to transcend itself?

22.2   Attempts were made to rescue rationality – for example, by arguing that human rationality does not work only on itself, but works in a sort of joint venture with the self-ordering of the natural world, or else by arguing that human reason and the order of the natural world are themselves aspects of a third thing which manifests itself *inter alia* in the actualization of human reason in human history. But no such efforts were able satisfactorily to dispose of the challenge. And they themselves soon became marginal under the impact of three other, and much more deadly, forms of attack.

22.3   In the first place, it was suggested that no human consciousness, not even philosophy at its most rarefied, can be transcendental. It is all caused and, therefore, determined by the social reality, perhaps even the economic reality, of a given society. Rationality might then be seen as nothing but a form of social power, a self-interested illusion fostered by those whose interest it serves. Secondly, it was suggested that all consciousness, including philosophy at its most rarefied, is the product of mental processes which are inherent and integral within individual human consciousness. So-called rationality might then be seen as a by-product of human biology – an aspect of human phylogeny (how human beings function in order to survive) and, more immediately, an aspect of human ontogeny (how this particular human being functions), a reflection of all the inherent and acquired needs and drives of actual human beings. The constituting of a society would then be, not merely analogous to the constituting of individual personality, but coordinate with it. Thirdly, it was suggested that communicated consciousness, including rationality, can only be communicated in language, but language is merely one form of human behaviour among many others, and language cannot transcend itself, any more than

driving a train or playing a game can by their own activity generate the theory of their own activity. So philosophy could not claim to be anything more than a special case of behaviourist semiotics, higher-order generalizing about human-to-human signalling.

22.4   It is consoling to think that this undermining of rationality was itself a sort of last triumph of rationality. Rationality turned its powerful lens upon itself and dissolved itself into terminal relativism. It also follows from what has been said above, about the nature of philosophy, that it is possible to take the view that the whole enterprise of dethroning and demystifiying rationality was founded on a wilful or a negligent misapprehension. It challenged one, but not the only possible, view of the nature of rationality. Rarely, and usually only in the case of those possessed by some powerful alternative reality, has rationality claimed to be the voice of truth. Rationality's more modest, but wonderfully fruitful, claim has been that, with the love of beauty and the aspiration to goodness, the *pursuit* of truth is one of humanity's highest moral purposes.

23. Humanity Naturalized

23.1   The fate of rationality was sealed, not in the desolate debates of professional philosophers, but on the hustings, the barricades, and the battlefield, in the prison-cell and the concentration-camp and the labour camp, in the factory and the market-place, in the dark night of the electronic image, and in the miasma of the gutter press. Irrationality has no need of the word-webs of philosophers. But, strange to say, irrationality found a gratuitous ally in the honest labour of the human sciences.

23.2   The flowering of the human sciences in 19th century Europe – political economy first, then historiography, then sociology, then political science (*Staatswissenschaft*), then anthropology, then pre-Freudian psychology – seemed like an enlightenment. At last the spirit of rationality would be extended from the natural world to the social world, and even to the inner world of individual consciousness. At last the development of the human conjuncture would come under the control of humanity's highest capacities for self-understanding and self-control, for self-creating.

23.3   But the human sciences, if they were to transcend the human phenomena, had to make themselves unsubjective. To distance themselves from the phenomena, as a natural scientist seeks to do by the most elaborate techniques, the human scientists had to evacuate their own subjectivity from their professional activity. They had to treat human phenomena as if they were natural phenomena. They had to treat human phenomena as being the effects of immanent causes, causes which were to be found within the phenomena themselves. For the human scientist, the human world is made not by human beings but by the human world, not by us but by it. In short, they had to treat the human world as if it were a desperately complex, but always

fascinating and surprising, corner of the natural world, where, as everyone knows, natural phenomena are simply the epiphenomena of natural phenomena.

23.4   And it is certainly the case that all this human entomology did have decisive effects on social development. In particular, it allowed social development to separate itself from powerful alternative realities which had seemed to monopolize social theory-making and, thereby, the formation of social reality, long after they had lost their hold on human interaction with the natural world. It allowed a new form of public dialectic, about utilitarian ends as well as instrumental means, about actualizing the possible in society, rather than merely redeeming the actual. And it gave a new self-conscious dignity to all human endeavours, social and individual, increasing the confidence of humanity in its collective capacities, in the face of the inexorable power of the natural world and the inexorable demands of individual consciousness.

