



The Future of Democracy

A Roundtable & Planning Workshop

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Issues for Discussion on Future of Democracy

Lloyd Etheredge

Democracy was trusted widely at the end of the 20th century as the best political system for human progress. However, unexpected global trends across the past fifteen years arouse serious concern, and the possibility that they will continue is alarming. Democracy-generated progress has stalled. A new, unforeseen politics of fear and anger has brought democratic values and institutions under siege in many places, including several of the world's most powerful countries. What should we do? The challenge, to be discussed at an international roundtable and planning workshop organized by WAAS and WUC, can be summarized in three dimensions:

1.) **The global spread of democracy has stopped.** Democracy spread in Eastern Europe after the Cold War, but not much has happened since. Instead, China and Russia have consolidated authoritarian oligarchies that rule 1.5 billion people. Once-promising democracies (e.g., Turkey, Venezuela) have eroded. Violence to create religious dictatorships has spread in the Islamic world. In Africa (and elsewhere - e.g., Haiti and parts of the Middle East) history's evolutionary pathway has led to failed or fragile states, decades of assistance for economic and political development notwithstanding.

2.) **Progress within democracies has stalled.** The implied promise that liberal democracy will bring economic and social justice for everyone is no longer reliable.¹ The distribution of the world's wealth has become more unequal, with the top 1 % owning half of the world's wealth (about \$140 trillion.) Newer democracies grant a right to vote. However, their democratic political processes are manipulated and remain superficial. Behind the scenes, traditional oligarchies still select candidates and decide what to exclude from agendas. An apparent rise of corruption (e.g., Brazil) suggests an erosion of values in some democratic Establishments.

3.) **In developed democracies, voters are turning against democratic values and institutions, expressing and building a new politics of fear and anger.** At one level, democracy may be working: voters are removing unsatisfactory politicians and elites. However, new demagogic and divisive leaders also are arising whose solutions are unlikely to work and who increase fear and polarization. Elected, the new leaders (e.g., in America) attack the formal and informal rules, cultural norms, and other institutions that support democracy. (They use fake news; aggressive, loud, message-of-the-day media attack machines; and sophisticated negative campaigning to increase turn-out by arousing fear and anger). The new demagoguery is bringing nationalism and ethnic prejudice, greater military investments, and renewed talk about building more nuclear weapons.

A three-day international Future of Democracy roundtable and planning workshop should seek to understand these trends, designate priorities, and create needed

1 Rather than use Western liberal democracy, the Chinese success of lifting hundreds of millions of people above the poverty line used a more authoritarian, Confucian model and guided capitalism.

strategies. Below are ten issues grouped into three categories for discussion. The intent is to begin crafting a policy framework for the best application of knowledge to the future of democracy: 1.) Where are we? 2.) What do democracies need to know? and 3.) Planning.

1. Where are We?

1.1) Lessons from History

Liberal democracies often are analyzed as incandescent achievements, requiring many centuries and causal contributions, including the preaching of religious authority, *and violence* to change a political world of authority, obedience, exploitation, and injustice. What worked best? Is the right answer to repeat these strategies?

1.2) Lessons from the Front Lines

What is happening now? Are there new types of strategies that will work if applied more widely? Many roundtable participants will have first-hand observations of human rights advocacy, social marketing and cultural strategy, non-violent methods, the ending of the Cold War and the earlier nuclear arms race (after 70,000 nuclear weapons were built), democracy-building in Eastern Europe, the Arab Spring; and UDC nation-building cases. How did the world achieve the enlightened global behavior of the environmental movement, the cooperation for international public health, and coordinated global responses to humanitarian emergencies?

1.3) Are We Asking the Right Questions?

The Axial Age (800 BC to 200 BC) laid the foundations for philosophy and brought the world's major religious and ethical systems to life. Leading thinkers shared the goal of human flourishing as the defining purpose of governments and the standard to evaluate governments. Also, they shared a diagnosis: “[T]he unbridled pursuit of wealth, power, fame, sensual passion, arrogance, and pride” impeded the achievement of the good. (Schwartz, quoted in Bellah, Religion in Human Evolution, 2011, p. 422). Are the same motivations again undermining progress?

Or are there other explanations? One possibility is that dysfunctions of the American political system are responsible.² Another possibility is that the size of modern democracies requires enormous (and inhibiting) investments of time and money to

² The worst global economic crisis since the Depression, with costs to billions of people since 2008, was shaped by high-powered lobbying and negligence of American politicians, government regulators, journalists, academic economists, and many others. Concerning global instability: Behavioral science models have predicted (and the intelligence community has warned), beginning in 2008, that a prolonged recession in many countries (especially with high youth unemployment) would increase political instability, aggressive political conflict, recruitment to terrorism and other change-oriented movements on a global scale. To extend the new causal argument: American leadership for invasions and prolonged and unwon wars in Afghanistan and Iraq has contributed to violence in the Islamic world and built the refugee crises and their growing political stress in Europe.

create agendas and momentum. [If this diagnosis is correct, a solution may be needed or other remedies will fail.]

2. What Do Democracies Need to Know?

The next three topics [4.) Equal Justice Under Law: Metrics; 5.) Economics and Politics; 6.) Achieving Enlightened Behavior] identify a second dimension for discussion: To achieve the goal of democracy (the flourishing of all human beings, someday), what do democracies need to know? Especially in a complex and pluralist world of 7.5 billion people (most of whom might not be listening)? Since almost all democracies assign decisions to elected representatives, a related analysis is to inventory what these elected representatives would need to know to organize swifter progress for everyone?

2.1. Equal Justice Under Law: Metrics

It might be useful, to stimulate and organize a democratic renewal, to create a full annual set of accurate metrics disclosing the distance that each society must travel to deliver equal justice under law to all citizens. Metrics help human beings to recognize comfortable complacency, remind their better selves of unjustified suffering, establish accountability and manage organizational processes, learn, identify blind spots, and accelerate progress. In a world where discrimination and unjustified suffering are ubiquitous, the new metrics might pinpoint the problems to solve so that democracies and human potential can flourish.³ [Although the task may seem daunting, democracies often do not need majorities to write the future but only organized and committed minorities with gifted leadership.)

- Confucius believed that most political revolutions and reforms did not work because what was needed was a renewal of spirit and the sacredness of other people and nature. Facts alone probably will not work unless they are informed by this special knowledge that Confucius sought.

[A comprehensive metrics should allow creative measures that publicize problems that have become invisible to most voters. The new data on police line-of-duty shooting of unarmed civilians, by race, in America has been alarming. Most citizens may not have thought about how many other missing metrics would cause them to say “Something ought to be done about . . .”

³ Plato believed that Justice was the key to political stability, genuine patriotism, and military success, and to the trust and voluntary and spirited participation in all dimensions of Athenian life by citizens who knew their contributions would be recognized.

2.2. Economics and Politics

The relationship between economics (both wealth and economic performance) and power shapes societal outcomes in all forms of government, including democracy. Unequal wealth usually changes a one-person-one-vote reality in a democratic political system and can skew results. In America, this power becomes greater as the cost of perpetual political campaigns and election cycles has escalated to billions of dollars.

- A second issue has emerged from simple models of both economic market systems and democratic political systems. The economic theory of public goods identifies benefits to collective human welfare that will be underfunded by market systems. The parallel conclusion for national democratic politics occurs when future beneficiaries and victims, foreigners (etc.) cannot vote. With the increasing reliance upon democratic governments, the world might be witnessing the cumulative effects of their designed limitations. Perhaps a wise recommendation is to rely upon other systems, with comparative advantages, to fill the gaps. [Although they will currently be underfunded (e.g., scientific research, large non-profit institutions like the Gates Foundation).]

- A related issue is that unequal wealth can shift the wealthy into a separate reality, a disconnection that can make government unresponsive to the agendas of invisible citizens of lower status.

2.3. Achieving Enlightened Behavior

If the world needs enlightened behavior, and a critical component [setting aside rationality] is a spiritual growth, how can this be brought to life in time?

The Axial Age pioneered several methods to improve enlightened behavior: 1.) Obedience to universal moral codes commanded by a supreme Deity; 2.) The invention of a new educational process (by Socrates and Plato's Academy) to produce philosopher-kings; 3.) Self-cultivation. (Confucius believed that human progress would be assured as soon as rulers understood what a fully developed human being could be.); 4.) Buddhism and other spiritual traditions advanced techniques (e.g., meditation) for a belief-independent awakening and growth of compassion.

More recently, science and other professions have contributed a new identity, set of values, and spirit. Today, new professional programs offer to train future leaders who can be trusted to apply science-based problem-solving and build international networks for progress that work better than relying upon politics or majority voting or waiting for philosopher-kings. [The sociologist Max Weber suggested that political achievements also will grow to the extent that politics evolves as a profession.]

A useful step might be to discuss the problem with Buddhist thinkers, the Catholic Church and other religious/spiritual traditions that have been working this angle for 2,000+ years and may have reached an upper bound. Can they take a fresh look at practical methods that facilitate enlightened behavior and that the world could use without requiring conversion to Buddhism or Catholicism?

3. Planning

3.1. Change-Making Skills for Democracies and a Pluralist World of 7.5 Billion People

Is it possible that democracies are in trouble because the scale of today's democratic institutions requires specialized skills and investments to develop agendas and make changes? Would a new 21st-century curriculum for citizenship to teach effective change-making improve democratic performance? What would the new curriculum be like? [In early Athens, courage was taught in many ways and considered a part of the education for effective democratic citizenship and for other areas of life.]

3.2. More Reliable Economic Science: Anticipating the Greater Economic and Political Stress Ahead.

The extraordinary, continuing high rates of “lost generation” youth unemployment and *de facto* messages of indifference in the EU and UDCs since the 2008 global economic crisis began, are likely to be increasingly dangerous for democracy and costly for long-term growth. As interest rates rise, the annual payments on the vast increases in national debts will eliminate new funds for better futures and force cutbacks in retirement, health, and safety-net benefits that voters expected. Politics will become even more zero-sum and angrier. Cumulative resignation of written-off youth may shift to political outrage and instability if repayments of government debts and interest to banks takes priority (as it did in Germany before WWII).

Statistically, economists can predict that new recessions in most nations will occur in the next several years. However, because of the 2008 crisis and slow recovery there will be limited options for governments to protect their people by lowering interest rates or adding deficits for stimulus. What do democracies need to know, now, to plan for the added economic and political stress that is coming?

3.3. Fixing Dysfunctional Politics: The American Test Case

What are specific recommendations to repair the dysfunctional political system in America? In the current era of Donald Trump et al., what might be done about urgent and dangerous problems (e.g., involving nuclear weapons) where there could be catastrophic effects for other countries? How might faked news and Russian interventions (be solved while retaining free speech and press? ⁴

3.4. Planning without Perfect Information

A meta-question about likely results of the roundtable and its planning recommendations to set the world on a better track: When information is imperfect, how can this prudently inform successful planning? A specific sub-question: Are there further catastrophic failures of democracy (like 2008) that require new vigilance and methods of early detection?

3/14/18

⁴ We do not yet know if Russian interference tilted the outcomes of Brexit and the recent French election. Or how much worse the problem may become.

Rule of Law Background to Democracy

Winston P. Nagan

In the historical record of managing human groups, there are several contested models. There is “rule by the one”, the monarch, or the “rule by the few”, the oligarchs, “or the rule that empowers all citizens to participate in the decisions that affect the community”. It is the Greeks that gave an emphasis to the notion of popular participation of citizens in the process of decision making by, for and about them. It should be remembered however, that even this original form of democracy was flawed. Women had no effective participatory rights and since the economy was significantly dependent upon slaves to maintain the economic space for democratic practice, the slaves too did not participate. In short, even in its origins the democratic ideal was mainly aspirational rather than a statement of political fact. Still, there is a great deal that permitted this aspirational idea to endure although as a political force it had to contend with other powerful forces skeptical of the principle of democracy. One important aspect to the expansion of the rights of the citizen was the idea that rights could only be secured regardless of the forms of governance if they were co defined and accessible to the population at large. In short, the citizens’ rights and duties could be secured by the myth of the rule of law against democratic or oligarchic or monarchic abuse.

The earliest effort to join law with empowerment took place during the 1700’s BC the Emperor Hammurabi proposed a set of rules called the Code of Hammurabi. This code set out the rights and duties of the people that lived in the Hammurabi’s empire. Since these rights were co defined as law, they secured the legal rights of the subjects of the empire. This of course is not democracy but when the rights and duties of the citizens are secured it enlarges the space for individuals to make decisions about their interests.

During the early period of Roman law, there were constant conflicts between the lower class Plebeians and the Upper Class Patricians. One of the great sources of conflict was the fact that the average Pleb had no idea what his legal rights and duties were. This made them subject to exploitation and abuse. Pleb agitation resulted in the codification of the famous law of the XII Tables. This was the first essential codification of law in the western European tradition. This was not a major democratic advance but it enabled people to make decisions about their own affairs that could be secured by the codified newly crafted XII Tables.

As Roman law evolved, the idea of developing the rules governing all aspects of society lead to the creation of scholarly forms of codification in the form of the writings of distinguished jurists and their application by neutral judges. Even though these juristic writings were not officially characterized by the Law of the emperor, even the emperor was often bound to respect them. This made the jurists suspect and over time several of them were murdered because they generated subversive ideas that restrained the abusive authority.

The emperor Justinian determined that all the great corpus of the law should be codified which the jurists did. The compilation came in four books. One the {The Institutes} --- This was a student’s textbook, The {Kodaks} and the {Novellae} the new laws. This initiative made the rules of law accessible to all citizens and again, regardless of the imperfections of the political system, the codification of the law provided political space to the subject under the law.

These works inspired by Justinian later became the foundations of the emergence of enlightenment and University based education in Europe. This resulted in immense scholarly energy directed at systemizing the law in the books. However, the written law also became a source for protecting individual rights. These scholarly works formed the basis of one of the

most revolutionary developments in expanding the democratic ideals in France. Napoleon directed that the law be reduced to codes and in codified form, the law would be accessible to all citizens. The Napoleonic codes gave significant inspiration to the individual citizen having a capacity to rely on the written law to protect them from governmental abuse. The codes still endure today.

In England, another revolt inspired by the nobleman required King John to subscribe to a document referred to as the Great Charter, The Magna Carta. Essentially, the Magna Carta blocked the King from exploiting the rights of the nobleman. The Magna Carta soon extended to all English men. It established the great principle that even the great monarchists are bound by the law. These limits inspired parliamentary processes and the gradual secretion of democratic values and parliamentary institutions. It should not be thought that the struggle between law and monarchy was simple. Monarchs resisted the idea of being subject to law and in England, a revolution resulted in the removal of the monarchs head.

The great revolution in the United States against the English monarch was reinforced by the idea that the American Revolution was a democratic revolution. In this revolution the congress was elected and so was the President. However, women were not fully enfranchised and slaves were completely left out of the notion of the body politic. Notwithstanding oligarchic tendencies survived and they presented a challenge to democracy when the south of the United States decided to withdraw. Abraham Lincoln understood the challenge that this posed to the survival of democracy and in his Gettysburg Address he pointed out that the civil war has been fought so that government could of the people, for the people, by the people and will not perish from the Earth.

The First World War was a war fought by monarchs and oligarchs and ruling classes, this was a war in which technology out struck the military brain. Eventually the US came into the war on the side of the Allies who were much more democratic than the oligarchic Germans. Wilson, the American president, had a big picture that could emerge as a consequence of the war. His vision was World Peace and the Universalization of Democracy by the principle of self-determination. Unfortunately, the league could not live up to their promise as dictatorships began to flourish. Soon, all were engulfed in the Second World War. However, Wilsonian idealism was not dead. It reemerged in the form of the Atlantic Charter and the four freedoms upon which the UN Charter is based. These freedoms were freedom of speech and expression {democracy}, the freedom of consciousness and belief {more democracy, freedom from want {economic democracy} and freedom from fear [the freedom from war]. During the post-World War period, the world community emerged their global constitutional system based on the UN Charter and a global Bill of Rights based on the Universal Declaration of Human rights and several important covenants that specify the fundamental rights of the individual in the world community.

