

The Concept of “Federation” in the Constitution for the Federation of Earth

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The Framework for Law and Government

We thinkers who are concerned with uniting peoples and nations under better governance (and under proper or right governance) are not and should not be primarily concerned with utility, that is, with patching together some framework for governing our planet that “works better.” For given the potentially catastrophic character of our present human situation (facing possible thermonuclear holocaust as well as climate collapse portending human extinction[i]), we require a conception of planetary and regional governance based on the truth of human beings and human civilization. Only proper world government based on such truth can lead us to a flourishing and a fulfillment that transcends our present trajectory toward catastrophe and extinction.

The federal principle at the heart of the Constitution for the Federation of Earth involves a paradigm shift from the outdated “Newtonian” atomistic ontology that assumes the world is composed of independent parts that may or may not unite with one another while retaining some portion of their “independent part” status to the contemporary “Einsteinian” holistic ontology in which parts

and wholes are aspects of one interdependent and inseparable, multileveled reality.[ii] Given the current apparent death-wish of humanity refusing to make this paradigm-shift necessary to survival, the Earth Constitution, in my view, offers a true beacon of redeeming light within the darkness and ignorance of our present civilization.

The key insight behind the Earth Constitution is that nation-states are not ontological realities. They have no status independent of the rest of humanity. This does not mean absorption or obliteration, because under the contemporary holistic paradigm there are no wholes without parts, and no parts without their wholes. National egoisms have always denied this principle making the world system a perpetual war-system. Today, the world’s imperial lord, the United States, even names itself “the exceptional nation” in which it does not need to honor even international law or join any multipolar “community of nations.”[iii]

But in any event our planet Earth is not, and cannot be, a “community of nations,” because authentic communities can only be made up of persons, who share a common humanity, and nation-states as autonomous “parts” that can somehow combine into a planetary community is nothing more than an anachronistic Newtonian illusion. In the Earth Constitution the federal principle is holistic and not based on atomistic illusions. Nations become part of humanity and humanity is understood as one civilization of persons-in-community with one planetary (and perhaps divine) destiny. There is no other viable way to move into a redeemed human future in which there is both survival and flourishing. Governing ourselves must be based on realities and must not make concessions to nationalistic fantasies that the parts have some reality apart from the whole.

The concept of a “sovereign” person. I use this concept, drawn from such world federalist leaders as Garry Davis (who founded the World Service

Authority (WSA) as an embryo for a “World Government of World Citizens”) [iv] to describe the federalism of the Earth Constitution. That is, government, and the right of governing, comes from the citizens, from individual human beings together in society. There is no right of governing adhering to royalty, inheritance, race, gender, wealth, tradition, territory, historical necessity, or the in-fact possession of power (as positivism holds).[v] Government is for and about people, and its legitimate authority arises only from the people.

Immanuel Kant also highlighted sovereign persons as those who can think independently in his 1784 essay “What Is Enlightenment?” And thinkers today have elaborated this growth toward autonomy in terms of its reaching beyond ethnocentric limitations to non-egoistic universality such as that embodied in the Categorical Imperative: “Always treat every person as an end in themselves, never merely as a means.”[vi] Such universality implies for Kant the goal of history as a “perfect civil union” within a “universal cosmopolitan state.”[vii]

Human diversity is real and therefore has its own rights of existence, especially as respect for the autonomy of mature, freely thinking persons. But this very autonomy eventuates in a universality which sees that the many must be embraced by a true moral unity of governing (a true federation in which the freedom of each is only limited by the need for an equal freedom for all[viii]) and not by any loose arrangement of parts claiming autonomy apart from universality (a confederation).

People are always in community. There is no Lockean autonomous individual apart from the human community and the human project from which our individuality is holistically inseparable. Government arises from the people, who are free, self-conscious beings participating in the human community without which they could not

exist. These intertwined dimensions—persons in community—are the real source of legitimate governing.

