What Futures for Governance?

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In this essay, I intend to focus on the <u>futures of systems of governance</u>, not in terms of what the futures of governance <u>will be,</u> or even <u>might be</u>, but what they <u>could be</u>, or <u>should be</u>. I will focus on a consideration of <u>preferred futures</u> for governance systems, rather than on "most likely" systems which might exist during the 21st Century.

I will not be focusing on any specific government, although most of my examples will come from the American federal system. Nothing I say here is intended to relate directly to any other government anywhere. I do of course hope that my remarks will be useful to you in thinking about the future of your government, but any specific connections will have to be made by you, who know your government and culture so much better than I do.

I will begin by commenting on the very idea of consciously creating a modern system of governance, by focusing on certain aspects in the creation of the US federal government through the US Constitution of 1789.

"Democracy" is clearly the wave of the present. The invention of a defined, limited, democratic system of governance two hundred years ago was a very important development in human organization. In many ways, the US federal Constitution was a stunning achievement of human political philosophy, political design, and political will and action. The US Constitution of 1789 has been a primary inspiration for all subsequent constitutions everywhere in the world, even though the details of later governments have usually been quite different from those of the US government.

However, the basic assumption underlying the creation of the US Constitution in 1789 continues to inform all subsequent attempts at creating a modern state--the belief that it is possible to design and invent a viable system of governance by writing down on paper certain basic principles, rules, and structural guidelines. This is the basic idea of "constitutionalism" about which I will say more later.

<u>Political Design Problems and Solutions.</u>

I want you to first to consider some of the basic "design problems" facing the American Founding Fathers in 1789--problems which they had to face and to solve by the structural design of the Constitution:

     1. The Founding Fathers believed that all people are basically evil and self-centered. So government is necessary to curb evil humans. But, since ALL men are evil, how is it possible to create a government of "men over men" without that government resulting in the tyranny of the rulers over the ruled?
     The "design solution" was to assume that political power consisted of three parts--executive, legislative, and judicial. Separate branches of government should thus be created which embodied those three kinds of power. However, to prevent

tyranny and selfishness, each branch of government should also have a part of the power of each of the other three branches, so as to "check and balance" the power of the other branches.

Thus, social good was to come out of individual evil, greed, and self-centeredness.

2. A second design problem was the fact that the 13 colonies which joined together to form the United States had been independent polities, and wanted to remain that way, but they also realized that they needed to form a political union. How could that be done? The answer was: through federalism, clearly defining what political powers and duties belonged to the central (federal) government, and what powers and duties remained with each of the constituent states.

3. Some of the 13 original states were big geographically, and some small; some had large populations, some had small populations. Yet each state felt it was "equal" to all of the others. What to do? The "design solution" was to create two "houses" of the legislature, one (the Senate) to represent the interests of the states, per se, equally in legislation, and the other (the House of Representatives) to represent the interests of the people in the states in proportion to their relative size (that is, the states with the larger populations had more members in the House of Representatives, but each state had the same number of members as every other state in the Senate).

4. And what kind of an Executive Branch should there be? A king (which all other governments of the world essentially had at that time)? No, that was not possible. A single elected president and a single vice president was the solution. But how could a president and a vice president be identified and chosen? The people in one state did not know who the "best men" were in the other states, so how could the best two people from among the entire nation be chosen?

The design solution was to create an "electoral college" to which the citizens in each state would chose their best local men who would then travel to Washington and there discuss and chose the best two single leaders over all to be president and vice president.

And so on. There were other "design problems" which the Founding Fathers creatively "solved" by their constitutional designs.

But certain important design problems had to be faced later, and had to be solved.

One of the most important features of US Government now is in the Bill of Rights which gives citizens certain rights which the federal government should not infringe. This Bill of Rights was added after the Constitution was originally written.

So also were political parties created later, though not as a part of the written Constitution at all.

And the gigantic bureaucracy was created in the late 19th and 20th Centuries, (also never made a part of the written Constitution).

And Judicial Review--the ability of the judiciary to declare "unconstitutional" acts of the other two branches of government--this also is not a part of the written Constitution, but is as firm an aspect of American political "constitutional" reality as anything written in the Constitution itself. The right of Judicial Review was first

claimed by the US Supreme Court in 1803, re-affirmed only fifty years later in 1857, and then extensively used from the early 20th Century onward.

And there are other things that are also part of the "Living Constitution" which are not in, or at least not clearly in, the Written Constitution.

But my point here is not to give you a history lesson, but to show you that the US government was invented and created 200 plus years ago, and then to suggest that we can, and should consider reinventing it, and all subsequent governments, now.