Essentially, the Human rights dimension of the development of these rights was largely inspired by the human empowerment and self-determination. In short, it was fundamentally inspired by the idea of democracy secured by the rule of law. This does not mean that it would be an instant global transformation from monarchy or oligarchy to democracy. This is a matter that is still greatly contended. For example, one of the fundamentals of the law was the Stalinist controlled USSR. The USSR, although it used the rhetoric of self-determination, it was essentially a stallanistic autocracy and its influence spread as a contending ideology to the ideologies of social democratic liberalism. This is meant that we went through a global constitutional crisis called the Cold War with a threat of nuclear conflict and today even in the post-communist world, there is a strong residue emerging from Mr. Pudon projecting an authoritarian dispensation as a Bull Walk against democracy. The fight for democracy continues. Apart from the political polarity generated by the Cold War, the UN charter which was the successor to the League of Nations, inherited the democratic principle in the form of the right to self-determination. This principle of self-determination generated by the league was also an

instrument that challenged alien rule via colonialism or imperialism. The principle of self-determination and its democratic implications are spelled out in detail in the Declaration on Principles of International Law concerning friendly relations and cooperation amongst states in accordance with the charter of the United Nations. (1970) The depreciation of democratic values is further indicated in the Declaration when it states “subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle as well as a denial of fundamental human rights.”

The International Bill of Rights provides a documentary foundation for the human rights to democracy. In particular, Articles 18 through 21 highlight the most important foundations of democratic values. To this we should add, Article 6 of the Universal Declaration of Human Rights which stipulates “everyone has the right to recognition everywhere as a person before the law.” The Universal Declaration is complemented by two of the vitally important instruments of the International Constitutional System. These are the International Covenant on Civil and Political Rights (1966) and The International Covenant on Economic and Sociocultural rights (1966). These instruments are further supplemented by volumes of International and Regional instruments affirming the centrality of the human rights to democracy. These documents in effect represent the rule of Law foundations of the human right to democracy as a global alternative.

In the current picture of world politics, democracy flourishes but it is not unchallenged. Recent revelations concerning the electronic interference with elections held in the European Union and the United States can potentially be very destabilizing. These interventions represent an effort to undermine the confidence in the integrity of political participation in elections. Even without foreign interference, there are still significant efforts in the United States. For example, voters suppression and the manipulation of voting districts to dilute the value of political participation. In addition, in states where there are restraints on financial campaigning, the consequences often arise in Plutocratic influence.

This is the summary of the fundamental values incorporated in the democratic ethos “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives, everyone has the right to equal access to public service in his country, 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”

Source: <http://www.youthforhumanrights.org/what-are-human-rights/videos/right-to-democracy.html>

Achievements of Democracy

João Caraça

To reflect on “Democracy” one has to go back to basic principles.

Democracy is not a form of government nor a type of constitution, but rather the expression of values connected to the will of the peoples.

Therefore, we can have diverse degrees, a little, or more, or full expression of democratic values or even no level of democracy in any political and constitutional form.

Democracy is based on popular will, whose legitimacy depends on the regular confirmation of that will. Thus, democracy presupposes the rule of law, coupled with a verification process.

Democracy has emerged only twice in history. In both cases social communication has developed and assumed a central role in the political process.

The first epoch of democracy preceded the political preeminence of Athens in classical Greece. Practically all fifth century B.C. Athenian citizens knew how to read and write. It was a period of **direct democracy** where all citizens were called to exercise their rights and duties.

The essence of Athenian democracy was vested in three principles: equal participation in the exercise of power; equality before the law; equal right to free speech.

However, the declining hegemony of Athens after the golden Age of Pericles is the possible explanation for the fact that no Athenian author has celebrated democracy and its practices.

The second time democracy encounters human populations is in the aftermath of the Enlightenment and of the «Great Transformation» that ensued. The values heralded by the French revolution: **liberté, égalité, fraternité**, were propelled as universals.

The introduction of education, the eradication of illiteracy, the creation of systems of public instruction were essential to the success of the new way of life in industrializing societies. And “progress” stimulated, reinforced and promoted the preeminence of economic perspective.

The emerging world-system was being structured along communication and financial networks. In Western nations modern science was becoming the paradigm of true knowledge and new forms of government based on the **representation** of citizens (and of property) were being developed, supported by the development of political parties and the press.

In the turbulent climate of the nineteenth century **liberty** did overcome **equality** (**fraternity** had vanished much earlier, after 1793, as its universalization was supposed to be “outrageous”) much helped by the climate of economic growth, new wealth and political dominance enjoyed by the European nations in the concert of the world. But all went on.

Mass movements, demonstrations and social unrest brought the concept of “class struggles” to the fore and the proliferation of revolutionary attempts. The impact of the World War and the subsequent Russian revolution provoked the re-emergence of the word “democracy” to designate republican or monarchic liberal regimes as a counterpoint to the “socialisms” that were rampant in the 1920’s.

This designation was later reinforced, during the Cold War, as the nations of the “free” world were seen as opposing “communism”, a promised goal in the Eastern part of the world.

Representative democracy became thus the characteristic of the political regimes of the Western nations since then, in varied declinations according to time and territory. In these democracies the central question is the free expression of citizenship.

The citizen is one who participates, who objects, who demands why. He or she must possess and safe keep critical spirit, i.e. the capacity of interrogating, of demanding explanations to the governing institutions.

The achievements of democracy in the past century have been undeniably the creation of a general climate of peace, prosperity and social justice in the nations of the Western world.

But, as time goes by, the network society is becoming under siege. Competitiveness has been erected as the ultimate vector of wealth creation, and commodification of all life forms its counterpart. Public space is becoming littered with fake or uninteresting information, and education is suffering from chronical underinvestment. This overall crisis shows that the capitalist world-system is undergoing a bifurcation. But where to?

The future of the world will be played in the field of **equality**, because liberty is ingenuous and, if let alone, easily captured by sellers of illusions or dealers in chimeras. This is the harsh lesson to be learned from the joys and abuses of the twentieth century.

QUESTIONS TO BE EXAMINED

1. In the present multipolar world can peace be maintained by the democratic nations?
2. In the present state of informational capitalism can prosperity (or fair redistribution of wealth) be assured in the democratic nations?

In the present state of disaggregation of state machineries through privatization and financierization can social justice be implemented or even enforced?

Achievements of Democracy

Elif Çepni

Many forms of Government have been tried and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time.... Winston Churchill, House of Commons, 1947.

Democracy is the government of the people, by the people, for the people. (A. Lincoln)

The ballot is stronger than the bullet. (A. Lincoln).

Democracy is the subject of broad consensus and its promotion is high on the agenda of international institutions. It is only form of government that guarantees many freedoms and it has been accepted widely as the right way of governance. Democratic societies achieved higher per capita income and better social indicators.

No consensus exists on how to define democracy, but legal equality, freedom and rule of law have been identified as important characteristics since ancient times. Furthermore, freedom of political expression, freedom of speech, and freedom of the press are considered to be essential rights that allow eligible citizens to be adequately informed and able to vote according to their own interests.

Democracy is a universally recognised ideal as well as a goal, which is based on common values shared by peoples through- out the world community irrespective of cultural, political, social and economic differences. It is thus a basic right of citizenship to be exercised under conditions of freedom, equality, transparency and responsibility, with due respect for the plurality of views, and in the interest of the polity (Democracy: Its Principles and Achievement, 1998). As a form of government, it is a political system that has a capacity for self-correction.

Its main achievements could be summarized as follows;

The diversity of experiences and cultural particularities without derogating from internationally recognised principles, norms and standards.

Preserving and promoting the dignity and fundamental rights of the individual, to achieve social justice, foster the economic and social development of the community, strengthen the cohesion of society and enhance national tranquillity, as well as to create a climate that is favourable for international peace.

A genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences. No one is above the law and all are equal. Equal, open and transparent political competition-free and fair elections based on universal equal secret suffrage.

Civil and political rights to vote and to be elected, the rights of expression and assembly.

Access to information and the right to organize political parties. Everyone can take a part in the management of public affairs.

Public accountability, checks and balances, independent judicial institutions.

“Freedom of Choice” and more.....

A wide variety of regime types exist. Monarchy, dictatorship, aristocracy, oligarchy, democracy, totalitarian, autocratic, authoritarian, constitutional, anarchist could be listed.

Within democratic systems there could be direct democracy, representative democracy, parliamentary democracy and presidential democracy.

There is no consensus on which one preforms better in terms of providing better well-being and stability.

But it is known that the political and social Structure of a country may block or distort the normal economic processes. The definition of “institutions” is a broad one reflecting the “rules of the game” in society.

These institutions are not limited to Government organizations existing in building but extended to a wide range of social behaviour and influences.

Many researchers focus on a narrower concept relating to the role of Government institutions concerning: Property Rights, Regulatory Institutions, Macroeconomic Stabilization, Social Insurance, Conflict Management, Political Rights.

Today, the basic achievements of democratic regimes are valued and accepted by almost all members of the international world order with some exceptions although there are some nonignorable problems of it.

Questions to be examined

1. How the interdependence between peace, development and respect for the rule of law and human rights can be examined?
2. How the relationship between “strong economy” and “good democracy” can be explained?
3. What is the role of democracy and its institutions to keep the balance between diversity and uniformity, individuality and collectivity to improve social cohesion and solidarity?
4. What is the relationship between “welfare state” and “democracy”?
5. What is the role of education and social capital in the (The UNDP defines “human development” as a “process of enlarging people’s choices”) spread and better performance of democracy?
6. How the causality relations between “the health of democracy” and “the level of educational attainment” can be explained?

Poland: From Transformation Leader to Troublemaker

Zbigniew Bochniarz

Over the course of two decades, my colleague Sandra Archibald (University of Washington, Evans School of Public Policy and Governance) and I led an international research team that studied systemic transformation in post-Communist Central and Eastern Europe. Our team produced a series of articles in 2003, 2005, 2008 and 200⁵9, which argued that at least 10 Central and East European countries (which we named the CEEC-10) had made significant progress over the previous 10 to 15 years transforming their totalitarian political systems with centrally planned economies to democracies based on market principles. This transformation was expedited based on each individual country meeting European Union (EU) institutional, economic and social requirements both before and after they joined. Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia joined the EU in 2004, and Bulgaria and Romania joined in 2007. In 2009 our research team concluded that the CEEC-10 had completed their systemic transformation and had begun moving toward a sustainable path of development based on the implementation of triple-bottom-line principles (TBL). Significant investments in human capital (HC) and social capital (SC) had produced a solid institutional base, including constitutions and other basic laws. (One of the sustainability criteria considered in the research included Non-declining Total Capital – NTK, which includes HC, SC, NC – natural capital – and MC – manmade capital).

However, this progress has been seriously challenged, as several members of the CEEC-10, beginning in 2010, have been taken over by the populist-nationalistic wave, which has significantly changed their basic institutions, including their constitutions (in legal or illegal ways) and rules of law. These countries include Hungary since 2010, Poland since 2015, and likely the Czech Republic since their elections in fall 2017. To further illustrate how the progress made along the path of sustainable development could wane in these countries in the near future, this essay will consider the latest institutional developments in Poland.

In Poland the ruling coalition led by the Law & Justice Party (PiS) started to dismantle the independence of the Constitutional Court by replacing – mainly illegally – its independent judges with their own loyalists just after the parliamentary election in fall 2015. By 2017 they succeeded in completely subordinating the Court to the executive branch of government despite the activity of parliamentary opposition parties, country-wide protests and interventions from the European Commission and the Venice Commission, comprised of prominent European and American judges. As of the writing of this article (Winter 2018), there are no independent institutional checks on the constitutionality of the Polish Government's capacity to pass new laws and regulations.

⁵ The international team also included Drs. Masahiko Gemma (Waseda University, Tokyo) and Tanja Srebotnjak (University of Washington, Seattle).

In July 2017, the Government used the superfast track of the legislative process, passing three basic laws that *de facto* changed the Polish constitutional order – the Common Court System, the Country Justice Council (KRS) and the Supreme Court – by simple majority rule in the *Sejm* (Parliament) and Senate, bringing foundational changes to the country's political system in just two weeks. Both the process and the contents of the laws violated the Polish Constitution and basic parliamentary procedures in many areas such as excluding opposition parties from the discussion and nongovernmental organizations from consultations. Although the President, who is a member of PiS, initially vetoed two of the laws (the two which significantly limited his power in favor of the General Prosecutor, who is also the Minister of Justice), the Common Court System law was signed by him and went into effect on September 1, 2017. After negotiations between the President and the PiS party chairman J. Kaczynski – the real decision-maker – two other laws went through the parliamentary amendment process again, were passed by the ruling majority and signed with several insignificant changes, shifting some power from the General Prosecutor to the President and Parliament on December 20, 2017.

The impact of these unconstitutional changes came very soon. As of September 1, 2017, over 120 heads and their regional court deputies have been fired without any comment or justification, and new judges have been appointed who are loyal to the General Prosecutor. The justice system is losing its independence, as it is subordinated to the executive branch run by one-party interests. Basic democratic values, such as rule-of-law, are disappearing step-by-step. The nation is deeply divided, scared and insecure, and private business has cut their investments to the lowest level in a decade (this is a significant threat to sustaining restitution and modernization of MC). Today, Poland's economic growth is mainly fueled by consumption expenditures financed from budget transfers (mainly by the "500+" program for about 3.5 million people with multiple children), which was instrumental in granting the PiS election victory in 2015.

Recently introduced government "education reform" (called "deform" by the opposition) brings the structure of the Polish K-12 system back to the 1980s (8+4) with old traditional ways of teaching based on teacher-centered approaches. Critical and integrative thinking, combined with practical projects, which were the emphasis of the previous system, have been replaced by extended national history curricula and religion classes at each level. The new curricula could create long-lasting damage to the formation of Poland's human capital – the real engine of transformation, development and growth.

Natural capital (NC) has also been victimized by the current government. PiS introduced massive "sanitary" (the Minister of the Environment's term) cutting in Europe's oldest ancient forest, *Puszcza Bialowieska*, which is protected for conservation by Polish and EU laws. Despite massive protests from academia and NGO communities, the EC and UNESCO, it was continued until January 2018. Recently introduced amendments to hunting laws (January 2, 2018) gave hunters the rights to hunt in national parks and on private land even against the will of their owners, who risk penalization if they protest. The official reason for these changes is to fight AFS – a disease that affects pigs and wild boars – which has spread from Belarus over last few years due to a lack of effective enforcement of governmental policies. The new hunting laws echo government explanations for aggressively cutting the ancient forests in *Puszcza Bialowieska* for the sake of the forest health and safety of tourists.

Aggressive xenophobic propaganda exercised by the government-controlled media (particularly by the Polish TV – TVP) against opposition parties, intellectual elites, refugees, neighbors and the EU destroys the social capital (SC) that slowly grew after the transformation due to legitimacy of the democratically elected governments.

The recent development involving controversial amendments to the Act on the Institute of National Remembrance (IPN), which were hastily passed by the Parliament in January and signed by the President on February 6, 2018, opened new areas of conflict not only within Poland but within international communities and states, particularly with Israel and Ukraine. The initial idea behind the amendment was to fight the term “Polish death camps,” which appears from time to time, mainly in the foreign media but also in the speeches of some politicians. For example, President Obama accidentally used this term in his speech awarding a posthumous Presidential Medal of Freedom to Polish hero Jan Karski – an officer from the Polish Underground during WWII, who risked his life many times bringing eyewitness reports of the Holocaust to the United States. The amendment’s initial and noble intention to accurately defend Poland from responsibility for building death camps during WWII when it was occupied by Nazi Germany was expanded in the last phase of drafting by PiS lawyers to exclude not only the Polish State but also the Polish Nation (never defined) from any responsibility or co-responsibility for the Holocaust during WWII and after (Art. 55a). This extension of the law replaced the original and well-defined term “Polish death camps” to the “Polish Nation” and introduced penalties of up to three years in prison according to the Penalty Code for those who will disagree with this provision.

Lawmakers from opposition parties, top Polish experts and members of the international community, including the U.S. Department of State, have noted the serious limitations presented by such a provision to the Constitutional right to freedom of speech. The provision also represents PiS’ attempt to re-write element of the country’s unsavory history, which includes the fact that a number of Poles did collaborate with the German administration during the occupation and others “sold” hidden Jews to Nazis for some benefits. Despite this dark history, it is also true that Poles risked their own and their family’s lives to help Jews hide (occupied Poland was the only country where Germans imposed the death penalty for anyone who helped the Jews). For example, in the Yad Vashem Holocaust Center in Jerusalem, Poles comprise the largest number of documented heroic people who helped Jewish people to survive during WWII (Righteous among the Nations). Ironically the current amendments to the IPN Act initiated a worldwide wave of hate against Poles and the term “Polish death camps” was mentioned not a few hundred times per year as in the past, but a million times per day during the worst of the backlash. At the same time, the numbers of anti-Semitic and anti-Israel comments are growing in Poland and abroad, undermining over three decades of hard work building good relations (SC) between Israel and Poland and between Jews and Poles worldwide – all of whom were victimized by German Nazis.