The UN Universal Declaration of Human Rights assumes, and embodies, this principle, going at least back to Althusius and Spinoza in 17th century Netherlands.[ix] Its Preamble states correctly the basis for all government: “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” All legitimate government derives from this foundation of human dignity. Article 2 of the Declaration states that “everyone is entitled to the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.” “Nations” are excluded as a source of our rights and freedoms. Our common human dignity is the source. Individual dignity and our common humanity are inseparable.[x]

This is what constitutes a “sovereign person.” Persons, as a community, empower governments to (1) protect their universal sovereign human rights, and (2) foster this endeavor within the framework of the common good (since everyone has the right to this same equal protection). This is clearly the basis of the UN Declaration Article 21.3: “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

Over the past century, a number of Western philosophers of law have elaborated these principles. In his classic book, *Taking Rights Seriously*, Ronald Dworkin argues that the proper and most general function of government is “respect and concern” for each individual being

governed.[xi] In Law's Empire, he articulates this in terms of "justice, fairness, and procedural due process."[xii] Philosopher Alan Gewirth, in The Community of Rights, speaks of proper government as "an institutionalization of love," that is, the function of law is for citizens to be "enabled to live lives of dignity, self-fulfillment, and mutuality of respect."[xiii]

Lon Fuller, in The Morality of Law, argues that the law imposes a "morality of duty" based on the common good with the purpose of empowering the "morality of aspiration" in the citizens. Obeying enforceable law is our duty so that we may freely seek to actualize our personal aspirations. [xiv] David Luban, in Legal Ethics and Human Dignity, affirms that the human "dignity" of citizens is the object of law which "provides a framework for the citizen within which to live his own life." He declares: "To be a law-giver rather than a command-giver is to treat the citizen as a self-determining agent." [xv] Finally, John Finnis, in Natural Law and Natural Rights, argues that the rule of law promotes the common good in which respect for human rights is a fundamental component. He writes: "the modern conception of human rights is a way of sketching the outlines of the common good, various aspects of well-being within community." [xvi]

If there is such a profound consensus among today's philosophers of law, why has the world since the Second World War suffered more than 150 wars, with many millions dead or displaced, and with on-going human rights violations for hundreds of millions of the Earth's citizens? [xvii] The answer is explicit in the UN Universal declaration's recognition that respect for human dignity is the foundation for freedom, justice, and peace in the world and is implicit in Article 28: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

The world lacks this order. The world defeats the rights and freedoms listed in the UN Declaration. What could be more obvious? Democracy is a universal. Human rights are universal. The human community is universal. Yet the world is divided into apparently incommensurable fragments that constitute a war-system, an immorality and corruption system, and ultimately an omnicidal system. Nation-states as such have no rights.

While the word "democracy" means "rule of the people," the meanings of democracy go much deeper. Democracy means that the relationship between government and the people is a moral one, as we have seen in all the philosophers cited above, and that personal dignity in community is the foundation for all legitimate law and government. Our ontological situation does not arise from any partial communities, often called nation-states. Personal dignity in community means that every person has dignity because they are part of the human community. [xviii]

The Concept of Federation

Some common definitions of "federation" include: "a group of states with a central government but independence in internal affairs" or "an organization or group within which smaller divisions have some degree of internal autonomy." The second definition is much better because there is no such thing, whether for persons, or groups, or states as "independence in internal affairs." All persons and groups belong to human society and the freedom of all persons and groups is limited by that fact.

Our so-called "internal affairs" are inextricably linked to the wholes of which we are parts and cannot be intelligibly separated from those wholes. We are in internal relations with the wholes that embrace us and with which we are necessarily linked. Government must protect the common good to maximize the freedom of each without

compromising the equal freedom of all. In an emergency such as a natural disaster, for example, government may restrict personal freedom or group freedom severely, on the legitimate grounds of protecting the common good and the equal dignity of all concerned.

Hence, a federation is more properly defined as “an organization or group within which smaller divisions have some degree of internal autonomy.” As several of the philosophers cited above maintained, the function of government is to respect and empower the personal self-determination of citizens within the framework of the equality of all (justice and the common good). Such respect is the very basis of “freedom, justice and peace in the world.” Therefore, the ultimate federation is the organization of all the people in the world to protect and defend their individual self-determination or, as the UN Universal Declaration puts it, their “right to life, liberty, and security of person.”