At the present time, when new governments are created, constitutions (roughly similar to those of the 200 year-old US Constitution) are written, with some updates and modifications, but with the basic assumptions of that Constitution still intact.

But there are many problems with the American, and I believe with all other, forms of government which we need to consider as seriously and creatively as possible.

<u>"Quantum Politics"</u>

One of the "problems" of the US Constitution (and of all others based more or less on it) is that it adopts a perspective of what can be called "Newtonianism"--it looks at the world as though it were a rational machine, and then seeks to create another rational machine, operating on the basis of Newtonian physics, for its governance system.

But modern "quantum physics" recognizes that Newtonian principles are only a sub-section of much more general principles. So what might a government based on "quantum politics" be like?

Christa Slaton, "Quantum Theory and Political Theory," in a book edited by Ted Becker titled, <u>Quantum Politics</u> (Praeger, 1991) suggests some of those qualities:

"Cause/effect determinism and rational decision making are not...primary in human affairs. Instead, 'probability, randomness, uncertainty, and complementarity are normal.' The role of political science, then, is to theorize and experiment with new political structures and processes based on the principles of uncertainty and probability.

"Quantum politics challenges the Newtonian-influenced liberal democracy concept of individualism, with men and women pursuing their own self-interest, seeking maximization of personal power, and striving for private gain rather than community." "Quantum politics sees us all as connected in a system and all affected by the decisions of that system." It "attempts to maximize participation, interaction, and a recognition that we are inalterably connected in the system" (pp. 53-55).

<u>Non-Western, Non-Patriarchal Constitutionalism?</u>

There are other "problems" as well. The US Constitution is (and most subsequent constitutions everywhere are) strongly based on Western philosophy and worldviews in general. What might a contemporary constitution based on Confucian principles be like? Or some other living non-western political philosophy or cosmology?

The US Constitution was written entirely by men--wealthy, white, and often slave-holding men. All subsequent constitutions have been written entirely, or mainly, by men.

What might the US constitution have looked like if it had been written entirely by women--if we had "Founding Mothers" instead of "Founding Fathers?" Would a system of governance designed entirely by women be significantly different from one written by men?

<u>Five Complaints about Government</u>

I now will briefly consider five of the many complaints which are often levied against <u>all</u> existing governments:

1. All governments are excessively <u>bureaucratic</u>, placing the convenience of the governors over the needs and preferences of the governed. More and more people are demanding that they be treated like individuals--individual customers, in fact--instead of like numbers or faceless subjects.

2. All governments are too <u>nationalistic</u>, privileging the nation-state over both smaller and larger units. Nation-states seem progressively unable to cope with the many global problems they increasingly face. At the same time, they often run roughshod over the desires of smaller communities within them.

3. All governments are <u>undemocratic</u>, thwarting the participation of many people while favoring certain groups and individuals. While some governments tend to me more democratic than others, none is truly democratic; none permits each citizen to participate directly in all of the major policy decisions impacting them, which a truly "democratic" system must do.

4. All governments are <u>repressive</u>, unnecessarily using and causing both direct and structural violence on their citizens as well as elsewhere. The very definition of a "government" is "the institution which possesses the legitimate monopoly on the use of violence within a specified geographical territory." Why is violence--especially killing--ever legitimate?

5. Finally, all governments are <u>unfuturistic</u>, utterly ignoring their obligations to future generations while concerning themselves with at best immediate and in many instances past problems. How can the needs of present generations be balanced with the needs of future generations when setting public policy?

The point of my essay is most certainly not to try to convince you that my identification of the five problems, and my proposed solutions, are correct, but rather <u>to encourage each of you to be willing and able to reconsider the future of governance in a new, more creative, and more useful light</u>.

Now I will briefly consider each of the five "complaints" in turn:

1. <u>Too bureaucratic:</u>
        "Bureaucracy"--in the sense of a professional civil service which follows strict, clearly defined rules in carrying out the policy set by the legislature (and judiciary)--was itself a "solution" to an earlier design problem: early governments were based on the "spoils system" of favoritism, partisanship, and corruption. A

"professional career civil service" was created in the 19th Century which was supposed to carry out the laws of legislatures fairly, impartially, and exactly.

But this has resulted in a kind of "inhuman" treatment by bureaucrats; an inability for them to be flexible, or even polite. So now there are certain new "solutions" to these problems of bureaucracy.

One is for civil servants to treat citizens as "customers" who are to be served promptly, efficiently, and with a smile.