The IPN law also opened a new conflict between Poland and Ukraine by condemning Ukrainian nationalism, particularly the Ukrainian Insurgent Army (UPA), which is historically responsible for massacres of Poles in Volhynia and Eastern Galicia. The Ukrainian Parliament condemned the new IPN legislation for its “distorted notion” of Ukrainian nationalism by grouping it with German Nazism and Soviet Stalinism. In fact, both nations – Poles and Ukrainians– suffered tremendously from German and Soviet totalitarian regimes. Ukrainian MPs were also concerned that the amended Act would strengthen anti-Ukrainian sentiments among Poles, threatening the safety of approximately 1 million Ukrainians who currently work in Poland. The irony is that Poland was the first country to recognize the independence of Ukraine in 1991, and until this point Ukrainians have regarded Poles as strong allies (high SC).

Poland’s story illustrates the danger posed by populist-nationalist parties, particularly in the rather young democracies of CEE, when they win elections and start implementing their policies and changes in institutional structures. It worth mentioning that during the election campaign (2015), PiS successfully used false slogans such as “a country in ruins” (despite the fact that Poland was the most prosperous it had been in in its history) and “rising from its knees”

(to protest against Germany, the European Commission in Brussels and multinational corporations “commanding” the Polish economy and previous governments). These slogans and other efforts served to “cure” the populist-nationalists’ inferiority complexes, but these tactics could destroy or seriously damaged good relations with neighboring countries and other friendly nations in a very short time. Poland is currently moving in isolation, destroying its traditional alliances and increasing threats to its security.

During our research on designing institutions for sustainable development in CEE (1990–1994) with Richard Bolan (University of MN, Humphrey School of Public Affairs) and our CEE partners, we focused heavily on the critical role of institutions in the transformation process from totalitarian system to democracy. We often cited German philosopher J. Habermas, who indicated how totalitarian institutions could affect basic aspects of societal life, turning socialization into alienation, turning culture into a strange party sub-culture and changing the original meaning of words into their opposite. Having lived my first 40 years in Poland I understood his message well, but I was sure that I would never experience it again. Unfortunately, I was wrong. In the last two years, most of the implementation of the PiS program called “*Dobra zmiana*” (good change) has proven to be bad, and even disastrous, for the country’s sustainability. The country has quickly become a divided nation with many Poles immigrating to the West or considering immigration if things go further in this direction. The meaning of words are changing due to the recently changed institutions, e.g., the Ministry of Justice has become the ministry of injustice, the Ministry of Environment – the ministry of environmental destruction, the Ministry of Education – the ministry of deformation, etc. One of the best examples of the meaning change was when PiS established the National Institute of Freedom (*Narodowy Instytut Wolności*) in September 2017 to support NGOs friendly to PiS’ ideology and cut off funding to and destroyed independent NGOs. (My Russian and Hungarian friends observed similar processes in their country several years ago.)

This case also shows the importance of high quality and stable institutions. Good institutions are products of rich social capital (SC), the result of heavy investment in building relations, participation from a significant portion of the population and consensus building among and for the people. This is a time-consuming process, but significantly increases the value of SC and produces high-quality institutions for the majority of the population. Institutional changes introduced by PiS in Poland are characterized by fast preparation and implementation without consideration or contributions from the opposition parties, consultation and dialogue with prominent academic or professional experts or even consulting their own layers. The institutional changes are designed and implemented simply to meet narrow party interests and sustain its power. These changes and resulting institutional designs are remarkably similar to the previous totalitarian system.

Poland’s government has been led by Prime Minister (PM) Mateusz Morawiecki since January 9, 2018. He removed some of the most controversial ministers, including the Ministers of Environment, Defense and Foreign Affairs. He also introduced new ministers, mainly technocrats from his own circle of trusted people. From the very beginning the PM and his professional, well-dressed and educated ministers have lead with a “charm offensive” within the international community, from Brussels to Davos, to change the bad image of the previous government and repair some damage done by predecessors. Although they are more civilized and knowledgeable than the previous government, it is unlikely they can make any significant change to the institutional changes the PiS has already implemented. I wish they could, but it is unlikely they will be able to bring about anything other than superficial cosmetic changes to improve PR.

Unfortunately, my rather pessimistic predictions about the new PM quickly came true. On Sunday, February 18, 2018, his charm campaign dramatically ended at a security conference in Munich, Germany. At the end of a panel discussion an American journalist with Jewish roots asked PM Morawiecki whether he would be prosecuted according to the new Polish IPN law if he were to write about his mother story of how she overheard that her Polish neighbors were planning to give up her family's hiding spot to the Nazis. The PM, without empathy or civilized apology, speaking as the top representative of Poland, responded with "Of course it would not be punishable or criminal if you say there were Polish perpetrators, just like there were Jewish perpetrators, like there were Russian perpetrators, like there were Ukrainians, not just German perpetrators." This response outraged not only the international audience at the conference, but the world community, particularly in Israel and the US.

Here in Poland we were terribly surprised and ashamed that the PM made a statement that lacked any sensitivity to Holocaust victims. His response has initiated national soul searching and academic discussions analyzing whether it was a personal mistake or a clear policy statement to gain the support of the extreme nationalistic and anti-Semitic electorate within the PiS, and to their right, for the coming election. Whichever the case, the IPN law confirms that institutions introduced hastily and in a totalitarian fashion, as it was in this case (after midnight and without any serious discussion and consultations) produce the opposite result of what was intended – instead of defending the reputation of Poland, it has been terribly damaged worldwide, instead of strengthening ties with our neighbors and friendly countries built over decades of hard work, it has weakened them considerably, instead of promoting Poles as good world citizens, it has isolated us from the global civilized community.

In conclusion, the institutional changes occurring in Poland indicate it is clear that we need to include in our research and in the practice of policy design, implementation and evaluation a fourth element in the criteria for sustainability – Sustainable Institutions –emphasizing the importance of a quadruple-bottom-line (QBL) to protect our democracies and economies from populism and nationalism. Otherwise, the world may witness many more examples where countries move quickly from prosperity to crisis, from role-models to troublemakers.

This is an urgent challenge for all of us, and in particular for academia to identify reasons and propose effective solutions. Collaborative academic research can help answer many questions related to the current crisis, including the following: (1) How to identify emerging threats of populism and nationalism and respond to them effectively? (2) How to educate current and future generations – build HC – to make them immune to such disastrous ideologies? (3) How to accelerate building social capital – the source of trust and the foundation for sustainable institutions? (4) How to restore damaged SC within a nation and with other nations (e.g., Poles and Jews, Poles and Ukrainians)? (5) How to redesign the political process of electing representatives and keep them responsible for sustainable solutions?

Notes on Democracy

G. Gutenschwager

February 2018

The *Scientific American* published a brief article, “The Tribalism of Truth” by Mathew Fisher, Joshua Knobe, Brent Strickland and Frank C. Keil (Feb. 2018, pp. 44-47), which posed the issue of how people argue about controversial questions. That is, they either argue to **win** or they argue to **learn**. Usually, if they argue to win, they believe that there is one and only one correct answer to the question at hand, and that all others are simply wrong. If they argue to learn, they usually believe that there may be several correct answers to a question and that learning from others’ viewpoints should allow a compromise that is better informed. The former is labeled ‘objectivists’ by the authors and the latter ‘relativists’.

It was this article that focused my thinking on this topic and suggested to me that most of the major systems of thought that govern the western world today are diametrically opposed to the idea of democracy. Strongly held opinions, based either in science, religion, ideology or even Wikipedia, are likely to urge people to argue to win. The Indian parable, “The Blind Men and the Elephant”, is not likely to be appreciated by such people. Indeed, they will interpret any response that is not simply total agreement with their position as a challenge and an argument that must be won over. The idea of relativity is quite unacceptable. This is not to say that extreme relativism, such as that found in some versions of postmodernism is any more acceptable. Indeed, Aristotle’s “Measure in All Things”, must still be the motto, whatever the situation.

Democracy must be based on the idea that there may be several truths concerning a particular social topic, social meant in the broad sense as to include all political, economic or broadly cultural topics, as well. This is because human beings are conscious beings in communication with each other and potentially able at any given moment to perceive the same things in very different ways. Gestalt psychology has shown this quite graphically and Thomas Kuhn’s book, *The Structure of Scientific Revolutions*, is also illustrative of this idea. We also have more recent discussions of this topic by Rupert Sheldrake on Morphic Resonance, carrying the discussion further into the philosophy of science, itself. Democratic argumentation must be able to accommodate these varied ‘truths’ in compromises that resolve conflict. The criteria for judging these compromises philosophically must be both scientific **and moral**, remembering Plato’s claim that any science without a sense of justice is not wisdom, but mere cunning.

I have argued in the past that this puts science in an heuristic rather than in a deterministic role in resolving **social** conflict, something which can be quite threatening to those who require certainty in their intellectual world. In phenomenological terms, it is the role of science to help us understand objective reality, as it is the role of art to help us understand subjective reality. Indeed, the artist has been given the right to point out contradictions between what we **think** we are doing and what we are actually doing. It is the role of philosophy to combine these understandings so as to help us **learn** what we should do. This means that science may be extremely important in pointing out the many deterministic events in the natural world. It also means that science can be extremely useful in pointing out the many unintended and/or unanticipated consequences of human actions in the social world. But it does not mean that there is one, and only one correct solution to a social problem, whether in mathematical terms or not.

The several schools of economic thought illustrate this problem very well. Economics contains a series of ontological and epistemological assumptions. These assumptions, as the word implies, are not examined empirically, but are assumed to be true. They are ideological in nature, growing out of the experience with mercantilism and industrialization following the renaissance, and first formalized by Adam Smith in the late 18th century. They have serious moral implications as does any ideology, but these implications are ignored on the assumption that economics is a science, searching for universal laws. According to this assumption human behavior is a product of the deterministic and mechanistic nature of these laws: there is, therefore, no possibility of free will or moral responsibility related to this behavior. What meaning can individualism and the ‘free market’ have in such a context?

Economics would like to be seen as the physics of social science, even if it requires “mathematizing” to establish this symbolic status in the social and academic world. It essentially ignores human beings, presenting them as the caricature, “economic man”, while assuming that his well-being depends only upon the accumulation of money. His happiness is assumed to be equal to wealth, with little empirical research to establish the limitations of this framework (Gender is intended, as economics is largely a male science; indeed, the very idea of economics as somehow separate from the rest of society is to a large extent a product of the compartmentalized male brain, as attested to by the research reported in Mark Gungor’s book and in his YouTube presentations). This search for certainty and its ‘arguing to win’ severely limit the democratic potential of economics as a social science. Indeed, we are currently suffering from these limitations in our current pseudo-scientific, manmade economic crisis.

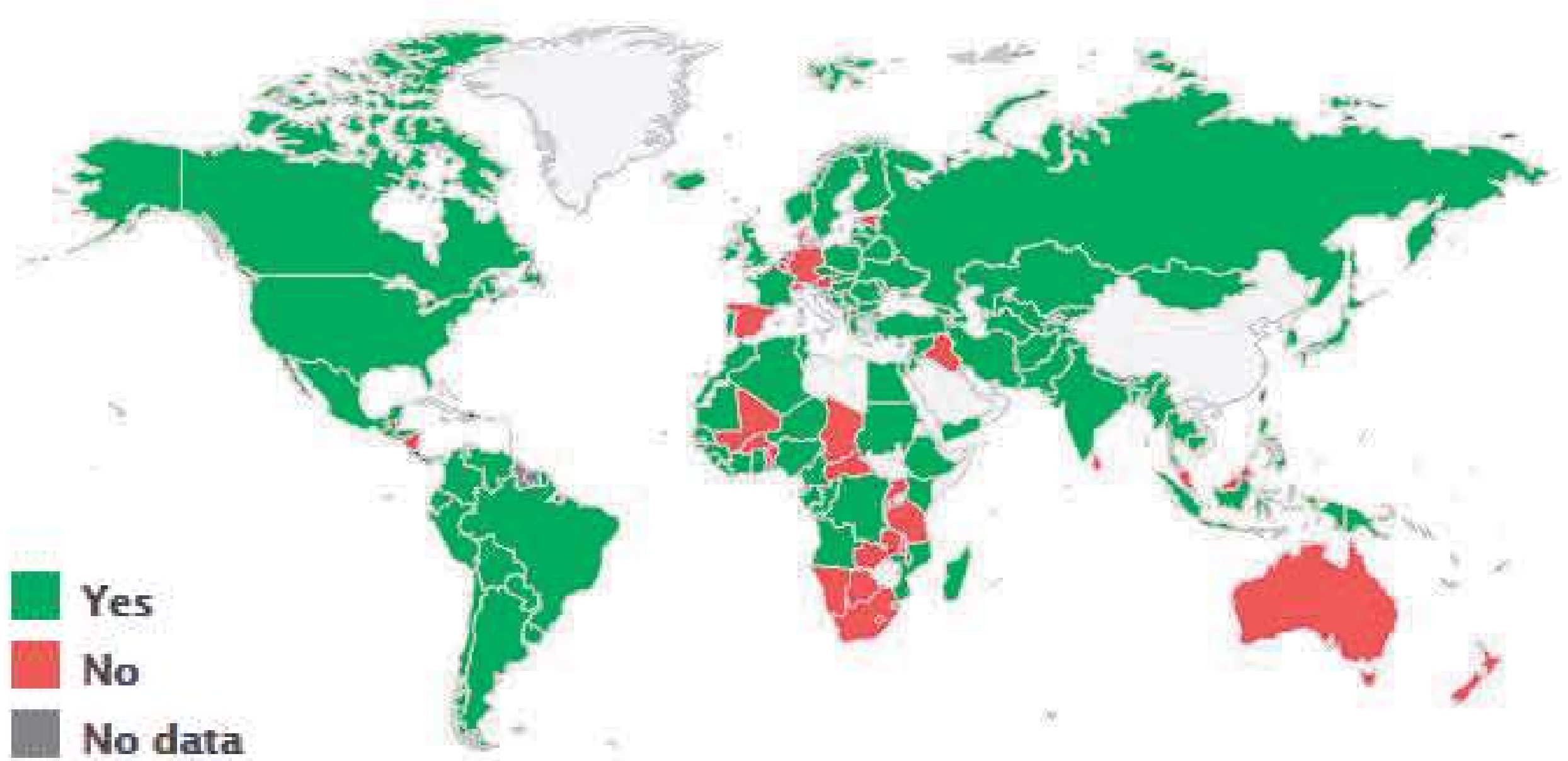
In short, determinism and its need for certainty are quite antithetical to democracy. Our discussion on the future of democracy must at some point confront this dilemma.