23.5   But the human sciences have the defect of their virtue, a fateful defect which has cost humanity much in the 20th century. The human sciences, in naturalizing humanity, have neutralized it. They have given to human behaviour the rationality of the actual and the morality of the necessary. Whole generations of human beings have been conditioned to believe, by the best efforts of human self-consciousness and the worst examples of human wickedness and irrationality, that the human world, as it has been known, is the world that is given to us, full of a human condition and a human nature which are our fate. If we cannot transcend ourselves in rationality we can at least console ourselves in alienation.

23.6   That there should be whole nations which behave as psychopaths, that there should be rulers and ruling classes who behave as criminals, that there should be social injustices which are crimes, that there should be human beings who are condemned to live in inhumanity – these are facts to be regretted and, if possible, corrected. But they are as natural and as normal as anything else that is actual, earthquake or disease or sexuality.

23.7   The human being is the animal that made itself human in order to make itself thing.

24. Prometheus Unchained

24.1   Through all the turmoils of philosophy and the labours of the human sciences, through all the grandeurs and miseries of actual social development, natural science marched on, self-absorbed, self-motivating, self-satisfied. Liberated at last from religion and from all other forms of irrational reality, liberated from the tedium and anguish of subjectivity, liberated from the inconvenience of moral responsibility, natural science and engineering, its familiar, gradually gained a power over all human reality. They had a special claim to rationality in their amazing predictive capacity, in their ever-higher levels of theoretical coherence, and in their concordance with the strange rationality of mathematics. And they had a special kind of value-validation in

their world-transforming wonder-working. For these reasons, natural science and engineering responded to a desperate human need for redemption. Condemned to be human, without having had a chance to plead its own case, condemned to be alienated from its own humanity by its own anti-human efforts, humanity could find a form of salvation, not at the whim of gods or a god, but through its strange but unquestionable power over the natural world.

24.2   Hence the frenzy of the modern world, racing against time, as if its Faustian opportunity might soon expire. Hence an unfocused panic, as if humanity knows that it is at most only human, and that the gods exact a high price from those who play at being god. In the meantime, humanity pays the piper but follows the tune, as scientism sets the course of human development.

24.3   The good life has become the life made good by science and engineering. They have dictated the pace of our living, made time of the essence of all life, public and private. They have dictated economic life, and the nature of human work, drawing millions into towns, into factories, into offices. They have transformed age-old cultures. They have dictated the nature of human communication, the nature of human reality, human recreation, human fulfilment. They have dictated our expectations of physical health, of birth and death. They have changed the nature of crime, of social violence, of war. They have changed the face of the earth, the condition of every living thing, even the earth's atmosphere. Soon they will make us choose what kinds of human beings shall be born. Soon they will determine our states of mind through chemistry and electronics, making sensations and realities at will. Soon they will take human reality, like a contagion, beyond the planet earth.

24.4   Humanity did not choose a world full of the works of science and engineering. Humanity, having made them, wanted them, and can never know what else it might have wanted.

25. Divided Trinity

25.1   During the course of the 19th century three ideas established themselves in a turbulent relationship which would haunt the 20th century and which would be at the root of some of the best of human self-creating and at the root of some of the worst of humanity's inhumanity. In the social reality of actual societies, in Europe and then throughout the world, the unholy trinity of society, state, and nation has played a determining role.

25.2   In *society*, the focus would be on the world-transforming possibilities of collective human action. Society could give to human individuals, willing and acting together, a remarkable power to organize their self-creating as human beings, by creating systems for co-ordinating their purposes and values with a view to their survival and prospering, for integrating their willing and acting, for organizing the handing on of their socializing from the past to the future through the organized actuality of the present. In society, the biological capacity of human self-creating in

consciousness could be harnessed to the biological capacity of inter-human co-operation.

25.3   In *state*, the focus would be on the organization of society-forming power in a *public realm*. The state would be the embodiment of the integrity and self-sufficiency of society, the reflection of society's internal completeness and systematic coherence, the expression of the ultimate authority of society over itself, the actualizing of the self-willed will of society. The state would be the life-after-death of the pre-revolutionary monarch. The state would be the post-revolutionary expression of the pre-monarchical *status rei publicae*, the substantiation of social structure, the social steady-state.

