

Moral Government

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Chapter 1

The Necessary Morality of Government

“Man is Born into Trouble as the Sparks Fly upward.”

- The Book of Job

All the rains of June
it brings together, and is swift –
The river Mogami

- Matsuo Basho

To govern others is to have power or authority in a relationship with them; to govern justly is to use that power or authority in ways that very much respect the purposes and goals of the relationship.

Confucius once affirmed that “there is government when the lord lords, the minister ministers, the father fathers, and the son sons.”¹ One could extend his metaphor as follows: “and the mother mothers, the daughter daughters, the brother brothers, the sister sisters, the driver drives, the soldier soldiers, the doctor doctors, the farmer farms, etc, etc.”

Confucius points to the act of governing as the fulfillment of a role. Just here – in his insight from so many centuries ago – rests the nub of the problem of government. Government is not about self; it is about others.

When we exercise power in any of our capacities – as parent, child, friend, citizen, official – we can make life better for ourselves and we can serve the interests of others. The more we serve only ourselves, obviously, the more our power is used for selfish ends and the less we embrace the needs of others. In being so self-regarding, we erode the moral ties between ourselves and others and find ourselves, more and more, in a position of exploiting their needs – their fears, their desires, their passions – in order to reduce

¹ Confucius, *Analects in The Chinese Classics*, James Legge, Trans. (Hong Kong Hong Kong Univ. Press, 1960)

them to a willing instrument of our pleasure. This is not government; this is raw dominion, the relationship of master and slave under the law of the jungle where cunning and brutality carry the day.

Government presumes that power is cloaked with some attribute of civilization – with compassion, with mutuality, with common ends in mind, either of virtue or interest, or perhaps with a view towards implementation of religious, spiritual, communal values.

Something more

As Confucius advised, thinking of political powers more as necessary to living out a role or an office and not as delightful personal advantages points us towards sustainable community. Frequently where power is abused, those being harmed or demeaned seek to overthrow their abusers. Power, if left to the habits of the uncivilized, brings strife, uncertainty, restless anxiety, and constant agitation.

In the famous words of English political philosopher Thomas Hobbes, where power alone prevails without morality the life of mankind is “solitary, poor, nasty, brutish and short.”²

Or, we have the line that “uneasy lies the head that wears the crown.”

Government, on the other hand, provides for continuity, for security of persons, for community. Government must be more than simply power applied; government is more than having some in command while others obey. That subservience of one person to another can easily happen in war as armies impose their will through force and violence, but wars are designed to destroy mutuality in the name of victory. In war, as the Athenian negotiators once coldly insisted when they imposed terms on the Melians during the Peloponnesian War, “the strong do what they wish and the weak what they must.”³

² Hobbes, Thomas Leviathan

³ Thucydides

A wise corporate executive, Chester Bernard, correctly inverted the usual but simplistic understanding of political authority. Most often we assume that authority, and therefore governance, is a top-down flow of power. Those with the highest positions issue commands that are obeyed by subordinates. This command and control model, indeed a practice often used throughout history in all societies, is a superficial representation of reality. The point of consequence is not at the top, but at the bottom; the most important question to be asked is: will the subordinate cooperate and obey? Orders and commands only take effect when they are implemented and they are not implemented by those who issue instructions. Bernard writes: "... the decision as to whether an order has authority or not lies with the persons to whom it is addressed, and does not reside in 'persons of authority' or those who issue these orders."⁴

For authority to happen, for government to function, there must be a moral relationship between those who issue orders and those who implement such commands. Power, in short, must become authority – a bond of common purpose – for government to exist. Government by power alone remains warfare.

Again with insight, Bernard puts the solution well: "Authority is the character of a communication (order) in a formal organization by virtue of which it is accepted by a contributor to or "member" of the organization as governing the action he contributes."⁵ Governance, under this understanding, becomes the task of winning acceptance of authority through the creation of common purposes. There can be no government without a sense of ideal purpose along with some framework for moral justification of the actions proposed. Bernard argues that governance rests on faith: "faith in common understanding, faith in the probability of success, faith in the ultimate satisfaction of personal motives, faith in the integrity of objective authority, faith in the superiority of common purpose as a personal aim of those who partake in it."⁶ "He concludes "there is enduring cooperation without the vreation of faith, the catalyst by which the living

⁴ Bernard, Chester, *Theory and Function of the Executive*, (Cambridge, MA; Harvard Univ. Press 1938) p. 163

⁵ *ibid*

⁶ *ibid*, p. 259

system of human efforts is enabled to continue its incessant interchanges of energies and satisfactions.”⁷

The ends of government

James Madison and Alexander Hamilton when advocating adoption of the proposed federal constitution to create a stronger national government for the united colonies of North America after their successful war of independence against Great Britain said simply that: “If men were angels, there would be no need for government.”

Government exists to meet a need, a deep human need. That need is for each of us to be protected against the selfishness of our friends and neighbors. The end of government is to create conditions of morality. Government is for that which is greater than self.

Abraham Lincoln once made a note to himself on the public character of government, arguing that “The legitimate object of government, is to do for a community of people, whatever they need to have done, but can not do, at all, or can not so well do, for themselves – in their separate and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere.”⁸

At a minimum, government exists to provide for peace, security and order, to protect us physically from the violent and brutal actions of others. If all were indeed angelic in nature and disposition, we could trust to our neighbors, even strangers, for our safety and well-being. But, truly and unfortunately, we are not so constituted as to be the wise and compassionate keeper of others. We err and we sin; we impose and we sabotage; we lose our temper; we blame and stereotype; we steal and we gloat; we humiliate and we seek revenge; we do not care to listen, preferring most times to speak our own minds and opinions, and, when we do open our minds to the thoughts of others, we often do not open them very far.

⁷ *ibid*, p. 259

⁸ Lincoln, A. Speeches and Writings, Vol. I, p. 301

But there are other ends for government in addition to the most minimal goal of peace and security. Consider the Preamble to the Constitution of the United States, as an example of why we institute governments:

We the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The peculiar need of the Framers of the Constitution was to draft a scheme of authority more centralized than that provided by the confederation of states established during the war of independence against Great Britain. But the Preamble goes on to note more general objectives of government: providing for justice, maintain security against both foreign enemies and domestic disturbances, promoting the general welfare and securing the blessings of liberty.

In these latter objectives, the Preamble recognizes an important moral obligation: the claim of individuals not only to live safely but, most importantly in addition, to live well.

The metaphor I suggest we begin to use when we think about government is wellness. Government provides a healthy environment in which people can grow securely and reach their potentials.

The well-being to be provided by government includes, most of all, opportunity for individual and communal fulfillment: opportunity to make a living, to have personal values and personal powers over self; opportunity to make a life consonant with our natures and preferences as they might be. Government, therefore, must have in mind rules and regulations that promote qualities of life and personal meaning. Government should always live to serve, not to be served.

In short, government is not about “me”; it is about “us”.

Later in Chapter “_” we will explore how the many individual “me’s” come to form groupings and collectives that coincide with circles of government power and authority. Just as individuals can abuse whatever power is in their hands, just so groups and governments selfishly quarrel and struggle with one another over different values and interests.

Moral Government and Justice

The theory of moral government argues that there is a right way and also therefore, in opposition to the right, wrong ways by which to govern. Standards of moral government impose duties on the state and public officials. Meeting the obligations of public office provides for conditions of justice, where all is in proper order and people receive what is their due according to a set of moral criteria.

These criteria range in concreteness from specific decisions involving only a few individuals in very special circumstances to lofty ideals of principle and ultimate meaning. Between the highest ideals and the lowest applications of principle to the facts are gradations of standards by which to make decisions. Most of government is a decision-making process that takes the more abstract, more idealistic standards, and applies them to a more specific and concrete set of concerns. Principles thereby become real as they are applied to circumstances. The application of principles to the facts is as important for the ultimate success of moral government as is having the right principles in the first place.

For example, in deciding what to tax and how much to tax, government must choose among alternatives. By what criteria is such a choice made? Those criteria – say fairness to low income people or creating incentives for entrepreneurs – in turn reflect a more

abstract goal of what is best for society. And that goal, in turn, reflects an even more abstract belief in the purposes of human endeavor.

The German philosopher Jurgen Habermas has called the very abstract and ideal realm of thoughts, values, aspirations, and fundamental beliefs the realm of “Normativity”.⁹

Correspondingly, he calls the most concrete level of thinking and acting the realm of “Facticity”. “The realm of “Facticity” is the most physical, bodily, sensuous, and materialistic part of our lives. It is the realm of appetite and ambition, of sex and clothing, of touch and sensation.

Equally real to each of us, however, is the realm of dreams and ideals, aspirations and fears – the mental visions and emotions that have no physical container outside of our inner conscience and consciousness. This world, powerful and vivid to be sure, is the realm of “Normativity.” We live in both worlds simultaneously; our lives can be described as a kind of bridge between “Normativity” and “Facticity” over which we pass, going back and forth, many times each day. Those who spend more time actualized by the realm of “Normativity” we often consider to be “idealistic” or “impractical” while those firmly rooted in what is physical and immediately in front of them we call “pragmatic”, “without vision”, “short-sighted”, or even “selfish”.

The higher we rise above the realm of “Facticity” in our thinking towards levels increasing “Normativity”, the more moral we become. The more then do we think of others, of the future, of long-term consequences, of larger considerations, goals and objectives.

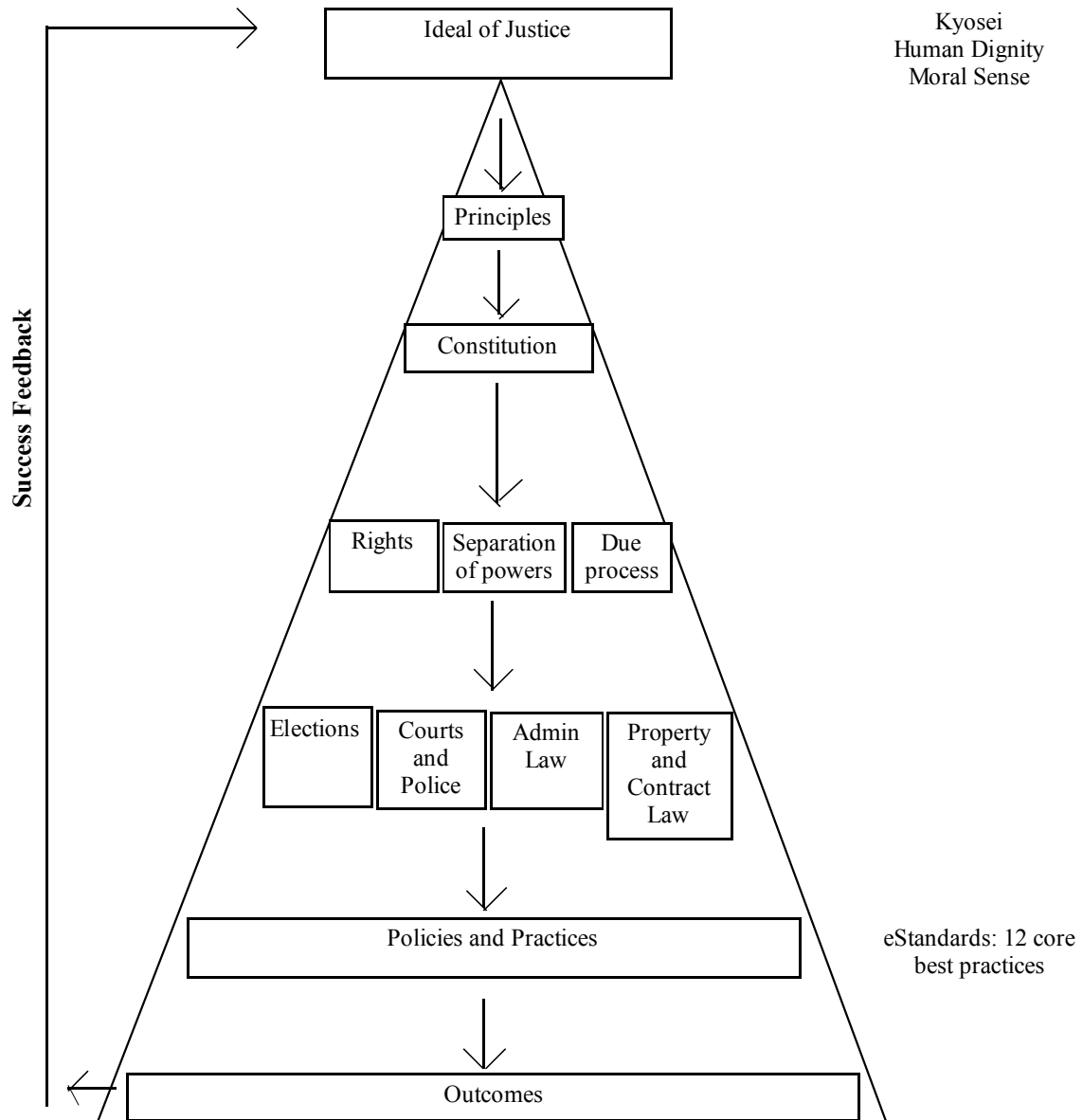
Government, too, is suspended between “Normativity” and “Facticity”. We expect government to be practical and realistic, dealing with what is here and now and feasible. But at the same time, we expect government to be thoughtful and wise, to draw upon higher values for achieving the long-term betterment of our communities. When

⁹ Habermas, Jurgen

government reaches upwards for guidance from higher levels of “Normativity”, we often praise it for pursuing the public interest or the common good.

The following chart rather simplistically sets out the framework for a theory of moral government.

The Just Government



At the highest level of the pyramid is a standard for just government, an ideal of justice. This ideal comes from our fundamental ideas about the ends and purposes of human life, in short, from our religious beliefs and understandings. For the Caux Round Table, three very abstract goals inform our proposed Principles for Governments. These ideals are *Kyosei*, human dignity and the moral sense.

Kyosei is a Japanese standard of conduct that values mutuality and inter-dependence among living beings and their environments. The vision of *Kyosei* presumes that we live within a network of dependencies and that we thrive as those relationships increasingly support us in return for our support of them. From the realm of “Normativity”, *Kyosei* commands that our ideal of justice provide for mutuality and respect for that on which we depend.

Human dignity is an abstraction about human nature deriving from the Christian religious tradition. It is a foundation for the social teachings of the Roman Catholic Church asking that individuals and institutions respect the autonomy and subjective value of individuals. The standard of human dignity asserts the inherent worthiness of each individual – the irreplaceable uniqueness of everyone, the importance of self identity and the subjective consciousness of the autonomous individual – the finite being that has a soul and can be saved from earthly sinfulness by faith or good works.

The moral sense is a naturalistic concept descriptive of what we are people are and how we function. It asserts that we have a capacity to rise above absorption with ourselves – a capacity to go beyond our interests and passions narrowly conceived to take into account the needs and feelings of others and to be guided in the present by the longer-term consequences of our actions. This reflective power the Scottish philosopher Thomas Reid called our “self-interest considered upon the whole”.¹⁰ Others have called it “enlightened self-interest”. The moral sense integrates the various levels of perception from the material realm of “Facticity” to the highest levels of insight into the realm of

¹⁰ Reid, Thomas

ultimate “Normativity”, what some refer to as the “Mind of God” or “the essence of being”.

If we, consequently, blend the insights about human experience pointed out by *Kyosei*, human dignity and the moral sense, we derive a set of principles for how government is to vindicate the understandings underlying those three fundamental perceptions. A set of such principles is presented in the following chapters as a framework for implementation of moral government.

Abraham Lincoln, for his part was persuaded that the best public policies should rest on a philosophy – something drawn from the realm of “Normativity”. Lincoln wrote: “No policy that does not rest upon some philosophical public opinion can be permanently maintained.”¹¹

Centuries earlier Roman Catholic Pope Gregory VII also insisted upon making the ideal of a just government real in the world through the acts of kingship. He too saw the dependency of just rule on higher values and a principled vision of the right. In his letter of 1075 to Swen, King of Denmark, the Pope wrote:

“We beg and exhort you, therefore, to administer the kingdom committed to you according to God’s law, to bear the name of Royal Highness with that special quality of virtue which belongs thereto, so that you may always show that in your own heart reigns that spirit of justice under whose governance you rule your subjects.”¹²

A government seeking to implement the principles of *Kyosei* and human dignity would feel intellectually compelled to draft a constitution arranging powers such that the two principles would be vindicated. That constitution would, no doubt, provide for certain rights to be exercised by the people without direction and control by the government, for the separation of powers with checks and balances, and for due process protections of individual rights. Such a structure would be the moral sense at work respecting human

¹¹ Lincoln, A. op cit, Vol II, p. 136

¹² Letter to Swen, King of Denmark, Jan 25 1075 The Correspondence of Pope Gregory VII, p. 192

dignity but processing the activity of individuals towards mutuality and reciprocity as called for by *Kyosei*.

Underneath the level of constitutional provisions would be (1) institutions for elections, (2) for courts and police to provide security and resolve conflicts among individuals, and (3) for rights of contract and property. Economic rights of private property provide people with power over their circumstances that, in turn permits them to better their conditions in line with their moral sense in support of their human dignity.

Finally, the institutions of government administration put into practice rules and regulations conducive to more precise and more concrete application of the values of *Kyosei*, human dignity and the moral sense. As these rules and regulations, administrative policies and practices, are implemented, the quality of the implementation can be measured by holding them up to the requirements of the Principles for Governments. The work of individual officials and administrators can be similarly assessed as to the quality of implementation by the individuals of the Principles for Government.

Moral Government and Religious Traditions

A theory and a practice of moral government that takes as its ideal a blended normative formula of *Kyosei*, human dignity and the moral sense has a most superior advantage over competing theories on politics and the state. The normative framework proposed here fits well within the ethical guidelines provided by many different religious traditions.

