

Creating the Human Community

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The state's exercise of power through juridical and regulatory institutions will still remain even though it now has non-state adversaries, such as financial or humanitarian actors, to contend with, and the future of international law will depend on whether the most powerful states will realize that it is in everybody's interest to have a body of law that regulates the demands of necessity and form an alliance governed by law based on universal human values in a common effort to create and maintain a new humane World Order in which not only nations and regions but also individuals and groups are respected and protected within a cosmopolitan community.

Keywords: human community, culture, civilization.

Collectively constructing a life-focused human community requires creating a life between people from different cultures. Such a life presupposes a dialogue between cultures. And this dialogue must aim at mutual understanding. The first part of this paper tries to analyze why such an understanding is difficult and how it might be established anyway.

However, it is not enough to clarify how different people can understand each other. *Spiritual humanism* demands practical humanism, because a community needs a social and legal order to regulate the behavior of its members, so that they can know what is good and bad for the common life and how they can live in peace together. The second part of this paper, therefore, tries to analyze which practical goals and which legal order can unify actions of people from different cultures in a real global community.

Mutual Understanding between Cultures

Indeed, dialogue is not just the exchange of information at a purely technical level (in particular, through information technology) but also entails a deeper communication of convictions about our understanding of life.

Now the question is: What is the state of understanding between cultures?

In order to answer this question, I will scrutinize the sense of culture in the main European languages and examine the difficulties that separate different cultures.

According to the classical definition of culture by the German philosopher Johann Gottfried Herder in his *Ideas for the Philosophy of History of Mankind from 1784 to 1791* (Herder 1966),¹ culture is the formation of human life (from Latin: *cultura*, the cultivated life) by language, religion, thinking, arts, science, politics, law, norms, habits, weapons, etc.

Culture is similar to civilization, *i.e.*, the process by which human beings become civilized, *i.e.*, become citizens (Latin: *civis*). In English, the two terms are often taken as virtually synonymous. By contrast, Germans tend to oppose *Kultur* to *Civilization* as intellectual, literary and poetic creations versus scientific and technical achievements.

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It is fruitful to use this distinction in English as well. If we do not distinguish between the two terms, we may overlook an issue of importance to the understanding of civilization today, namely, standardization, *i.e.*, the increasingly homogeneous development of science and technology in different parts of the world. This standardization does not correspond to the development of historical, social and individual self-understanding that is associated with particular languages and traditions. While one can find the same skyscrapers, the same McDonald's restaurants, the same luxury hotels and the same business organizations throughout the world, religious, ethical and philosophical concepts may differ markedly from country to country and region to region.

On the one hand, we see that modern technical and scientific systems and insights have already become highly globalized, *i.e.*, that they function as an international and economic network in which decisions are increasingly made independently of national political powers – a network that has its own norms and laws of recruitment, loyalty and solidarity, and even its own speculative world called ‘casino capitalism’. Discussion of globalization today often simply means the development of this network. If it is vulnerable, it is vulnerable as a global body whose coherence and stability depend on the whole and not only on local events.

On the other hand, however, we must recognize that the development of historical, social and individual self-understanding in narratives, poetry and other symbolic expressions cannot be isolated from its local roots and its particular languages and traditions. It derives its integrity from the coherence of lived experiences in historical time and social space, and its maintenance depends on the social and spiritual life in the local society. Here, there is no simple accumulation of achievements. Culture is a plastic reality and, hence, continually requires renovators: new poets, new artists, new thinkers, *etc.*, capable of expressing the power of old deep convictions in special, new situations. This renewal is often initially rejected as seeming to undermine tradition. However, culture dies if it is not regularly challenged by new ideas that transform its role as the existential basis of social and individual life. It is vulnerable in this very process of the renewal of values and beliefs and needs protection against violence, *i.e.*, against that power that reduces living beings to pure objects of manipulation.

Our problem is how people of different cultures arrive at a mutual understanding in order to construct a life-focused human community. This problem is difficult to address because each culture is structured by a horizon. I take this concept of horizon from the 20th-century German phenomenology – in particular, that of Edmund Husserl and Hans-Georg Gadamer, who used it to develop their idea of the lifeworld.