25.4   In *nation*, the focus would be on the creation of a unique identity, a self distinct from all others. Human individuals were able to find that their unique identity was contained within a larger identity, a sort of magnified human personality, a unique collective individual which pre-existed and would survive actual human individuals, in such a way that individual human consciousness and national consciousness were virtually a shared activity, mutually generating value and purpose. In the nation, all of human psychology – conscious, unconscious, normal, pathological, rational, irrational – and all forms of alternative reality (including a myth of national origin or of national specificity, a national religion) would be manifested with the special totalized power of the mass phenomenon. In the nation, all the biological power of the imperative of human self-protection could be harnassed for the protection of a seemingly superhuman self.

25.5   In the dramatic re-conceiving of social self-constituting over the last two centuries, nation and society and state would be the *points d'appui*, the moments which could focus the structural social struggle of one society after another. *Nation* would tend to energize the *ideal* constitution, turning society towards its self-transcending ideals and values. *Society* would tend to energize the *real* constitution, the participation of society-members in the everyday self-forming of society, turning society towards its chosen purposes. *State* would tend to energize the *legal* constitution, constituted authority, making and applying a law which has supremacy over all systems and persons in society, tending to turn society towards its artificial necessity, towards social obligation of all kinds.

26. The Separation of Reality

26.1   It might seem that some paradigm of an ideal society could be proposed, postulating an ideal equilibrium between society, state, and nation, so that the three constitutions could interact in ideal harmony, an ideal which might inspire a given society as it seeks to optimize its survival and prospering. But the three ideas were not the sole creation of contemplative philosophers or disinterested human scientists. They were born within particular social realities in particular countries, and their social effects would forever bear the mark of their origin.

26.2   What happened was that, in one European society after another, and then in countries all over the world affected by European social development, the perennial dilemmas of society (section 13) would, at their most general level, take the form of a struggle for psychic and systematic dominance between society, state, and nation. One might chart the course, country by country, of this struggle over the last two centuries. It varied from country to country, giving a particular character to the society-making theories (section 10) of each country, and hence to the social reality of that country from time to time, and its unique identity accumulated over time. The development of social realities over the last two centuries might have taken some other form, a form not determined by the ideas of society, state, and nation. It so happens that it did not.

26.3   The following are examples of the reality-forming use to which the relating of the three ideas has been put in actual societies.

   (1)   A particular nation is considered to be more extensive than a given society, so that nationals are present in other societies.

   (2)   A given society is considered to contain more than one nation.

   (3)   Society, state, and nation are considered to be an indivisible totality (totalitarianism, theocracy).

   (4)   State uses the identity of the existing nation to maximize its authority over society.

   (5)   A society is formed as a state (by the adoption of a so-called constitution, distributing constituted state-power), then the state-society sets about making itself into a nation.

   (6)   A society is formed which integrates a pre-existing indigenous nation into the state or else leaves it as an autonomous subordinate society.

   (7)   A society is formed as a nation (or a state-society becomes a nation) and incorporates an indigenous nation in the new nation or else leaves it as a subordinate nation.

26.4   The above list is only illustrative of a more complex and varied reality. Such situations and their co-existence and their unceasing inner development have generated serious and persistent tensions and conflicts which, experience shows, rather readily degenerate into persecution, civil war, terrorism, genocide, war, and world war. And such situations have given rise to a series of consequential phenomena which are leading elements in the human conjuncture which contains the millenial challenge.

27. (1) Nationalism

27.1   The nation is rooted directly in human psychology, especially the psychology of identity, rather than, as in the case of society and state, being mediated through structures and systems. For this reason, especially in those cases when it is articulated in terms of religion or when the identity seems to be threatened, it can give

rise to very high levels of social energy. And its psychology can become abnormal. Nationalism can become a collective neurosis, a collective psychosis even.

28. (2) Empire

28.1   It proved possible to devise many permutations of society, state, and nation to organize the society of a so-called empire. Again, the social reality of each empire was particular to it and varied over time. But, for example, the empire might be conceived as a society containing some separate state-systems, but also together forming enough of a nation (shared ideals and values, enhanced by imperial ritualizations) to generate a sort of imperial national loyalty, such that members of the subordinate nations might sacrifice themselves to defend the self-identity of the superordinate imperial society.