Buddhism

In both their Theravada and Mahayana aspects, Buddhist teachings look to shape the mind and heart of the person who holds power. Buddhism as a faith rests not on promotion of the self, but, to the contrary, on a realization that self-awareness and self-

centeredness are states leading to unhappiness and alienation from life. A sense of self, properly understood, is partially an illusion and completely within the un-sublime “red dust” world of karmic consequences. An understanding Buddhist holding political power would not seek self-advantage but rather, compassionately, would seek to improve the lives of others. This, in other words, would acknowledge obligations of stewardship towards others.

In his enlightenment, the Sakyamuni Buddha learned that a path could be followed to reduce the burden of suffering (*dukkha*). This way living is known to his followers as the Noble Eightfold Path, “noble” in that those who follow it can transcend the lower and more mundane levels of carnal existence and move closer to the experience of Nirvana, the transubstantiation of suffering into tranquility. The Noble Eightfold path develops sequentially: first (1) comes right view, knowing the steps in the path; next (2) is right resolve or right thinking; from this a person’s speech is improved and (3) right speech flows forth; then (4) right action arises after goals have been articulated in speech; next (5) one can incline to the right livelihood; with this as a basis, there can be (6) right effort; now (7) right mindfulness is developed; finally, the calm necessary for (8) right meditation and concentration easily makes itself present.¹³

Applying this sequence of personal self-mastery to kingship, Theravada traditions articulated a precise standard of righteous kingship (the *Rajadharma*). The *Rajadharma* consists of ten virtues for a king to embody in his conduct and his decisions. The righteous king is to live by these standards: giving (*danam*); right conduct (*silam*); personal sacrifice – material as well as spiritual (*pariccagam*); honesty and freedom from pretense (*ajjavam*); gentleness and humility (*maddavam*); concentration of effort (*tapam*); freedom from anger (*akkodham*); freedom from malice (*avihimsa*); patience (*khanti*); and avoidance of wrong doing (*avirodhanam*).

Mahayana Buddhism believes in “dependent co-arising” where the self is an extension of others, just as others are an extension of self. This perception of reality, taken into

¹³ Harvey, Peter *An Introduction to Buddhist Ethics*, 2000, p. 39

government decision-making, leads to an attitude of service and submission to a good greater than self-promotion and indulgence. In this net of “dependent co-arising” Mahayana Buddhism promotes the ideal of compassion (*karuna*) as a self-conscious being attempts to deliver others from suffering. The spirit of *Karuna* that motivates one to act as steward for others is found in these lines:

“May I be the doctor and the medicine and may I be the nurse for all sick beings in the world until everyone is healed.

...

May I be a protector for those without one, and a guide to all travelers on the way; may I be a bridge, a boat and a ship for all those who wish to cross.”¹⁴

According to the Dalai Lama, this tradition of enhancing our mindfulness energizes our facility of wise discernment, which, he believes, us to discriminate between temporary and long-term benefits, to determine the degree of ethical fitness of the different courses of action open before our discretion and to assess the likely outcomes of our actions. With this power readily at hand, we can easily set aside less worthy goals in order to achieve greater and more noble ones. In short, inspired by Mahayana teachings, we should be eager to implement the principles of moral government.

Islam

The Koran warns us again and again of our human potential to abuse power. For example, Surah 2 The Cow at 2:188 admonishes: “Do not devour one another’s property by unjust means, nor bribe the judges with it in order that you may wrongfully and knowingly usurp the possessions of other men.”

“Men are tempted by the lure of women and offspring, of hoarded treasures of gold and silver, of splendid horses, cattle and plantations. These are the enjoyments of this life, but far better in the return to God.” Surah 3 The Imrans at 3:14

¹⁴ *ibid*, p. 124

“There is virtue in he who counsels charity, kindness, and peace among men.” Surah 4 Women at 4:114

“Do not transgress; god does not love the transgressors. Eat of the lawful and wholesome things which God has given you.” Surah 5 The Table at 5:87

“Do not walk proudly on the earth.” Surah 17 The Night Journey at 17:31

“Those who seek to redress their wrongs incur no guilt. But great is the guilt of those who oppress their fellow men and conduct themselves with wickedness and injustice in the land.” Surah 42 Counsel at 42:35

Confucian Moral Teachings

Confucius puts before us a very firm recommendation that government is the service of a higher standard than our own needs and interests. “To see what is right and not to do it is want of courage” we are admonished.¹⁵ Social standards of reciprocity and concern for others take precedence over selfish individual standards in this scheme. People are to meet their responsibilities in relationships. So, for example, Confucius says several times that we should “Hold faithfulness and sincerity as first principles.”¹⁶ In being sincere, we open ourselves up to others and in being faithful, we align our interests with our commitments to others. Thus, we can provide for good government which “obtains when those who are near are made happy, and those who are far off are attracted.”¹⁷

“He who acts with a constant view to his own advantage will be much murmured against.”¹⁸

¹⁵ *ibid*, Bk II, Ch. XXIV, 2

¹⁶ Confucius, *Analects*, Bk.I, Ch. VIII, 2

¹⁷ *ibid*, Bk XIII, Ch. XVI, 2

¹⁸ *ibid*, Bk IV, Ch. XII

One should exercise government by means of *Te*, or virtuous powers of self-mastery and concern for others.¹⁹ Superior men possess virtue and, thus, are qualified to control the government. “If a superior man abandon *Te*, how can he fulfil the requirements of that name?” “The superior man does not, even for the space of a single meal, act contrary to *Te*.”²⁰ “The mind of a superior man is conversant with righteousness; the mind of a little man is conversant with gain.”²¹ “The man of *Te*, wishing to be established himself, seeks also to establish others; wishing to be enlarged himself, he seeks also to enlarge others.”²² The superior man “acts before he speaks, and afterwards speaks according to his actions.”²³

“A prince should employ his minister according to the rules of propriety; ministers should serve their prince with faithfulness.”²⁴ A superior man in government in his conduct of himself, he is humble; in serving his superiors, he is respectful; in nourishing the people, he is kind, in ordering the people, he is just.²⁵ “What is called a great minister, is one who serves his prince according to what is right, and when he finds he cannot do so, retires.”²⁶

In government, therefore, there are standards of right and wrong, including taking care of the people’s needs that override the personal preferences of individual rulers.

Government is a duty, not an indulgence.

For Confucius, if the people have no faith in their rulers, there is no standing for the state.²⁷ Government then fails once the relationship between rulers and ruled loses its moral character and falls into mercenary exploitation of the weak by the strong.

Government for Confucius is stewardship plain and simple. And only those who have mastered the arts of *Te* are fit to be stewards.

¹⁹ *ibid*, Bk II, Ch. I

²⁰ *ibid*, Bk IV, Ch. V, 2,3

²¹ *ibid*, Bk IV, Ch XVI

²² *ibid*, Bk. VI, Ch. XXVIII, 2

²³ *ibid*, Bk II, Ch. XIII

²⁴ *ibid*, Bk III, Ch. XIX

²⁵ *ibid*, Bk V, Ch. XV

²⁶ *ibid*, Bk. XI, Ch.XXIII, 3

Mencius was even more explicit than Confucius in his advocacy of government as stewardship. He advised that there is a principle by which rule can be obtained: “get the people and the kingdom is got. There is a way to get the people: get their hearts and the people are got. There is a way to get their hearts: it is simply to collect for them what they like and not to lay on them what they dislike.”²⁸ Mencius noted that “If the sovereign is not benevolently humane, he cannot preserve the throne from passing from him.”²⁹ When asked what special talent was necessary for success at kingship, Mencius replied simply: “The love and protection of the people.”³⁰ Mencius would not advise King Hui of Wei-Liang state on matters of selfish profit, but only on the topics of benevolent humaneness and righteousness.³¹

In a telling exchange with King Hsuan of Ch’i State, Mencius made the following point on the responsibilities of rulership:

Mencius said to King Hsuan “suppose that one of your Majesty’s ministers were to entrust his wife and children to the care of his friend, while he himself went into Ch’u to travel, and that, on his return, he should find that the friend had let his wife and children suffer from cold and hunger – how ought he to deal with him?”

The King said “He should cast him off.”

Mencius proceeded: “suppose that the chief criminal judge could not regulate the officers under him, how would you deal with him?”

The King said “Dismiss him.”

²⁷ *ibid*, BkXII, Ch. VII, 3

²⁸ Mencius, Bk. IV, Pt. I, Ch. IX, 1

²⁹ *ibid*, Bk IV, Pt.I, Ch. III, 3

³⁰ *ibid*, Bk. I, Pt. I, ChVII, 3

³¹ *ibid*, Bk I, Pt. I, Ch. I, 3

Mencius again said “If within the four borders of your kingdom there is not good government, what is to be done?”

The King looked to the right and left and spoke of other matters.³²

Judeo-Christian Teachings

The metaphor of the good shepherd is used many times in the Old and New Testaments that constitute foundational documentation of the Judeo- Christian ethical traditions. The image, of course, is one of stewardship.

Early in the Old Testament, in the Book of Genesis, we find responsibilities of stewardship placed on humanity. The story of Noah and the flood ends with the Lord God imposing obligations on Noah and his descendants to become stewards of creation, to provide for the flourishing of life. Noah and his descendants thus became God’s agents, his helpers, in a great task of management. We can draw from this story the implication that power is conferred for the accomplishment of a general good.

A similar concern for the abuse of power arises when the tribes of Israel want to anoint a king over them. Samuel understands that kingship is a danger and seeks the advice of the Lord God in order to forestall this institutional innovation. God, however, permits the appointment of a king, but with this observation “It is me they are turning away from with the appointment of a king.”³³ How pointed is this teaching that secular power is not without more cloaked with moral legitimacy. Rulership is a falling away from what is righteous. And so, intentional efforts must be made to align secular power with transcendent aspirations.

In the New Testament, Jesus affirms this separation of kingly power from God’s higher purposes. He asks that Caesar receive that which belongs to his kingdom while God is to

³² *ibid*, Bk. I, Pt. II, Ch.VI,1, 2

³³ I Samuel 8

receive that which belongs to the heavenly kingdom. When tempted by the Devil to assume rulership over all the princes and principalities, Jesus rebukes him for the presumption that such material pomp and circumstance would have any appeal to one who seeks God's heavenly kingdom. Thus does Jesus disparage the inherent value of secular power.

In the prophetic tradition of Judaism and Christianity, earthly power is therefore subject to a moral critique from those who what duties are owed to God. Values and ideals must be imposed on the ways of government for blessings and happiness to be enjoyed by the people under rule.

The Way of the Japanese Kami

A particular sensibility to natural forces among the Japanese is known as Shinto. Shinto constitutes a spiritual practice of living on good terms with natural potentials and forces called "*Kami*", often crudely translated into English as "dieties, gods and goddesses" or as "divine" beings. The Shinto sensibility rests on an awareness of potentials and forces not of human creation at work and play in the world inhabited by humans. These potentials and forces deserve reverence, even from powerful humans given weighty political responsibilities.

The Way of the *Kami* follows flows of energy and potentials for action and creativity. Energy and potential experience sedimentation into the forms and substances of the natural world and in actions manifested within the physical universe. Unsedimented energy is the abode of the *Kami*, which, accordingly, possess a numinous or transcendent quality. There are *Kami* with the power to produce life and foster its success and there are bad *Kami* which obstruct life-giving processes. *Kami* are holy, mysterious, awesome and

beyond manipulation. Active life forces flow from the *Kami* to the spirits of people; the greater the *Kami*, the more life potential flows to those who come under the protective solicitude of such creative powers. The presence of *Kami* is experienced, not rationalized. Such experiences call forth a sense of submission and respect.

The Way of the *Kami* calls forth from people habits of mind that promote spiritual awareness. In particular, the *Kami* respond positively to those with a “bright, pure, honest and sincere heart”³⁴ The qualities of an upright heart were described in the *Jikkisho* of 1252 CE as:

“Not disputing by denying what you have said, not acting as if you know what is unknown, not going back on your word, not being envious nor carrying either sorrow or joy too far, and in general holding uprightness to be your first virtue so as not to have an angry heart. It is like the sun and the moon, which do not dim their light because of a particle; and like an enlightened king who does not bend the law for an individual. It is absence of duplicity, not varying your attitude with the person and the situation, and equability of mind, not drawing intimates to you or keeping outsiders away. Such a person is wise, honest and upright.”³⁵

If one is sincere in mind, communion with the divine becomes possible. Attaining this quality of personhood gives rise to an ethic. That ethic applied to government calls forth humility and service from those in power. The uprightness of their minds keeps them from self-aggrandisement and opens them to service of something grander than their own desires. With sincerity, one should feel the divine presence and not think of consequences for the self. The primary aim is always to be sure of the sincerity of one’s heart. When reaching such a state of ego submission, short-term gains are to be rejected.³⁶

³⁴ Yamamoto Tsunetomo, *Hagakure* (Tokyo: Kodansha, 1979) p. 31

³⁵ *ibid*, p. 33 - 34

³⁶ Muraoka Tsunetsugu, *Studies in Shinto Thought* (NY: Greenwood Press, 1988) p. 35

The upright must necessarily look upon government as a moral calling where power is not sought for its own sake, but for what it can do in the service of life-forces and the creative powers of the cosmos.

Lack of awareness, in a person and in a politician, will lead to doing wrong, to the obstruction of life-forces. A correct decision can only be made in a state of human-divine unity, through an inter-penetration of the two realms brought about by human humility. For those in government a secular equivalent to religious refinement can be found in acting from moral principles as suggested by the Caux Round Table.

Human Rights

What is the difference between human rights and moral government? Both affirm a similar quality of goodness in government.

First, we can say that human rights stand in the shoes of the individual who asks “What freedoms do I have? Am I free from abuse and oppression? Can I live out my life as I want?” Moral government, on the other hand, stands in the shoes those holding public power and asks “Are they doing their duty?”

Human rights and moral government should meet up at the same place – justice – where the state respects the rights of individuals. But the norms of moral government go beyond protecting individualism. Moral government considers the quality of community as well and asks the state to act affirmatively to create conditions for happiness and prosperity. Moral government considers the state to be a business after a fashion, which can be measured by its output, its costs, and its reputation.

Where human rights and moral government intersect, we arrive for our political ideal at what is often called the Rule of Law.

The human rights approach to justice has its roots in the Western European tradition of liberal democracy and the limited state. To place checks on the ability of government to abuse its authority, powers are given to the people in their capacity as individual citizens. At their core, human rights values permit individuals to challenge government actions. Individuals can think for themselves and so can question the soundness and the legitimacy of government policies; government cannot impose religious or ideological views on citizens. Individuals can speak out against government and organize to change government policies and personnel. Citizens are protected from arrest and imprisonment if they so challenge the government. Citizens are left with wealth in order to finance possible opposition to the government. In short, the government can't cow its opponents into submission through oppressive measures but must compete through persuasion to win the voluntary submission of citizens to its ideas and programs.

The stance towards government of human rights holds that government is to be feared and kept behind a fence within its proper pasture. Therefore, the human rights stance implicitly assumes that the social, cultural and economic progress of peoples can best be achieved by decentralizing responsibility and opportunity to the private sector and to civil society. The human rights program places faith in the capacity of individuals to freely integrate their disparate interests and values into joint ventures and communal benefits.

Thus, we find the human rights approach speaking most of a list of powers and advantages which citizens can demand from government and which governments must provide and respect. The most famous of these lists are the first ten amendments to the Constitution of the United States, the 1948 International Declaration of Human Rights, and the international covenants on Civil and Political rights and economic and social rights.

We can also say that the goal of human rights activity is to make the government a servant of the people. But this is also the goal of moral government.

Democracy

Moral government is not necessarily fully democratic. However, the Principles of Government suggested by the Caux Round Table and presented in this book inexorable drive a government towards increasing democracy and popular sovereignty.

In political theory, and the best expressions of this can be found in Plato and Confucius, a tyrant can fully meet the duties of good government. Plato argued in *The Republic* that a dictatorship of wise philosophers could be trusted to provide good stewardship of the state without any need for elections or checks and balances. Plato believed that individuals could not be trusted to control their passions, including hatreds and avarice.

On similar grounds, Confucius argued for the concentration of power in a social elite of self-possessed “lordly” men or “gentle” men (*Chun Tzu*) who would not abuse power and would care for the common people. This political formula in time gave rise in China to the standard of “father and mother officials” as the ruling bureaucratic elite under each imperial dynastic house. Confucius once said that the “lordly” men were to the people as “the wind is to the grass; when it blows they bend accordingly” or that a “lordly” man is like Polaris, the north star in that all turn to him for emulation of his thoughts and ways.³⁷

Because principles of moral government speak of duty, they can be applied to anyone in power. We can ask all officials in all political regimes and types of governments just how well and faithfully they are acting in accordance with moral principle.

And, as they conform their actions more and more with the principles of moral government, the natures of their regimes will evolve to become more and more responsive to the people. Ultimately, the procedures for ensuring such responsiveness will evolve into democratic forms of elections under constitutional rules providing for checks and balances and respect for the Rule of Law as a fundamental norm of that society.

³⁷ Confucius, the Analects,

The course of moral government is to evolve institutions of privilege and power towards democratic ends rather than to insist on the imposition of democratic forms over underlying structures of oppression and elite cronyism. That only provides for a charade of political justice and often leads to hypocrisy, demagoguery, and dysfunctional turmoil.

Just as Rome was not built in a day, so too democracy evolved in England and the United States in stages over time. When the American Constitution was adopted, slavery was a legal institution and women and the poor did not have the right to vote. Rather than demand superficial compliance with formalisms, it might be better - at first and always - to demand fidelity to stewardship with necessary concern for the beneficiaries of such stewardship. We would thus do well to measure a society by the quality of its governance rather than merely by the rowdiness of its political campaigns. The outcomes expected from moral government set in motion irresistible trends towards pluralism, respect for human rights, and democratic institutions.