Money in Politics

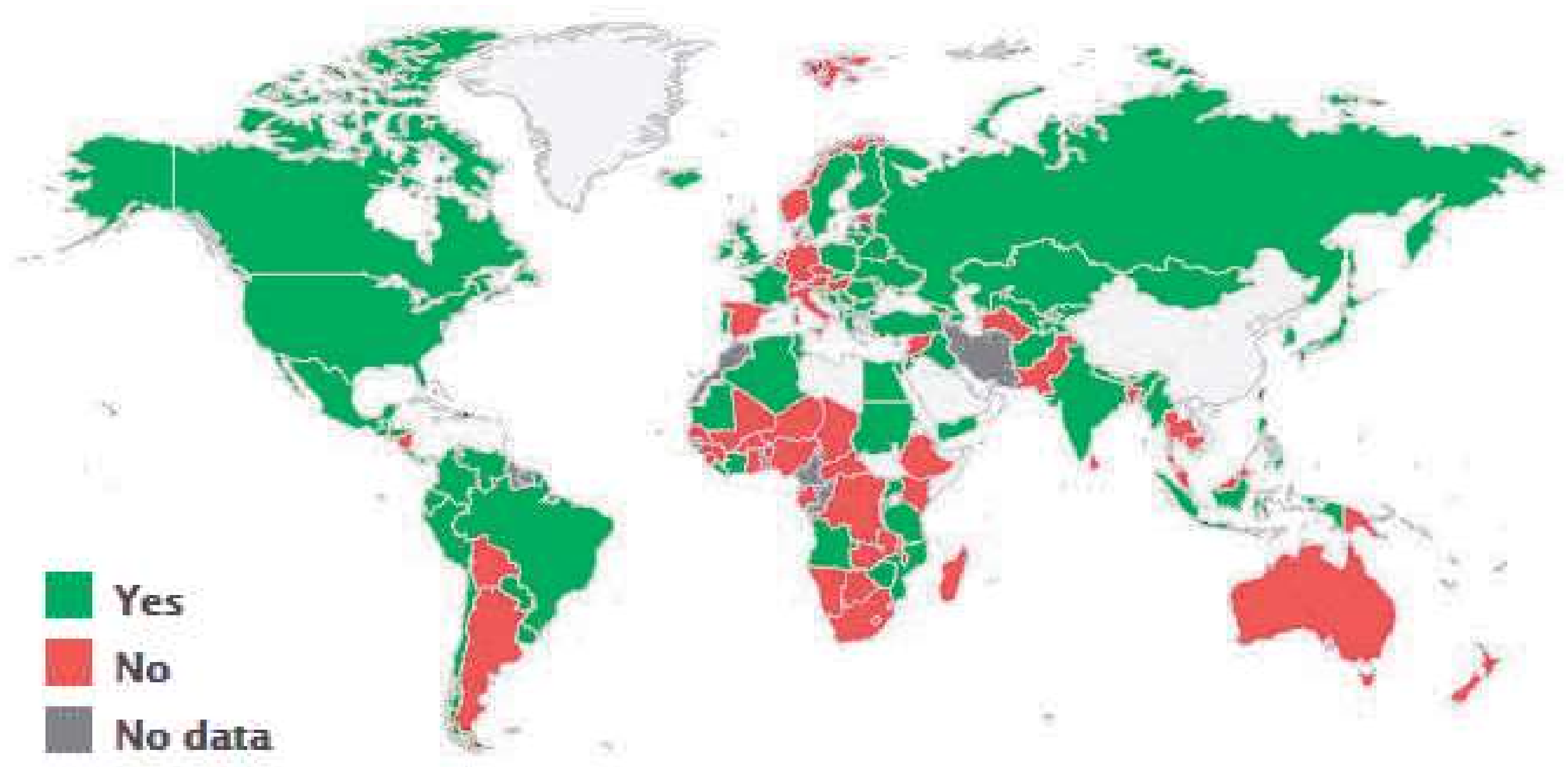
Global practices – country-wise

<https://www.idea.int/data-tools/question-view/527>

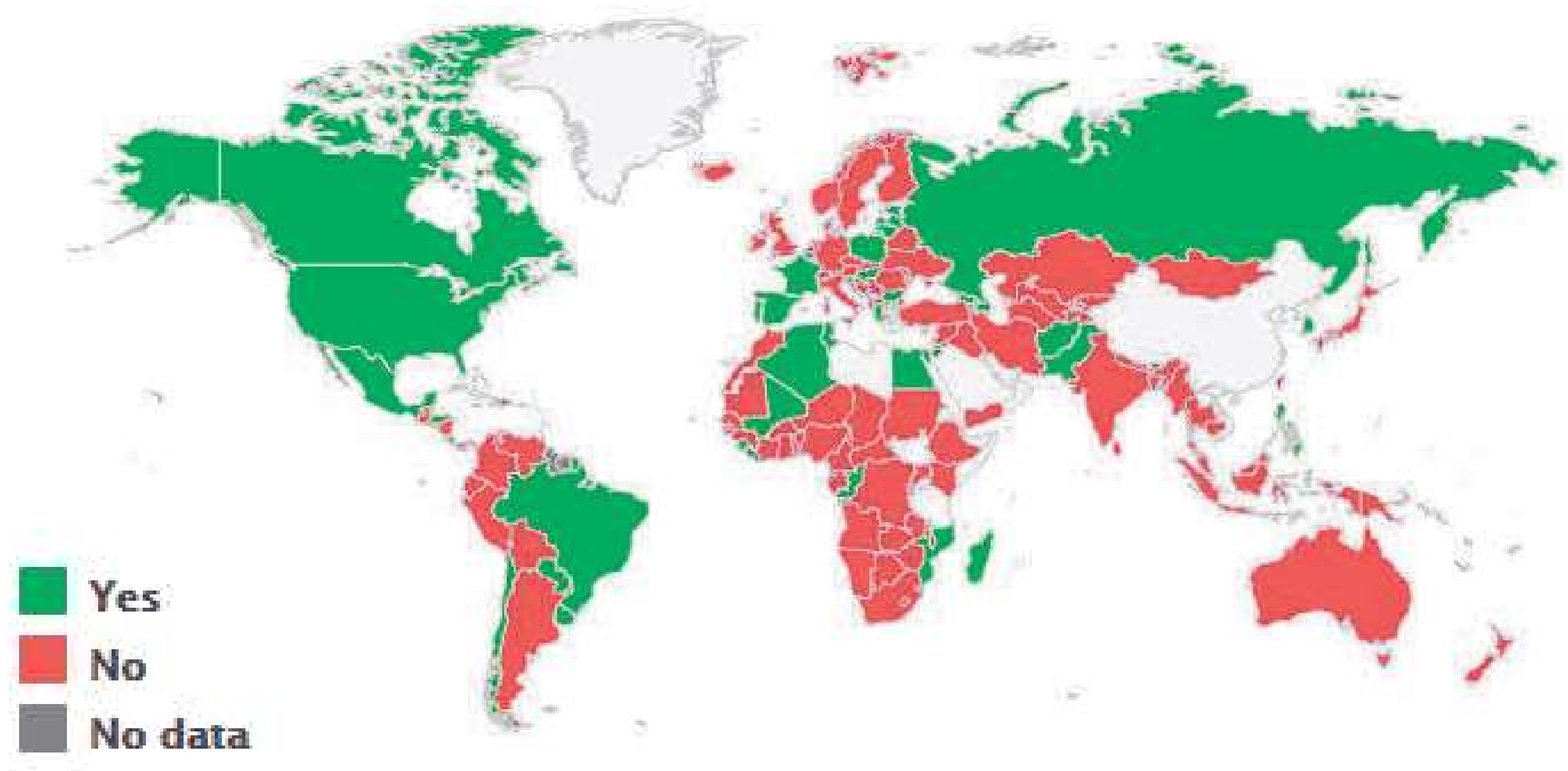
Ban on donations from foreign interests to political parties



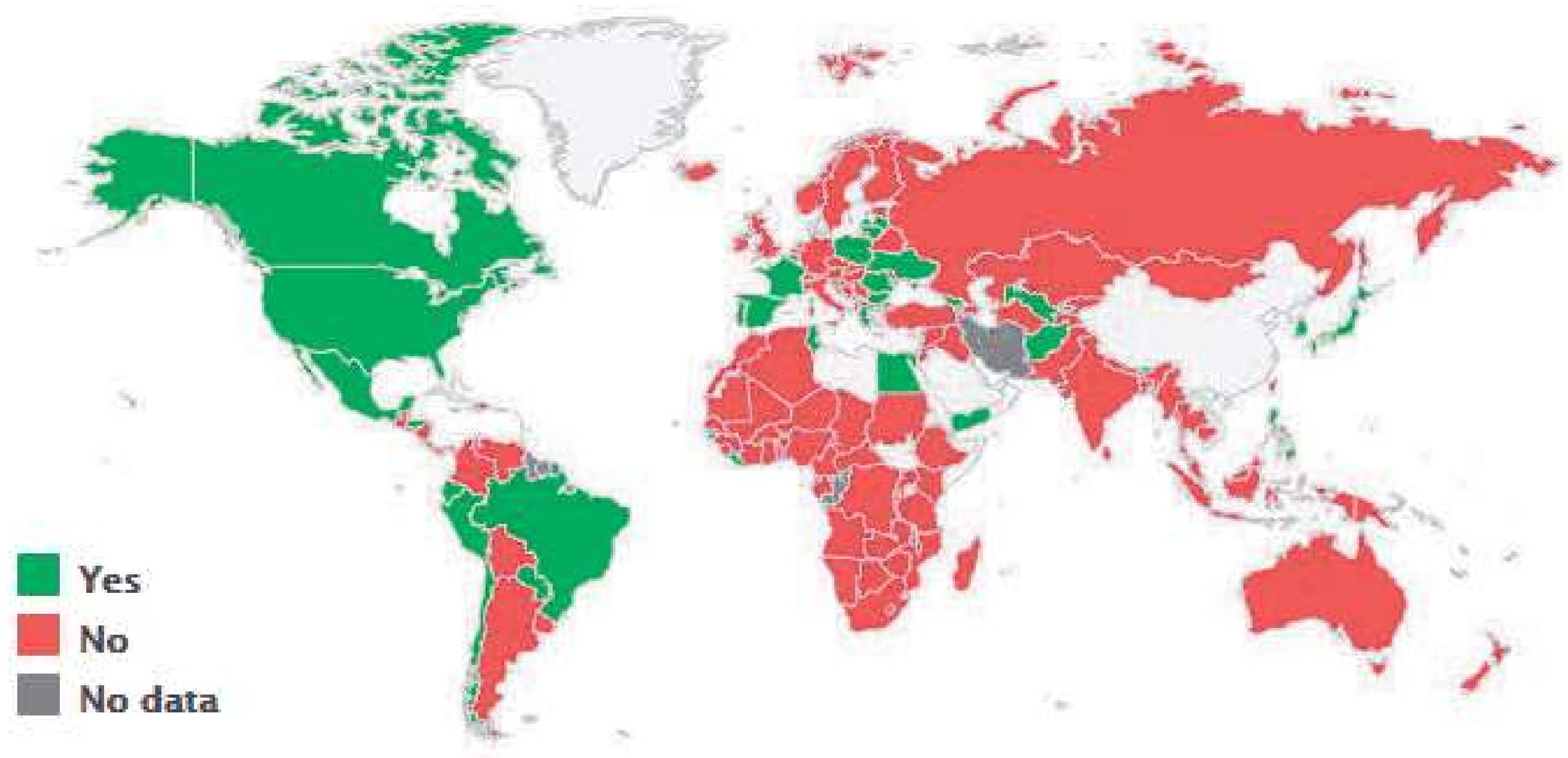
Ban on donations from foreign interests to candidates



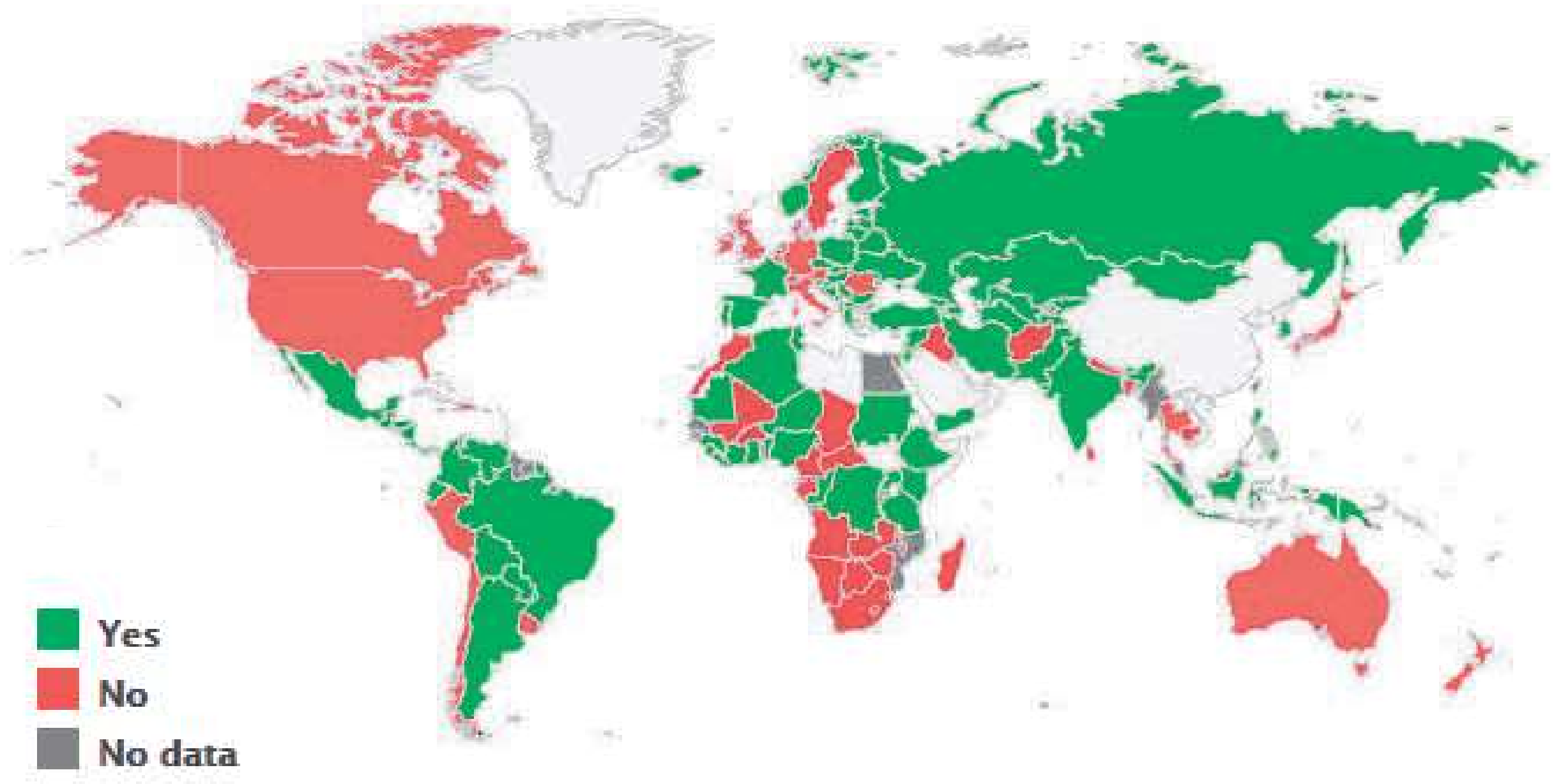
Ban on corporate donations to political parties



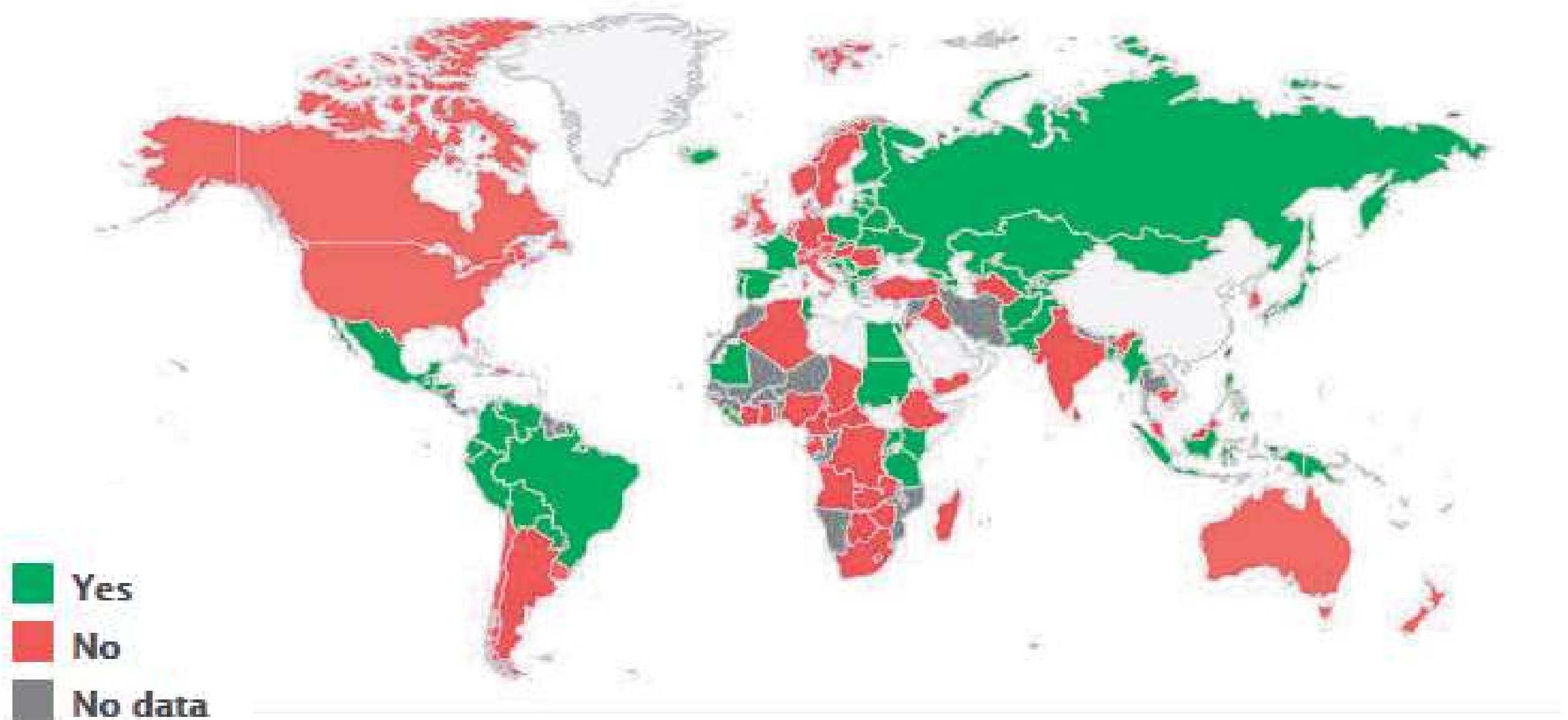
Ban on corporate donations to candidates