29. (3) The Economy

29.1 A problem with the most far-reaching consequences in social reality-making has been the problem of locating economic activity in relation to state and society. Is economic activity to be regarded as within the public realm of the state or within the general non-public realm of society?

29.2   Laissez-faire capitalism, in the first decades of the 19th century, proposed the interesting idea that economic activity is, in principle, an aspect of the private realm, alongside family life and countless other forms of communal activity (with religion and education as problematic borderline cases in many countries). It followed that the authority of the state over the economy was a sort of intrusion, although it might be thought that:

(a)   there would be no state without the support of the taxation of economic activity;

(b)   there would be no economic activity (except in the most rudimentary of societies) without law to make possible its structures and systems (property, money, contract, criminal law);

(c)   the wealth of the nation had been a primary concern of legally constituted state power before capitalism and would remain such under capitalism;

(d)   the relationship of economic operators (masters, servants, employers, employees, seller, buyer, competitors, the poor) continued to be a primary concern of state power under capitalism, as it had been for centuries before;

(e)   profit would prove to be another form of taxation, a delegated power to redistribute resources;

(f)   the decision-making of economic operators (capital-owners, organized labour) could have at least as much effect on the lives of ordinary society-members as the decision-making of the state.

29.3   So it was that, very soon, communism proposed a negation of capitalist theory, saying that economic activity is, in principle, part of the public realm and so, at least for the time being, it is under the natural authority of the state. Indeed, communism suggested that the economy is, in some sense, co-terminous or co-ordinate with society itself.

29.4   Transcendental philosophy cannot be expected to deliver a verdict in theoretical disputes of this kind, disputes as to what shall be a given society's practical theories about itself. They have been the matter of endless social struggle, ritualized in politics and leading to countless compromises of socialism and liberalism. They have also generated a great deal of social strife, escalating into strikes, lockouts, demonstrations, insurrection, trade disputes, revolution, war.

30. (4) Democracy

30.1   Democratic theory arose as a way of articulating a relationship between society and state. If a monarch could no longer be regarded as the embodiment of society, was it unavoidable that the state, legally-constituted authority, should become the embodiment of society?

30.2   Democratic theory suggested the interesting idea that through the state society governs itself. Constitutionalism (made manifest in the adoption of written constitutions since 1787) suggested that state-power might be the ultimate legally constituted power in society, but its power was derived power: it did not have power over itself. The theory of fundamental rights (or civil liberties), made manifest in the adoption of declarations since 1789, suggested that elements of society's ultimate values and purposes were also beyond the authority of the state; in this way, some part of society's ideal constitution became constitutive of its legal constitution.

30.3   Democratic theory left many fundamental problems to be resolved by social struggle and it proved compatible with many different views as to the relationship of the economy to the state. It also proved a fertile source of fantasy, illusion, and hypocrisy. It was not difficult for those who could manipulate the social reality and the systems of democracy to use the new-old theory as a source of quantities and qualities of power which no crowned sovereign had even claimed. And it turned out that the idea of the self-rule of the people could co-exist with the fact of their oppression, their exploitation, and even their murder, one at a time or by the million.

31. (5) Sociality

31.1   Sociality is to society what democracy is to state. It is a reconciling of the descending and the ascending aspects of society, of the universalizing and the particularizing of society, of the individualizing and the collectivizing of society. Sociality (which might also be called solidarity or communalism) sees society not

only as the aggregating of the individual in society and not only as the disaggregating of society in the individual. In the theory of sociality, society is both, equally and at the same time.

31.2 Sociality is a coming-to-consciousness of the social exchange, of the idea of public interest, of the generic principles of the constituting of society. Society exists of and for the individual. The individual exists of and for society. The individual finds the potentiality of self-fulfilment in the potentiality of society. Society finds the potentiality of self-perfecting in the potentiality of individual self-fulfilment.

31.3 Sociality arose in a specific condition of the human conjuncture. After the catharsis of 1789, some societies began to surpass the anguished tension which had been caused, from the earliest days of philosophical contemplation of human socializing, by what seemed to be two insoluble puzzles thrown up by the action of the perennial dilemmas of society, especially the dilemma of the Self and the Other and the dilemma of the One and the Many. Which is philsophically prior to the other, individual or society? Which is more natural, the unsocialized human being or the socialized human being?