Another solution is "privatization" which intends to strip government of many kinds of administrative obligations it has now, and to turn much administration over to private (non-government and perhaps commercial) organizations.

But what is the end of "privatization"? What should/must "government" do, and what can/should private, or commercial, sectors do? Is there no limit? Do we need "government" at all?

And thirdly, much of bureaucracy deals with "routine decisionmaking" which does not require--or even permit--much human intelligence or judgement. Why not turn these kinds of decisions over to computers? I reckon that at least 80% of what human bureaucrats do now can, and should, be done by moderately intelligent computers. As computers get more and more intelligent, they may be able to assume virtually all of the functions of bureaucrats (and of most judges too).

2. Too nationalistic:

The present "nation-state system" is relatively new--only several hundred years old--and arose to solve problems which are not necessarily the major problems of today--or tomorrow.

There are many objections to nation-states. One is that nation-states are too big, too removed from the people. So there is a global movement towards "decentralization" everywhere--to remove many (or all) powers from large central governments and give them to many small local communities which are "closer to the people" and "on a more human scale" than large nation-states can be..

But other people say, and I am among them, that a more urgent need is global governance which can control the global forces of capitalism, pollution, population, labor, the media, etc. Most major issues now and for the future are utterly beyond the effective control of any nation, and certainly of any small local community. We need "global governance" which is also responsive to the other "complaints" of government as well.

Also, as the Internet and the World Wide Web grow, and as more and more people find themselves "online" and living in "cyberspace" within "virtual communities," there is also need to imagine and create "virtual governments" either to replace, or to balance alongside, traditional, geography-based governments.

3. Too undemocratic:

No nation is truly democratic at the present time. Certainly the US is NOT democratic at all by my understanding ("democracy" is a system of governance which allows direct and effective participation by each citizen in all major policy decisions which effect them or in which they are interested).

Some governments which say they are "democratic"--e.g., the US--are in fact extremely undemocratic. There is NO WAY for US citizens to participate directly in policy decisions which impact them, or in which they have an interest. Indeed, the US Constitution was specifically designed to be stable and to prevent "democracy." Some states and cities in the US permit a bit more democracy than does the US federal government. Scandinavian countries and Holland are among the most democratic nations today, but NO nation is truly, or sufficiently, democratic.

Direct, participative democracy by each citizen is possible by the appropriate use of modern communication technologies. I have experimented with these technologies for years, first via television and now the Internet. Direct electronic democracy IS possible, effective, and superior to present indirect, representative government.

But "direct electronic democracy" need not mean "mobocracy" or emotional, irrational decisionmaking. It is possible, and desirable, also to have various "tests" or "cooling off" periods for certain issues. It is also possible to combine direct democracy with representative government, as one Finnish proposal has shown. And there can and certainly should be some kind of a Bill of Rights which limits citizen action in some areas, though NOT the present set of US rights which are 200+ years old and do not meet all of the needs of citizens now, while granting some rights (such as the right to possess deadly weapons) which are outmoded.

Also, in addition to direct democracy (meaning "direct participation in policy making") we must also have "Direct Bureaucracy" (meaning "direct citizen participation in the administration of policy") and "Direct Adjudication" (meaning "citizen participation in the resolution of conflicts and the administration of justice"), as well as direct participation by citizens in the control of the military, the media, etc. In other words, the traditional "tripartite" idea of "government" is also inadequate. There are other "branches"--such as the military and the media--which need to be considered as separate parts of the government in which citizens can and should directly participate.

In many ways, modern constitutional government is nothing but a kind of "communication technology" itself. All of the "design problems" faced by the Founding Fathers in 1789 can be viewed as "communications" problems. "Representative government" was a kind of "communication technology" solution to those problems. We need to view it as such, and to adapt/invent new communication technologies for true democratic, global governance.

4. <u>Too violent and repressive</u>:

It is common to view government as necessary to PREVENT violence, and in some instances government does that. But governments are also a major CAUSE of violence, especially of war, of course, but also when they suppress minorities, or certain classes or groups of people, etc. Also governments, in collaboration with capitalistic "economic development," often use force against local or traditional interests, destroying lifestyles, livelihoods, landscapes, and environments against the will of some local people and communities.

As said above, a basic definition of "government" is the institution which has "the legitimate monopoly on the use of violence within a geographic territory". That definition is obsolete, and dangerous, I believe.

Is "government" based on the rejection of the legitimacy of ANY violence possible? Or at least of the use of "killing force"? Yes, I believe.

