

# How to Make a Better World: Human Power and Human Weakness

By Philip Allott FICHL Policy Brief Series No. 75 (2016)

TOAEP

#### The Human Condition

1. We live in two worlds. The *natural world* makes us. We make the *human world*. Our brain is part of the natural world. Our mind is the name we give to a particular form of the activity of the brain. The human world is made by the human mind. The 'laws of nature' of the natural world set limits to the possibilities of the human world. Within those limits, the human world is whatever world the human mind wants it to be.

2. At the present time, there is a general sense of anxiety about the state of the human world. The irony is that human history suggests that there has never been a time when human beings were not anxious about the state of their world. We have always had the sense that human things in general are not as they should be. The human mind has achieved a great deal in all ages, for better and for worse, but the better seems always to have been accompanied by the worse.

3. Humanity has this double image of itself. We are a wonder of nature with the amazing capacities that nature has given to us. And yet we are a permanent disappointment to ourselves. We have an apparently unlimited capacity of self-knowing, self-ordering, and self-improving. We can create beautiful things and infinitely ingenious things, and we can do profoundly good things. And yet we can do every conceivable form of evil. We build and we destroy. Human beings are masters of self-perfecting and self-harming.

4. The *human condition* is the sum total of what we are as human beings, what we have achieved, and what we are capable of achieving. The *human world* is the state of the human condition at any given time. The human condition and the human world are a process. Each human being and every human society participates in a unique way in the re-making of the human condition (what it is to be a human being) and in the re-making of the human world (what it is to be human beings together now). We are what we think.

#### The Function of Philosophy

5. Philosophy is the mind thinking about the mind. This reflexive mental capacity is probably unique to the human brain, among living beings that have brains. It means that we can study the *human condition* as a reflection of the functioning of the human mind, and we can study the *human world* in terms of the states of mind that have caused it to be as it is.

6. This remarkable capacity of the mind means that we can learn from our experience. We can adapt our behaviour, as individuals and as societies, in the light of what we learn from our experience. The human species is a short-term self-evolving species, within the long-term evolutionary processes of the natural world. We adapt to a second environment, an environment that we ourselves create.

7. The activity of the human mind includes also an intense study of the *natural world* as the ultimate foundation of the human condition. The uncovering of an apparently inherent order of the natural world by natural science and mathematics is an expression of some of the highest capacities of the human mind. It enables us to identify *causes* of physical *effects*, and hence to predict the physical future. Armed with that knowledge, we have the power to use the natural world to suit our purposes, in making the human condition and the human world.

8. Science and engineering enable us to make use of the physical resources of the Earth, and of the forces and phenomena of the natural world, with boundless creativity and ingenuity and energy, profoundly transforming the human condition and the human world. The reflexive philosophical capacity of the human mind allows us to take stock of our relationship with the natural world. At the present time, there is a general sense of anxiety about our use of our overwhelming power over the natural world. We know that the exploitable resources of the Earth are finite. And we feel that the changes in the human condition and the human world produced by our power over the natural world are not all good, and some of them are very bad.

## **False Fatalism**

9. Human history suggests that human beings have always thought that their fate is not in their own hands. The nature and functioning of Fate has taken an infinite variety of forms at different times, and within countless different cultures, over the course of human history. In the human world of today, there is a new idea of Fate. It is a sense of human powerlessness in the face of what human power has achieved, and will achieve. The human condition now contains a dimension of despair about the human future. The human future will not be a future that we have chosen.

10. This new form of fatalism is an understandable response to an undoubted fact. The human mind is being surpassed by its own works. We are in the grip of autonomic social systems that are, at the aggregate level, beyond human control. The most obvious is the so-called 'market' which contains non-human so-called 'market-forces'. The most general is the international system, a system of so-called states whose aggregated activity is beyond human control, and which causes a flood of more or less random effects, good and bad and very bad. The same is true of global religions. It is also true of a global popular culture that is a massive disorderly effect of the mere availability of electronic systems. National political systems in immensely complex modern societies are also taking on the character of autonomic systems, in which public policy is becoming a more or less random collective outcome of unfathomable social processes.

11. The same is true of science and engineering, whose intensely creative activities, spread more or less randomly across the world, are causing profound changes in the human condition and the human world, some of which are wonderfully good, and some of which are not. And the same is true of education, a vast self-sustaining industry which has no controlling design, because nobody knows what should be its governing human and social purposes.

12. These phenomena might well suggest to an anxious observer that the power of the human mind over the making of the human condition and the human world is now rather weak.

# The Function of a Society

13. A society is an aggregating of human energy and ideas. The organising of that aggregation has been a great challenge throughout the whole of recorded human history. The making of a society is a work-in-progress. It always has been, and always will be. The heart of the problem lies in the fact that the inherent powers and interests of the Many must be subject to *public power* exer-

cised by the Few in the name of the common interest of the society. Who, whom, and why? That is the question. Who has power over whom, and how can it be justified?