Conclusion

Government is a moral enterprise. It transcends the struggle for power, which hews closely to the invidious treachery of warfare and which cannot move human society beyond nihilistic states where no justice can be found. To be at war is to be ruled by fortune, a very arbitrary and fickle mistress indeed. The flourishing of humanity requires more; our better end is to live without war in conditions of society and civilization. For that high and noble purpose we need governance.

True governance quests for fulfillment and flourishing, for humanity's Holy Grail; its mission is service and its ethos is humility. Where governance rises to do its best, it is touched by a divine grace.

Chapter 2

Public Office is a Public Trust

Salus Populi Suprema Lex
 (“The Well-being of the People is the Highest Law”)

- Cicero

Spring too, very soon
 They are setting the scene for it –
 plum tree and moon

- Matsuo Basho

The only premise for moral government is service of the people. Otherwise, government would use people for higher ends. In a theocracy, government sacrifices the people’s safety and interests to serve the commands of a God; similarly, under Fascism and Communism, the elite political party used the government, especially the police, to bend the people in service of an ideology. Terror and gulags were the inevitable result of such political theory. Across the arching span of human history, monarchs and tyrants, aristocrats and oligarchs, have often controverted the principle that government finds its justification in service of others. Demagogues have flourished manipulating the ideals of popular justice while most selfishly providing for themselves, their families and their loyal retainers. What crimes, it was said after the French Revolution, have been committed in the name of the people.

Generally, the model of a moral government has been its commitment to an ideal divorced from popular participation. Heroism, honor, and manly virtue, defense of a homeland, a tribe, the *volk*, order and stability, peace and prosperity, loyalty to superiors – all at one time or another have been used to justify elite ruling and popular sacrifice.

The state, as Cicero argued, is a public thing; a *res publica*. It is not a private dominion, the property of only one or a few. The rules of private exploitation and personal profit do not apply to government. Different rules with a deeper ethical content do apply to public power. It is, after all, *public* power, assembled in community by a community effort and

maintained by common will and determination. The public character of this power calls forth special rules and standards for its wise use and disposition.

In a letter to his close friend Atticus, written as civil war between Julius Ceasar and the elite families of the Roman Senatorial order became certain, Cicero had this to say about the purposes of government:

Just as a fair voyage is the object of the pilot, health of the physician, victory of the general, so our statesman's object is the happiness of his countrymen - to promote power for their security, wealth for their abundance, fame for their dignity, virtue for their good name. This is the work I would have him accomplish, the greatest and noblest in human society.¹

Therefore, the fundamental principle of moral government is:

Public power is held in trust for the community

Power brings responsibility; power is a necessary moral circumstance in that it binds the actions of one to the welfare of others.

Therefore, the power given by public office is held in trust for the benefit of the community and its citizens. Officials are custodians only of the powers they hold; they have no personal entitlement to office or the prerogatives thereof.

Holders of public office are accountable for their conduct while in office; they are subject to removal for malfeasance, misfeasance or abuse of office. The burden of proof that no malfeasance, misfeasance or abuse of office has occurred lies with the office holder.

¹ Cicero, Letters to Atticus, Letter 161, 27 February 49 BCE

The state is the servant and agent of higher ends; it is subordinate to society. Public power is to be exercised within a framework of moral responsibility for the welfare of others. Governments that abuse their trust shall lose their authority and may be removed from office.

The eight subsidiary Principles of Moral Government provide more specific direction as to how we can sustain institutions of public power as offices of public trust.

The fundamental Principle of Moral Government is defended by a number of arguments. The first such supporting argument is:

1. Power brings responsibility; power is a necessary moral circumstance in that it binds the actions of one to the welfare of others.

Where decisions are made on behalf of others for their benefit, we think immediately of the obligations of stewardship. One serves as the steward of the well-being and best interests of others. Such use of power for the benefit of others is respected and admired. Power so used becomes a better kind of power, more reliable, more worthy; it is more than a form personal power focused on the desires and ambitions of the self; it becomes an inclusive undertaking with social and communal aspects. It is power coupled to responsibility.

The Taoist tradition of philosophy in China understood the personal hollowness that should accompany righteous power. For power to be justly used, personal agendas must be set aside or cancelled completely.

“The Sage has no interests of his own,
But takes the interests of the people as his own.

...

In the midst of the world, the Sage is shy and self-effacing.
For the sake of the world he keeps his heart in it nebulous state.”

(Tao Te Ching, No. 49)

“If one still has private ends to serve,
one will never be able to win the world.”

(Tao Te Ching, No. 48)

“Therefore the Sage reigns over the people by humbling himself in speech;
And leads the people by putting himself behind.”

(Tao Te Ching, No 66)

“Thirty spokes converge upon a single hub;
It is on the hole in the center that the use of the cart depends.
We make a vessel from a lump of clay;
It is the empty space within the vessel that makes it useful.
We make doors and windows for a room;
But it is these empty spaces that make the room livable.
Thus, while the tangible has advantages,
It is the intangible that makes it useful.”

(Tao Te Ching, No. 11)

The Tao Te Ching advises us that one who holds great power should be:

“Hesitant like one wading a stream in winter;
Timid like one afraid of his neighbors on all sides;
Cautious and courteous like a guest;
Yielding like ice on the point of melting;
Simple like an uncarved bloc.”

(Tao Te Ching, No. 15)

This ancient Asian teaching, seemingly so irrelevant to the personalities who usually strive for power, actually contains deep wisdom about the necessity for moral integrity in

holding office. The empty person from this Taoist perspective is one who has neutralized the normal and enticing temptations of self, opening up a space for concern over others where once it was filled with promotion of self-interest.

It is often said that when we are full of ourselves, we cannot listen well to others or even see their evident and compelling needs.

With very similar insight, the founder of Christianity, Jesus of Nazareth, taught that we should do unto others as we would have them do unto us; in short, that we should see ourselves in others and others as within ourselves. In doing so we become more nearly good and righteous. Confucius said that the one word we need to live by is “reciprocity”, another way of having us bind our fortunes to the needs of others.

But to live by such reciprocal engagement, we must empty our selves of preoccupation with only our own needs and desires. With this intent we can use power at a lesser risk of its corrupting our ambitions. The welfare of others becomes for us a useful standard for action.

To engage this emptiness of non-self-absorption on behalf of our communities, we need to create practical standards of conduct and expectations for those who hold political power. We need to tie the use of power to the welfare of others. We need to divorce personal interest from the legitimate goals of one who hold government authority. The interests of the person must be divorced from the powers of dominion given to the position. The responsibilities of office, not the prerogatives of personal ambition, should be the substance of moral government.

The second supporting argument of the fundamental Principle of Moral Government asserts:

- 2. *Therefore, the power given by public office is held in trust for the benefit of the community and its citizens. Officials are custodians only of the powers they hold; they have no personal entitlement to office or the prerogatives thereof.***

At the English Common Law, this ethical, non-self-centered, use of power was institutionalized in the duties of various fiduciaries towards those they were to protect. There were trustees who held property under their own name but in trust for others; there were partners who were responsible for each other's financial advantage; and there were agents who used their abilities to advance the commercial and business interests of their principals.

Trustees, partners and agents could be personally compensated for their service of others. Their motivations did not have to be entirely charitable and only compassionate. But their use of personal skills and abilities, in part for their own reward, was measured by their fidelity to those who stood to benefit from their decisions and actions.

Under Roman law, agency relationships of *mandatum* and the trust-like assignment of property for another to use in good faith as a *fidei-commissum* provided precedents for English legal arrangements.² And, Roman law devised the *fiduciae cum creditore contracta* where a creditor acquired ownership of property upon condition that it be returned when the debt was paid. In these Roman legal relationships, ownership and obligation were separated. The owner of property had duties to others with respect to the property. Though in appearance an owner, the possessor of the property was bound to act more like a custodian or steward of the asset. Selfish interest was to be divorced from power over property.

During the English revolution, the Calvinists who rejected the claim of Charles 1 to absolute and unquestioned royal dominion over his realm put in place of that theory of divine right a standard of public office as a public trust. The Charge of January 20, 1649 Against Charles Stuart for violation of his trust as king began with these words: "That the

² Schulz, F. *Classical Roman Law*, (Oxford University Press, 1951)

said Charles Stuart, being admitted King of England, and therein trusted with a limited power to govern by and according to the laws of the land and not otherwise, ...” To those Calvinist revolutionaries, kingship was a public stewardship, not a private dominion. The state was envisioned as a commonwealth to serve the people. A ruler performed had to divorce his personal interests from the objects of his governance.

And the charge of high treason against Charles Stuart concluded: “All which wicked designs, wars, and evil practices of him, the said Charles Stuart, have been, and are carried on for the advancement and upholding of a personal interest of will, power, and pretended prerogative to himself and his family, against the public interest, common right, liberty, justice, and peace of the people of this nation, by and from whom he was entrusted as aforesaid.”³ After the execution of Charles Stuart for violation of his trust, the Puritans abolished the office of king and declared England to be a commonwealth under the protection of a steward known as the Lord Protector.

Later, this Puritan political theory was integrated with acceptance of kingship in a structure of constitutional monarchy. John Locke in his *Second Treatise on Government* set forth with grace and clarity this philosophy of limited government and popular sovereignty. Locke provided the simple formula of government as power granted by the people in trust to those who would attend to their security and happiness.

Locke put the heart of his prescription for government as a moral undertaking as follows:

“Who shall be judge whether the prince or legislative act contrary to their trust? .. To this I reply: The people shall be judge for who shall be judge whether the trustee or deputy acts well and according to the trust reposed in him, but he who deposes him, and must, by having deposed him, have still the power to discard him when he fails in his trust? If this be reasonable in particular cases of private men, why should it be otherwise in that of the greatest moment, where the welfare of

³ Gardiner, S.R. Ed., *Constitutional Documents of the Puritan Revolution* (Oxford at the Clarendon Press, 1906) p. 371

millions is concerned, and also where the evil, if not prevented, is greater, and the redress very difficult, dear, and dangerous?”⁴

From Locke the institution of government as a public trust was impregnated in the federal Constitution of the United States as the form of government for the new American republic.

The actions of the trustee, public or private, are bound to the welfare of others, dependent for woe or weal upon such actions.

The third supporting argument states as follows:

3. Holders of public office are accountable for their conduct while in office; they are subject to removal for malfeasance, misfeasance or abuse of office. The burden of proof that no malfeasance, misfeasance or abuse of office has occurred lies with the office holder.

Once we understand the requirements of office as the foundation for moral government, we can separate personal power and prerogatives from legitimate use of government power. When public power is confined within the requirements of office, the government has authority to give legitimacy to its use of power and the name of justice to its undertakings.

If, on the other hand, government positions were personal, there would be no objective standard by which to measure abuse of power. Whatever the person perceived to be in his or her interest would be the standard. Such power is unaccountable; it lives to be abused from the perspective of those who, whether they want to or not, fall under its fell commands. Governing through such power cannot be moral.

⁴ Locke, John, Concerning Civil Government in The English Philosophers, E.A. Burt, Ed., (New York; Modern Library 1939) p.502

The power of those who act within the framework of a moral government is accountable. Those who hold office are stewards; they must account for their conduct. They are under judgment.

Now a wise rule of fiduciary law is that the holder of office is under the obligation to come forward with an accounting of his or her conduct in office. They must keep appropriate records of their expenses, for example. Who better that they know what they did and when and why? The burden of persuasion should be upon them to clear up any accusations of abuse of power. After all, the position they hold is not a personal asset or a reward; it is merely a temporary loan of authority, to be surrendered to another in due time.

And, since the use of office is only temporary, removal from office is an appropriate result of failure to meet the duties of one's position.

For the fourth supporting argument we find the following:

4. The state is the servant and agent of higher ends; it is subordinate to society. Public power is to be exercised within a framework of moral responsibility for the welfare of others. Governments that abuse their trust shall lose their authority and may be removed from office.

To say that government is a servant and an agent of the public imposes on government and its officials the normal duties of a fiduciary. Those duties are a duty of loyalty and a duty of due care.

The duty of loyalty requires faithfulness to the public trust. First, serving the interests of lesser groups such as political parties, business associations, ethnic or religious communities while in public office is a conflict of interest, an act of disloyalty to the common good. In exercising the duties of due care, an office holder needs to attend to the points of view and interests of such factions and special purpose constituencies, but a

line must not be crossed where the official serves such groups. The role of official is to minister fairly and wisely at the intersection of many such groups with their competing interests and demands, not to impose the preferences of one on all the others. To so act as the captive of one group is to pervert the nature of public office from a public trust into a private dominion.

In democracies, politicians are more free to serve the callings of their constituencies, to the detriment of the larger, common good or the interests of other groups. That service is the special office of a politician whose job is to bring forth into the halls of government the needs and points of view of the citizens.

But, when a politician is elected to office and the pressures of the campaign recede, it is appropriate for them to lower the intensity of their commitment to their supporters and begin to consider the needs of the larger community as well. We applaud the politician who, upon election to office, takes on the elevated perspective of the statesman. And, we belittle the politician who, once in office, acts from a petty bias to reward a small faction only with the spoils of office.

Second, in office the person possessing power must avoid a conflict of interest between self and the fiduciary obligations of the office. Being too caught up with our own persona, our love of publicity, or our own opinions threatens a breach of duty – a turning away from the loyalty we owe to the office. A stubborn holding to our own opinions when faced with the conflicting ideas of others is a common failure of bureaucrats. We thereby impose our will on the office and do not put a greater good first in our minds.

With regard to the duty of care, holding office asks that we use our best thinking and our skills to advance the larger good of the community. We are trusted with power out of respect for our abilities. Holding office is a privilege, not a vested personal right purchased with money or favoritism. To keep the privilege we must act conscientiously, in good faith, and with the prudent consideration a capable person would bring to the task.

Laziness, arrogance, ignorance, foolishness, listening to sycophants, sophistry – none of these meet the requirements of due care that we owe to a political or governmental office.

It was said in praise of Confucius that he had “no foregone conclusions, no arbitrary pre-determinations, no obstinacy and no egoism.”⁵

Stewardship is the standard; prudent forethought and reasoned analysis of what is needed and what can be done fulfill the requirements of our public engagement.

Confucius praised the character of Tzu Ch’an, Prime Minister of Chang, as having four of the characteristics of a superior man: “in his conduct of himself, he was humble; in serving his superiors, he was respectful; in nourishing the people, he was kind; in ordering the people, he was just.”⁶

Obviously, persons of good character and self-possession, with capacities for self-restraint and abilities to listen, are the most fit for holding public office. Good ethical habits, compassion for others, and clarity about what is right and wrong also prepare a person well for government service.

CONCLUSION

The fundamental principle driving government towards moral outcomes is rejection of public power as fit for personal exploitation. As the *Annals of Lu Bu Wei*, written in the ancient Chinese state of Qin around 250 BCE, “To allow purely personal interests to triumph over public interests is the sort of policy that will bring a state into decline.”⁷ The solution to the problem of abuse of power by those who hold office is to hold them accountable as fiduciaries. Public office must be a public trust and nothing less.

⁵ Confucius, *The Analects*, *The Chinese Classics*, Bk IX, Ch. IV

⁶ *ibid*, Bk. V, Ch. XV

⁷ *Annals of Lu Bu Wei*, Book 19, at 507

The following General Principles set forth guidelines for actions and accountability that, each on its own, and all together collectively, make it possible to enforce the fundamental principle that government is indeed a trust for the community.

Chapter 3

Reasoned Discourse Charts the Course For Moral Government

“Gentlemen, in the Bowels of Christ, I beseech thee:
Consider that ye may be mistaken!”

- Oliver Cromwell, Lord Protector of England

God loves those who do good.

- The Koran, surah 5 The Table, 5:12

Let there become of you a community that shall call for
righteousness, enjoin justice, and forbid evil.

- The Koran, surah 3 The ‘Imrans, 3:102

How very cool it feels
taking a noontday nap, to have
a wall against my heels.

- Matsuo Basho

How should a moral government make its decisions? By throwing dice, consulting the spirits with sacrifices and supplications, meditating in silence seeking guidance from an inner light, following the dictate of a political boss or the demands of a demagogue? What is the responsible course to take? How can the duty of due care in office be discharged?

These questions are easily answered. The proper course for moral government is reasoned debate.

A preliminary note of caution is appropriate here: reasoned debate does not infer following the views of the majority. Abraham Lincoln once presented an issue to his cabinet during the American Civil War. The opinions of his cabinet officers were contrary to his views. At the end of the discussion, he asked for a vote: the cabinet was some 10 against the proposal. Only Lincoln voted aye in favor.. He then quickly summarized the results: “The Ayes’ have it.” It was 1 against 10.

Part of Lincoln's duty of due care was to stand on his integrity and best beliefs. He was the person trusted with the powers of the Presidency. He was given discretion to act as he alone best saw fit. But, careful of his stewardship responsibilities, Lincoln sought the advice and views of others as a check on his own potential folly.

Confucius once took a similar position on the wisdom of the majority: When asked What do you say of a man who is loved by all the people of his neighborhood?, Confucius replied "We may not for that award our approval of him." When asked further "What do you say of him who is hated by all the people of his neighborhood?", Confucius similarly replied "We may not for that conclude that he is bad. It is better than either of these two cases that the good in the neighborhood love him and the bad hate him"¹

There are standards by which we must judge the points offered in public discourse. Not every idea is good and not every advocate is well-intentioned. The procedural requirement for discourse in public affairs offers no short cut in our personal search for truth and justice. We should not surrender the operations of our moral faculties and our common sense to the passions or illusions of others. Let them make a good case that their views are preferable.

The Taoist text, the *Huai Nan Zi*, of the second century BCE contains the following advice: "Useful suggestions should not be rejected just because they come from people in low positions, nor should useless suggestions be followed just because they come from people in high positions. Right and wrong are not a question of social status."²

An environment of discourse, however, makes it easier to meet duties of loyalty and due care while in office. Our selfish fixations are challenged, new facts are brought to our attention, the needs of others are surfaced, consequences are made more palpable – all

¹ Confucius, *The Analects*, Bk. XIII, Ch. XXIV

² Thomas Cleary, *The Tao of Politics*, (Boston, Shambala 1990) p. 34.

these permit us to elevate the welfare of others in our considerations and become more prudent in our calculations of best advantage.