The concept of federation can, but does not necessarily have to, mean the uniting of nation-states, for human persons are the ultimate sovereign realities that need to be united in a universal federation. If by “nation-states” we mean the concept implicit in the Westphalian Peace Treaty of 1648 that there be absolute territorial boundaries with governments having autonomy over their internal affairs within these boundaries and having independence with respect to their external affairs (i.e., all other such governments), then the concept is incoherent from the very beginning. Reality does not lend itself to this kind of imaginary partitioning. Kant has already pointed this out in his essays on “Perpetual Peace” (1795) and “Theory and Practice” (1793).[xix]

The entire universe as we know it is an evolving dynamic integration of individuals within wholes on multiple levels having both external and (necessarily) internal relations to all other such

wholes.[xx] A system of independent national units with the right to militarize (autonomy over internal affairs) in external relations to other such units (including the right to go to war) is a conceptual and moral absurdity.[xxi] No wonder the world has been chaos since that time. A true federation must be based on a principle of unity in diversity such that the unity bears on all the doings of the groups and individuals within that diversity.

If the unity is government, then it empowers and protects the freedom of the persons within the federation just as it limits their actions to ensure the common good. Hence, within any true federation the “smaller divisions,” whether groups or persons (for persons have freedom of association into groups), have a “limited autonomy” that is both protected and empowered by enforceable law, and no person or group has external relations such that they can act contrary to the common good or independently of the unity of the whole. Just as crime (on the part of individuals or groups) is enforceably prohibited within a true, federated democracy, so war is impossible, and the units of the federation cannot be militarized.

These facts bear on why John Finnis calls today’s “sovereign nation-state” a “legal fiction,” and why he argues that the human community cannot ever be considered a “complete community” until it is embedded as world law.[xxii] These facts also reveal why philosopher Errol E. Harris argues that the “sovereign nation-state” as it exists today, is conceptually and morally “illegitimate.” Our common good today is clearly global and no sovereign nation can protect that common good without federating as part of a world-unity. [xxiii] For neither thinker is the traditional legal entity called a sovereign nation-state any longer legitimate, even if, as Jürgen Habermas declares, there may have been a time when they could be seen as more legitimate than today.[xxiv]

The Synthesis of these Concepts in the Earth Constitution.

The Constitution for the Federation of Earth makes the concept of “unity in diversity” fundamental to its Preamble and the philosophical basis of the Constitution as a whole. The unity in diversity is based on two inseparable primary dimensions: individual human persons and our common humanity. The concept of sovereign nation-state, with autonomy over internal affairs and independence in foreign affairs, we have seen, is a logical monstrosity and legal fantasy that has created endless destruction for hundreds of years and today threatens nuclear holocaust and/or inevitable climate disaster leading to the extinction of the human species.[xxv]

Human beings can never solve our most fundamental problems unless we base our planetary organizations on realities, not fantasies. Human persons are a primary reality, and our common humanity (embracing universal dignity and human rights) is the other dimension of that primary reality. These two poles or dimensions are inseparable. As Gewirth expresses this, recognition of the “mutuality entailed in human rights” makes human society into a community premised on “equal dignity” and our reality as “purposive agents.”[xxvi] Human beings create groupings and all kinds of “boundaries” among themselves, including all so-called “sovereign nation-states.” These are all strictly secondary realities, none of which are or can be sovereign. In the Earth Constitution, sovereignty belongs to the whole (Article 2).

Some human groupings positively contribute to the common good by promoting human rights or environmental protection or an end to war. Other human groupings detract from the common good, violating rights, destroying the environment, or promoting violence and war. Good democratic government protects the first groupings and

enforceably prohibits the second. None of these secondary groupings has any sovereign independence. I have shown both here and in my published books that this idea is both a logical absurdity and a legal fantasy. [xxvii] All legitimate groupings will have “some degree of internal autonomy” which is regulated and defined by the unity in diversity of the two primary dimensions of the reality comprising our human situation.

This is why those “historical realists” who argue that we must begin with a “loose federation” that takes account of these historical realities and from there work to evolve the federal principle to strengthen the unity and progressively reduce the autonomy of the parts are betraying what needs to be done now for human survival and flourishing. Law, as in the Earth Constitution (Article 10.1), applies to all individual persons, and to try to hold so-called sovereign entities accountable (apart from the individuals who comprise them) is madness. All sanctions or punishments on nation-states as such is immoral, hurting the innocent majority, inhuman collective punishments reminiscent of Nazi ideology.