At least one nation, Costa Rica, has formally renounced the right to defend itself, much less to attack others. All governments and people should do the same. Article 9 of the Japanese Constitution is also an inspiring step is the right direction, but does not go nearly far enough, in my opinion. Governments should renounce the right of their internal police or of anyone else to use of violence in any situation, I believe.

Violence may occur, but it should always be viewed as wrong, bad, a shameful failure to use nonviolent means of settling disputes and achieving ends. Violence should never be exalted, as we do now, praising soldiers and others who "die for their country." It is the shame of the living that any person must be made to kill, or die, on

their behalf. It shows their--our--inability to solve problems peacefully, for which they--we--should all be profoundly ashamed.

Nonviolent--certainly nonkilling--governments are possible, and are able to withstand and overcome the most vicious violence used against them, as the history and experiences of nonviolent movements worldwide makes clear.

5. Too unfuturistic:

Once upon a time past, present, and future were largely the same, so that blindly and obediently following the ways of the ancestors was the certainly the best policy for the future.

Then, more recently the idea of and institutions supporting 'Progress," "Development" and "Economic Growth" arose and replaced this traditional view of our obligation towards future generations. "Progress" is now the official view of the future everywhere. This future is supposed to be bigger, better, different from the present--so that life for our descendants we always be better than it was for us--forever!

But no government actually takes the needs of future generations seriously, or at least takes them as seriously as they take the needs of present generations.

I have recently concluded that "the more democratic a polity becomes, the less futuristic it becomes." And I am deeply disturbed by this. True democracy is a splendid system for determining the needs of present generations, but it does not include assessing the needs of future generations at all. Yet present generations DO greatly impact future generations by their political and economic actions, but they do so heedless of that impact, and heedless of the needs and desires of future generations

By "future generations" I do NOT mean "our own children and grandchildren". Rather, I mean all of the humans who will live after us who we will and can NEVER KNOW but whose lives our actions impact. Future Generations will never meet us, and they are not able to tell us what they believe their needs and preferences are, or what they think of the world we have mindlessly given them.

Certain judiciaries, in the American system, have shown that they are a bit more futuristic than legislators or executives can be, even if individual legislators or executives may sometime want to be more future-oriented. The reason is that, in a democracy, elected officials must be responsive to the needs of voters and of their Political Action Committees--who give them money. "The future" does not vote, and "the future" does not have a political action committee, and thus the future can and MUST be ignored by elected officials.

Monarchs also may be more concerned about the future than are elected officials.

But no one has yet created a government which is explicitly concerned about governing in the interest of Future Generations--or which at least tries to balance the needs of present generations against the needs of future generations while making policy decisions.

There have been some suggestions for creating future-oriented political institutions:

A Court of Generations
A Fourth Branch of Government concerned only with the future.
Guardians of Future Generations who are present and who speak on behalf of future generations whenever policy decisions are made.

<u>Two final points</u>

1. "Governance" is more than just formal government. It is necessary for families, educational systems, the media, religious groups, the economy, etc.--all groups must address the "five complaints" within and for themselves. We cannot have "democratic" or "future-oriented" governance unless we have "democratic" and "future-oriented" families, educational systems, media, religious groups, economy, etc. And we do NOT have such institutions now.

2. There is also the question of institutional (structural) design and arrangements, on the one hand, and individual will and effort, on the other. Which is more important if we want people to behave differently? Do we require structures which facilitate certain actions and make other actions difficult, or is it enough to have values, exhortations, and other appeals to good intentions which will encourage people to behave properly?

Clearly we need both, but I stress structure over will because I have seen so many well-intentioned people who are unable to act as they wish (for the future, for example) because the structures in which they find themselves do not permit them to act as they wish.

<u>Conclusion</u>.

We live in a world where change is changing faster than it ever changed before. Everyday, we are faced with new ideas, new technologies, new organizations, new hopes and new fears.

But all systems of governance, everywhere, remain stuck in certain ideas and solutions which were creative and novel two hundred years ago, for a small group of homogeneous (and unusual) people living in a place far removed from the present and future. Whenever a chance to rethink governance fundamentally in every aspect occurs--as it did, for example, to all of the socialist countries when communism suddenly and peacefully collapsed a decade ago--not a single country took the opportunity to pause, reflect, and create a new system of governance. Everyone of them either returned to their old pre-communist systems, or bought a used government, usually from either the United States or from France.

It is terribly important that new systems of truly democratic and future-oriented governance, based on new or renewed aspirations, cosmologies, and technologies, be envisioned, created, and tested in the refining fire of reality.

Some one must make this bold new first step into the future, so that others will have the courage to follow. I urge you to show others the way.