31.4 The phrase that came to be the actualization in a few words of an all-embracing new practical theory of society was wonderful in its creative ambiguity, an affirmation consisting of three negations. The sovereignty of the people negated the sovereignty of sovereigns. There would be no more sovereigns. It negated the sovereignty of the individual. The individual is not the people. It negated the sovereignty of society. The people are not society.

31.5 Society could be the disalienating of the individual human being within the disalienating of human society.

32. (6) International Unsociety

32.1 The socializing of all human beings everywhere during the course of the last two centuries generated one consequence which seems so familiar, so natural, and so inescapable that an heroic effort of intellect and will is required to walk away from its self-absorbed mysteries, to reject its sacred texts, to throw off the chains of its massive world-making, world-destroying actuality, to self-exorcise our spell-bound minds.

32.2 The human world chose to see itself as a world of and for the public realm. The social reality of all the world would be the social reality of state.

32.3 A sovereignty of state which no longer existed in the most dynamic subordinate societies would be externalized to form an unsociety of so-called sovereign states. The ghost of pre-democratic, pre-socialized society would come to haunt the whole world, distorting and deranging all human socializing. Then a human world of so-called states would turn back to form in its own image the inner social reality of societies all over the world. Such societies would construct a new identity,

not as societies or nations, but as so-called sovereign states. Each would identify its statehood as its self, an identity based on the alterity of all other states, an identity to which each and every state was equally entitled, an identity to which all the biological power of self-protection would come to be attached.

32.3 And so a double human reality was formed, and a deep fault-line was created in human self-socializing. The survival and prospering of all human beings would be pursued in self-contained societies, each making its own social reality, each constituting itself in accordance with that reality. And the survival and prospering of all human beings would be pursued also in the interaction of the public-realm systems of those self-contained societies.

32.4 Three aspects of society, among many others, would become radically and disastrously anomalous. The economy of the world would not be integrated into the state-society system, because that system was not a society. The nation would not be integrated into the state-society system, because the nation is not necessarily co-terminous with the state. The human individual would not be integrated into the state-society system because the individual would be subject to the exclusive power of the public realms of the participating state-societies.

32.5 The so-called states, mystically equal in their theoretical relationship to each other, would turn out to be comically unequal in their individual characteristics and potentialities. And that inequality would lead to a tragic inequality in the quality of life of their respective citizens. And those two inequalities would lead to a terrible instability in the actual interaction of the state-systems. A system which is a system for endangering the survival and prospering of human beings is not a social system. The inter-state system is not a society.

32.6 The system of state-systems is a tribute to the essentializing power of the actual. With the help of human scientists, including specialists in so-called international relations, the actual can be made to seem real, and the real can be made to seem natural, and not merely natural in and for consciousness. The system of state-systems is also a tribute to the normative power of the actual. With the help of lawyers, including international lawyers, the actual can be made to seem obligatory, and the obligatory can be made to seem necessary, not merely necessary in and for consciousness.

32.7 And so the merely actual can come to take possession of humanity, introducing a tyranny of average and normal and accepted levels of good and evil, stifling and distorting the most noble of human potentialities – humanity self-creating, self-transcending, self-perfecting.

33. The Challenge

33.1 Expressed in philosophical language, we may define the millenial challenge as the challenge to humanity to transcend its self-mastery. Expressed in

demotic terms, the millenial challenge is to make some sense of the mess that we, especially we Europeans, have made of the world and of ourselves.

III. New International Law

> 'This, Clinias and Megillus, is the charge I bring against the so-called statesmen and legislators of both past and present, and I bring it in the hope that examination into its causes will disclose the very different course which ought to have been taken.'
> Plato, *Laws* (tr. A. E. Taylor), III. 693a.

34. Metamorphic Pain

34.1 To change is to lose, to gain, to retain. Living is dying, birth, and resurrection. Dying is an end, a beginning, a continuation. Order is disorder, new order, re-order. In the lithosphere, earthquakes and volcanoes are episodes of painful change in the midst of imperceptible change. In the biosphere, metamorphosis of plants and animals is an episode of painful change in the midst of permanent change. In the psychosphere, revolution and mental breakdown are episodes of painful change in the midst of restless change.