If democracy means that the sole legitimate feature of law serves the well-being of people (and not that of oligarchs, dictators, or dominators), the federal principle must not create any federation of governments that allows some of them not to be democracies, or that exempts their leaders from responsibility to the law. There are many ways to organize authentic democracies and the Constitution respects these ways under Article 14, but to give any governing role to oligarchies (of wealth, birth, gender, race, or power) is destructive of the very principle of law.

Under the Earth Constitution, the people of Earth alone are sovereign (Article 2), and the explicit and consistent purpose of all the agencies of the Earth Federation government is the common good that includes protection of individual empowerment

and universal rights (specified in Articles 12 and 13). Individuals are also sovereign because they have these rights, and our common humanity is sovereign because it represents the common good of the whole. These are the only legitimate (and inseparable) poles of sovereignty—of our unity in diversity. Thus, everywhere officials in the Earth Federation must take an oath of “service to humanity” (i.e., defending the common good), and thus Article 13.12, for example, specifies that the function of the Earth Federation is to “assure to each child the right to the full realization of his or her potential.” Here lies the proper synthesis of unity in diversity.

The Earth Constitution forms a parliamentary system placing ultimate authority in the federated World Parliament. Thus, even its World Executive has limited powers designed to protect against potential subversion of the federated whole. The World Executive has no military, and even the World Police form a separate agency independently responsible to the World Parliament. It has no authority to suspend the Constitution in an emergency and no authority to refuse to spend the world budget as directed by Parliament (Article 6.6). Its leaders can be removed for cause by an act of Parliament. The Constitution also creates a separate agency called the World Ombudsman that establishes a worldwide public defender system to protect people’s rights and to serve as a watchdog on government itself (Article 11).

Under the Constitution the world is divided into about 1000 World Electoral and Administrative Districts (WEADS) roughly equal in population whose boundaries conform as much as practicable to current national and regional boundaries (Articles 2, 17, and 19). These in turn are divided into 20 World Regions (groupings of 50 districts) and 10 Magna-regions (groupings of 100 districts). Two of the three houses of the World Parliament are drawn from these districts and regions.

The House of Peoples consists of 1000 representatives directly elected from the WEADS. The House of Counselors consists of 10 persons elected from each of the 20 World Regions from nominees made by the students and faculty in each region, with the purpose of getting highly educated and wise people into government who represent the common good of the whole (Article 5.5). Hence, there is a federation of the 20 world regions in the House of Counselors (with 200 representatives) and a federation of 1000 WEADS represented by 1000 delegates in the House of Peoples. The third house is the federation of the world’s nations in the House of Nations. The united federation of the whole combines these three avenues of federating the people of Earth in the World Parliament.

The Earth Constitution nowhere defines what is a “nation.” This is intentional since national entities and national boundaries are historically contingent. Nations, like other human groupings, come and go. Many of the world’s nations were created in the 1960s alone and are younger than the UN that is supposed to represent them. Others have disappeared within this same timeframe. Any concept of nation-states as having a somehow superior status as “realities” that define our world is an absurdity and an illusion as we have seen above. The Earth Constitution states that each nation will have 1, 2, or 3 representatives in the House of Nations, depending on population (Article 5.4). Hence, if we set the number of nations today at about 200, there may be about 300 representatives in the House of Nations, with more populous nations having 2 or 3 representatives.

We can see from this that the Federation of Earth does not make nations primary in government. It recognizes their historical existence (there is no whole without parts) without falling into the fallacy that we have to build the future on that radically flawed and incoherent past. There will be about 1500 votes in the World Parliament (and

only about 300 for the nation-states) for the Earth Federation is primarily a federation of people directly, that is, it is primarily a democracy, not a compromise with the undemocratic notion of false territorial sovereignty.