14. The organising of power in a society, and its justification, has been a particular challenge for *philosophy* at all times and in all cultures. Twenty-five centuries ago, philosophers in the Western tradition distilled from human experience three obvious archetypal forms – tyranny, oligarchy, and democracy. They discussed the respective moral and practical merits of each, and their possible permutations. That discussion has continued to the present day. But the challenge goes far beyond the philosopher's study. At the heart of every society there has been a never-ending struggle about the same great question. Who, whom, and why? It is the stuff of everyday politics, of revolution, even of war.

15. *Law* is the anatomy and the physiology of a society. The *public mind* of a society is a reciprocal flow of consciousness between the minds of the human beings participating in the society and the stores and systems of consciousness in the society – traditions, institutions, history, education, politics, and so on – from which social action emerges. Law enacts a society's chosen fate. It carries the society from its past through its present into its future. A social decision taken by the public mind in the past (law-making) is applied in the present in order to cause the future of the society to become what the law-decision intended. It is for this reason that law-making, law-applying and law enforcement are among the most crucial public powers in a society, requiring exceptional efforts of organisation and justification.

16. In the last three centuries, the volume of energy and ideas which national societies must aggregate has increased beyond measure. It has overwhelmed the social systems we have inherited. Instability of social organisation is now a pandemic, not least at the international level, where the instability of the inter-state system, under an inadequate system of international law, is threatening not only human flourishing but even human survival. A deep-rooted and world-wide social crisis feeds the sense of fatalism discussed above.

# The Disappearing Self

17. The intense socialising of the human being over recent centuries has produced a form of human self-consciousness in which a sense of *human individuality* is residual. We are a social being as a biological inheritance. We are a societal being (*zoon politikon*) because we cannot survive and flourish alone. We have become a socialised being because the societies to which we belong determine every moment of our lives. The noise of the public minds of all those societies overwhelms the silence of our private minds. It is hard to think alone when we are forced to spend so much time thinking together. Social ideology fills our minds and we treat it as if it were our own thinking.

18. The sense of human individuality has its own history. Religion and mythology and philosophy and literature and the fine arts have said a great deal about the human individual, sometimes suggesting that the human individual is prior to human society, and sometimes suggesting that the human individual and human societies are secondary in relation to higher forms of order. From time to time, movements of thought have re-asserted the primacy of the human individual – especially, in recent centuries, in the Renaissance idea of the dignity of self-creating Man, the idea of pre-societal natural rights, the suffering individual of Romantic literature, culminating in Nietzsche's cry for a new kind of human being, self-responsible and self-sufficient. But such ideas have been a luxury of the most privileged social classes.

19. It is true that the law and some modern social philosophies are articulated in terms of individual human beings, culminating in legislation on *human rights*: 'Everyone has the right...'. But a generic person is an artificial person. Our moral judgments judge a whole person. Legal judgments judge an imaginary person abstracted from the real person who is standing in the dock or who is a victim of the abuse of public power. Human rights are generic responsibilities of a society in its social action. For the purposes of the law, we are what the law says that we are, and little more.

20. It may seem paradoxical that the absolute socialising of human beings co-exists with a modern obsession with the idea of *freedom*. Surely the mass of human beings in advanced modern societies have never been so free! They are overwhelmed by choice, as citizens and as consumers. But the freedom to choose is an obligation to choose among socially determined choices. We want what society wants us to want. And the overwhelming power of electronic machines means that we may now be obliged to *think* as technical systems allow us to think.

21. The tragic search by a *Self* for Hegelian recognition by an *Other*; through social media, becomes a mirror self-consciousness – our own self formed by other people to whom we relate only for that purpose. Our private mind becomes a sub-set of universal public minds. Knowledge that used to be the precious possession of our private minds becomes information stored in universal electronic minds. The disappearing self feeds fatalism, a nostalgia for a powerful self that might have been.

#### The Function of Education

22. There is no such thing as *human nature*. The human condition is a never-ending work-in-progress on the basis of our original biological inheritance. My *self* is a work-in-progress over the course of my life-time, on the basis of my unique biological inheritance. It follows that *education* has two purposes – social and human, contri-

buting to the making of the human condition, and contributing to the making of the human being. Education is a life-long process. We never stop learning how to be a human society and how to be a human being.

23. It follows that socially organised education is one of the most important of all social institutions. It is *making the future* in the most literal sense. A society's future cannot be better than the people who will make it. It follows also that the organisation of education is a gross manifestation of the public power of those who organise it. It is not an innocent activity. It is always open to judgment and criticism. It takes possession of decades of a person's life, which might be better used, and requires exceptionally powerful justification.

24. There is reason to believe that education is now contributing to the disempowering of the human individual in relation to the power of the society in which it is organised. That society, as an aspect of its politics, determines the balance of policy between the two purposes of education, social and human. Given that organised education is largely paid for by the taxpayer, there is a powerful temptation to favour the social purpose at the expense of the human purpose.