The first principle of moral government is:

Discourse ethics should guide application of public power.

Public power, however allocated by constitutions, referendums or laws, shall rest its legitimacy in processes of communication and discourse among autonomous moral agents who constitute the community to be served by the government. Free and open discourse, embracing independent media, shall not be curtailed except to protect legitimate expectations of personal privacy, sustain the confidentiality needed for the proper separation of powers, or for the most dire of reasons relating to national security.

Discourse ethics is a moral philosophy advocated in particular by the contemporary German philosopher Jurgen Habermas.³ By placing emphasis on discourse – a process – rather than selecting ultimate perceptions of human belief, Habermas attempts to reconcile truth with freedom. Truth limits freedom in that, once it is found, its propositions dictate our beliefs and our beliefs should control our behaviors. Freedom, on the other hand, leaves each mind open to find its own truth. Freedom is a condition of extreme individualism, without community, where moral relativism and intellectual nihilism are the only reliable guides, such as they are, for living. As Dostoevsky quipped “When everything is permitted, nothing is permitted.” By that he meant, than in conditions of complete freedom, nothing can be given higher moral quality than anything else. There is no basis from which to permit certain conduct as correct and appropriate. Anything goes.

The sadness that accompanies freedom lies in its inevitable collapse into despair, into a solitary, frantic, angst-driven search for meaning in sensation and indulgence, into the

³ Habermas, Jurgen, Theory of Communicative Action

curse of modern civilization. The appeal of truth offers hope that, with it in our possession, we will find purpose for our lives and link our individuality to something of greater meaning. The enforcement, however, of truth restricts the freedom of others who live by a different understanding of the ultimate.

Transcending individualism and sustaining community, government, therefore, must build a bridge between truth and freedom.

Habermas suggests that discussion – discourse – can be such a bridge. Individuals assert their freedom to advocate different truths. From a philosophical standpoint, each individual truth must be considered flawed and not the “real” truth. However, as different points of view are exchanged, modified, retracted, restated, more and more general and commonly accepted degrees of truth emerge in community. For the resulting truth to have legitimacy, the process of finding it must be free from coercion. The discourse must, for some time at least, be open-ended and consensual. Acceptance of new understandings should be completely voluntary. Legitimacy arrives again and again by means of an unfolding social contract forming and reforming through time.

The methodology of discourse ethics is scientific in that it works by trial and error, by the assertion and testing of hypothesis until minds settle in on a convention, which thereafter assumes the rank and privilege of truth itself. Until of course, belief in that truth is shaken and a new understanding pushes to the fore.

The first General Principle that discourse ethics should guide application of public power takes precedence over the succeeding General Principles. Each of the other General Principles requires use of discretion in its implementation. As principles and standards are applied to “Facticity”, there is room for disagreement among reasonable people as to how, when, and to what degree the abstract ideas are to be implemented in factual circumstances. Application of principle calls for art and wisdom in the decision-maker; it is not a precise science that can be assigned to a computer. There are no exactly correct answers to the problems confronting moral government. There are better answers and

worse answers, likely solutions and unlikely solutions. There are well-reasoned answers and poorly reasoned answers. And, to be sure, there are non-answers in recommendations that are irrational or irrelevant to the facts at hand.

Implementations of principles always rely on factual assessments as to the context in which the principle is to be applied. The principles may be invariable but the contextual facts are never the same. Facts are subject to various interpretations within the scope of reasoned inquiry so implementation of principles is an unstable process subject to those potentially differing interpretations. The most appropriate results oftentimes benefit from taking into account the perspectives of a number of people. The task is one of approximation of the best outcome, not a finding of certain truth.

Working within the realm of “Facticity” brings to bear on the actions of moral government the teaching of Aristotle on the difference between scientific knowledge and practical wisdom, or prudence. According to Aristotle, the objects of scientific knowledge cannot be otherwise that they are. They are “of necessity” and eternal – not coming into being or going out of being. Induction gives us the fundamental truths and logical deduction brings us to more specific truths. Now in contrast, the objects of practical wisdom are open to deliberation about what is good and to our advantage. The objects of these considerations come and go with time and fortune. Scientific knowledge teaches about things that are always true in all times and all places in the universe and practical wisdom shapes our thinking about things that are only sometimes within our grasp. Prudence is reasoned action, Aristotle tells us, in the sphere of human goods; it takes cognizance of particulars, because it is concerned with conduct and conduct has its sphere in particular circumstances.⁴ For Aristotle, political sciences – the deliberations about government and law – were a species of practical wisdom and not the subjects of scientific knowledge.

As we consider the seven additional General Principles of the Principles for Governments in the following chapters, we will see that each General Principle demands prudential

⁴ Aristotle, Nicomean Ethics, Bk. Six, III

judgment in reaching decisions about the best course of action to take. Thus, application of a decision-making process, such as is specified by the first General Principles, recommending use of discourse ethics, will be a necessary precondition to the achievement of moral outcomes through the application of the other seven General principles.

How to protect and promote the dignity of individual citizens (General Principle No. 2); how to reduce corruption and abuse of office (General Principle No. 3.); how to provide individuals with liberty and ownership of property (General Principle No. 4); how to maintain justice (General Principle No. 5); how to improve the well-being of individuals and promote the general welfare (General Principle No. 6); how to keep government accountable and transparent (General Principle No. 7) and how to act in international affairs (General Principle No. 8) – all raise issues of deliberation that can be processed towards action recommendations through discourse ethics.

Something along the lines of discourse ethics is implied in the famous opening words of the American Declaration of Independence. The foundational beliefs that justified revolution against the authority of King George III of England and his Parliament were put forward as part of a process of discourse. The Declaration asserts only that “We *hold* these truths to be self-evident...” It does not assert that these truths *are* self-evident and that all must be in agreement. No, the statement affirms that its signatories have agreed that such truths are self-evident. The appeal is to other minds to consider the circumstances of reality and then to assent rationally and voluntarily to what the American colonists believe to be the truth about the purposes of government and, as a consequence of that belief, the legitimacy of revolution against tyranny.

In that Declaration, the choice of the words “we hold” pointed to a process of building political community, not of enforcing a theocracy on unbelievers.

A different emphasis can be found in the thinking of those who launched the 1789 revolution for political change in France. The National Assembly, acting as

representatives of the French people, asserted the existence of certain rights of man and the citizen as natural, inalienable and sacred things, existing without question or any need for discussion. The tone of this Declaration of the Rights of Man and Citizen was not to form a community, but rather to impose one. The French declaration proclaimed an eternal truth, not one subject to community consensus. Not surprisingly, the French Revolution was more intolerant, coercive and repressive than its American predecessor. Less room for discourse ethics was provided by the instigators of political change in France.

The moral quality of discourse ethics arises from the voluntary involvement of many people in the process. Ethics and morality consider the circumstances of others as well as the perceptions of the self. In discourse something of a common good is articulated, asking that individual interests and points of view be subordinated to a more general standard. Discourse ethics processes ethical outcomes from the bottom up, rather than imposing them from the top down.

Discourse ethics complies with the ethical demands of *Kyosei* and respect for human dignity, foundational to the Caux Round Table's work. The ethical principle of *Kyosei* embraces self and other. Accordingly, any interpersonal, communal process like discourse ethics meets the requirements of *Kyosei* that common interests be taken into account in decision-making. Very much in the operational manner of discourse ethics, *Kyosei* implicates process, not final outcomes.

The ethical principle of human dignity asks that the moral integrity of individuals be taken into account; that they not be dictated to but, rather, on the other hand, that they be given opportunities to express their concerns and values. Discourse ethics provides individuals, and groups of individuals finding their dignity in some valued identity of common orientation or purpose, with that very sought-for opportunity of self-expression. Government by means of discourse ethics respects human dignity.

Allowance for human dignity in decision-making produces the operational mode of subsidiarity – the decentralization of obtaining finality in application of principles to situations to those most rooted in the situation under consideration. Subsidiarity places authority in the lowest possible levels of hierarchy, closest to the individuals who must live most with the consequences of the decision at hand. This orientation does not automatically subordinate individuals to those with more power and prestige in the social order.

But, naturally, subsidiarity has flexibility to shift the level of decision-making to persons with more general authority if the consequences of the proposed action have far-reaching effects. Where the consequences of action are externalized to those outside the decision-making authority, some broader structure of consideration becomes necessary to bring into the arena of respect the interests and perspectives of those to be burdened by the possible externalities.

Discourse ethics supports stewardship as well. In the exercise of due care, an agent, partner, trustee, corporate director or other officer, public or private, needs to reflect upon the full range of factors bearing on a decision. The consequences must be considered upon the whole, not upon narrow, partisan, views or with only a fleeting attention span. Providing for some process of discourse prior to making a decision empowers the steward with time for reflection and ample factors to take into consideration of alternative courses of action.

Though designed to widen the circle of participation in political decision-making, discourse ethics does not tip the balance of communal purpose too much towards extreme individualism and anarchy. The play of discourse can be constrained, as it most often is, especially in traditional cultures, by cultural norms of deference and manners. Taken to an extreme, as in theocracies, these cultural presumptions are not to be challenged by individuals. Conformity and obedience minimize the scope of discourse ethics under such cultural circumstances.

Discourse ethics, if taken seriously, will undermine the hold of traditional beliefs over individuals. Opening up a society to discourse will threaten socially constructed systems of prestige and hierarchies of power that rest on weak cultural foundations.

Why Discourse Ethics At All?

Like democracy and other consultative procedures, discourse ethics suffers from the disadvantage of consuming time and tending towards bargained compromise. Where decisive action is required, say by a military force in wartime or in desperate emergencies, stopping for broad consultation seems ill advised.

The affirmative case for adopting discourse ethics as a practical, not merely a moral, matter rests on its advantages with respect to personal happiness. Most efficiently, discourse ethics minimizes violence in politics. Discourse is insisted upon as an alternative to civil war. Discourse implies a course of compromise and a meandering current of progress in place of a tyranny of immediate and all-pervasive virtue.

Second, discourse is chosen to replace other less military and overt forms of violence – the many oppressions, petty and notorious, by which people are held in submission. With discourse ethics, authority is to be won by persuasion and submission is to be had only through voluntary compliance. Under systems of discourse ethics, power is to be replaced by consensual authority.

For those happily convinced that they possess a monopoly of truth or virtue, discourse ethics provides only a hindrance to their rule. This is why systems of discourse ethics are most fit for pluralistic societies.

Third, discourse ethics provides checks and balances against all factions. Neither tyranny by the majority nor tyranny by a minority is sustainable under the procedures of discourse ethics. The process of moving towards authority through rhetorical suasion, education, compromise and coalition building prevents tyranny. The mechanism prevents any

individual or faction, playing within the rules of debate, from using force and oppression to impose policies and beliefs.

Those who resort to force, who would turn as Abraham Lincoln said about the southern slaveholders in the secessionist confederacy from ballots to bullets, attack the system of discourse ethics in toto. Such tactics, such as those used by the IRA in Northern Ireland, must be forbidden in conditions of moral government. Those who turn to force and violence place themselves outside the moral community and must suffer from its powers of self-defense.

In perhaps the most famous of the Federalist Papers, Federalist No. 10, James Madison made a compelling case for the mechanics of a discourse system to control the evils of faction. Madison affirmed that “The instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished; . . . Men of fractious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages [votes], and then betray the interests, of the people.” Since Madison believed that the “latent causes of faction are thus sown in the nature of man”, relief from factional instability and oppression could only be achieved by minimizing the *effects* of factional partisanship. This could be done, Madison suggested, by extending the sphere of popular participation in electing representatives to be guardians of the “public weal”. With elections among a greater number of parties and interests, it will be less probable that a majority of the whole will form a single faction to invade the rights of others.

The process of discourse opens politics up to a multiplicity of inputs, minimizing thereby the dominance of any single point of view.

Charmingly, a defense of discourse ethics can be found in an ancient Chinese text, the Tso Chuan Commentary to the Spring and Autumn Annals. In one of the segments, we find this story about Tze Ch’an, the Prime Minister of Cheng admired by Confucius:

A man of Cheng rambled into a village school and fell discoursing about the conduct of the government. When it was proposed to the Prime Minister to close all the village schools, he replied: “Why do so? If people retire morning and evening, and pass their judgment on the conduct of the government, as being good or bad, I will do what they approve of, and I will alter what they condemn. They are my teachers.” He continued: “... enmity continues [to flow] like a stream that has been dammed up. If you make a great opening in the dam, there will be great injury done – beyond our power to relieve. The best plan is to lead the water off by a small opening. {With the village schools}, our best plan is to hear what is said and use it as a medicine.”⁵

The very same argument as to the importance of discourse to good government was made by Socrates in Greece. When brought to trial for questioning the traditional values and religious practices of the Athenians, Socrates defended himself with the argument that free inquiry as to truth was necessary for a just society. Socrates asserted: “For if you kill me you will not note easily find a successor to me, who, if I may use such a ludicrous figure of speech, am a sort of gadfly, given to the state by God; and the state is a great and noble steed who is tardy in his motions owing to his very size, and required to be stirred into life. I am that gadfly which God has attached to the state, and all day long and in all places am always fastening upon you, arousing and persuading and reproaching you.”⁶

Discourse Ethics and the Corruptions of Power

James Madison has not been alone in recognizing the sordid tendencies of human nature as they actively respond to the temptations that come when holding power over others. Most famous in this regard, perhaps, was Lord Acton’s quip that “Power tends to corrupt; and absolute power corrupts absolutely.”

⁵ The Ch’un Ts’ew with the Tso Chuen in *The Chinese Classics*, volume V

⁶ Plato, *The Apology*

For most people, possession of power breaks down the barriers of self-restraint and feeds unreflective aggressive drives to be more and to have more. Tasting power over time erodes our ethical capacity. Perceiving our power over others, we rather quickly come to think of ourselves as having become indispensable, of living by a different standard to which much is due and from which little is required. We have thus sold out to the dark side of life.

In the Old Testament of the Judeo-Christian tradition the misleading capacity of power was marked in the Book of 1 Samuel. Chapter 8 of that Book records that the elders of the tribes of Israel demanded that Samuel anoint for them a king. Samuel was most displeased at the request and asked his Lord God for advice. His God told him to harken unto the elders but to know that in setting a king over themselves, the tribes of Israel had turned away from the Lord God himself. Giving power to one fallen in nature was turning away from the ways of righteousness.

Samuel thus warned the elders of their folly in setting up a king:

“This is what the king who is to reign over you will do. He will take your sons and direct them to his chariotry and cavalry, and they will run in front of his chariot... he will make them plow his fields and gather in his harvest and make his weapons of war and gear for his chariots. He will take your daughters as perfumers, cooks and bakers. He will take the best of your fields, your vineyards and your olive groves and give them to his officers. He will tithe your crops and vineyards to provide for his courtiers and his officials. He will take the best of your servants, men and women, of your oxen and donkeys, and make them work for him. He will tithe your flocks and you yourselves will become his slaves.”

And, subsequently, the kings of Israel did abuse their powers, leading to the loss of the kingdom to invaders.

The Book of Matthew in the Christian New Testament tells of Jesus being tempted by Satan to forestall his ministry. In this vignette, Satan takes Jesus up upon a high mountain and shows him all the worldly kingdoms, making this promise “I will give you all these, if you fall at my feet and do me homage.” Again, political power is associated with Satan and with evil, not with holiness. Jesus replied “Away with you Satan, for scripture says “The Lord your God is the one to whom you must do homage, him alone you must serve.”

Power gives rise to abuse as does the night the day.

One very efficacious corrective for abuse of power can be found in procedures, in taking the rights of dominion out of public office. Abuse of power centers on arbitrary decision-making when attention to the duties of loyalty and due care is overwhelmed by personal interest and self-centered passions. Participation in discourse ethics to shape the ends towards which communal power will be bent removes the taint of dominion from the psychological profile of the officeholder.

Corruption, the bending of high standards, cannot take hold where responsibility has pride of place. And, cognizance of the needs, wishes and interests of others provides us with a necessary mental precondition for acting responsibly. The learning made available through the workings of discourse ethics expands our cognitive horizons in just this way.

Discourse Ethics and the Common Good

Much debate has been waged over how to find the public interest or the common good. Some assert that there is no public interest, only an aggregation of private interests. Others, such as the French philosopher Jean Jacques Rousseau, have thought that there is a “general will” distinct from all private wills, a vision of the common good that should prevail in the councils of government to the detriment of private interests. Rousseau gave complete allegiance to the “general” will as the standard for government action. He even went so far as to argue that “the less relation the particular wills have to the general will,

that is, morals and manners to laws, the more should the repressive force be increased.”⁷
 The abstract will, rationalized in some fashion out of ideas and values, must command the assent of private individuals, whether they agree with the vision offered up for the community or not.

From the perspective of moral government, however, some set of ends and purposes greater than arbitrary willfulness must drive the actions of state. To have it otherwise is not to have moral government, but merely government in a lesser degree of legitimacy and approbation.

The results of discourse ethics can respectably stand in for a public interest or a common good in legitimate support of moral government. What results from process transcends the taint of individual dominion and waywardness and assumes something of the common, of a wider, more general interest.

To the extent discourse ethics are compromised, to that extent the public interest finds itself truncated and abridged. Governing without the benefit of discourse ethics becomes more and more a personal dictatorship where power tends to corrupt and absolute power corrupts absolutely.

The operations of discourse forge consensus at the level of vision and purpose. Underlying presumptions converge, the common elements within different private agendas are exposed, and the overlapping needs of different interests coalesce when discourse among competitors is honored. What we call the public interest or a common good is above all else a vision of some end. The ends of public governance are inherently more abstract and less materialistic than are private interests. And it is just such a moral vision that we seek at the level of “Normativity” with which to guide government.