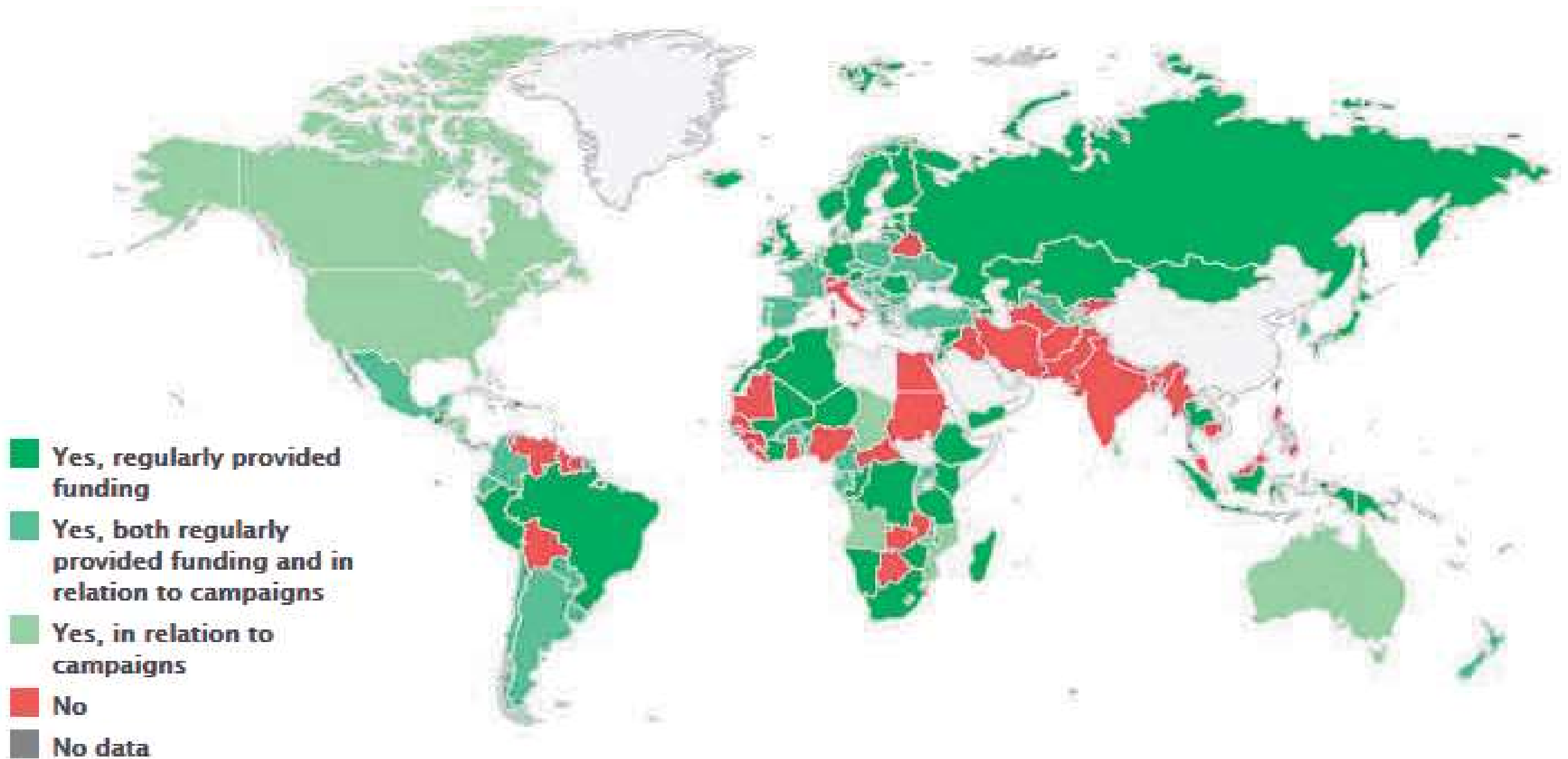
Ban on anonymous donations to political parties



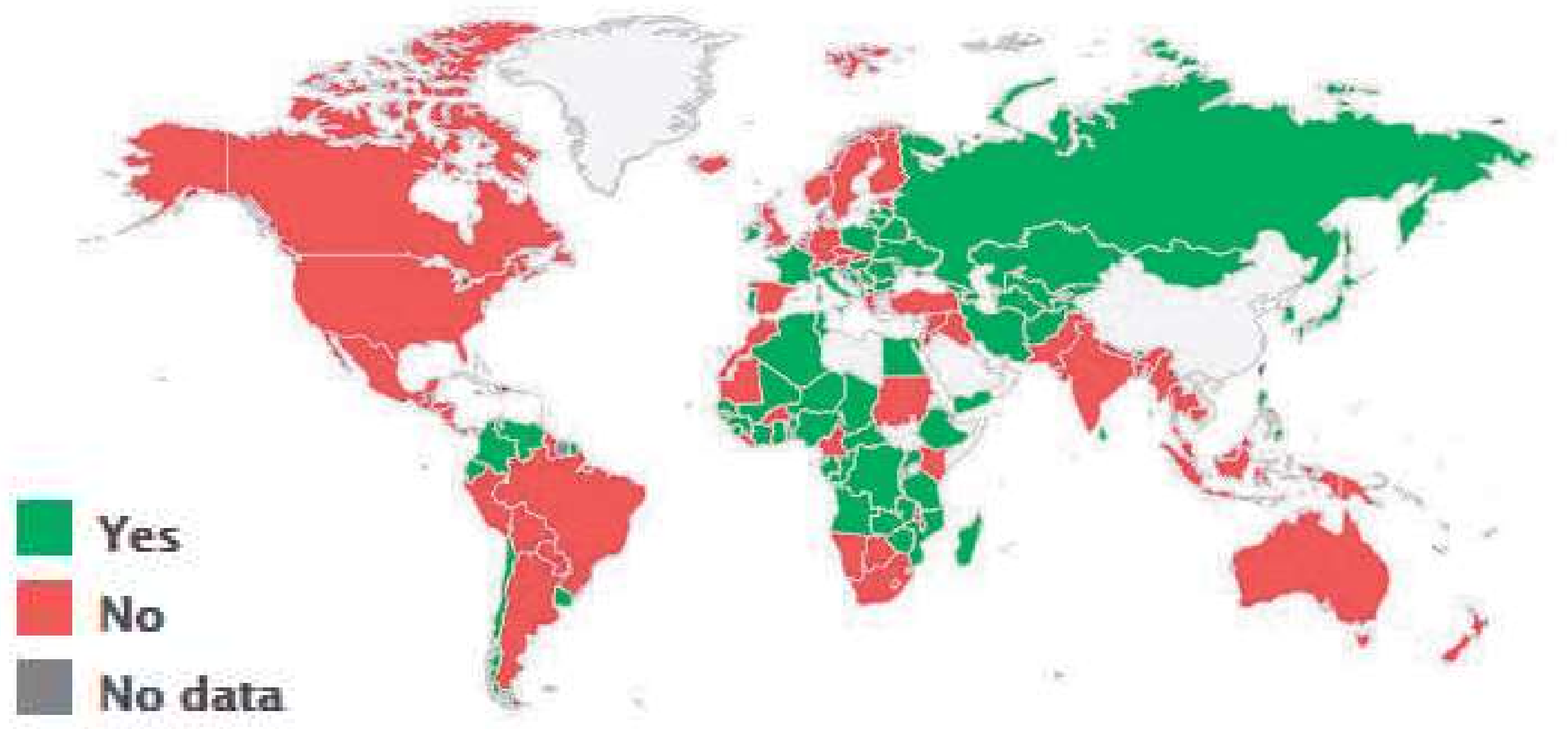
Ban on anonymous donations to candidates



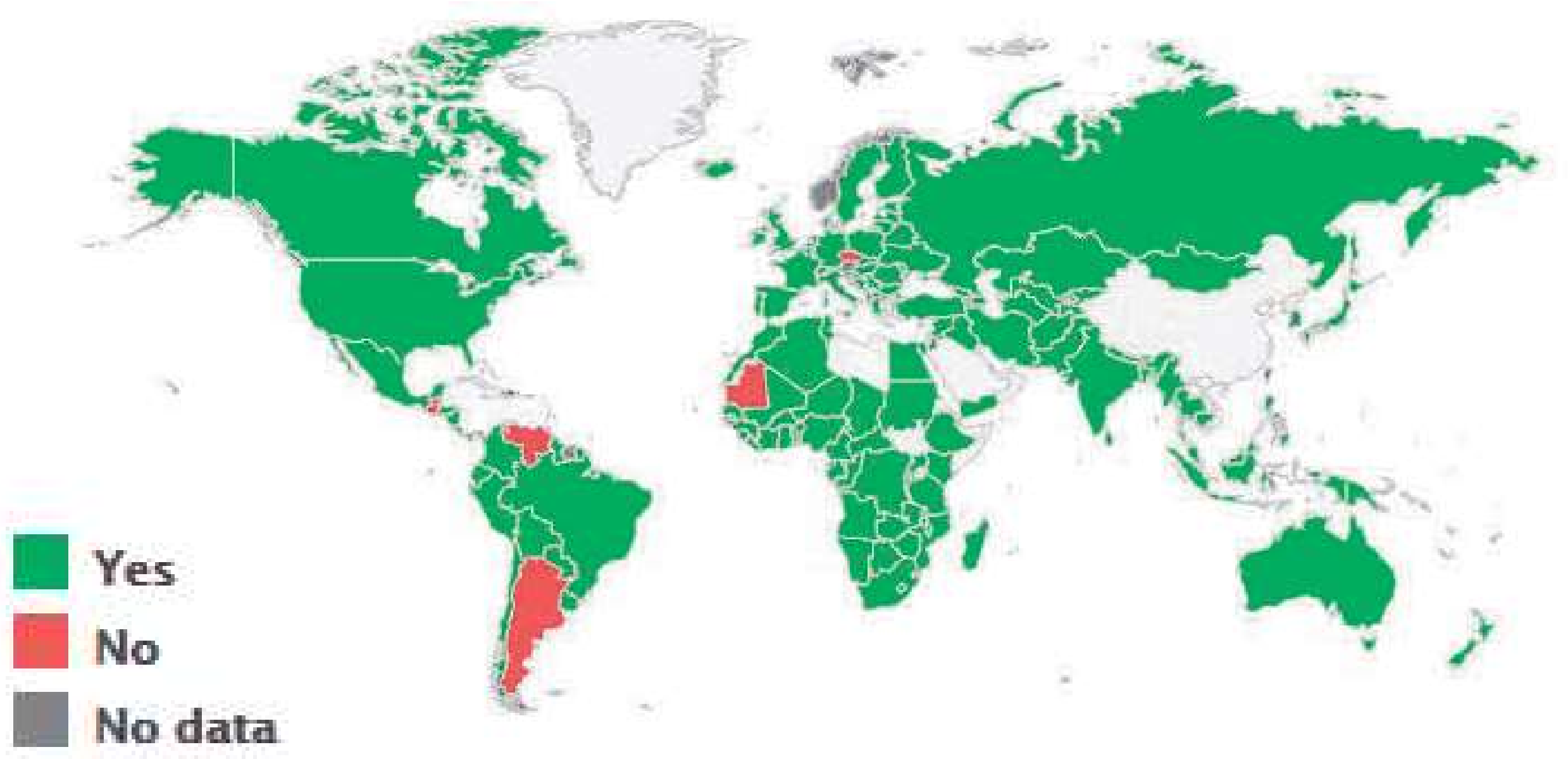
Provisions for direct public funding to political parties



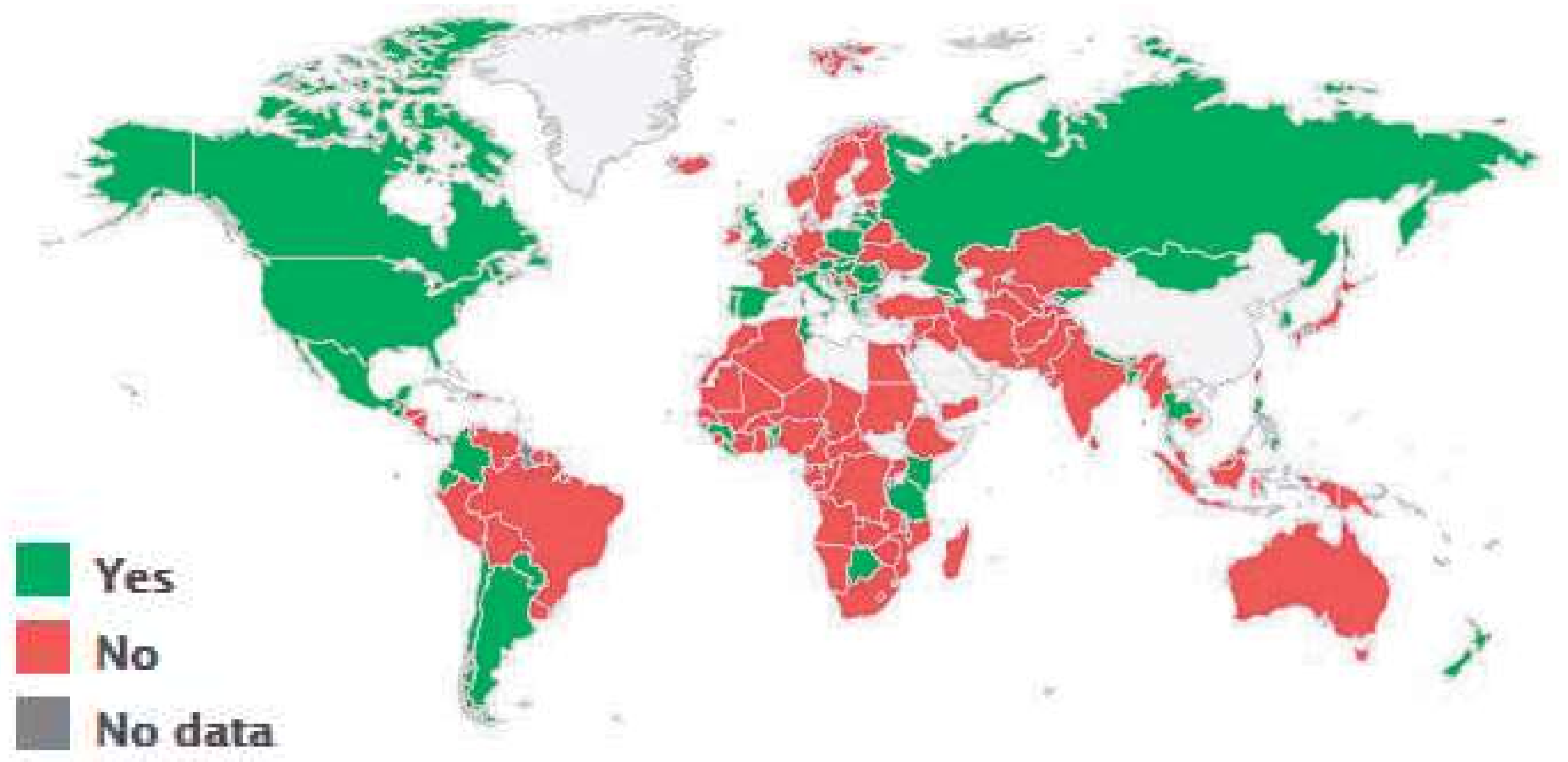
Free or subsidized access to media for candidates