The concept of horizon appears in Husserl in a 1929 commentary to the first book of his *Ideas of a Pure Phenomenology and Phenomenological Philosophy*. In this commentary, he wrote that the world according to our experience is more than a field of things and refers to ‘my possibilities and capabilities’ (Husserl 1950: 399) and that ‘things in the world are valid for me in different ways as a universal horizon of consciousness’ (*Horizontbewusstsein*) (*Ibid.*: 400).

Moreover, in his *Crisis in the European Sciences* (texts from 1934 to 1937), he used the concept of horizon to explain the world as lifeworld. He declares that every worldly (*weltliche*) phenomenon is ‘given in the way of a horizon’ (*im Wie eines Horizontes*) and that wider horizons are implied in every horizon, so that, ultimately, every given thing in the world implies world-horizons. He also observed that the American philosopher Wil-

liam James was the only philosopher he knew who had been aware of the horizon phenomenon when he spoke of *fringes* (Husserl 1976: 267). In his principal work *Wahrheit und Methode (Truth and Method)* from 1960, Hans-Georg Gadamer takes over this concept of horizon. However, he not only focuses on our experience of a world with its possibilities for our action but also and mainly on our appropriation of the tradition with its texts and works. His interest is hermeneutical: the role of interpretation in the historical life by which we acquire an understanding of ourselves and an orientation on our actions.

Simply speaking, a horizon is that which embraces and surrounds all that is visible from one and the same point. Gadamer used this ordinary meaning of the word to clarify the interpretation of tradition (Gadamer 1960: 286; 1975: 302). For this purpose, he adds another concept from contemporary philosophy, *i.e.*, the concept of *situation*.

Karl Jaspers introduced the idea of situation in his book *The Spiritual Condition of the Age* to characterize the epochal consciousness of an individual who, at a certain moment of history, becomes aware of his or her own will to realize his/her future. According to Jaspers (1931: 19 ff.), the situation is, first, economic, sociological and political, and all people depend on such a situation. Second, it is the possible clarity about the human space of knowledge. Third, it is the condition of the self through others whom he or she encounters. It follows, therefore, that no one single situation exists that is identical for all human beings in the world. What I am is a function of my place, and the essence of my being is given by the historical epoch and the sociological state in its entirety. I am what the times are, and nobody can go beyond his time and place. Any attempt to grasp the whole must fail, and it is dissolved in a particular perspective.

After Jaspers, Jean-Paul Sartre took up the concept of situation in order to describe the human being as a synthesis of conscious meaning and brute fact. In *Being and Nothingness* from 1943, he states that the human situation 'is the free coordination and the free qualification of a brute given which does not allow itself to be qualified in any way at all' (Sartre 1943: 568; 1969: 627). In other words, the fact can be qualified in some ways but not others, and although the situation concerns the brute fact, the material substance of our world, it receives all its meaning from human consciousness, which is free to coordinate and qualify the facts.

This makes mutual understanding between cultures – which are fundamentally situations – problematic. We can share our horizons with somebody, but others – especially, from other cultures – have other horizons. Likewise, we can situate ourselves in the same way as some, but other human beings have created other situations.

This analysis is also complicated by the fact that the meaning of a horizon in a situation depends on our interpretation. Thus, a horizon is not only an informed guess of what may be a durable and valid meaning as an orientation of life but also expresses our choice of what is important and what is not.

As a consequence, Paul Ricœur has introduced the conflict of interpretations as essential in hermeneutics (Paul Ricœur 1969, 1974), and has described the tension between different schools of hermeneutics in literary theory, the phenomenology of religion, psychoanalysis, biblical exegesis, *etc.* And as the Swedish philosopher Bengt Kristensson Uggla has emphasized in his book *The Battle about Reality* (Kristensson Uggla 2002), we can also characterize the tensions between people, nations and cultures as hermeneutical conflicts.

But precisely because this tension is a conflict of interpretations, we can discern light in the dark. Interpretations are not definitive truths. Being aware of the fact that our own

interpretation must be open to correction and adaptation, we are obliged to maintain a certain humility.

This does not mean that we have to undermine our beliefs and experiences but that we have to be ready to learn new perspectives from others. Moreover, we are still allowed to hope that we can share our cultural horizons to some extent or that some coincidence of fundamental experience may be discovered.

In particular, we can reasonably expect to discover many common ideas in the field of ethics because ethics concerns the good life we have to live together across all frontiers and the norms we have to respect when we meet.