CONCLUSION

⁷ Rousseau Jean Jacques, *The Social Contract*, Bk. III, Ch. 1.

Discourse ethics lays the foundation for moral government. Subsequent chapters will explain the seven additional General Principles of the Principles for Governments. Each subsequent general principle will draw upon discourse ethics as the best means to implement that particular principle. Reliance on discourse ethics removes from government the temptation to vest power in only a few hands where limited agendas and selfish values might prevail in decision-making.

Chapter 4

The Responsibilities of Citizenship

“I regret that I have but one life to give for my Country.”

Nathan Hale, American patriot

“Ask not what your country can do for you;
ask rather what you can do for your country.”

John F. Kennedy, Inaugural Address January 21, 1961

“Aux Armes Citoyens! Formez Vos Bataillons!
Marchons, Marchons”

Rouget de Lisle, *La Marseillaise*, 1792

This road:
with no man traveling on it,
autumn darkness falls.

- Matsuo Basho

Who should participate in the discourse used to shape moral government? Who has a claim to be part of the community that erects for itself a public power? Who is the stranger and who is not?

Government ties itself to particular communities, not to the human family in gross. The moral ties that support structures of legitimate power run only so far; they do not embrace everyone. In some very special way, government is for an “us” and not for a “them”. “They” have their own life in common with others of “their” own kind, sharing “their” customs and disciplines with one another beyond our right to guide and direct. The responsibilities of governing, therefore, apply to some limited set of citizens.

The second Principle of Moral Government asserts as follows:

The Civic Order shall serve all those who accept the responsibilities of citizenship.

Public power constitutes a civic order for the safety and common good of its members. The civic order, as a moral order, protects and promotes the integrity,

dignity, and self-respect of its members in their capacity as citizens and, therefore, avoid all measures, oppressive and other, whose tendency is to transform the citizen into a subject. The state shall protect, give legitimacy to, or restore all those principles and institutions which sustain the moral integrity, self-respect, and civic identity of the individual citizen, and which also serve to inhibit processes of civic estrangement, dissolution of the civic bond, and civic disaggregation. This effort by the civic order itself protects the citizen's capacity to contribute to the well-being of the civic order.

The bond between citizen and the state is reciprocal service. From the citizen come duties of support and sacrifice for the common weal and to the citizen are due from the state duties of protection and encouragement. Enhancing the lives of citizens gives fundamental purpose to the state and its government. The duty to provide for citizens living under its power limits the discretion of government as established in the fundamental principle of moral government: that public office is a public trust.

The concept of “citizen” and the responsibilities of “citizenship” have come down to us from Athenian democracy in ancient Greece. Upon turning 17 and entering into manhood, young Athenian boys took the following oath:

“We will never bring disgrace on this our City by an act of dishonesty or cowardice. We will fight for the ideals and Sacred Things of the City both alone and with many. We will revere and obey the City's laws, and will do our best to incite a like reverence and respect in those above us who are prone to annul them or set them at naught. We will strive increasingly to quicken the public's sense of civic duty. Thus in all these ways we will transmit this City, not only not less, but greater and more beautiful than it was transmitted to us”.

In the terms of this oath we see the freely given bond between the individual who is both subject to the state and the beneficiary of its solicitude, with powers of joint command over its affairs and its decisions.

Citizen or Subject?

Are the individuals who live under government supervision and regulation citizens or subjects? The citizen has a voice in what the government does. The concept finds its roots in the political arrangements of Greek city states and become power with the growth and success of the Roman Republic. "Civis Romanus Sum" ("I am a citizen of Rome") was the proud boast of many as Roman power subjugated more and more peoples living around the Mediterranean Sea. Roman legions march to war under the standard of "Senatus Populusque Romanus" – "the Senate and the People of Rome". The empire of Roman citizens was imposed on others who did not share the rights of their masters.

The Roman male citizen, or "civis", had full capacity under Roman private law to contract a valid marriage, own property at will, become an heir or legatee under a Roman will, have power over a family, or act as witness in a trial. Magistrates were elected by the "civis" of Rome gathered in public assemblies.

In Europe, after the collapse of the Roman Empire, the arrangements of feudalism replaced citizenship with personal ties of fealty between lords and those who held tenancy from them for some return service. In the cities where commerce and manufacturing grew outside of feudal landlord-tenant relationships, bond of communal loyalty and political participation similar to the patterns of Roman Citizens emerged. And, citizenship was a status preserved in a number of important Italian city-states such as Florence and Venice. With the arrival of the nation-state after the Treaty of Westphalia in 1648, rules of international law were fashioned to bring some harmony to the relations among such powers. Under these rules, inhabitants of nation-states were gradually given the status of citizen as governments were brought under constitutional discipline and made better custodians of those they ruled.

In China, the attitude of Mencius with regard to a ruler's obligations towards those he ruled gave the people something akin to the status of citizen. "The people are the most important element in a nation", Mencius wrote.¹ Concern for the welfare of the people was the responsibility of the ruler. Therefore, the sovereign could not look upon the people only as servile minions to be ordered about willy-nilly. "If the sovereign be not benevolent," Mencius advised, " he cannot preserve the throne from passing from him."²

"There is a way to get the kingdom," taught Mencius. "Get the people and the kingdom is got. There is a way to get the people: get their hearts and the people are got. There is a way to get their hearts: it is simply to collect for them what they like, and not to lay on them what they dislike."³ A prince should be strong to "do good". That was sum and substance of his princely business.⁴

Most simply put: a citizen has a vote. Citizenship is a political status conferring rights of membership in a collective. Thus, in the French Revolution, the basis for legitimate government was set forth in the Declaration of the Rights of Man and Citizen. Point Six of that Declaration holds that "Law is the expression of the General Will; all Citizens have the right to concur personally, or through their representatives, in its formation; ...". Emmerich de Vattel, one of the craftsmen of international law, wrote that citizens " are bound to society by certain duties, and subject to its authority, they equally participate in its advantages."⁵ Inhabitants, said Vattel, who live in a country but are not its citizens do not participate in all the rights of citizens. Governments may grant to such inhabitants or foreigners the quality of citizen upon admission to the body of the political society and enjoyment of the rights of its members.

Subjects, on the other hand, are individuals seen under the light of government police powers. Subjects, in a sense not really applicable to citizens, belong to their governments;

¹ The Works of Mencius, Bk. VII, Pt. II, Ch. XIV

² *ibid*, Bk. IV, Pt. I, Ch.III, 3

³ *ibid*, Bk. IV, Pt. I, Ch. IX, 1

⁴ *ibid*, Bk. I, Pt. II, Ch. XIV, 3

they are “subject” to political power; their role is to obey and to fulfill the duties set before them by the state. Kings and emperors have subjects to rule while republics have citizens to protect and nourish.

The modern nation-state, very much under the influence of the doctrines of the French Revolution, adopted more the citizen tradition of the old republics than the subject tradition of monarchy. Though, some modern nations such as Great Britain, Thailand and Japan have monarchs, their constitutions provide individuals with political rights, making them citizens rather than mere subjects.

Totalitarian and authoritarian rulers treat those under their power rather uniformly as subjects. When the Boat People fled Communist oppression in south Vietnam after 1975, an American supporter of the Communists protested their flight as wrongful. A government has a “right” to its people she said furiously.

The French Revolution identified the status of citizen with a certain set of political beliefs. Those who did not hold those beliefs, therefore, had no rights; they were not citizens. Those who turned against the ideology of the state apparatus lost their citizenship rights. According to St Just, a leading Jacobin intellectual, Louis Caput, who had reigned as King Louis XIV, has turned against the nation of France and so had forfeited his right to live.

In many cases, nationalism has become the pre-condition for citizenship. Those who are not “of the nation” are not considered to be citizens. Adolf Hitler took this point of view as the legal basis for his program of elimination of the Jews from the German nation. His Nuremberg laws of 1934 and subsequent years made a distinction between citizens, who had to be of Aryan genetic descent, and subjects, who could not make such a claim for themselves. The Holocaust was, therefore, a rather logical extension of this distinction between citizens who had rights and non-citizens who had no claim on the conscience of the state.

⁵ Vattel, *The law of Nations*, p. 101

In the history of the United States, Africans captured and sold into slavery were considered as chattels and not citizens. The infamous United States Supreme Court decision that in many ways precipitated the Civil War, *Dred Scott*, held that slave status could not be terminated by movement to a state that did not recognize slavery as those racially Negro could not become citizens of the United States. After the Civil War, the United States Constitution was expressly amended to overturn that ruling and permit slaves and their descendents to become full citizens.

Unwilling to accept those conditions of legal equality, whites in most southern states of the Confederacy imposed laws making discriminations among citizens based on race and skin color creating the segregation of the races. Those southern segregation laws were finally outlawed in the 1960's as a result of the Civil Rights Movement.

More recently still, oppression of the Bosnian and Kosovar Muslims by the Serbs reflected this distinction between citizens of Serbia and subjects of Serbian power. Slovaks, not perceiving themselves to comfortable in one nation with Czechs, forced the division of Czechoslovakia into two separate nations – each with a citizen base co-terminus with an ethnic group. In Rwanda, Hutu xenophiles, along the extremist lines used by Hitler against the Jews, decided to rid the country of those whom they believed had no claim on citizenship rights – the Tutsi's. Some 800,000 Tutsi's were thereupon massacred in very few days. When he came to power over Cambodia in 1975, Pol Pot made a distinction between the old population or Cambodians living under Khmer Rouge rule prior to the final conquest of the country and the new population, or those who had resisted Khmer Rouge power until the very end. Members of the new population were denied citizen status under the new regime and were thereafter eliminated to “purify” the state of bad elements. Some 1.5 million Khmer were killed.

The premise of moral government that individuals possess a moral sense demands that citizenship rights be honored by the state.

Political refugees are those who flee a failure of government.⁶ They are those, once citizens, who become subjects upon a political revolution or conquest. Under the new ruling power, they are denied protection and rights. They are persecuted because of membership in some group – based on religion, ethnic birth, language, political preferences – that is decreed by the government to be incompatible with citizenship. The bond of citizens is therefore broken between them and their rulers. Flight expresses this collapse of moral legitimacy. In point of fact, the offending government treats such people as subjects under penalty of oppression and thus enters into a state of war with them.

English political philosopher John Locke equated the state of war with the state of slavery. Under both conditions, individuals are not tied one to another by any acceptable moral bond. In the state of war there is only “enmity, malice, violence and mutual destruction” wrote Locke in his *Essay Concerning Civil Government*. No man is responsible for the welfare of any other. In slavery, slaves come under the will and dominion of their masters, who owe them nothing and cultivate them only out of self-interest. Slavery is subjection to the absolute arbitrary power of another who is not therefore restrained from “enmity, malice, violence” towards the person in bondage. Just so, Locke concluded that the state of slavery was only a continuation of the state of war. Slaves owed no loyalty to those who held them to bondage by force and arms. War and slavery are not conditions of political community where government is moral, legitimate, deserving of respect and individuals are citizens confirmed in their rights and dignities.

Recently, proposals have been made to modify international law to provide protection for people. Sovereignty has been re-conceptualized to include a responsibility to protect everyone living under the sway of a government’s police powers. If a sovereign fails to meet these responsibilities, and people suffer as a consequence, the international community would be authorized to intervene and effect changes in the government of such a mis-ruled territory.⁷

⁶ Young, Stephen, *Between Sovereigns*,

⁷ *Responsibility to Protect*

Basis for Government Responsibility

The legitimacy of government comes from service of the people, not from holding power. Moral governments and immoral governments, if effective, both hold power over the people. The difference between these two qualities of government from the point of view of legitimacy and propriety arises not from the power they hold, but from the purposes to which that power is put. Moral government is compelled to recognize those under its power as beneficiaries; immoral government uses power as a private dominion to flatter and succor the interests of those who rule.

Service of the people living in its territory urges governments to accord them respect and a say about the ends of government activity. If government is the agent, then the people are the principal directing the affairs of public administration in the last analysis. As the principal over the government, the people must have the capacity of citizen. They must be more than subjects living subserviently under the thumb of a dictatorial whimsy.

Moral government recognizes individuals as citizens, not subjects.

The value of “human dignity” leads to the same conclusion. If individuals provide the sources of value superior to the preferences of intermediate representatives, then the dignity and the value of the government must be derived from actions of individuals. The state embodies an accumulation of individual preferences; it lives downstream from the source of legitimacy, somewhat passively receiving the flow of meaning and purpose from sources higher up in creative social and cultural powers. Those higher in the stream of purpose are the citizens setting forth the ends to which government must attend in good faith and with due care.

The operations of *Kyosei* prefer that individuals have the status of citizen over that of subject. *Kyosei* requires cooperative and mutual endeavors to achieve a common good. Relationships based on *Kyosei* are not those of master and servant, of command and

obedience. Not at all. *Kyosei* relationships require engagement of one responding to the concerns of the other, not as boss but as fiduciary for the other. It is a citizen to citizen paradigm of interdependence. The government that acts out of *Kyosei* looks to those whom it must assist as its colleagues and even perhaps, as its social betters.

Social Capital Formation

The formation of citizens occupies a social space more extensive than the sphere of politics and government. While regulated by law, citizens are formed by families, social networks, and culture. Their aspirations are shaped by music, poetry, rhetoric, and the arts while their identity is forged by history and the myths of national uniqueness inherited from the past. An active, engaged citizenry indicates the underlying presence of a formidable social/cultural substructure. On the contrary, an apathetic or fragmented citizenry exists where social networks and collective identities are less intense.

The social setting for citizenship is variously referred to as civil society or the civic order. Emmerich de Vattel, the eminent 18th century scholar of international law defined citizens as “the members of the civil society.”⁸

An aggregate set of practices, individual habits, and institutions promoting or discouraging citizenship constitutes the social capital of a polity. Rich, dense and vibrant social capital provides for more and better citizens, persons willing to step up to their responsibilities. Social capital provides the settings for mutual and interpersonal exchanges of ideas, voluntary and cooperative activities, the formation of judgment about others, and the accumulation of common sense. From these experiences, individuals build capacities for trust, which promotes economic activity, political participation and social engagement. Social capital provides a very important school for building leadership capacity. Where social capital is plentiful, individuals habituate themselves to successful interpersonal reciprocity, working collaboratively and persevering in their endeavors with satisfaction and pleasure.

⁸ Vattel, *The law of Nations*, p. 101

Aristotle argued that we are “social” creatures, most fit for joint and communal settings. Those who live to themselves, who make their own rules without the benefit of social capital, suffer from a “deadend loneliness” of existential despair, like that experienced in Jean Paul Sartre’s play *No Exit*. In the play, the three characters have no social capital among them and therefore provide each other with miserable company. Sartre’s message is that, without a capacity for social capital, Hell can be found just by living with other people.

Mencius, too, in his Chinese culture was well aware of the necessity for social capital to form the basis of the just state. “As to the people, if they have not a certain livelihood, it follows that they will not have a fixed heart. And if they have not a fixed heart, there is nothing which they will not do, in the way of self-abandonment, of moral deflection, of depravity and of wild license.”⁹ The people, Mencius realized, needed leisure to cultivate propriety and righteousness. Their personal, private, development of an appropriate moral character naturally took place outside state control and direction. Collectively, the cultivation of good habits built up social capital for the society. And the China of Mencius’ day gloried in an aristocratic culture of rituals and formal behaviors – intensely social and very reciprocal. Mencius insightfully affirmed the judgment that “By viewing the ceremonial ordinances of a prince, we know the character of his government. By hearing his music, we know the character of his virtue.”¹⁰

Confucius, as we might suspect, held opinions rather similar to those of his follower Mencius. Confucius believed that the good life could be lived beyond the realm of politics and state regulation. He asserted: “It is not pleasant to learn with a constant perseverance and application? Is it not delightful to have friends coming from distant quarters? Is he not a man of complete virtue who feels no discomposure though men may take no heed of him?”¹¹

⁹ The Book of Mencius, Bk. I, Pt. I, Ch. VII, 20

¹⁰ *ibid*, Bk. II, Pt. I, Ch.II, 27

¹¹ Confucius, The Analects, Bk. 1, Ch. I

Perhaps the most revealing insight of Confucius into the dependency of moral government on social and cultural forces outside the realm of administration occurs in his famous comments on the need to “rectify names”. Confucius asserted that language is a non governmental condition that shapes government.

Confucius once specified that, in assuming the administration of government, the first thing to be done was the rectification of names because:

If names be not correct, language in not in accordance with the truth of things. If language be not in accordance with the truth of things, affairs cannot be carried on to success. When affairs cannot be carried on to success, proprieties and music will not flourish. When proprieties and music do not flourish, punishments will not be properly awarded. When punishments are not properly awarded, the people do not know how to move hand or foot.”¹²

Believing in the efficacy of a social and cultural realm privately ordered without instruction from the government places Confucius among those who appreciate the positive contributions made by social capital to social justice.

For example, Confucius advised: “If the people be led by laws, and uniformity sought to be given them by punishments, they will try to avoid the punishments, but have no sense of shame. If they be lead by virtue, and uniformity sought to be given them by the rules of propriety, they will have the sense of shame, and moreover will become good.”¹³

Confucius once asked: “You are filial, you discharge your brotherly duties. These qualities are displayed in government. This then also constitutes the exercise of government. Why must there be THAT – making one be in the government?”¹⁴ “It is by the Odes that the mind is aroused. It is by the rules of propriety that the character is established. It from music that the finish is received,” Confucius advised. The good person, therefore, was formed and shaped by the private sector. Good governance of the

¹² *ibid*, Bk. XIII, Ch. III

¹³ *ibid*, Bk. II, Ch. III

¹⁴ *ibid*, Bk.II, Ch. XXI, 2

realm depended necessarily on the private sector performing its educational task thoroughly and well.