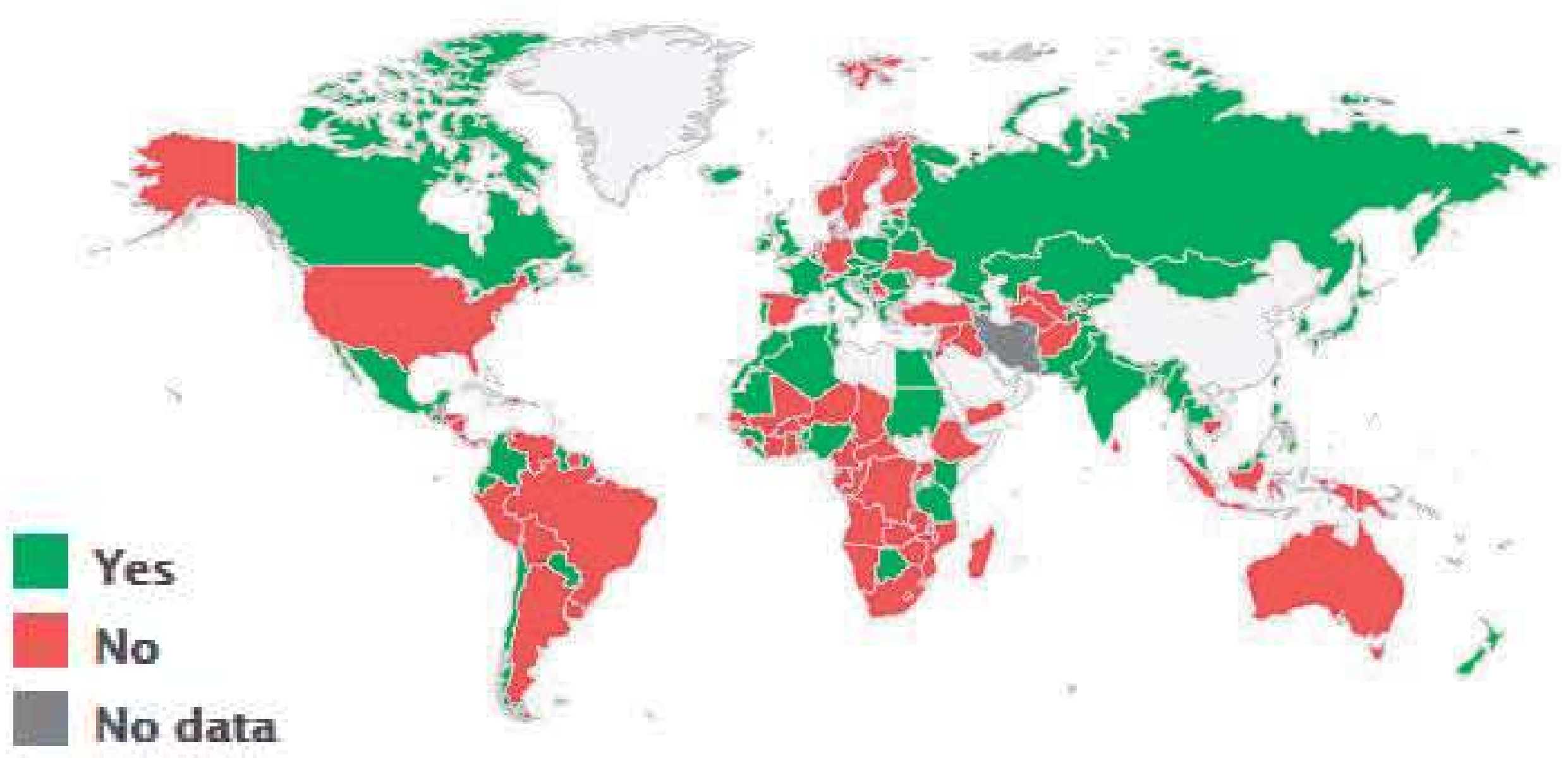
Ban on vote buying



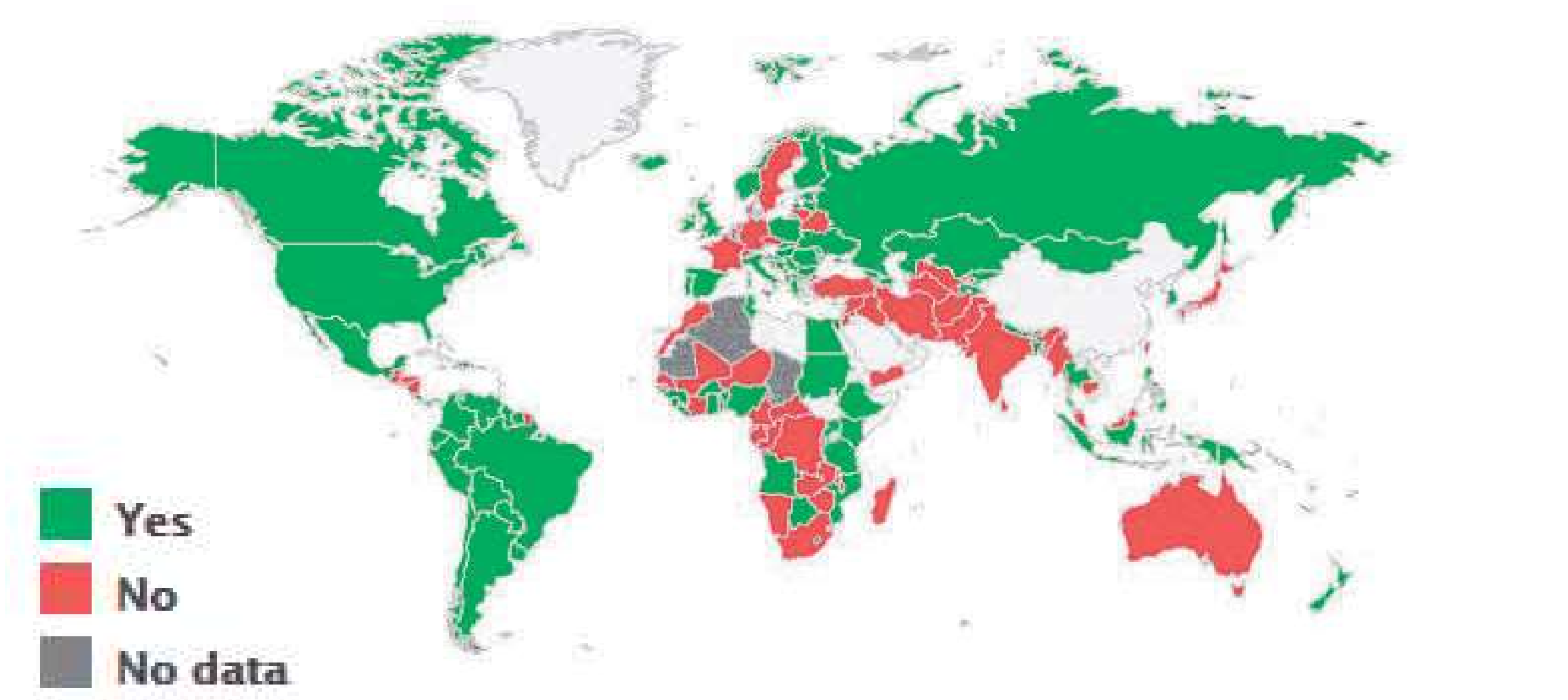
Limits on the amount a political party can spend



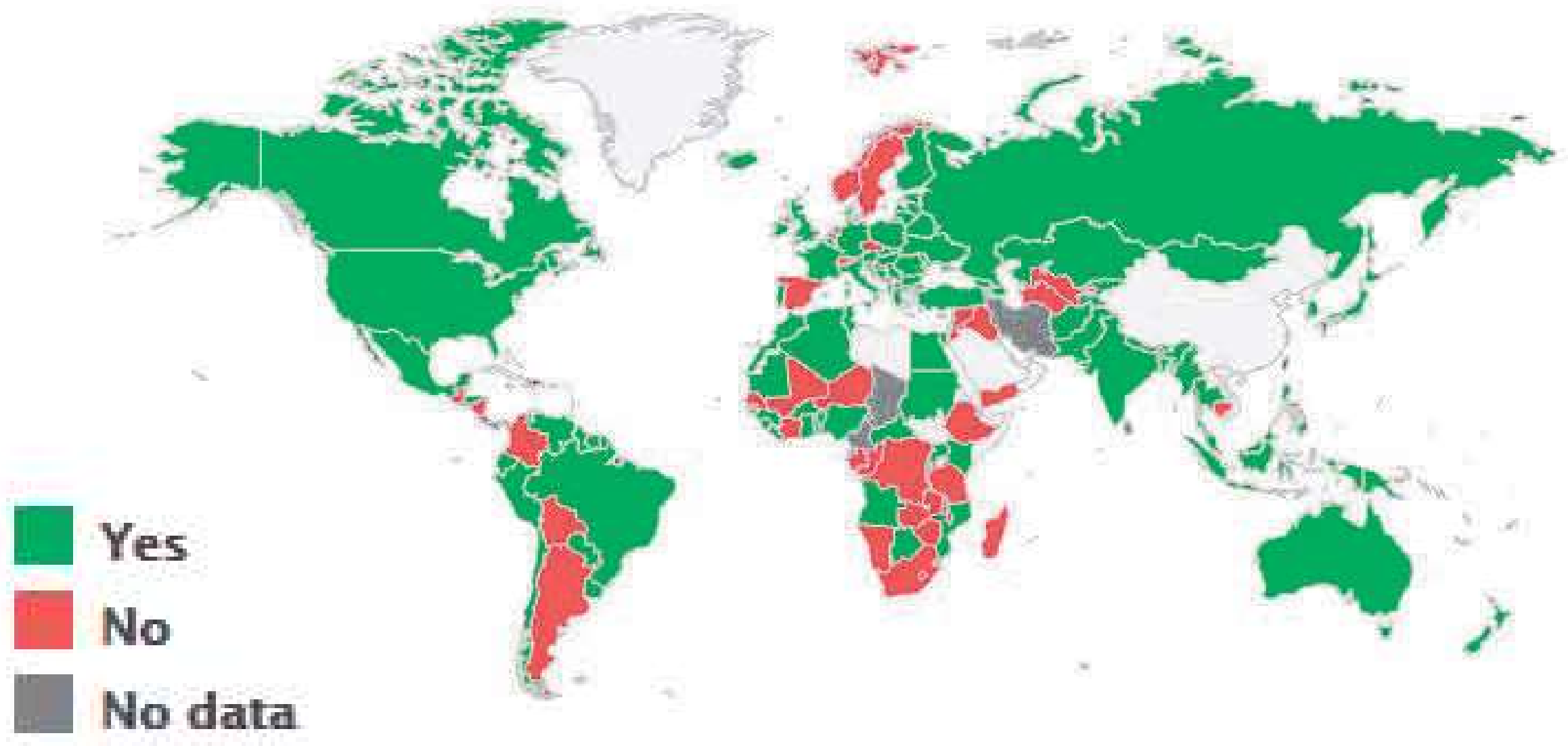
Limits on the amount a candidate can spend



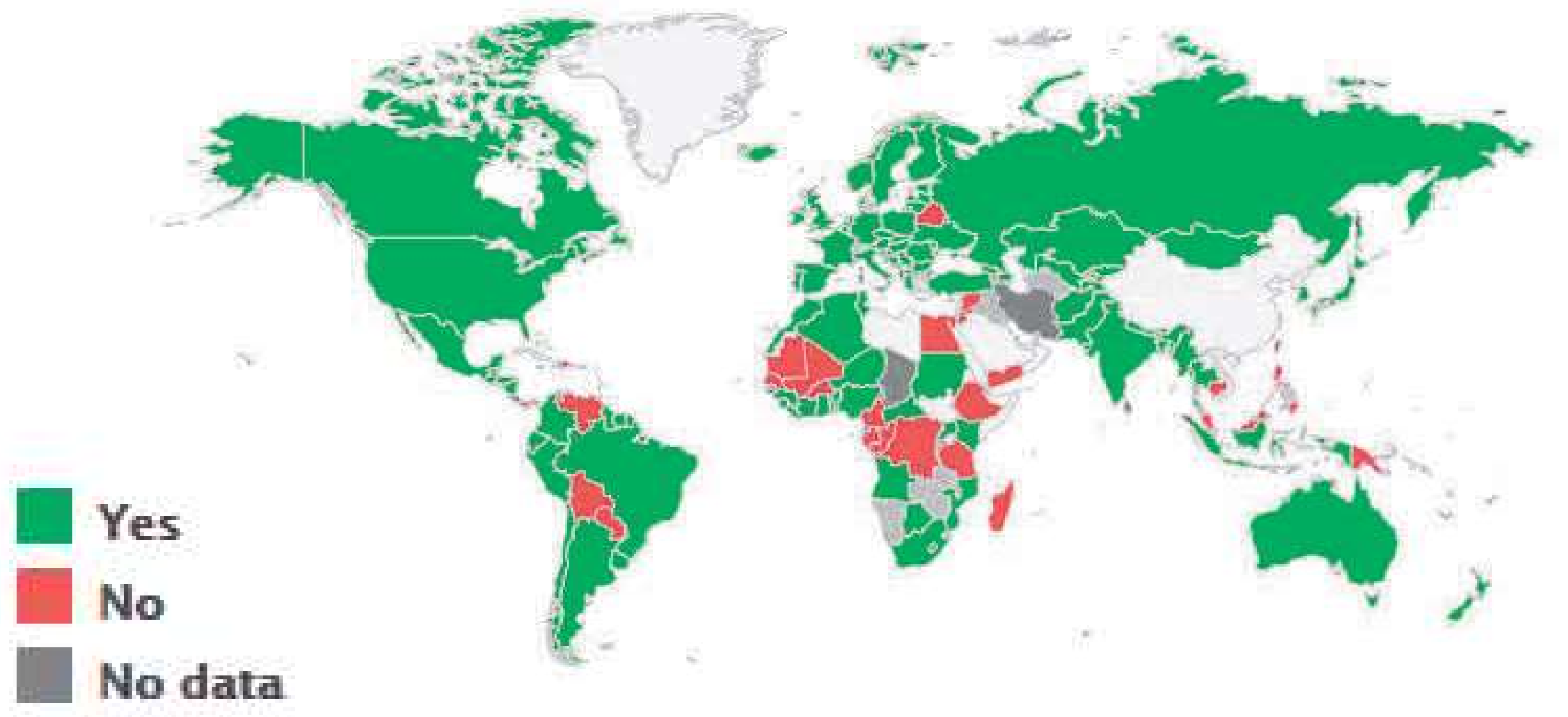
Political parties must report on election campaign finances



Candidates have to report on their campaign finances



Public access to reports from p. parties and/or candidates



Declaration of Purpose of the Independent Constitutionalists UK (ICUK)

(www.icuk.life)

Towards a

PEOPLE'S POLITICAL-ECONOMY OF INCLUSIVE TRUSTEESHIP

ICUK is a movement and political process to create a Constitution for the UK that instils integrity into Parliamentary debates, offers citizens participative representative democracy, voters a proportional electoral system and the people the means to build a just economy that reduces inequality and conserves and replenishes planetary resources.

This Declaration is intended to be used as a meta-narrative and source of inspiration for the preparation of individual Constituency Manifestos by Constitutionalist and other [Independent \(1\)](#) parliamentary candidates, who, sharing these principles, values and goals and by reason of their competence, integrity and civil experience shall stand in future elections.

PREAMBLE

*Democracy is the art of thinking independently together –
in the UK there is a way of making it achievable*

It is our belief that moral purpose, trust and belonging are the essence of social being, that the way we are governed is a matter of concern for every citizen and that entitlement to rights entails shared responsibility for the collective creation of the means for their enjoyment. We aim to use the system, to become the system, to change the system, to recover trust.

Our elective representative democracy in Westminster has ceased to represent the interests of the people adequately. Successive Acts of Parliament that have created our uncodified constitution have failed to ensure that the centralised decision-making power accorded to Parliament justly expresses the [will of the people \(2\)](#).

This democratic deficit is revealed in three ways. Many voters find it difficult to question the truthfulness of political claims in the mainstream and social media. The first-past-the-post electoral system can result in the votes cast bearing little resemblance to the party-political complexion of parliament and in MPs representing a minority of constituency residents. Winner-loser competition between political parties generates tribal loyalties which combine with lobbying pressures causing MPs to disregard the opinions and needs they hear from their constituents.

Voters thus feel powerless and angry. Governing the country in these confrontational and ritualized ways is not in keeping with the behaviour of the people around them. Most people are remarkably social and unselfish. They cooperate more often than create discord, and volunteer supporters of beneficial causes are not hard to find in streets and villages across the country.

Trust in politicians has thus been severely eroded by this stark contrast. But these negatives can be redeemed by groups of constituency citizens using the system, to become the system, to change the system, to recover trust, and by invoking [People Sovereignty \(3\)](#) underpinned by the notion of [Constitutional Supremacy \(3\)](#) entrenched in a **Written and Living Constitution**.