Any good federal constitution will be a living document that does not attempt to freeze history into some final form. Such is the Earth Constitution under Article 18. After the first operative stage of the Earth Federation is reached (Article 17.3), Article 18 requires a complete constitutional review within the first 10 years and every 20 years after that. Changes can be made as necessary for the good of the whole. The Provisional World Parliament (PWP), which has been operating since 1982 under the authority of Article 19 of the Constitution, takes this concept of a “living document” seriously. The PWP has held 15 sessions through December 2021, passing some 72 World Legislative Acts since its inception. Among these, it has recommended changes to the Constitution to improve its democratic coherence and force (which are already substantial), improvements that should only be made after reaching the First Operative Stage.

One possibility recognized by the PWP can be called “the world federal principle.” Since the Earth Constitution does not define “nation” but assumes merely that nations are governmental entities, there is no constitutional reason why the number of “nations” in the House of Nations might not be increased substantially. For example, why not make cantons within China, or each pradesh within India, or states within the United States members of the House of Nations? The Constitution does not place any limit on the number of nations that can be represented in the House of Nations. Why not Kurds? Why not Palestinians? Why not Rohingyas or Catalonians?

The principle behind the entire Earth Constitution is authentic democracy, so why not increase the

federal principle as widely as possible to ensure democratic representation in as fundamentally grassroots fashion as is practicable and possible? Thus, the House of Nations could become (with a suitable amendment under Article 18 enacted after the First Operative Stage of the Federation has commenced) possibly a much larger house (with many more “nations” and with at least 2 representatives from those states, cantons, or pradesh having more than 100,000,000 population as described in Article 5.4).

The key insight in these considerations, I believe, is that under a true democratic federation, it will no longer matter very significantly if some territory or group is called a “nation” or not. Democracy is about the dignity of persons (and their freedom to form groups) within the common good of the whole, and the only legitimate whole is the whole of humanity. Today, nations threaten to go to war over the slightest apparent encroachment on their territorial boundaries. But once the unity in diversity of the whole is recognized and institutionalized, such boundaries will be of little concern. They are there for administrative and governing purposes but not for power, arbitrary exclusions, or false autonomy.

The notion of “sovereignty” informing the Westphalian system from more than 350 years ago forms a brutal historical illusion distorting our common humanity and our intelligible human project toward one, evolving democratic world civilization. The Earth Constitution creates a correct federated synthesis of our sovereign personhood (that includes human agency and human rights), democracy, and our planetary common good under the overarching principle of unity in diversity. The principles upon which it is based are the only proper principles of political-legal federation.

Under the Earth Constitution, “federation” means that the parts recognize that they only have their

reality as parts of a whole and therefore unite as a whole that protects the limited autonomy of each of the parts with its indivisible synergy as constituted through enforceable democratic legal authority. This recognition constitutes the paradigm-shift away from the illusory neo-Newtonian atomism to the holism of a truly new age, precisely because it is based on the reality of our human, planetary, and cosmic situation as revealed by all post-Einsteinian sciences. As stated in its Preamble: “The principle of unity in diversity is the basis for a new age when war shall be outlawed and peace prevail; when the earth’s total resources shall be equitably used for human welfare; and when basic human rights and responsibilities shall be shared by all without discrimination.”

Endnotes

[i] See Glen T. Martin, *The Earth Constitution Solution: Design for a Living Planet*. Independence, VA: Peace Pentagon Press, 2021. For a collection of my articles on these topics see “Glen’s Blog” on www.oneworldrenaissance.com. The Constitution for the Federation of Earth can be found on-line at www.earthconstitution.world and www.wcpa.global and is available in print from The Institute for Economic Democracy Press, Appomattox, VA, 2010, with a “pocket edition” in 2014.

[ii] See Errol E. Harris, *Apocalypse and Paradigm: Science and Everyday Thinking*. Westport, CT: Praeger Publishers, 2000.

[iii] See Alfred W. McCoy, *In the Shadow of the American Century: The Rise and Decline of US Global Power*. Chicago: Haymarket Books, 2017.

[iv] See Garry Davis, *Passport to Freedom: A Guide for World Citizens*. Washington, DC: Seven Locks Press, 1992.

[v] See Glen T. Martin, *Ascent to Freedom: Practical and Philosophical Foundations of*

Democratic World Law. Appomattox, VA: Institute for Economic Democracy Press, 2008, Chapters 9-12.