Confucius encapsulated his theory of good government in the phrase “The lord should lord, the minister minister, the father father and the son son.”¹⁵ While the functions of lord and minister are appropriate to the formal administration of government, the functions of being a good father or a good son apply to the private sector of society and culture. Becoming a worthy father or son would have contributed to the social capital of ancient China. Confucius understood rather well the dependence of good government on social capital.

While entertainment is a social activity, it does not, by itself, necessarily build social capital. The isolation attached to watching television, for example, or absorbing a movie is real. Such entertainment of individuals is not particularly socially engaging. Entertainment certainly communicates life-style values and disseminates cultural norms, but under conditions of anomie. The adoration of celebrity status that comes with much of the Hollywood entertainment institutional arrangement, especially for teenagers and young adults, may actually detract from social capital formation. The individual is encouraged to identify immediately and directly with the celebrity, to ape and mimic a self-indulgent role model, rather than participate in some set of intermediate activities or organizations with other people. Entertainment of the Hollywood variety promotes psychological passivity and withdrawal from civil society, to the detriment of politics and social capital formation.

A culture of consumption, of co-dependency on material stimulations from food to sex to drugs to dysfunctional relationships, of setting one’s standards under peer pressure only, dissolves social capital. This is the lesson pointed out by Robert Putnam in his well-known book *Bowling Alone*.¹⁶ The failure of modern America to promote the civic order was condemned by Robert Bellah in his book *Habits of the Heart*.¹⁷

¹⁵ *ibid*, Bk. XII, Ch. XI, 2

¹⁶ Putnam, Robert, *Bowling Alone*

¹⁷ Bellah, Robert, *Habits of the Heart*

Social capital and moral government are interdependent. Moral government seeks to accumulate high stocks of social capital while social capital promotes the engaged citizenry that makes moral government possible. It is difficult for government to be successful in its trusteeship if those under its power remain passive-aggressive, withdrawn, sullen, resentful, obstreperous, or rebellious. The environment for achieving conditions of moral government does not exist under those circumstances.

Under the Principles for Business proposed by the Caux Round Table, economic development does not occur within its own financial vacuum chamber isolated from society and only autonomously self-starting and self-sustaining. Wealth creation is not an isolate, but rather draws upon pre-existing social and cultural conditions for its health and energy.

Strong and vibrant markets arise only in facilitating environments. Markets are organic processes, linked to participants through multiple inter-connections. If we seek to benefit from robust markets as goad to economic development, we must first put in place the fertilized bed to culture the seeds of productive enterprise.

But as wealth is created and markets thrive to expand the number and capacity of participants, society in turn benefits. Culture changes; new professions and social classes emerge; educational achievement and conditions of public health advance; political institutions shift to incorporate the new dynamics.

The growing inter-action between the economy and its surrounding culture and institutional arrangements accumulates in the formation of social capital. Countries with high levels of social capital formation are more livable, providing for a higher quality of life for individuals and their families; such countries attract immigrants from societies with low levels of social capital. The quality of social capital accumulation tracks the moral quality noted in the Second Vatican Ecumenical Council pastoral Constitution, *Gaudium et Spes*: the common good is widely understood to be the sum of those

conditions of social life which enable groups and individuals to achieve their fulfillment more completely and readily.¹⁸

Accordingly, societies with low levels of social capital experience outflows of human capital as well as of liquid economic wealth. Fulfillment of life goals in these societies is more fitful and transient as a result.

Social capital achievement, therefore, is an aggregate of three subsystems: 1) economic variables, 2) social/cultural variables, and 3) legal and political institutions.

There are no direct measurements of social capital, but an approximation is possible. An index of country indexes can be created to average for each country its accumulation of the various components of social capital.

Country rankings for economic components embrace: GDP per capita, annual rates of economic growth, and sovereign credit ratings.

Relevant cultural variables and social richness are modeled by indices of corruption, economic freedom, political freedom, and the Human Development Index of the United Nations Development program.

Legal and political institutions can be assessed through measures of, the rule of law, 12 core best practice standards for management of financial institutions, and ...

Taking an average of a country's rankings on all these criteria presents a reasonable approximation of that country's social capital. Generally, a country ranking high in economic achievement will also rank high in the other areas of social capital.

The path towards progress, towards the realization of social justice, is through the accumulation of social capital.

¹⁸ Guadium et Spes, p. 26

Social Capital Stocks Under Equilibrium Conditions

As measured by the various country indices available, a country's accumulated social capital is caught in a static moment of assessment. The time scale is not dynamic, but frozen in time. The indices, therefore, are not necessarily predictive of future social capital formation.

Under equilibrium conditions, we hypothesize that social/cultural patterns heavily influence legal and political institutions, which in turn structure incentives, risk/return utility functions, and pricing conditions for economic activity. Economic activity, with its allocation of risks and returns, in turn tends to sustain those who embody and articulate the dominant social and cultural patterns of the society.

From this point of view, economic development will occur most robustly under favorable legal and political conditions, which, in turn, will respond to cultural and value-sensitive imperatives, influenced in their turn by changing economic interests and incentives.

Thus it is possible to trigger a virtuous cycle of cultural initiative, then political accommodation to the cultural guidelines, then economic progress in response to new opportunities, and, then to reinforcement of the facilitating cultural norms. This is the formula for growth advocated by Adam Smith in his *Inquiry into the Causes of the Wealth of Nations* and vindicated much more recently by David Landes in his *The Wealth and Poverty of Nations*.

Measuring separately the economic, the social/cultural, and the legal/political components of social capital permits a preliminary assessment to be made of what should be done in a given country to trigger a virtuous cycle of growth and accumulation of social capital.

Changes can be authored in the legal/political sub-system, but to do so something must happen in the cultural/social sub-system as a triggering condition. Then, resulting activity

in the economic sub-system will evidence the effectiveness, or not, of the legal/political reforms undertaken to date.

What often hinders change in the cultural/social sub-system are self-interested elites who, one, benefit economically from the current equilibrium state of the society, and, two, whose ideas have been adjusted to legitimate the institutions facilitating that preferential treatment. Change agents, therefore, must arise either out of dissatisfaction within the elite under current conditions or from new conditions that give members of the elite new but attractive intellectual options with which to think about political and legal institutions and habits.

The follow table ranks countries by averaging their performance on a number of indexes of achievement. Each index captures some aspect of a country's social capital accumulation. The average of the indexes provides an approximation of a country's social capital account. The highest ranking countries can be said to have the highest amounts of social capital. We might also consider them to have a tendency towards achieving higher levels of moral government.

| | Social Capital Achievement | | | | | | | | | | | | | | | |
|------|----------------------------|--------|----|--------|--------|--------|--------|--------|--------|---------|--------|--------|--------|--------|--------|--------|
| Rank | Countries | SCA | # | PPP | HD | FREE | EF | ESF | S & P | Moody's | VA | GE | RQ | RL | CC | CP |
| 1 | Netherlands | 0.9698 | 13 | 0.9714 | 0.9718 | 0.9944 | 0.9106 | 0.9759 | 0.9900 | 0.9895 | 0.9800 | 0.9900 | 0.9900 | 0.9480 | 0.9640 | 0.9315 |
| 2 | Finland | 0.9660 | 13 | 0.9200 | 0.9266 | 0.9944 | 0.9106 | 0.8795 | 0.9900 | 0.9895 | 0.9950 | 0.9740 | 1.0000 | 0.9850 | 1.0000 | 0.9932 |
| 3 | Sweden | 0.9623 | 13 | 0.9829 | 0.9887 | 0.9944 | 0.8211 | 0.9398 | 0.9900 | 0.9895 | 0.9900 | 0.9380 | 0.9690 | 0.9690 | 0.9790 | 0.9589 |
| 4 | Australia | 0.9609 | 13 | 0.9771 | 0.9831 | 0.9944 | 0.9431 | 0.9639 | 0.9900 | 0.9895 | 0.9440 | 0.9280 | 0.9480 | 0.9540 | 0.9380 | 0.9384 |
| 5 | United Kingdom | 0.9565 | 12 | 0.9257 | 0.9322 | 0.9944 | 0.9756 | 0.9518 | 0.9900 | | 0.9390 | 0.9790 | 0.9790 | 0.9430 | 0.9430 | 0.9247 |
| 6 | Switzerland | 0.9549 | 13 | 0.9429 | 0.9379 | 0.9944 | 0.9756 | 0.7590 | 0.9900 | 0.9895 | 0.9750 | 0.9950 | 0.9330 | 1.0000 | 0.9690 | 0.9521 |
| 7 | Canada | 0.9540 | 13 | 0.9543 | 0.9774 | 0.9944 | 0.9431 | 0.9036 | 0.9900 | 0.9895 | 0.9490 | 0.9480 | 0.9380 | 0.9380 | 0.9590 | 0.9178 |
| 8 | Iceland | 0.9508 | 12 | 0.9886 | 0.9605 | 0.9944 | 0.8862 | | 0.7900 | 0.9895 | 0.9650 | 0.9640 | 0.9230 | 0.9950 | 0.9740 | 0.9795 |
| 9 | United States | 0.9469 | 13 | 0.9600 | 0.9548 | 0.9944 | 0.9756 | 0.9880 | 0.9900 | 0.9895 | 0.9090 | 0.9120 | 0.9120 | 0.9180 | 0.9230 | 0.8836 |
| 10 | Norway | 0.9444 | 13 | 0.9943 | 0.9944 | 0.9944 | 0.7073 | 0.9036 | 0.9900 | 0.9895 | 0.9850 | 0.9330 | 0.9180 | 0.9740 | 0.9480 | 0.9452 |
| 11 | Luxembourg | 0.9436 | 13 | 0.9143 | 0.9153 | 0.9944 | 0.9268 | 0.7831 | 0.9900 | 0.9895 | 0.9290 | 0.9850 | 0.9850 | 0.9900 | 0.9540 | 0.9110 |
| 12 | Ireland | 0.9384 | 13 | 0.9314 | 0.9435 | 0.9944 | 0.9268 | 0.9398 | 0.9900 | 0.9895 | 0.9190 | 0.8970 | 0.9430 | 0.9230 | 0.9180 | 0.8836 |
| 13 | New Zealand | 0.9351 | 13 | 0.8857 | 0.8983 | 0.9944 | 0.9756 | 0.7590 | 0.8200 | 0.9895 | 0.9700 | 0.9590 | 0.9640 | 0.9640 | 0.9900 | 0.9863 |
| 14 | Austria | 0.9323 | 13 | 0.9086 | 0.9209 | 0.9944 | 0.8699 | 0.8675 | 0.9900 | 0.9895 | 0.8990 | 0.9230 | 0.9540 | 0.9590 | 0.9330 | 0.9110 |
| 15 | Denmark | 0.9321 | 13 | 0.9371 | 0.9040 | 0.9944 | 0.8862 | 0.5301 | 0.9900 | 0.9895 | 1.0000 | 0.9690 | 0.9740 | 0.9790 | 0.9850 | 0.9795 |
| 16 | Germany | 0.9291 | 13 | 0.8971 | 0.8927 | 0.9944 | 0.8211 | 0.9398 | 0.9900 | 0.9895 | 0.9550 | 0.9180 | 0.9280 | 0.9280 | 0.9280 | 0.8973 |
| 17 | Belgium | 0.8979 | 13 | 0.9657 | 0.9661 | 0.9944 | 0.8537 | 0.8434 | 0.8200 | 0.7895 | 0.9340 | 0.9430 | 0.8710 | 0.8970 | 0.9120 | 0.8836 |
| 18 | France | 0.8865 | 13 | 0.9029 | 0.9096 | 0.9944 | 0.6423 | 0.8313 | 0.9900 | 0.9895 | 0.8840 | 0.9070 | 0.8560 | 0.8760 | 0.8920 | 0.8493 |
| 19 | Spain | 0.8807 | 13 | 0.8914 | 0.8870 | 0.9944 | 0.7480 | 0.7108 | 0.9900 | 0.9895 | 0.8790 | 0.8920 | 0.8760 | 0.8450 | 0.8970 | 0.8493 |
| 20 | Singapore | 0.8669 | 13 | 0.8400 | 0.8588 | 0.3389 | 0.9837 | 0.7229 | 0.9900 | 0.9895 | 0.6570 | 1.0000 | 0.9950 | 0.9330 | 0.9950 | 0.9658 |
| 21 | Japan | 0.8466 | 13 | 0.9486 | 0.9492 | 0.7889 | 0.7073 | 0.8313 | 0.7900 | 0.9895 | 0.7930 | 0.8450 | 0.7890 | 0.8870 | 0.8510 | 0.8356 |
| 22 | Portugal | 0.8405 | 13 | 0.8686 | 0.8531 | 0.9944 | 0.7805 | 0.6627 | 0.8000 | 0.7789 | 0.8940 | 0.8400 | 0.8970 | 0.8610 | 0.8810 | 0.8151 |
| 23 | Chile | 0.8143 | 13 | 0.7543 | 0.7571 | 0.9944 | 0.8211 | 0.7711 | 0.7100 | 0.5263 | 0.8430 | 0.8660 | 0.9020 | 0.8710 | 0.9070 | 0.8630 |
| 24 | Italy | 0.8115 | 13 | 0.8800 | 0.8814 | 0.9944 | 0.7073 | 0.8072 | 0.7900 | 0.7789 | 0.8380 | 0.8040 | 0.8350 | 0.7580 | 0.7630 | 0.7123 |
| 25 | Estonia | 0.8002 | 13 | 0.7657 | 0.7966 | 0.9944 | 0.9106 | 0.7952 | 0.7100 | 0.7368 | 0.8030 | 0.7470 | 0.8660 | 0.7470 | 0.7420 | 0.7877 |
| 26 | Malta | 0.7965 | 12 | 0.8114 | 0.8249 | 0.9944 | 0.6423 | | 0.7100 | 0.5895 | 0.8890 | 0.8560 | 0.8140 | 0.8300 | 0.7680 | 0.8288 |
| 27 | Hong Kong, China (SAR) | 0.7943 | 13 | 0.8514 | 0.8701 | 0.4611 | 0.9919 | 0.6867 | 0.7400 | 0.7368 | 0.5350 | 0.8870 | 0.9070 | 0.8660 | 0.9020 | 0.8904 |
| 28 | Hungary | 0.7925 | 13 | 0.7829 | 0.7853 | 0.9944 | 0.8211 | 0.8675 | 0.6400 | 0.7368 | 0.8540 | 0.7420 | 0.8400 | 0.7890 | 0.7370 | 0.7123 |
| 29 | Cyprus | 0.7855 | 12 | 0.8571 | 0.8305 | 0.9944 | 0.5854 | | 0.7100 | 0.6737 | 0.7730 | 0.8300 | 0.8510 | 0.7680 | 0.7990 | 0.7534 |
| 30 | Bahamas | 0.7711 | 11 | 0.7200 | 0.7119 | 0.9944 | 0.4472 | | 0.6400 | 0.5895 | 0.8690 | 0.8810 | 0.8610 | 0.8810 | 0.8870 | |
| 31 | Barbados | 0.7621 | 12 | 0.8457 | 0.8362 | 0.9944 | 0.2358 | | 0.5400 | 0.4737 | 0.9140 | 0.8710 | 0.8300 | 0.8920 | 0.8560 | 0.8562 |
| 32 | Slovenia | 0.7609 | 13 | 0.8343 | 0.8475 | 0.9944 | 0.3984 | 0.4940 | 0.7900 | 0.7579 | 0.8280 | 0.7680 | 0.7530 | 0.8350 | 0.8040 | 0.7877 |
| 33 | Greece | 0.7600 | 13 | 0.8629 | 0.8644 | 0.7889 | 0.6667 | 0.7108 | 0.7100 | 0.7368 | 0.8130 | 0.7630 | 0.8250 | 0.7420 | 0.7320 | 0.6644 |
| 34 | Czech Republic | 0.7487 | 13 | 0.8171 | 0.8192 | 0.9944 | 0.6667 | 0.6867 | 0.6400 | 0.7368 | 0.7470 | 0.7370 | 0.8200 | 0.7320 | 0.6860 | 0.6507 |
| 35 | Israel | 0.7436 | 13 | 0.8743 | 0.8757 | 0.7111 | 0.5854 | 0.5301 | 0.6400 | 0.6737 | 0.6720 | 0.8350 | 0.7990 | 0.8140 | 0.8350 | 0.8219 |
| 36 | Taiwan | 0.7346 | 11 | | | 0.7889 | 0.8211 | 0.2048 | 0.7900 | 0.7579 | 0.7420 | 0.8250 | 0.8090 | 0.8090 | 0.7730 | 0.7603 |
| 37 | Korea, Rep. of | 0.7328 | 13 | 0.8286 | 0.8418 | 0.7889 | 0.7480 | 0.7349 | 0.6400 | 0.5895 | 0.6770 | 0.7940 | 0.7630 | 0.7780 | 0.6650 | 0.6781 |
| 38 | Slovakia | 0.7052 | 13 | 0.7771 | 0.7627 | 0.9944 | 0.5854 | 0.6506 | 0.6400 | 0.6737 | 0.7630 | 0.6750 | 0.7320 | 0.6550 | 0.6490 | 0.6096 |
| 39 | Costa Rica | 0.7043 | 12 | 0.7600 | 0.7458 | 0.9944 | 0.7480 | | 0.3700 | 0.3579 | 0.8480 | 0.6650 | 0.7270 | 0.7220 | 0.7940 | 0.7192 |
| 40 | Mauritius | 0.7043 | 11 | 0.6457 | 0.6384 | 0.9944 | 0.7805 | | | 0.4737 | 0.7170 | 0.6960 | 0.6650 | 0.7840 | 0.7220 | 0.6301 |
| 41 | Poland | 0.6999 | 13 | 0.8000 | 0.7910 | 0.9944 | 0.5041 | 0.6024 | 0.5400 | 0.6737 | 0.8330 | 0.7110 | 0.7110 | 0.7060 | 0.6910 | 0.5411 |
| 42 | Lithuania | 0.6889 | 13 | 0.7429 | 0.7684 | 0.7111 | 0.6423 | 0.6024 | 0.6400 | 0.5895 | 0.7370 | 0.7060 | 0.7940 | 0.6800 | 0.6440 | 0.6986 |
| 43 | Latvia | 0.6881 | 13 | 0.7143 | 0.7175 | 0.7889 | 0.7073 | 0.5783 | 0.6400 | 0.6737 | 0.7530 | 0.7220 | 0.7580 | 0.6750 | 0.6080 | 0.6096 |
| 44 | Kuwait | 0.6715 | 12 | 0.7371 | 0.7514 | 0.3389 | 0.8537 | | 0.7400 | 0.6737 | 0.4140 | 0.6240 | 0.6440 | 0.7530 | 0.8300 | 0.6986 |
| 45 | Botswana | 0.6697 | 12 | 0.2857 | 0.2768 | 0.7111 | 0.8537 | | 0.7100 | 0.6737 | 0.7120 | 0.7990 | 0.7470 | 0.7270 | 0.7530 | 0.7877 |
| 46 | Bahrain | 0.6604 | 12 | 0.7886 | 0.7740 | 0.2889 | 0.7480 | | 0.6400 | 0.5263 | 0.2470 | 0.7530 | 0.7780 | 0.7940 | 0.8200 | 0.7671 |
| 47 | United Arab Emirates | 0.6552 | 12 | 0.7257 | 0.7232 | 0.1278 | 0.8699 | 0.3012 | | 0.7368 | 0.3590 | 0.7890 | 0.7840 | 0.8040 | 0.8400 | 0.8014 |
| 48 | Seychelles | 0.6481 | 9 | 0.7943 | 0.8023 | 0.5556 | | | | | 0.5610 | 0.5880 | 0.4640 | 0.6860 | 0.7110 | 0.6712 |
| 49 | Qatar | 0.6431 | 11 | 0.7486 | 0.7345 | 0.2556 | | | 0.7400 | 0.5895 | 0.3280 | 0.7320 | 0.6190 | 0.7730 | 0.8140 | 0.7397 |
| 50 | Trinidad and Tobago | 0.6305 | 12 | 0.6914 | 0.6949 | 0.5556 | 0.7480 | | 0.5400 | 0.4211 | 0.6620 | 0.6800 | 0.7060 | 0.6440 | 0.5720 | 0.6507 |
| 51 | Uruguay | 0.6187 | 13 | 0.7714 | 0.7401 | 0.9944 | 0.6423 | 0.2289 | 0.1800 | 0.0947 | 0.7780 | 0.6860 | 0.6700 | 0.6910 | 0.7580 | 0.8082 |
| 52 | Oman | 0.6153 | 12 | 0.5486 | 0.5819 | 0.2556 | 0.8537 | | 0.5400 | 0.4737 | 0.3130 | 0.7270 | 0.7010 | 0.7630 | 0.8250 | 0.8014 |
| 53 | Malaysia | 0.6101 | 13 | 0.6686 | 0.6667 | 0.4000 | 0.5285 | 0.4096 | 0.6400 | 0.5895 | 0.4240 | 0.8090 | 0.6860 | 0.6960 | 0.6800 | 0.7329 |
| 54 | South Africa | 0.5977 | 13 | 0.3657 | 0.3277 | 0.7889 | 0.6423 | 0.5783 | 0.4800 | 0.5263 | 0.7070 | 0.6910 | 0.6910 | 0.5980 | 0.6750 | 0.6986 |
| 55 | Mexico | 0.5976 | 13 | 0.6857 | 0.7006 | 0.7111 | 0.5285 | 0.6386 | 0.4800 | 0.5263 | 0.5960 | 0.6190 | 0.6800 | 0.5210 | 0.5210 | 0.5616 |
| 56 | Panama | 0.5929 | 12 | 0.6629 | 0.6554 | 0.7889 | 0.7805 | | 0.3700 | 0.3579 | 0.6460 | 0.5360 | 0.6750 | 0.5570 | 0.5100 | 0.5753 |
| 57 | Croatia | 0.5861 | 13 | 0.7314 | 0.7288 | 0.7111 | 0.3252 | 0.5542 | 0.4800 | 0.4211 | 0.6360 | 0.6390 | 0.6240 | 0.5880 | 0.6390 | 0.5411 |
| 58 | Bulgaria | 0.5835 | 13 | 0.6743 | 0.6836 | 0.7889 | 0.3659 | 0.6265 | 0.4400 | 0.3579 | 0.6670 | 0.5620 | 0.6960 | 0.5670 | 0.5260 | 0.6301 |
| 59 | Grenada | 0.5722 | 9 | 0.4686 | 0.4746 | 0.7889 | | | 0.0200 | | 0.7020 | 0.6700 | 0.6600 | 0.6190 | 0.7470 | |
| 60 | Thailand | 0.5674 | 13 | 0.5771 | 0.5706 | 0.6222 | 0.5935 | 0.3494 | 0.5400 | 0.5263 | 0.5710 | 0.6490 | 0.6550 | 0.6240 | 0.5360 | 0.5616 |
| 61 | Namibia | 0.5494 | 10 | 0.2914 | 0.2881 | 0.6222 | 0.5041 | | | | 0.5910 | 0.6290 | 0.6390 | 0.6700 | 0.6290 | 0.6301 |
| 62 | Belize | 0.5370 | 11 | 0.6171 | 0.4407 | 0.7889 | 0.4472 | | 0.0900 | | 0.7220 | 0.5520 | 0.5980 | 0.5620 | 0.5000 | 0.5890 |
| 63 | Sri Lanka | 0.5055 | 11 | 0.4343 | 0.4576 | 0.5556 | 0.3659 | 0.3855 | | | 0.4800 | 0.5980 | 0.5880 | 0.6080 | 0.5460 | 0.5411 |
| 64 | Brazil | 0.5009 | 13 | 0.6286 | 0.5932 | 0.6222 | 0.3984 | 0.3494 | 0.3000 | 0.2421 | 0.5810 | 0.5000 | 0.6340 | 0.5000 | 0.5670 | 0.5959 |
| 65 | Jamaica | 0.5008 | 12 | 0.5543 | 0.5537 | 0.6222 | 0.6667 | | 0.1800 | 0.2421 | 0.6520 | 0.5460 | 0.6490 | 0.4590 | 0.3920 | 0.4932 |
| 66 | Peru | 0.4990 | 13 | 0.5314 | 0.5198 | 0.6222 | 0.6423 | 0.4940 | 0.3700 | 0.2526 | 0.5760 | 0.3870 | 0.6290 | 0.4070 | 0.5150 | 0.5411 |
| 67 | Guyana | 0.4977 | 9 | 0.4743 | 0.4124 | 0.7111 | 0.5041 | | | | 0.6920 | 0.4740 | 0.4070 | 0.4230 | 0.3810 | |
| 68 | Suriname | 0.4959 | 11 | 0.5600 | 0.6215 | 0.7889 | | | 0.0900 | 0.2421 | 0.5860 | 0.5310 | 0.2780 | 0.4690 | 0.6240 | 0.6644 |
| 69 | Jordan | 0.4944 | 13 | 0.4857 | 0.4915 | 0.3389 | 0.7073 | 0.1446 | 0.3700 | 0.2947 | 0.3840 | 0.6600 | 0. | | | |