We therefore propose:

I. SYSTEMIC POLITICAL REFORM

1. That the prevailing "**elective**" representative democracy whereby citizen participation is confined to voting in local or general elections at distant intervals be replaced by "**participative**" representative democracy. This combines the ongoing involvement of citizens in the management of public affairs with genuine bottom-up representation, mandated and accountable.
2. That current adversarial, bipolar party-politics and the winner-loser point-scoring Westminster culture should now give way to agreement and consensus creation by independent MPs - **loyalty to constituents** must take precedence over party allegiance and compliance with party disciplines.
3. That in future elections constituents ask candidates if they accept [an ethical code \(4\)](#) for elected representatives.
4. That, in light of their comparative advantages, the processes whereby, at whatever level, representatives can be selected for or removed from office - election, sortition (selection by lots), combinations thereof, rotation, renewal and recall - be the subject of in-depth public debate and scrutiny. In this way, **functional structures**, mandated and accountable, based where possible on time-limited allocation of responsibilities, can be made to replace the **fixed hierarchies** that cause status-creation and corruption.
5. That the existing First-Past-the-Post electoral system be reformed as a matter of urgency and moved toward **proportionality**, thus to obtain greater correlation of votes cast with the resulting representation.
6. That henceforth in all elections and, where resorted to, in [referendums \(5\)](#), the people be **responsibly** prepared to make informed choices before voting.
7. That the franchise for all elections and referendums be a [settled residency \(6\)](#) period for citizens aged 16 years and over.
8. That, where decision by simple majority vote is stipulated, constitutional checks and balances combine with adequate citizen preparation to protect minority interests.
9. That a [fair political-funding \(7\)](#) system for the preparation of elections and referendums be established that upholds the « one person one vote » principle and prevents the unfair use of personal and/or institutional wealth to leverage political influence.

II. A WRITTEN CONSTITUTION FOR THE UK

10. That the principle of [Parliamentary Sovereignty \(8\)](#) (of undemocratic origin) by which we are currently governed be replaced by that of **People Sovereignty** underpinned by **Constitutional Supremacy** and entrenched in a **Written and Living Constitution**.
11. That the initial purpose of Constitutionalist and other Independent MPs when elected to Parliament, either through occupancy of a majority of seats or of a significant proportion thereof, shall be to work for:
 - (a) responsible preparation and holding of a referendum on whether the people of the United Kingdom wish to continue with parliamentary sovereignty or adopt people sovereignty underpinned by a new principle of constitutional supremacy; and
 - (b) if the latter, establishment of an **Advisory Constitutional Convention**, whose task shall be, through widespread citizen participation combined with expert opinion, to advise the Westminster Parliament and government on the drafting of a new Constitution.

12. That said Draft Constitution make provision *inter alia* for:

- (a) the existing Supreme Court to act henceforth as a **UK Constitutional Court or Council**, empowered with major new constitutional responsibilities, including power to declare unconstitutional and therefore invalid any laws that violate the Constitution ;
- (b) special procedures for amending the Constitution's provisions;
- (c) clear specification of the roles and functions of the branches of government and of civil society;
- (d) expression of the shared values of the people of the United Kingdom, and of the principles of true democratic self-governance, thus serving as a compass to guide the people in their moral aspiration and direction of political travel;
- (e) following public deliberation, the adoption of the said Draft Constitution by the people of United Kingdom in a responsibly prepared referendum and subsequently its enactment into UK law by Act of Parliament;
- (f) inclusion in the voting papers for said referendum of adoption of an option for continuation of the House of Windsor as titular head of the United Kingdom following its oath of allegiance to the Constitution.

III. SYSTEMIC RENEWAL OF THE POLITICAL ECONOMY

13. That Independent parliamentary candidates, supported by constitutional change and constitutionally established citizen participation, shall campaign for the creation of a **People's Political-Economy of Inclusive Trusteeship (9)** which upholds the values and principles set out in this Declaration. Further, said process of creation shall include democratic scrutiny and citizen deliberation of *inter alia* the policy options set out hereafter:

- (a) **Economic Sanity** Whereby the production and distribution of goods and services is organized according to planetary sustainable patterns (e.g. the **Circular Economy (10)**);
- (b) **Measuring Economic Efficiency** Replacement of GDP as a measure of the UK's wealth by the UN's Inequality-adjusted Human Development Index (IHDI), and other metrics such as the Inclusive Wealth Index (IWI);
- (c) **Economic Inclusion & Distributive Justice** Building social justice into the process of wealth and value creation through inclusion, thus enabling people to benefit directly from this process as opposed to having to rely on benefits downstream.

(d) **Reform of the existing Monetary System (11) and renewal of Public Oversight of Finance**

Convinced that the current financial and monetary “mess” is the result of almost 40 years of dominant economic thinking that (1) money, finance, and markets are neutral, and know best; that (2) banking and finance should be unconstrained, and (3) that central banks and governments should simply step out of the way, Constitutionalists propose:

- **Promotion of public understanding** of money, banking and finance and their uses, which releases the latter from the control of a supposedly “neutral” technocracy and exposes the poor understanding and misconceptions of classical and neoliberal economics;
- **Development of regulations** that make possible public control and oversight of finance so that finance serves people and the productive economy rather than the speculative interests of a minority;
- **Democratic deliberation towards consensus on**, among other issues: Money Creation • Credit/Debt • Interest • Central-Bank and Real Interest Rates • Monetary Financing (People’s Quantitative Easing) • a debt-free **Sovereign Money (12) System** •

Community Currencies • Credit Guidance and the respective roles of Public Finance Institutions and Private Banks • Government-supplied Safe Assets • and International Capital Controls.

(e) **Ecological Transition** Promotion of a healthy environment and of public awareness through inclusion, (e.g. [Democratisation of renewable energy production \(13\)](#)); [This provision is currently under discussion in the Strategy Forum](#).

(f) **Reform of the existing Fiscal System (14) and Funding of Public Investment:** Knowing that one of the principal functions of government is the funding of public services through, among other sources of income, taxation, and convinced that governments must take the lead in developing effective tax regulation rather than relying on self-regulation and negotiation, Constitutionalists propose:

- **Promotion of public understanding** of location value, of land use and ownership, and of the concepts of “good” and “bad” sources of public revenue;

- **Democratic deliberation towards consensus on:**

- ***An Annual Ground Rent or Land Value Charge*** - a rental, that is, on all private land use (1) as a significant means of financing the public services to which that land gives access and (2) as a disincentive to property ownership for purely speculative purposes, in particular “land-banking” (the holding of land “out of use”);

- ***Measures to ensure*** the fair levying of “good” revenue raisers, and effective regulations to prevent global tax avoidance by individuals and multi-national corporations.

- **Public Investment** in the localisation and balanced regionalisation of public services: education, social care (including family support and services for older people), health, and social housing;

(g) **Social Responsibility** A requirement that companies, as co-creators of the country's wealth, declare their public benefit purpose and ownership obligations, and abide by them, thus diminishing their financial commitment to disconnected shareholding that limits their research, development and innovative capabilities;

(h) **Subsidiarity** Decisions affecting the lives and management of communities shall, where and whenever possible, be taken by those more directly concerned by the consequences of such decisions;

(i) **Regionalisation** In which over time capital cities, subregions and districts are granted statutory powers within boundaries that are formalised through participative referendums;

(j) **Accountability** All public institutions to be endowed each with its own charter, including **Trust Status** for public utilities such as the NHS and the BBC, the latter being required to support citizen deliberation prior to elections and referendums;

(k) **Equality** To the equal political and legal status of all citizens be added their right to equality of opportunity, irrespective of gender, sexual orientation, race, belief or other arbitrary form of discrimination;

(l) **Citizens' Rights** Extension of the International Bill of Human Rights (accompanied by a Citizen Code of Responsibilities), to include a commitment to life-long learning and quality of work. Democratic scrutiny of the idea of a [Citizen's Dividend \(15\)](#);

(m) **The Commons** Prevention of all further sequestration and expropriation of public space and amenities, whereby to preserve existing commons as expressed in land and rights;

(n) **Education** In constitutional literacy, democratic practice and civics in all schools and places of education.

(o) **Big-Data, Technological Innovation and the Political Economy** The current rising-tide of digital and technological innovation is seen by some as a source of unbounded

opportunity, generative of new forms of political organization, as something upon which the survival of our species will ultimately depend. Others see it as immersive, intrusive, disruptive, inscrutable, beyond democratic oversight and ultimately destructive of what is valued in human society and even of human kind itself.

For Constitutionalist, however, three things are important:

(1) Technology is never deterministic, and can be used to create very different kinds of society. Deciding which of these to realise may well be the most important moral challenge humankind will have to face in the coming decades. Humanity has become a major agent in shaping the circumstances of its own existence, and for this reason if for no other, the decisions it makes in devising a future for itself within its planetary habitat will be matters of *political choice* and not of engineering or scientific inevitability.

(2) The survival of our species will depend not on *palliative* technological fixes but on *curative* systemic and mindset change, on our being able to move away from our current unsustainable, growth-based system that generates inequality and has humans competing with each other for increasingly scarce resources. It will depend, ultimately, on our ability to subject accelerating technological change to democratic control and oversight. An “ought” cannot be got from an “is” and just because something becomes possible does not mean that it is desirable. In other words, the grasp of our moral imagination must catch up with our technological reach.

(3) It is unlikely that of and in themselves digital eco-systems with their virtual connectivity will offer a new global civic space - a viable real-world structure of political organisation - capable of driving co-creative activism. Algorithm-based digital and robotic technologies will doubtless prove valuable tools in creating a better world, but only real-world participative deliberation can define and confer legitimacy on the ends that will make that world better.

IV. ADDITIONAL NOTE

Guidelines for consideration in creating the new constitution

The range of national constitutions around the world shows each one is crafted to suit the country's geography, history, population distribution, cultural traditions and political aspirations, normally with provision for amending its clauses over time. And they vary in forms of government and political systems on a scale from confederation through federation to regional integration, and even more decentralised devolution.

The Union of Great Britain and Northern Ireland is exceptional because it does not have a single codified constitutional document. But its rich tradition of incremental amendment by successive Acts of Parliament provides a base on which to build a codified constitution that offers moral progress, trust, and a sense of belonging.

Confederation - the functional coming together of sovereign equals - might well prove the desired future extension of this constitutional initiative, three of the four nations already having their own assemblies and cultural identities.

But account needs to be taken of emerging demands for more devolution - for instance from Greater London and Greater Manchester, Liverpool, Birmingham, etc., and from Cornwall (Mebyon Kernow), Yorkshire, the Northern region, the Channel Islands and the Isle of Man - whose constitutional integration may best be served through a federal, confederal or regional system of governance.

In short, the range of options is plentiful. But so also is the documentation available to inform future debates on constitutional change: not only from other countries but also from previous parliamentary debates in Westminster, particularly those from the 1960s onwards.

Editors' note: without being overly stipulative, the purpose of this Declaration, together with its Explanatory Notes, is to provide a clear and comprehensive statement of ICUK values and proposals. It is designed essentially for use by collaborating activist individuals and agencies and by Constitutionalist and other Independent parliamentary candidates in preparing their manifestos in future elections. It remains work in progress.

Explanatory Notes to the Declaration of Purpose

(1) Independent Non-adversarial Politics While mindful of their ongoing duty and commitment to promoting the values and principles enshrined in their country's Constitution, the first loyalty of Constitutionalist and other Independent parliamentary candidates would be to their constituencies whose interests they defend. Their function is essentially a representative one: they are mandated by their constituencies, to whom they remain accountable and by whom they can be recalled. This in essence is what Constitutionlists mean by *participative representative democracy* (ideas that are born of citizen participation and carried forward by representation to regional and national assemblies). It is the anchor of the independent non-party politics that ICUK is attempting to promote.

The advent of independent candidates in significant numbers, Constitutionlists are aware, would constitute a major departure from what exists. It would be a new way of doing politics that replaces party politics with what might be termed "issue-based" politics moved by real-world ideas and issues rather than by ideology. Independent representatives come to the parliamentary table (necessarily hemispherical in shape) with agendas and concerns as defined by their constituency committees and the like. Essentially thereafter, parliamentary business becomes, *first* the discovery or identification of common ground and shared purpose, and *second* the negotiation of consensus and compromise (a process that would include voting as a last resort) regarding what exactly is to be done and how. Groups and alliances of representatives with their spokespersons (necessary for practical purposes) would inevitably emerge from this process, but, in stark contrast to political parties thus far, such groups and alliances would be functional, flexible and time-limited.

What must unite Independent Candidates of whatever origin is a commitment to genuine democratic practice. Martin Bell's *10 Principles*, ICUK's *Guidelines for Collaboration* and Flatpack Democracy's *Ways of Working* all provide suggestions as to how this genuine practice can be achieved. All these methods basically involve reaching inclusive and consensual decisions by encouraging members of a group to keep objecting to a proposal until, between them, they produce an answer all of them can live with. Locally it's not hard to see it producing better decisions than the average local authority meeting. Scaling it up to regional and national assembly levels presents a formidable challenge, but one that Constitutionlists believe is well worth taking up.

(2) The "Will of the people" is the term frequently employed to describe the shared values and collective purposes of a community. The all-important question is however: how is the will of the people to be determined?

The "will of the people" is clearly not what, for example in Germany, the Soviet Union and Communist China, a series of dictatorial and totalitarian ideologues imposed upon their respective populaces during World War Two and subsequently. Nor was it what Mrs Thatcher, over the heads of many of her ministers and Parliament, said she was convinced she heard through her special ear, and even less what Tony Blair was reflecting when he took his country to war in Iraq. Indeed, the will of the people, that collective aggregate of individual reason, is not even what audimats, box-ticking opinion polls and market surveys - those trackers of individual preference - claim to inform us about.

For Constitutionlists, the "will of the people", *not being a discoverable given*, cannot by definition exist prior to the painstaking democratic process of collective enquiry, debate, discourse, deliberation and consensus-building that brings that "will" into existence. In other words, the "will of the people" is an act of purposive collective creation. Unless and until that ongoing articulative act begins to be accomplished, and the processes by which it is achieved enshrined in a written and living constitution and perpetuated by constant democratic practice, we risk being left with a political void. History has repeatedly shown how this void can all too easily be filled by the lies and manipulation of unscrupulous individuals and groups who, driven by self-interest, seek to divide, control and exploit, especially when the communities concerned are cowed by scarcity, deprivation and fear.

(3) People Sovereignty and Constitutional Supremacy People (or Popular) Sovereignty is the theory embracing the notion that all political power resides in the people but that the people *delegate* a defined measure of that power to a government to avoid the practical impossibility of making and enforcing laws themselves. This theory goes hand in hand with that of **Constitutional Supremacy** whereby the Constitution becomes the supreme law of the land and cannot, at least in its fundamental features, be altered save by wide popular consent. Constitutional Supremacy embodies the notions of (1) a constitution, written and accessible, that in principle *invalidates* any laws that are inconsistent with it, and (2) of *entrenchment* whereby the latter's provisions cannot, for example, be repealed by Parliament as at present under the principle of Parliamentary Sovereignty. Neither should the provisions of a constitution be altered by plebiscitary consent through majority vote without controls in the form of constitutional checks and balances. Such checks and balances, in turn, should be so designed that minority interests are protected and the enduring moral and ethical dimension of the settlement that the constitution sets forth be secure. For Constitutionalists, this includes "the shared values of the people of the United Kingdom and the principles of democratic self-government, so that the Constitution should serve as a compass to guide people in their moral aspiration and direction of political travel" (see Clause 12 (d) of our Declaration of Purpose). Finally, any such Constitution would need to recognize an enhanced role for public participation, for, as we have already suggested, under a reformed system, rather than government simply imposing its authority on the people, power will be delegated by the people to government with a remit, however broad or narrow, which reflects their "will".

These, then, are the principles (which, incidentally, have been adopted by almost all other *democratic* states) underlying the constitutional settlement that our movement believes should now be established in the United Kingdom.

(4) An ethical code

Martin Bell's 10 Principles We will:

- abide wholeheartedly by the spirit and letter of the Seven Principles of Public Life set out by Lord Nolan in 1995: *selflessness, integrity, objectivity, accountability, openness, honesty and leadership*;
- be guided by considered evidence, our real world experience and expertise, our constituencies and our consciences;
- be non-discriminatory, ethical and committed to pluralism;
- be free from the control of any political party, pressure group or whip;
- make decisions transparently and openly at every stage and level of the political process, enabling people to see how decisions are made and the evidence on which they are based;
- listen, consulting our communities constantly and innovatively;
- treat political opponents with courtesy and respect, challenging them when we believe they are wrong, and agreeing with them when we believe they are right;
- resist abuses of power and patronage and promote democracy at every level;
- work with other elected independents as a Group with a chosen spokesperson;
- claim expenses, salaries and compensation openly so the public can judge the value for money of our activities.

These principles apply to personal integrity. Our strap-line reads: *We aim to use the system, to become the system, to change the system, to recover Trust*. Its reference to Trust extends these principles into the broader and more complex contexts of societal and global relations. Hence our insistence on articulation by companies of a Declaration of Public Benefit Purpose and on Charters for all public institutions (Provisions III. 13 (g) and (j) respectively of this Declaration).