25. It is difficult for the public mind to understand the social value of the highest possible development of the private mind. A decline in the quality of the private mind leads inevitably to a decline in the quality of the public mind, and hence in the quality of the society in question. An inadequate system of education prevents a society from becoming what it could be, damaging its potential flourishing as a society. A public debate about what it is to be human, and what it could be to be human, is, perhaps, an improbable prospect. But it is urgent and necessary, if the social organisation of education is to be justified, in a century that requires an exceptionally high level of human self-development.

#### **Self-Conscious Humanity**

26. The controversial idea and phenomenon of *globalisation* contains within it a fascinating possibility. The idea of *humanity* has a distinguished pedigree. Beyond all that divides us, there has always seemed to be something that unites all human beings, and not merely a shared origin and a shared destiny. Mythologies and religions and philosophies have expressed their own ideas of the relationship between the individual human being and the whole human species, often placing that relationship under an order that transcends both of them.

27. A remarkable and deeply paradoxical feature of the twenty-first century is that we are becoming ever more conscious of what binds human beings together. It is paradoxical because, at the same time, we are also witnessing the enactment of our differences – ethnic and cultural and political – in dramatic, and sometimes ho-

rrific, ways. However, the opening-up of private minds to everything that is happening everywhere, through the mass media of communication, seems to be changing general human self-consciousness, regardless of the persistent disruptive behaviour of the world's public minds.

28. Human *empathy*. People are shocked by natural and human disasters, and respond generously to charitable appeals. Human concern. People more and more see the terrible inequalities of the human world, in living conditions and life-opportunities, as shocking and unacceptable. It is an echo of fierce denunciations in the first industrialising societies in the nineteenth century, where the deprived lives of the masses were seen by some as social murder. Human ideals. People realise that the high standards and purposes that we apply in national societies have no frontiers. They are supra-social. Human responsibility. People know that they have a shared responsibility for the state of the human condition in their own societies. They sense now that they share a responsibility for the state of the human world. Human impatience. People cannot understand why gross faults in the human world simply persist, despite the vast improvement in beneficial world-changing human capacities of all kinds.

## **New Enlightenment**

29. Fashionable fatalism is false fatalism because human beings have proved, again and again in the past, that we are capable of responding effectively to an endless series of extreme human challenges, challenges of which we ourselves have most often been the cause.

30. There are essential first steps on the road to a better human world. (1) Taking stock of the present state of the human world with passionate lucidity. (2) Reminding ourselves of the unlimited creative power of the human mind. (3) Accepting a personal responsibility to help to choose a better human future and to help to make it happen. (4) Re-inventing education, especially in the humanities – the study of the human world. (5) The recognition of their special responsibilities by lawyers and philosophers.

31. *Law* cannot be better than the society that it serves. But lawyers have a duty to try to make the law as good as it can be. Nowhere is this more necessary than in international society. We have inherited an international legal system that was rationalised in the eighteenth century as a system for the piece-meal reconciling of the self-interest of states, as represented by their governments. We must give to international law the true status and function of *law* in a society of all human beings and all human societies – an international society in which other human societies, including state-societies, play their part in serving the common human interest, that is to say, the survival and flourishing of all human beings.

32. *Philosophy* in the Western tradition went into self-harming decline in the twentieth century, at a time when gross public events made it more than ever necessary. The sinister globalising of the private human mind, discussed above, may prove to be the source of another paradoxical effect. In the interconnected world of the twenty-first century, all cultures can contribute now to an urgent re-thinking of the universal human condition, bringing to the task ancient traditions of thought, while they vigorously re-think the future of the human condition in their own countries.

33. The high social function of *philosophy* must be restored. The present study reflects a particular philosophy with a universal ambition – *social idealism* – which recognises that the human mind makes human reality in the form of *ideas* and *ideals*, and the human mind can re-make human reality by the same means.

34. In the Western tradition, some writers have spoken of alternating organic and critical periods in human history, in which a society advances significantly, and then stops to take stock of what it has achieved, and judges it. Or else one might say that there have been six enlightenments at three-century intervals from the third century to the eighteenth century – periods in which the human mind took stock of its own activity, and decided to do better. A New Enlightenment in the twenty-first century is inevitable.

**Philip Allott** is Professor Emeritus of International Public Law at Cambridge University. His Eutopia: New Philosophy and New Law for a Troubled World was published in July 2016.

**ISBN:** 978-82-8348-060-3.

FICHL-PURL: https://www.fichl.org/pbs/75-allott/.

LTD-PURL: http://www.legal-tools.org/doc/a35654/.



**Torkel Opsahl Academic EPublisher** E-mail: info@toaep.org www.toaep.org All rights reserved by the Torkel Opsahl Academic EPublisher (TOAEP)