| Rank | Countries | SCA | # | PPP | HD | FREE | EF | ESF | S & P | Moody's | VA | GE | RQ | RL | CC | CP |
|------|----------------------------------|--------|----|--------|--------|--------|--------|--------|--------|---------|--------|--------|--------|--------|--------|--------|
| 78 | India | 0.4531 | 13 | 0.2743 | 0.2825 | 0.6222 | 0.4472 | 0.3976 | 0.4100 | 0.4211 | 0.6060 | 0.5410 | 0.4380 | 0.5720 | 0.4950 | 0.3836 |
| 79 | Ghana | 0.4370 | 12 | 0.2629 | 0.2599 | 0.7111 | 0.4472 | 0.2410 | 0.2500 | | 0.5050 | 0.5930 | 0.4480 | 0.5360 | 0.4280 | 0.5616 |
| 80 | Turkey | 0.4313 | 13 | 0.4514 | 0.5028 | 0.5556 | 0.1870 | 0.4699 | 0.3000 | 0.2421 | 0.3640 | 0.5050 | 0.5670 | 0.5520 | 0.4380 | 0.4726 |
| 81 | Armenia | 0.4265 | 9 | 0.4286 | 0.5367 | 0.3389 | | | | | 0.3690 | 0.4120 | 0.5930 | 0.4180 | 0.3040 | 0.4384 |
| 82 | Morocco | 0.4116 | 13 | 0.2800 | 0.2938 | 0.3389 | 0.3252 | 0.1687 | 0.3700 | 0.3579 | 0.4040 | 0.6130 | 0.5520 | 0.5930 | 0.5820 | 0.4726 |
| 83 | Colombia | 0.4107 | 13 | 0.6343 | 0.5876 | 0.4000 | 0.1301 | 0.3855 | 0.3700 | 0.2947 | 0.3080 | 0.4540 | 0.5310 | 0.2680 | 0.3870 | 0.5890 |
| 84 | China | 0.4016 | 13 | 0.4057 | 0.4689 | 0.0833 | 0.2683 | 0.1928 | 0.5400 | 0.6737 | 0.1010 | 0.6340 | 0.4020 | 0.5150 | 0.4230 | 0.5137 |
| 85 | Senegal | 0.3990 | 11 | 0.1086 | 0.1130 | 0.6222 | 0.3008 | | 0.2500 | | 0.5300 | 0.5210 | 0.4690 | 0.5260 | 0.5310 | 0.4178 |
| 86 | Dominican Republic | 0.3974 | 13 | 0.4629 | 0.4463 | 0.7111 | 0.5854 | 0.0964 | 0.0200 | 0.0947 | 0.5660 | 0.4180 | 0.5000 | 0.4280 | 0.4330 | 0.4041 |
| 87 | Egypt | 0.3880 | 13 | 0.3143 | 0.3220 | 0.2556 | 0.3984 | 0.3855 | 0.4100 | 0.3579 | 0.2220 | 0.4690 | 0.3810 | 0.5770 | 0.4790 | 0.4726 |
| 88 | Argentina | 0.3872 | 13 | 0.8057 | 0.8079 | 0.7111 | 0.3008 | 0.4217 | 0.0200 | 0.0526 | 0.5250 | 0.3760 | 0.1960 | 0.2780 | 0.2780 | 0.2603 |
| 89 | Albania | 0.3869 | 10 | 0.4571 | 0.6328 | 0.5556 | 0.2683 | | | | 0.4950 | 0.3810 | 0.4120 | 0.1750 | 0.2320 | 0.2603 |
| 90 | Russian Federation | 0.3865 | 13 | 0.6400 | 0.6780 | 0.2556 | 0.0732 | 0.4458 | 0.4400 | 0.4211 | 0.3380 | 0.4430 | 0.4430 | 0.2530 | 0.2110 | 0.3836 |
| 91 | Madagascar | 0.3832 | 11 | 0.1486 | 0.1525 | 0.5556 | 0.1870 | | 0.1800 | | 0.4900 | 0.4590 | 0.4540 | 0.5310 | 0.6190 | 0.4384 |
| 92 | Gabon | 0.3680 | 10 | 0.3257 | 0.3107 | 0.3389 | 0.0894 | | | | 0.3740 | 0.3970 | 0.4850 | 0.5050 | 0.3610 | 0.4932 |
| 93 | Bosnia and Herzegovina | 0.3548 | 10 | 0.6229 | 0.6271 | 0.4611 | | | | 0.0947 | 0.4390 | 0.1490 | 0.1800 | 0.1910 | 0.3450 | 0.4384 |
| 94 | Nicaragua | 0.3544 | 11 | 0.3086 | 0.3333 | 0.5556 | 0.5041 | | | 0.0526 | 0.5200 | 0.1750 | 0.3970 | 0.3200 | 0.3970 | 0.3356 |
| 95 | Lebanon | 0.3477 | 12 | 0.5257 | 0.5480 | 0.2556 | | 0.1687 | 0.0900 | 0.1579 | 0.3180 | 0.4330 | 0.3710 | 0.5100 | 0.4590 | 0.3356 |
| 96 | Cuba | 0.3415 | 10 | 0.7029 | 0.7062 | 0.0333 | | | | 0.0526 | 0.0300 | 0.4900 | 0.1080 | 0.1650 | 0.5520 | 0.5753 |
| 97 | Honduras | 0.3380 | 12 | 0.3429 | 0.3503 | 0.5556 | 0.5041 | 0.2651 | | 0.1579 | 0.4600 | 0.2730 | 0.4180 | 0.2370 | 0.2730 | 0.2192 |
| 98 | Benin | 0.3359 | 11 | 0.0914 | 0.0904 | 0.7111 | 0.1626 | | 0.2500 | | 0.5100 | 0.3140 | 0.3200 | 0.4330 | 0.3400 | 0.4726 |
| 99 | Moldova, Rep. of | 0.3293 | 10 | 0.3829 | 0.3616 | 0.4611 | | | | 0.0526 | 0.4090 | 0.3040 | 0.4950 | 0.3920 | 0.2160 | 0.2192 |
| 100 | Guatemala | 0.3259 | 13 | 0.3200 | 0.3164 | 0.4000 | 0.5041 | 0.2169 | 0.3000 | 0.2947 | 0.3540 | 0.3200 | 0.5210 | 0.2160 | 0.3090 | 0.1644 |
| 101 | Kazakhstan | 0.3241 | 12 | 0.5657 | 0.5593 | 0.2556 | | 0.5542 | 0.4400 | 0.4211 | 0.1770 | 0.2160 | 0.2420 | 0.1860 | 0.1080 | 0.1644 |
| 102 | Mali | 0.3223 | 11 | 0.0171 | 0.0169 | 0.7111 | 0.2358 | | 0.1800 | | 0.5510 | 0.1910 | 0.3610 | 0.3450 | 0.4640 | 0.4726 |
| 103 | Bolivia | 0.3202 | 13 | 0.3486 | 0.3559 | 0.5556 | 0.5285 | 0.0964 | 0.0900 | 0.0947 | 0.5000 | 0.3450 | 0.5050 | 0.3250 | 0.2530 | 0.1644 |
| 104 | Nepal | 0.3200 | 10 | 0.1829 | 0.2090 | 0.2889 | 0.2358 | | | | 0.3330 | 0.3660 | 0.3560 | 0.3760 | 0.4690 | 0.3836 |
| 105 | Uganda | 0.3184 | 10 | 0.1600 | 0.1751 | 0.3389 | 0.5854 | | | | 0.2420 | 0.4380 | 0.5410 | 0.2110 | 0.1910 | 0.3014 |
| 106 | Ukraine | 0.3166 | 13 | 0.5714 | 0.6045 | 0.4611 | 0.1301 | 0.4458 | 0.2500 | 0.2421 | 0.2780 | 0.2630 | 0.2840 | 0.2470 | 0.1750 | 0.1644 |
| 107 | Papua New Guinea | 0.2943 | 12 | 0.2457 | 0.2486 | 0.5556 | 0.2358 | | 0.1800 | 0.2421 | 0.4650 | 0.2370 | 0.3870 | 0.2270 | 0.2060 | 0.3014 |
| 108 | Burkina Faso | 0.2938 | 9 | 0.0114 | 0.0113 | 0.3389 | | | 0.1800 | | 0.4290 | 0.2780 | 0.4790 | 0.3400 | 0.5770 | |
| 109 | Tanzania, U. Rep. of | 0.2909 | 11 | 0.0857 | 0.0847 | 0.4611 | 0.4472 | 0.1205 | | | 0.3790 | 0.3610 | 0.3350 | 0.3870 | 0.1550 | 0.3836 |
| 110 | Iran, Islamic Rep. of | 0.2890 | 11 | 0.3943 | 0.4294 | 0.1278 | 0.3659 | 0.0241 | | | 0.1820 | 0.3920 | 0.0820 | 0.3350 | 0.4430 | 0.4041 |
| 111 | Georgia | 0.2877 | 9 | 0.4971 | 0.4520 | 0.4611 | | | | | 0.3990 | 0.2530 | 0.2160 | 0.0980 | 0.1240 | 0.0890 |
| 112 | Venezuela | 0.2867 | 13 | 0.6057 | 0.6158 | 0.4611 | 0.0407 | 0.2892 | 0.1800 | 0.1579 | 0.3890 | 0.1030 | 0.3450 | 0.1340 | 0.1860 | 0.2192 |
| 113 | Ecuador | 0.2864 | 13 | 0.4457 | 0.4350 | 0.5556 | 0.2358 | 0.2892 | 0.0900 | 0.0526 | 0.4750 | 0.1340 | 0.3040 | 0.3300 | 0.1440 | 0.2329 |
| 114 | Indonesia | 0.2855 | 13 | 0.3600 | 0.3729 | 0.4611 | 0.3008 | 0.4699 | 0.2500 | 0.1579 | 0.3480 | 0.3400 | 0.2630 | 0.2320 | 0.0670 | 0.0890 |
| 115 | Belarus | 0.2828 | 9 | 0.6971 | 0.6497 | 0.0833 | | | | | 0.0760 | 0.1290 | 0.0360 | 0.1130 | 0.2680 | 0.4932 |
| 116 | Zambia | 0.2792 | 10 | 0.0686 | 0.0734 | 0.4000 | 0.5854 | | | | 0.3940 | 0.1440 | 0.2990 | 0.3560 | 0.1700 | 0.3014 |
| 117 | Viet Nam | 0.2784 | 12 | 0.3771 | 0.3672 | 0.0833 | | 0.0482 | 0.3000 | 0.2421 | 0.1060 | 0.4850 | 0.2530 | 0.4480 | 0.3300 | 0.3014 |
| 118 | Malawi | 0.2783 | 10 | 0.0743 | 0.0678 | 0.4000 | 0.1870 | | | | 0.2980 | 0.2840 | 0.4280 | 0.4640 | 0.1960 | 0.3836 |
| 119 | Algeria | 0.2730 | 11 | 0.3886 | 0.3898 | 0.2556 | 0.0407 | 0.0602 | | | 0.2020 | 0.3250 | 0.3400 | 0.3510 | 0.3140 | 0.3356 |
| 120 | Kyrgyzstan | 0.2726 | 9 | 0.4171 | 0.3785 | 0.2556 | | | | | 0.1970 | 0.2060 | 0.3760 | 0.2220 | 0.2370 | 0.1644 |
| 121 | Cambodia | 0.2718 | 9 | 0.2571 | 0.2655 | 0.2556 | 0.2358 | | | | 0.3030 | 0.3350 | 0.3920 | 0.2010 | 0.2010 | |
| 122 | Syrian Arab Republic | 0.2677 | 11 | 0.3714 | 0.4011 | 0.0333 | 0.1626 | 0.0000 | | | 0.0560 | 0.3300 | 0.1650 | 0.4380 | 0.4740 | 0.5137 |
| 123 | Mozambique | 0.2665 | 10 | 0.0286 | 0.0339 | 0.4611 | | | 0.1800 | | 0.4340 | 0.4280 | 0.2680 | 0.2990 | 0.1490 | 0.3836 |
| 124 | Gambia | 0.2651 | 9 | 0.1371 | 0.1243 | 0.4000 | | | | | 0.1870 | 0.2110 | 0.3300 | 0.3710 | 0.2420 | 0.3836 |
| 125 | Occupied Palestinian Territories | 0.2608 | 9 | 0.4400 | 0.4237 | 0.1278 | | | | | 0.1720 | 0.1240 | 0.1440 | 0.4950 | 0.1600 | 0.2603 |
| 126 | Libyan Arab Jamahiriya | 0.2573 | 9 | 0.6514 | 0.6723 | 0.0333 | | | | | 0.0450 | 0.1800 | 0.0460 | 0.1800 | 0.2470 | 0.2603 |
| 127 | Paraguay | 0.2520 | 12 | 0.5200 | 0.4972 | 0.5556 | 0.3984 | | 0.0900 | 0.0526 | 0.3230 | 0.0720 | 0.3140 | 0.1190 | 0.0410 | 0.0411 |
| 128 | Kenya | 0.2409 | 11 | 0.1657 | 0.1638 | 0.5556 | 0.5041 | 0.0723 | | | 0.2830 | 0.1860 | 0.3510 | 0.1390 | 0.1130 | 0.1164 |
| 129 | Azerbaijan | 0.2408 | 9 | 0.4914 | 0.4859 | 0.2556 | | | | | 0.1920 | 0.1390 | 0.2220 | 0.2420 | 0.0980 | 0.0411 |
| 130 | Pakistan | 0.2374 | 13 | 0.1771 | 0.1977 | 0.2556 | 0.2683 | 0.3253 | 0.2500 | 0.1579 | 0.1570 | 0.3710 | 0.2270 | 0.2840 | 0.2990 | 0.1164 |
| 131 | Eritrea | 0.2358 | 9 | 0.1143 | 0.1186 | 0.0833 | | | | | 0.0100 | 0.4070 | 0.1240 | 0.3610 | 0.6030 | 0.3014 |
| 132 | Bangladesh | 0.2172 | 11 | 0.2057 | 0.2203 | 0.4000 | 0.3252 | 0.1084 | | | 0.2930 | 0.3510 | 0.1390 | 0.2630 | 0.0770 | 0.0068 |
| 133 | Niger | 0.2140 | 10 | 0.0057 | 0.0056 | 0.5556 | 0.1301 | | | | 0.4490 | 0.2320 | 0.2580 | 0.2580 | 0.0820 | 0.1644 |
| 134 | Yemen | 0.2119 | 9 | 0.1543 | 0.1582 | 0.2889 | | | | | 0.2170 | 0.1700 | 0.2890 | 0.0770 | 0.3200 | 0.2329 |
| 135 | Ethiopia | 0.2114 | 9 | 0.0343 | 0.0395 | 0.2889 | | | | | 0.1460 | 0.1600 | 0.1550 | 0.4120 | 0.4480 | 0.2192 |
| 136 | Togo | 0.2036 | 9 | 0.1943 | 0.1921 | 0.2556 | 0.0894 | | | | 0.1210 | 0.0930 | 0.2730 | 0.2890 | 0.3250 | |
| 137 | Tajikistan | 0.1767 | 9 | 0.3543 | 0.3446 | 0.2556 | | | | | 0.2120 | 0.0880 | 0.0770 | 0.0670 | 0.1030 | 0.0890 |
| 138 | Rwanda | 0.1713 | 9 | 0.0971 | 0.1017 | 0.2556 | 0.1301 | | | | 0.0860 | 0.2010 | 0.1750 | 0.1440 | 0.3510 | |
| 139 | Uzbekistan | 0.1702 | 10 | 0.4229 | 0.3955 | 0.0833 | | 0.1325 | | | 0.0510 | 0.1190 | 0.0570 | 0.1030 | 0.1190 | 0.2192 |
| 140 | Guinea-Bissau | 0.1699 | 9 | 0.0514 | 0.0282 | 0.4000 | 0.0488 | | | | 0.2580 | 0.0620 | 0.1910 | 0.1550 | 0.3350 | |
| 141 | Congo | 0.1676 | 10 | 0.2000 | 0.1864 | 0.3389 | 0.0650 | | | | 0.1620 | 0.0820 | 0.1600 | 0.0820 | 0.1800 | 0.2192 |
| 142 | Nigeria | 0.1553 | 11 | 0.1314 | 0.1469 | 0.4000 | 0.2683 | 0.1807 | | | 0.2630 | 0.1080 | 0.1130 | 0.0520 | 0.0310 | 0.0137 |
| 143 | Côte d'Ivoire | 0.1543 | 11 | 0.0800 | 0.0791 | 0.1278 | 0.3008 | 0.0120 | | | 0.1160 | 0.1550 | 0.4230 | 0.0880 | 0.2270 | 0.0890 |
| 144 | Turkmenistan | 0.1522 | 10 | 0.5029 | 0.5141 | 0.0333 | | | | 0.1579 | 0.0250 | 0.0360 | 0.0100 | 0.1080 | 0.0460 | 0.0890 |
| 145 | Sierra Leone | 0.1494 | 10 | 0.0000 | 0.0000 | 0.4611 | 0.0976 | | | | 0.2880 | 0.0260 | 0.0720 | 0.0720 | 0.2580 | 0.2192 |
| 146 | Chad | 0.1457 | 10 | 0.0571 | 0.0565 | 0.2556 | 0.1626 | | | | 0.2070 | 0.2580 | 0.1340 | 0.1700 | 0.1290 | 0.0274 |
| 147 | Cameroon | 0.1388 | 11 | 0.1886 | 0.2034 | 0.1278 | | 0.0482 | 0.0300 | | 0.1670 | 0.3090 | 0.1860 | 0.0620 | 0.0880 | 0.1164 |
| 148 | Central African Republic | 0.1339 | 9 | 0.0400 | 0.0452 | 0.2556 | 0.0244 | | | | 0.2370 | 0.0460 | 0.2320 | 0.1960 | 0.1290 | |
| 149 | Sudan | 0.1150 | 9 | 0.2114 | 0.2147 | 0.0333 | | | | | 0.0400 | 0.1130 | 0.1190 | 0.0460 | 0.0930 | 0.1644 |
| 150 | Zimbabwe | 0.1105 | 10 | 0.1714 | 0.1695 | 0.0833 | 0.0081 | | | | 0.0710 | 0.2220 | 0.0410 | 0.0570 | 0.0620 | 0.2192 |
| 151 | Haiti | 0.1092 | 10 | 0.1429 | 0.1356 | 0.0833 | 0.3659 | | | | 0.1520 | 0.0210 | 0.1700 | 0.0100 | 0.0 | |