(5) Referendums Constitutionalists believe that referendums have a place in participative representative democracy but their role is to complement it, not replace it. Their link to democratic legitimacy is tenuous and heavily conditioned. Far more than primary legislation, the outcome of a yes/no referendum leaves the content of the decision underdetermined, particularly when the question put to the people, as in the case of the EU referendum, affects an array of interconnected issues of law and policy. In most liberal democracies the use of referendums is strictly regulated by a written constitution that restricts the types of question that can be asked and the conditions under which they have a binding legal effect. The UK's

unwritten constitution lacks this robust constitutional architecture. The experience of the EU referendum is another blow to the argument that the UK has no need for a written constitution.

(6) Settled residency This note is under discussion in the Strategy Forum.

(7) Fair political-funding Constitutionalists believe that if one person's vote is not to count more than any other, then no one's money should either, and dethroning the billionaires and corporate and union funders would help to restore political power to where it properly belongs: with the people. This is the principle underlying a fair political-funding system. One example of such a system might be: every party would be allowed to charge the same membership fee (say £20). The state would then match it with a fixed multiple. All other funding would be illegal. If a party or movement wanted more money, it would need to attract more members. With Referendums, the state would provide an equal amount for campaigns on either side.

(8) Parliamentary Sovereignty Our current system of government is one where Parliament enjoys an absolute and unfettered right to make and unmake laws. It is based on an uncoded and largely informal "constitutional" settlement in which, following power struggles between a monarchy claiming absolute power and Parliament, all the spoils of victory went to Parliament. The people were left with little or no part to play. That situation has prevailed to this day, in spite of the advent of universal suffrage and the post-war establishment of the welfare state when the interests of the people began to be represented and taken seriously into account. In recent decades, however, citizen participation in governance has become increasingly confined to voting in local and general elections at distant intervals. The simple truth is that Parliamentary Sovereignty is of undemocratic origin in that the people of Britain have never been invited to vote on whether we should be ruled by a parliament which claims absolute sovereignty, let alone by a parliament which has become an arena where two major parties are engaged not in *representative* politics but in an adversarial *power* struggle, leaving the minority parties squeezed out and deprived of any representative influence. Electoral reform, which enjoys the overwhelming support of the people of the UK and which might be a step towards addressing this state of affairs, is one of its more obvious casualties. The choice at general elections has long ceased to be between the "pluralism" of two or more different sets of policy options. It has now become a choice between electing a party that wants to *retain* power and a party that wants to *gain* it. But power, since all other considerations appear to be irrelevant, to what end? The people, the only "estate" with a legitimate and democratic right to answer that question, has seen its voice and vote progressively confined to participating in what, not without reason, has been dubbed an "elective dictatorship". The Brexit referendum and its muddled aftermath illustrate the depth of our current constitutional crisis and just how confused people are about the *sovereignty* issue. Constitutionalists believe that a paradigm shift is now necessary and clarification long overdue: the unfinished business of wresting sovereignty from an absolute Monarch and transferring it to what has become an increasingly unrepresentative and backward-looking Parliament of undemocratic origin must now be completed. A forward-looking principle of People Sovereignty must now be constitutionally established and Parliament restored to its proper representative function.

(9) People's Political-Economy of Inclusive Trusteeship

People's because people will begin to hope and recover trust in society and in the political system only when they feel included in the latter, when it belongs to them, and when they have a meaningful part to play. For example, widespread participation in the framing and writing of a comprehensive Constitution will help people to recover commitment and understand how important are the themes of Trust, Solidarity, Devolution and Confederation. The antagonisms, mounting personal insecurities and abrogation of personal responsibility generated by the current system, must give way to mutual trust and cooperation. This change of attitude across society will be possible only if meaningful livelihoods are available to all, and if all are encouraged to '*use the system, to become the system, to change the system*'.

Political-economy because moral and social purpose must precede the economic means of their achievement. People are ends in themselves, not means to an end. They and the Planet they share with all other living species must be put before profit and mindless growth. Principled pragmatism must become the watchword of economic management.

Inclusive Trusteeship because, even though *Homo sapiens* has become a major agent in shaping the circumstances of its own existence, the future of our species depends on the survival of other living species and on our sustainable use and replenishment of finite planetary resources. Recognising this truth, Constitutionalists believe that a viable political-economy for the future must be symbiotic with Planet Earth enabling us as its custodian*-stewards to hold it in trust for future generations.

*a person who has responsibility for taking care of or protecting something

(10) Circular Economy Decoupling human well-being from resource consumption (i.e. more resource consumption does NOT mean more human welfare) is at the heart of the Circular Economy. It takes essentially two forms: the **fostering of reuse and extending service life** through repair, remanufacture, upgrades and retrofits; and **turning old goods into as-new resources by recycling atoms and molecules**. People - of all ages and skills - are central to the model. Ownership gives way to stewardship and caring; consumers become users and creators. The remanufacturing and repair of old goods, buildings and infrastructure create skilled jobs in local workshops, and, with "outmoded" technologies (for example, electro-mechanical) disappearing from vocational training courses, value is restored to the skills and experience of workers from the past.

Yet lack of familiarity and fear of the unknown mean that the circular-economy idea has been slow to gain traction. As a **holistic concept**, it collides with the **silo structures** of academia, companies and administrations. For economists used to working with GDP, wealth creation by making things last is the opposite of what they learned in school. GDP measures a financial flow over a period of time; while the circular economy, by measuring quality as well as quantity, preserves physical stocks. Increasingly, however, concern over resource security, ethics and safety as well as green-house gas reductions are shifting our approach to seeing materials as assets to be **preserved**, rather than continually consumed and disposed of.

(11) Monetary reform For Constitutionalists what is at stake here is the nature of money itself as a vital social good. Money facilitates commercial exchange, it provides the basis for social investment, and it has the power to stabilise or destabilise society. They firmly believe that handing the power of money creation over to commercial interests is a recipe for financial instability, social inequality and political impotence. Constitutionalists are convinced that reclaiming that right in the national interest from the wealth elite of the City of London would prove a powerful tool in the struggle for lasting and inclusive prosperity,

(12) Sovereign Money Some 24 national campaigns argue that taking the power to create money out of the hands of banks would end the instability and boom-and-bust cycles that are caused when banks create too much money in a short period of time. In this way, banks could be allowed to fail without bailouts from taxpayers. It would also ensure that, rather than being lent into existence as currently happens and frequently for speculative rather than productive purposes, newly created money is spent into the real economy, thus reducing the overall public debt burden.

Only one campaign has official endorsement -- Iceland -- on which one review has commented: "Under the proposed sovereign money system, the Central Bank of Iceland would increase the money supply in proportion to growth and consistent with the mandated inflation target. Direct control of the money supply would remove the need for traditional policy instruments designed to manipulate commercial banks' incentive to create money, such as policy interest rates and regulatory lending limits. The government would then put the money into circulation via sovereign bond purchases, and/or fiscal measures. To avoid conflicts of interests leading to the oversupply of money, decisions over allocation would be made by a committee independent of the government." For Constitutionalists, however, whatever system of money management is opted for, by government or independent thereof, it is crucial that the overall process remain at all times subject to public oversight thereby ensuring that money is deployed as a "social good" in the interest of the many rather than, as at present, of the few.

(13) Democratization of the renewable economy The provision of the country's energy supply is currently controlled by corporations and consortia. Under democratization, individual citizens and small and medium enterprises could be enabled through subsidies, tax reductions or other incentives to feed electricity from solar energy or other renewable resources into the

national grid and, as voters in local council elections or as local councilors, to participate in establishing priority zones when national incentives were allocated geographically.

(14) Fiscal reform Constitutionalists remember that land is not a manufactured good but a birthright, a free gift of nature. They are fully aware of the paramount impact of land and property ownership regimes on the entire economy and are mindful that housing policy needs to acknowledge that land-banking (the hoarding of land out of use) and the ownership of property for speculative rather than residential or home-making purposes are the underlying cause of inequality and the direct cause of the high cost of homes. They are confident that an annual land-value charge or ground rent would help to end land and property speculation and provide government with the funds to build more homes.

(15) A Citizens' Dividend The concept of a Universal Basic Income - a regular and unconditional cash transfer from the state received by all individual citizens in acknowledgement of the part they play in generating the wealth currently enjoyed by only a few - needs no introduction. It is an idea that, in varying shapes, political parties across the world are now adopting as official policy.

Constitutionalists are well aware of the many issues, positive and negative, raised by this idea: its alleged effect on work incentives, its affordability and funding, its transparency, its administrative efficiency, its potential for contributing to sustainable consumption and "values growth", its relevance to mounting automation and to freeing people from a life reduced to "shopping between shifts at work"; its role, finally, as a first and tentative step in creating a new economic and social order.

Constitutionalists believe that the list of issues raised by the idea of a Universal Basic Income should now be the focus of democratic deliberation. They prefer, however, to speak of a **Citizens' Dividend (CD)**. Why? Because, unlike most redistributive benefits which are funded from taxes that penalize productive effort, CD is neither benefit nor tax, nor even redistributive. It is a **dividend** paid to all citizens out of the rents (i.e. the income) from the land-value they all help to create. And its payment out of the public's finances becomes possible once the fiscal system has been restructured to include an Annual Ground Rent that honours the principles of both fairness and economic efficiency.

A Constitutionalist Guide to Morality: Language as Democracy

St Juien-en-Genevois
January 2018

Re: 5 December 2017 exchange between Clive, Janos & Michael
DP - Anybody Who Gives You a Belief System is Your Enemy

Michael wrote: Whether or not truth is discoverable is doubtless a matter of debate. Moral truth, however, can only be **co-created**.

Clive wrote: One could ask the question, is morality anything to do with truth? Is it an essential prerequisite for peaceful co-existence?

When the individual reaches a level of understanding within themselves, they are at peace with themselves. Conflict or abuse of others destroys that peace. Does morality have a part to play in peaceful co-existence if that condition prevails?

Janos wrote: Next door to morals is ethics.

The quote from *Diffen* that Janos provides in support of his contention reads:

Ethics and **morals** relate to “right” and “wrong” conduct. While they are sometimes used interchangeably, they are different: **ethics** refer to rules provided by an external source, e.g., codes of conduct in workplaces or principles in religions. **Morals** refer to an individual’s own principles regarding right and wrong.

Whatever meanings people commonly attach to the words “ethics” and “morals”, one thing seems perfectly clear: meanings are the ideas that *by convention* we agree given words in given contexts shall carry, the words functioning as labels for, or sign-posts to, those ideas or meanings. Our agreement is in itself an act of what might termed “unconscious” democracy. But like all unconscious verbal assumptions, its truly democratic nature becomes apparent only when brought into consciousness and shared with others, which is why Socrates, who understood this, spent his life encouraging people to define their terms. Constitutionalist understand this. For, when they call for a Constitution, they insist that it be not only written but also living. A constitution - a necessary, though by no means a sufficient condition for democracy - by laying down the ground rules that make genuine democratic practice possible, constitutes in itself *the* primal act of democratic co-creation. And that act of co-creation becomes “ongoing” whenever the conventional and agreed terms of the Constitution are challenged and redefinition is called for, or when as happens occasionally those terms need to be adapted to changing circumstances.

It is my contention that for some time now a similar situation has obtained in the field of moral philosophy: circumstances have changed and a redefinition of terms is called for. Indeed, it is my further contention that a paradigm shift towards more democracy-friendly moral thinking is long overdue.

The distinction *Diffen* makes between ethics and morals is the conventional one: “ethics” are external, objective and pertain to society, while “morals” are internal, subjective and pertain to an individual’s sense of value, of right and wrong. In its Comparison Chart, *Diffen* further suggests that “ethics” have to do with what external society deems it is right to do, while “morals” depend on what we internally believe it is right to do.

Now a similar sort of distinction underlies the discourse of the French moral philosopher, André Comte-Sponville. In a recent interview for *Le Monde* (April last year), he insisted that morals must be disassociated from politics: “We need morals to govern ourselves”, he said, “and politics to govern together the communities to which we belong”. “But”, asked his interviewer, “do we not need, if not morals, at least a minimum ethic in politics?” “Yes”, replied the philosopher, “of course we need morals! But we must remember that the moral question remains: *what should I do?* not: *what should so-an-so do?* Morals only work in the first person. For the others, the law and compassion must suffice.”

In what follows it shall be my purpose to show just how misconceived, muddled and misleading this distinction or disconnect between “objective” ethics and “subjective” morals continues to be. It has become a source of needless confusion and a barrier to any meaningful understanding of the democratic functioning of human moral sense.

First, it blinds us to the fact that much, if not most, of what we as individuals believe it is right to do is a function of acculturation, of what society (the other members of our communities) suggests it is right to do. The fact that, until relatively recently, this process of acculturation had been captured and controlled by an elite minority, abetted by the officers of organised religion or its equivalents, should not hide from us **the fact of acculturation as an abiding and necessary moral force.**

Second, the distinction fails to recognise another moral truth: were it not for “others” (and here in our eco-centric times we must include all living creatures) with whom we share our existence and common environment, what we did or did not do would be a matter of moral indifference. It is, indeed, the very existence of “others” in combination with human agency that makes what we do or fail to do “moral” in the first place. Imagine for a moment the situation of an individual living alone in a world devoid of all other living creatures. Could we in that circumstance meaningfully speak of our individual being morally accountable or responsible? Responsible? Accountable? To whom exactly?

Another French moral philosopher, Emmanuel Levinas, puts it differently but voices the same idea about the essential role of “others” in moral matters when he writes: *There is no authentic sociality apart from ethics, and there is no ethics apart from sociality* (1). Levinas uses the word “ethics” but he could equally well have used the word “morals” without altering his proposition one iota.

No, the traditional distinction between “morals” and “ethics”, between the internally “subjective” and the externally “objective” has limited use only in our current world of hoped-for adult, democratic and egalitarian deliberation.

That distinction may have borne analytical weight in an authoritarian age of imposed moral order when we were being told what to do by “our betters and superiors”, when the consuming fires of our immature consciences could be assuaged by the liberating absolutions of Father

Confessors or the kindly words of Spiritual Advisors and empathetic friends, but it has little relevance to our own age when moral values need to be co-created and moral calculus collective rather than individual.

There is indeed a cruel and tragic irony to all of this. Precisely at the time of our venturing across the threshold of the authoritarian home of our special childhood into the wider, freer adult-world of moral relativism, precisely when it behoves us to begin thinking collectively for ourselves rather than have an arbitrary “few” think for us, we find the communities, so necessary to the democratic process of our thinking independently together, weakened as never before, atomised by the rampant globalised consumerist individualism that has invaded with meaningless noise and empty choices the moral-political space so recently released from the control of organised religion.

The question then arises how is that moral-political space to be filled, and with what? At this juncture, Constitutionists with their Declaration of Purpose are primarily concerned with the how rather than with the what.

First, they would agree with philosopher David Hume that an *ought* cannot be derived from an *is*. They are concerned, that is, to make a clear distinction between how they observe the world *to be* and how they believe the world *ought to be*, between statements of observable scientific fact on the one hand and moral propositions on the other. I am reminded of this distinction when I recall that as a young Anglo-Saxon learner of Spanish needing to master the distinction between the use of the *subjunctive* and *indicative* forms of verbs, I was amazed and somewhat humbled to hear a four year-old deploy the subjunctive mood to the manner born, which indeed is what she was. She herself was no doubt unaware of the distinction she was making, but her language was!

Statements of observable fact or truth about “how the world is” are, of course, to a very large extent co-invented, but even so they are not “made-up” out of thin air. They start life in the empirical observations of often independent thinkers and, through a frequently long and tortuous process of what scientists call “peer review”, end up as settled and reliable consensual statements about “how things are”. Such is the case, for example, with adaptive selection through replication of Darwinian evolution theory, or with Nicolaus Copernicus’ earlier empirical discovery of Heliocentrism. We can as a result safely assume that tomorrow the sun will rise! If it doesn’t, then Copernicus’ theory is no less scientific, it is simply wrong. For as Karl Popper rightly suggested, in order for an observation to be truly scientific, it must be capable of falsification.

Now contrast this with moral propositions. To what extent are the latter capable of falsification, to what extent can they be said to be true or false? I would suggest the question is meaningless. If I say to you: “I think you ought to do so and so” and If you answer: “That’s not true”, I would simply be left feeling that I had not been understood. Unlike scientific facts, moral propositions are not things that we can verify, they are not susceptible to being found true or false, but they can be said to be desirable to a greater or lesser extent and as such can be agreed to or disagreed with.

Moral propositions are thus, more than anything else, matters of informed and shared understanding. And it is this informed and shared understanding that lies at the heart of democratic discourse, whose success or failure depends ultimately on our ability to communicate with each other.

To what extent the current social media, in spite of their trumpeted connectivity, will provide a stable locus for genuine democratic communication is very much an open question. Undoubtedly in certain instances the social media already do. Undoubtedly also in many other instances they appear to be eroding the collective exercise of moral imagination, by leading