34.2 International law is bearing the pain of revolutionary change in a human society which is close to mental breakdown. It is difficult to think of a structural aspect of international law which is not in a state of disorder, incoherence, and contention. In regretting the pain, we should welcome the possibility of change. In remaking international law, we take part in the remaking of human society. In the ragbag of disorder, we may find, one by one, the materials for a new order.

35. Incoherences of Identity

35.1 The so-called law of the international unsociety is characterized by a set of disabling anomalies deriving from the absence of a properly functioning dialectic of the Self and the Other.

35.2 International law uses the term *self-determination*, but cannot conceive of nations, peoples, ethnic groups, and minorities except as inherently anomalous in relation to the supposedly unproblematic self of the state. And it does not know whether participation in the international system is caused by a society's own self-determining or by the determining of other self-recognizing states. It speaks of *recognition* of a state by states, the recognition of an other as another state-self, thereby ensuring that the international system will only contain selves in which the state-systems see themselves as in a mirror. It acknowledges the presence in the international system of *international organizations*, perfected avatars of the state, bureaucracy's wish fulfilled, societies which are a state-system of state-systems,

unencumbered by any complicating connection with society-beyond-the-state, with nation, with the mass of human beings. It uses the term *human rights*, but cannot conceive of individual human beings except as anomalous in relation to the true and original right-holders, namely states. It acknowledges the presence in the international system of *trade relations*, but conceives of them as relations between state-systems, and cannot systematically integrate those whose willed action is the economy of the world, except through fictions of nationality and fictions of jurisdiction. It uses the term *self-defence*, but anomalously, purporting to attach the biological power of the self-preserving human self to the pseudo-self of the state-system, even to the point of legitimizing, in the name of self-defence, the ultimate denial of the self-defending of countless other forms of self.

35.3   International law is a deformation of all selfhoods.

36. Incoherences of Power

36.1   The so-called law of the international unsociety contains disabling anomalies arising from the absence of a properly functioning dialectic of the One and the Many.

36.2   International law uses the idea of *sovereignty*, meaning the sovereignty of the so-called state, not the sovereignty of the people. Resting on the basis of no coherent social theory, it no longer knows whether state-sovereignty is a philosophical postulate or merely a variable systematic mechanism of the international system. In the particular case of the European Community, it cannot say whether the new system is an extrapolation of sovereignty, an abridgement of sovereignty, or a surpassing of the very idea of sovereignty. It uses the term *jurisdiction* as a systematically significant term, but cannot sort out its structural significance, so that jurisdiction is left as an unresolved anomaly in relation to sovereignty, subversively disrupting the collusive distributing of social power among state-systems. It has an obsessive catalogue of concepts designed to normalize the isolating of human societies (*sovereignty, sovereign equality, domestic jurisdiction, territorial integrity, political independence*), as if it feared the impulsive power of human solidarity.

36.3   In *human rights* it uses individual self-interest to control the abuse of social power by state-systems internally, but ignores the individual interest in controlling abuse arising from the external interaction of the state-systems, and from the very existence of the state-systems. It speaks of *use of force*, but does not know whether it is an integral part of the functioning of the international system or a residue of anti-systemic atavism. It is tempted by the idea of *international crime*, but knows that it cannot lift the veil of collective irresponsibility in one place without creating the risk that the veil will be torn away in all other cases of abuse of power. In *trade relations* it seeks to manage the international economic management of the governments of state-systems, but leaves systematically anomalous and

unaccountable the overwhelming power of non-governmental economic decision-making. In such terms as *global commons* and *common heritage of mankind*, it seeks to negate the sovereignty of state-systems, but has no systematic means of generating a common interest which is not merely an aggregation of so-called national interests. It uses the term *environment*, but cannot find within the system, and cannot find within itself the capacity to create, the revolutionary new concepts and structures and systems of social power which are made necessary by the threat posed by humanity to the totality of the human habitat.

36.4   International law is a distortion of all social power.

37. Incoherences of Will

37.1   The so-called law of the international unsociety contains disabling anomalies arising from the absence of a properly functioning dialectic of Unity of Nature and Plurality of Value.