[vi] See, e.g., Lawrence Kohlberg, *The Psychology of Moral Development: Volume Two, The Nature and Validity of Moral Stages*. San Francisco: Harper & Row, 1984; Carol Gilligan, *In a Different Voice: Psychological Theory and Women’s Development*. Cambridge: Harvard University Press, 1982; Jürgen Habermas, *Communication and the Evolution of Society*. Trans. Thomas McCarthy. Boston: Beacon Press, 1979.

[vii] Immanuel Kant, *Perpetual Peace and Other Essays*. Fred Humphrey, Trans. Indianapolis: Hackett Publishing, 1983, pp. 38 & 41.

[viii] *Ibid.*, p. 78.

[ix] Johannes Althusius, *Politica: An Abridged Translation of Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples*. Frederick S. Carney, Trans. Indianapolis: Liberty Fund, 1995. Also, Baruch Spinoza, *Theological-Political Treatise: Second Edition*. Samuel Shirley, Trans. New York: Hackett Publishers, 1998.

[x] See my chapter on this idea in *Global Democracy and Human Self-Transcendence: The Power of the Future for Planetary Transformation*. London: Cambridge Scholars, 2018, Chapter 2.

[xi] Ronald Dworkin, *Taking Rights Seriously*. Cambridge: Harvard University Press, 1978, pp. 271-72.

[xii] Ronald Dworkin, *Law’s Empire*. Cambridge: Harvard University Press, 1986, pp. 404-07.

[xiii] Alan Gewirth, *The Community of Rights*. Chicago: University of Chicago Press, 1996, p. xv.

[xiv] Lon Fuller, *The Morality of Law: Revised*

Edition. New Haven: Yale University Press, 1969.

[xv] David Luban, *Legal Ethics and Human Dignity*. Cambridge: Cambridge University Press, 2007, p. 111.

[xvi] John Finnis, *Natural Law and Natural Rights*. Oxford: Clarendon Press, 1980, p. 214.

[xvii] See Jonathan Glover, *Humanity: A Moral History of the 20th Century*. New Haven: Yale University Press, 1999.

[xviii] French philosopher Emmanuel Levinas writes: “To be for the other otherwise than being and before culture, to serve the other morally, and to serve all others in justice—here lies the ultimate exigency of meaning and the dignity of humankind.” *Humanism of the Other*. Nidra Poller, Trans. Chicago: University of Illinois Press, 2006, p. xxxvi.

[xix] Kant, *op.cit.*, *Perpetual Peace and Other Essays*, Essays 4 and 6.

[xx] See Brian Swimme and Thomas Berry, *The Universe Story: From the Primordial Flaring Forth to the Ecozoic Era*. San Francisco: Harper San Francisco, 1992. For a brilliant contemporary update of this holism see Jude Currivan, *The Cosmic Hologram: In-formation at the Center of Creation*. Rochester, VT: Inner Traditions, 2017.

[xxi] For an excellent articulation of this see Emery Reves, *The Anatomy of Peace*. New York: Harper & Brothers, 1946.

[xxii] Finnis, *op.cit.*, *Natural Law and Natural Rights*, pp. 147-150.

[xxiii] Errol E. Harris, *Earth Federation Now! Tomorrow is Too Late: Second Edition*. Appomattox, VA: Institute for Economic Democracy Press, 2014, pp. 107-08. See also Errol

E. Harris, *Twenty-First Century Renaissance: From Plato to Neoliberalism to Planetary Democracy*. Appomattox, VA: Institute for Economic Democracy Press, 2008, pp. 131-32.

[xxiv] Jürgen Habermas, *The Postnational Constellation*. Max Pensky, Trans. Cambridge: The MIT Press, 2001, p. 60.

[xxv] See my argument that even the UN Sustainable Development Goals cannot save us because they are posed within the illusory UN framework of sovereign nation-states: *The Earth Constitution Solution*, *op.cit.*, Chapter 6.

[xxvi] Gewirth, *op.cit.*, *The Community of Rights*, pp. 6, 19, & 41.

[xxvii] Martin, *op.cit.*, *Ascent to Freedom*. See also Glen T. Marin, *One World Renaissance: Holistic Planetary Transformation through a Global Social Contract*. Appomattox, VA: Institute for Economic Democracy Press, 2016.