Let us not forget, however, that we are only at the beginning of mutual understanding. There is a long road ahead before we can say that we have really understood just a part of the culture to which we do not ourselves belong. We might quickly integrate the same technical civilization, but we will never – and, perhaps, should never – attain one single culture.

But let us not forget that our differences are not only a difficulty but also a richness. We can, therefore, meet in humility by recognizing this richness and listening to each other in order to learn from each other.

Towards a Global Legal Order

Let us now analyze which practical goals and which legal order can unify the actions of people from different cultures in a real global community.

More and more, we live in a global context in which we have major, common problems that can only be solved by transnational solutions pursuant to a new political thinking. But our national societies are not geared toward finding such solutions or developing transnational thinking. Therefore, we have to develop ideas about a new legal world order provided with transnational institutions and rules according to our new multicultural life as world-citizens facing world problems.

If one wants to discuss the emergence of the Global Society and, thereby, the New World Order that must be created in order to stabilize and protect this global order, one must analyze what it is that makes our world into a global society.

In my view, there are some transnational sets of problems that no single state, not even the strongest in the world, and no single group of states in the world can solve alone (Kemp 2011). There are at least four such transnational sets of problems.

In this paper, I have focused on the first set of problems, which is concerned with the way people can understand each other across boundaries arising from different cultural backgrounds and nationalities and respect each other's differences in spite of the uniformity inherent in technological and scientific civilization.

The second set of problems includes all the problems connected to financial globalization and the global industrial network that recruits, trains and exercises leadership and makes decisions across national borders, governments and parliamentary assemblies, so as to cause a conflict between the individual state and the transnational corporation or organization.

The third set of problems is concerned with the future and the coming generations of mankind. In order to be able to offer future generations a life that is, at least, not of a poorer quality than what we enjoy today, we who are alive today must take steps to ensure that we do not destroy the possibility for sustainable development with adequate re-

sources available to our descendants. We need act with more responsibility towards the Earth to leave behind a world in which we will not be blamed for our exploitation of physical capital and the destruction of the world's climate.

Added to these global problems, international criminality, genocide, terrorism and state terrorism, and the struggle for world domination make common international rules and tribunals necessary to maintain a global legal world order for the benefit of us all.

The old world order of international law was only between states. The new legal world order is different.

It is now a fact that states are not the only international actors and that the state is also no longer the only actor acknowledged as a subject in international law. Companies, corporations, organizations, institutions, NGOs, *etc.*, in addition to individuals are accorded a type of recognition in international law that they did not possess before the Second World War. This does not exclude, however, that the states have usurped greater power than before by their growing control of the behavior of every individual. But their power is, nevertheless, limited because they have to share it with the non-state actors.

Philosophically, we must make a choice between Thomas Hobbes and Immanuel Kant: do we assume, like Hobbes, that the relationship between human beings consists fundamentally of a struggle of all against all? Or do we assume, like Kant, who did not deny the struggle between individuals, that there may *also* be a wish to live together? It is only with the latter assumption that a person thinks as a cosmopolitan. However, the choice is a crucial one when, for instance, one wants to validate humanitarian military interventions, set up international (permanent or *ad hoc*) courts of justice or tribunals, demand respect for the UN ban on the use of force with certain exceptions.

The state's exercise of power through juridical and regulatory institutions will still remain even though it now has non-state adversaries, such as financial or humanitarian actors, to contend with, and the future of international law will depend on whether the most powerful states will realize that it is in everybody's interest to have a body of law that regulates the demands of necessity and form an alliance governed by law based on universal human values in a common effort to create and maintain a new human World Order in which not only nations and regions but also individuals and groups are respected and protected within a cosmopolitan community.

What, then, should the priorities be of a country that would like to promote a cosmopolitan democracy? It might be to promote and strengthen the recognition of more non-state actors to contribute to the good life on the global scene. This recognition may be strengthened not just by granting an increasing amount of space to non-state actors in institutions that cut across borders but also that instruction about their role and significance becomes a basic element at all levels of education.

Since the mutual understanding between people on Earth is only beginning, the global legal order is also only beginning. But we can say about the human community, as Kant said about the prospect of a theory of education that it 'is a glorious ideal, and it matters little if we are not able to realize it at once' (Kant 1964: 700; 1900: Introduction 8).

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