37.2   International law claims to be *international* law, implying a claim to universality, but it is law formed through the law-abiding and law-breaking behaviour of small groups within the ruling elites of a limited number of states. It speaks of *human rights*, seeming to imply a universalization of values, but has no means of universalizing the intense particularity of values implicit in the intense diversity of societies all over the world. It begins to speak of *democracy* as an international legal concept, but seeks to incorporate it in an international system whose structure assumes that there are no societies other than state-systems, state-systems in a systematic relationship of pre-democracy and pre-sociality. It is for structural reasons, not merely through bad decisions or ill will, that such a system systematizes and naturalizes inequality and injustice, and legitimizes the oppression and exploitation of their citizens by many of its component state-systems. International law speaks piously about the *use of force*, but cannot let go of the seductive idea of force as the hidden demiurge of social reality. It calls itself *law* but cannot surpass its own all-pervading ethos of pragmatism, as it naturalizes and rationalizes and dignifies, and so legitimizes, the self-serving behaviour of the ruling oligarchies of so-called states.

37.3   International law is a devaluation of all values.

38. Incoherences of Order

38.1   The so-called law of the international unsociety contains disabling anomalies arising from the absence of a properly functioning dialectic of Justice and Social Justice.

38.2   International law imagines itself to be a system of *international justice*, but it is a justice of the actual not the justice of the potential, let alone of the ideal. It

conceives itself to be the systematic reconciling of so-called *national interests*, but it systematically neglects the highest interests, the interest of humanity as a whole and the interest of each individual human being. International law sees itself as a law *between states*, thereby orientating itself in such a way that it can avoid the troubling sight of both the individuality of each human being and the universality of all humanity in the universe of all-that-is.

38.3   International law knows of corrective justice only in the concept of *dispute settlement*, the universalizing effect of law bilateralized, reconceived as the conflicting interests of the disputing parties. It knows of distributive justice only as a random by-product of the interacting self-interests of the state-systems, and through the mechanisms of so-called *international organization*, self-interest multilateralized. It speaks the heady language of communalism (*League of Nations, United Nations, the International Community, the World Court*), sanctifying by association-of-ideas the established order, using the magic of names to keep at bay the unbearable reality of endlessly frustrated human hope and unending human suffering. It speaks of *human rights* and means the complacent rationalizing of the systems that generate a stream of human wrongs.

38.4   International law is the absence of social justice in the absence of society and in the absence of justice.

39. Incoherences of Becoming

39.1   The so-called law of the international unsociety contains disabling anomalies arising from the absence of a properly functioning dialectic of New Citizens and Old Laws.

39.2   International law supposes itself to be a system of *customary law*, law made without specific acts of legislation, using the prestige of custom as a source of authority. But the political past of international unsociety has no prestige and no claim to authority. It is a story full of greed, cruelty, and negligence. International law purports to contain rules from which states cannot depart even by voluntary agreement (*ius cogens*), but it cannot explain how a customary law system can generate higher law, except through the intervention of a Hammurabi or a Solon, through the adoption of a constitution, or through the systematic acceptance of an appropriate social theory, such as a theory of so-called natural law.

39.3   International law would like to be able to regard treaties as *law-making*, but those who make and apply treaties know them to be, not embodiments of the universalizing human will, but a ritualizing of temporary and pragmatic understandings among the professional managers of the state-systems, self-denial in the service of other-deluding. It is tempted to make international law applicable, in some way, to *state contracts* (between a state and a non-state body), but knows that, so doing, it would call into question the state-system monopoly of international law-making. It does not know how to integrate into the international system those

decisions and arrangements made by governments and by the organs of intergovernmental organizations which do not purport to create contractual relations (*soft-law*), because it cannot imagine the inter-state system as a society in which social objectives could transcend and determine legal obligations. To the unsocialized, socializing behaviour is anomalous. International law purports to be formed from *the practice of states*, but practice cannot be law-making except in accordance with a constitution which actualizes a society's theories about human survival and prospering, and the international unsociety does not know itself as a constitutional order and has no theory of its becoming, other than a corrupt and slavish acceptance of the pseudo-normativity of the actual.

39.4   International law is the age-old rule of power masquerading as the age-old Rule of Law. It is disorder usurping the name of order. It is an education in illusion, imperfection, and irrationality.

40. New International Society

40.1   There can be no international law without an international society. There can be no international society without international social consciousness. There can be no international social consciousness except in the minds of actual human beings. Social systems cannot make a society. Two hundred motor-cars in a car-park, two hundred books on a shelf, two hundred states in the human world. State-societies, like motor-cars and books, are products of human consciousness whose systematic functioning modifies human consciousness. Without human consciousness, they are metal, paper, and animal energy.

40.2   Like any society, international society is not the functioning of its systems. It is the self-creating of human beings, of all human beings. It is the self-creating of human beings in all the forms, all the systems, all the subordinate societies that human beings, from time to time, choose for their self-creating.

40.3   International society is not a collective term for the so-called states. It is the other society from which the state-societies derive their social power. State-societies are those societies which contain a leading system which is identified as *state* (section 25.3). The state-systems of the state-societies derive their social power from the particular society of which the state-system is a subordinate system, but also from the international society which is the society of all societies. The state-societies are mediating systems between the human being as a member of a particular state-society and the human being as a member of the international society of the whole human race.

40.4 International society as a society has a constitution which, as the constitution of a society, is also three constitutions – legal, real, and ideal (section 11). The integration of its constitution with the totality of international society is determined by the generic principles of a constitution (section 14). The social power of all its subordinate societies, including the state-societies, is subject to the social

exchange (section 12), by which the purposes of international society, which are the social objectives of humanity, are incorporated in the delegation of international social power. In this way, international society is orientated in the direction of the international public interest (section 14.3), that is to say, it is endlessly creating itself as a structure-system for the survival and prospering of the whole of humanity.

40.5 International society creates itself within the human conjuncture, all that humanity has been for itself, is for itself at a given time, may be for itself. It is formed within the social reality of humanity, that is to say, within human reality. It is formed in the light of the theories which humanity forms for itself, with a view to the survival and prospering of all humanity everywhere.

40.6 Like any society, international society is not so much a society as a socializing, the permanent becoming of humanity. Every aspect of international society is on the move – social reality, theories, constitutions, sub-systems, subordinate societies, the identity and the personality of the human beings who participate in it. The becoming of international society, as of any society, is a becoming in and through consciousness. To make a new international society is to reconstitute humanity in human consciousness. To choose to reconstitute international society is to choose to make a revolutionary change in self-creating humanity.

41. Reconstitution and Revolution

41.1 As humanity reconstitutes itself in self-consciousness, recognizes itself as international society, so every aspect of human consciousness becomes available for the self-creating of humanity as international society. Every aspect of the millenial challenge considered in Part Two becomes part of the human conjuncture which, at the present time, will determine the becoming of the international society of the whole human race, the society of all societies. In this way, humanity will take a first decisive step, a coming-to-consciousness for all humanity of the urgent and overwhelming need for human self-transcending, the wonderful possibilities of human self-transcending, and the terrible impediments which humanity has put in the way of its self-transcending.

41.2 The revolutionary reconstituting of humanity places a special burden of social responsibility on philosophers and lawyers. Philosophers will have to be found who are willing and able to apply the self-surpassing power of rationality to each aspect of the human habitat – to the inner world of human consciousness, as the many are led by the few in a dozen different forms of dehumanizing flight into the irrational; to the social world of all human socializing, as liberal democracy and capitalism promote themselves as management systems, with natural inherent values which need no transcending; to the natural world, as scientism claims to find within itself meta-scientific values sufficient to control and correct the human uses of natural

power. In a new international society, such is the task of a new breed of international philosophers.

41.3 A new society of all societies needs theories and concepts and structures and systems which surpass those of all its subordinate societies. Lawyers will have to be found who are willing and able to make possible the social constituting of a truly universal human reality within which humanity can will and act in the present to transform its past into the future which is the potentiality of the self-creating human species. In a new international society, such is the task of a new breed of international lawyers.

41.4 The totality of all human self-creating is the human spirit, which is formed by all that humanity chooses to do but which humanity does not choose to form. In the human spirit, human power finally evades human power. In all that humanity does to alienate itself from its own humanity, to frustrate its own potentialities, to degrade its natural habitat, to naturalize irrationality and decadence and evil, a human spirit is formed that is inhuman, anti-human, unnatural, self-destroying. In all that humanity does in love and hope, a human spirit is formed that is self-perfecting, self-ordering within the order of the universe of all-that-is. The new international philosophers and the new international lawyers will be the agents of the self-perfecting human spirit.