| | | | | | | | | | | | | | | | | |
|-----|----------------------------------|--------|----|--------|--------|--------|--------|-----|--------|---------|--------|--------|--------|--------|--------|--------|
| 155 | Congo, Dem. Rep. of the | 0.0416 | 10 | 0.0457 | 0.0508 | 0.1278 | 0.0163 | | | | 0.0200 | 0.0150 | 0.0310 | 0.0050 | 0.0150 | 0.0890 |
| | Countries | SCA | # | PPP | HD | FREE | EF | ESF | S & P | Moody's | VA | GE | RQ | RL | CC | CP |
| | Dominica | 0.7120 | 8 | 0.6114 | 0.4633 | 0.9944 | | | | | 0.8080 | 0.6550 | 0.7370 | 0.7160 | 0.7110 | |
| | Antigua and Barbuda | 0.7050 | 8 | 0.6800 | 0.6893 | 0.7111 | | | | | 0.5450 | 0.7010 | 0.7160 | 0.8200 | 0.7780 | |
| | Saint Kitts and Nevis | 0.6950 | 8 | 0.7086 | 0.7797 | 0.7889 | | | | | 0.7830 | 0.5670 | 0.6030 | 0.6340 | 0.6960 | |
| | Saint Lucia | 0.6600 | 8 | 0.5943 | 0.5989 | 0.7889 | | | | | 0.7980 | 0.5670 | 0.6030 | 0.6340 | 0.6960 | |
| | Saint Vincent and the Grenadines | 0.6507 | 8 | 0.5429 | 0.5085 | 0.7889 | | | | | 0.7880 | 0.5670 | 0.6030 | 0.7110 | 0.6960 | |
| | Samoa (Western) | 0.6394 | 8 | 0.6000 | 0.5763 | 0.7111 | | | | | 0.6970 | 0.6440 | 0.5260 | 0.7990 | 0.5620 | |
| | Brunei Darussalam | 0.6380 | 8 | 0.8229 | 0.8136 | 0.2556 | | | | | 0.2320 | 0.8200 | 0.8040 | 0.7010 | 0.6550 | |
| | Cape Verde | 0.5845 | 8 | 0.4114 | 0.4068 | 0.9944 | | | | | 0.6160 | 0.5100 | 0.4740 | 0.6030 | 0.6600 | |
| | Maldives | 0.5376 | 8 | 0.5086 | 0.5254 | 0.2556 | | | | | 0.2530 | 0.7580 | 0.7420 | 0.6600 | 0.5980 | |
| | Sao Tome and Principe | 0.4480 | 8 | 0.3029 | 0.3051 | 0.7111 | | | | | 0.6410 | 0.2890 | 0.4330 | 0.4020 | 0.5000 | |
| | Bhutan | 0.4214 | 8 | 0.2229 | 0.2429 | 0.2556 | | | | | 0.1360 | 0.8140 | 0.3090 | 0.5820 | 0.8090 | |
| | Lesotho | 0.4209 | 8 | 0.2171 | 0.1808 | 0.6222 | | | | | 0.4550 | 0.4950 | 0.3660 | 0.5460 | 0.4850 | |
| | Vanuatu | 0.4199 | 8 | 0.2686 | 0.2712 | 0.7111 | | | | | 0.7320 | 0.2940 | 0.2010 | 0.4790 | 0.4020 | |
| | Tonga | 0.3879 | 7 | | 0.6441 | 0.4000 | | | | | 0.4700 | 0.2940 | 0.2010 | 0.3040 | 0.4020 | |
| | Mauritania | 0.3712 | 8 | 0.1200 | 0.1412 | 0.2556 | | | | | 0.2730 | 0.5260 | 0.5460 | 0.4740 | 0.6340 | |
| | Serbia and Montenegro | 0.3296 | 8 | | | 0.6222 | | | 0.2500 | | 0.4440 | 0.2680 | 0.2940 | 0.1600 | 0.2630 | 0.3356 |
| | Solomon Islands | 0.3049 | 8 | 0.2971 | 0.2994 | 0.5556 | | | | | 0.6010 | 0.0670 | 0.0930 | 0.3040 | 0.2220 | |
| | Swaziland | 0.2962 | 8 | 0.2400 | 0.2260 | 0.1278 | | | | | 0.1310 | 0.4020 | 0.4590 | 0.2940 | 0.4900 | |
| | Timor-Leste | 0.2920 | 7 | | 0.1073 | 0.5556 | | | | | 0.5560 | 0.2420 | 0.0880 | 0.1240 | 0.3710 | |
| | Comoros | 0.2555 | 8 | 0.2343 | 0.2316 | 0.4000 | | | | | 0.3430 | 0.1960 | 0.1490 | 0.2060 | 0.2840 | |
| | Djibouti | 0.2324 | 8 | 0.1257 | 0.1299 | 0.2889 | | | | | 0.2680 | 0.1650 | 0.2320 | 0.3660 | 0.2840 | |
| | Guinea | 0.2084 | 8 | 0.1029 | 0.0960 | 0.2556 | | | | | 0.1260 | 0.2470 | 0.2110 | 0.2730 | 0.3560 | |
| | Equatorial Guinea | 0.1360 | 8 | 0.3371 | 0.3842 | 0.0833 | | | | | 0.0810 | 0.0570 | 0.0520 | 0.0930 | 0.0000 | |
| | Lao People's Dem. Rep. | 0.1349 | 8 | 0.2286 | 0.2373 | 0.0833 | | | | | 0.0350 | 0.2270 | 0.1030 | 0.1290 | 0.0360 | |
| | Iraq | 0.0406 | 7 | | | 0.1278 | | | | | 0.0050 | 0.0100 | 0.0000 | 0.0150 | 0.0100 | 0.1164 |

The Obligations of Government Towards Citizens

The first set of obligations restricts and limits government activity. Government must not hinder or undermine the development of social capital. Civil society must be left free to flourish. Groups, churches, unions, NGOs, artistic endeavors, cooperatives, clubs, fraternal networks, arrangements where citizens gather together to pursue mutual interests should not be marginalized or suppressed. Law should make clear the line between robust activity and subversive action or criminal conspiracy against the state, the society and other citizens. John Stuart Mill's rule of liberty should apply here: an activity should be left free until it threatens an injury to another.

The principle for government to apply here is that of subsidiarity – the decentralization of activity to the lowest possible level of citizen involvement. Sending authority down from the top of a society creates opportunities for participation, and through participation do good and active citizens emerge.

Civil society trains citizens. Needing citizens for its guides, moral government must promote the institutions and the arrangements that promote citizenship habits. This is an obligation to protect the civic order.

The second set of obligations placed upon a moral government with respect to the civic order and citizenship requires affirmative action on the part of the state. A moral government is well advised to nourish civic habits and institutions. Building social capital frequently falls under the scope of domestic governance, especially in industrializing societies where the possibilities for social capital accumulation are growing exponentially. In traditional, pre-industrial, societies institutions of religion and social stratification take the lead in shaping the social capital of such communities. Rituals – including weddings, funerals, coming of age ceremonies, initiation into warrior fellowships - and spiritually based liturgical experiences – celebration of harvests, the arrival of the lunar new year or the summer solstice - provide the most lucrative occasions for social capital formation in these societies.

But when societies outgrow traditional limitations and modernize, their governments grow more powerful and more penetrating. It is under such conditions that strict attention should be paid to the role of government in the enhancement of the civic order. The role of schools is very important, as too the financing of arts and culture.

Avoiding Civic Estrangement and Decay of the Civic Order

An important obligation of moral government demands vigilance to avoid civic estrangement – the dissolution of citizenship capacity or the disaggregation of the civic order. When the civic order weakens, citizenship declines. Government thereafter threatens to become more elitist and self-serving, lacking articulate beneficiaries keeping it to high standards of stewardship of the public interest and the common good.

Moral government claims our loyalty because, of all forms of government, it alone can serve our highest and best nature. Moral government is called into being because each of us is blessed with human dignity arising from our moral sense. Without that moral sense, there is no need for a good government. People without a moral sense, with no natural and intrinsic claim to human dignity, would be well suited to any form of rule. Only their self-interest would assert a claim of unfairness against oppression. But they could be easily bought off on that score. Successful authoritarian regimes often make this bargain to obtain the acquiescence – often only temporary, however - of those they rule.

It is incumbent upon moral governments to cultivate and enhance the moral sense of citizens. This is perhaps the greatest service that a government can perform for its society. Government is a public trust and, in the execution of that trust, it must keep in being the terms of trust – that the people can be trusted to wisely govern the government. The virtuous circle of government reciprocates morality in administration with morality in the citizenry. A decline of the moral sense in the people disposes them more and more to less than moral government.

If the people cannot be trusted with the power of citizenship, what basis is there for the state as an agent with delegated powers? Most assertions of dictatorial power or ideological rule rest on the conclusion that some or all of the people can't be trusted to make wise or prudent decisions. Helping the people deserve their status of citizen is a profound obligation of government.

Mencius partially based his theory of government as service of the people on the following observation: "But men possess a moral nature; and if they are well fed, warmly clad, and comfortable lodged, without being taught at the same time, they become almost like the beasts."¹⁹ More pointedly, he asserted that "That whereby man differs from the lower animals is but small. The mass of the people cast it away, while superior men preserve it."²⁰ Keeping our moral sense alive and active was for Mencius absolutely essential for the right ordering of a society.

Like finance capital and reputational capital, social capital can be accumulated and it can be lost. Activities can trend in both negative and positive directions. Where the civic order or social capital is concerned, the work of disaggregation arises from the breakdown of individual moral character and self-discipline. The rise of a raw, instinctual selfishness, of indulgence and harsh disregard for the feelings and interests of others dissolves the bonds of civic integrity.

And where social capital dissolves, so too does the capacity for leadership and risk-taking erode in consequence. Politics and government float on the surface of culture and society. The quality of values and the habits instilled by institutions interact to define political and governmental possibilities.

So James Gibbon wrote his long history of the Roman Empire to dissect the causes of its decline and fall. Chinese commentators accepted the waxing and waning phases of dynastic rule. Strong founders left behind strong institutions, sound economics and

¹⁹ The Works of Mencius, Bk. III, Pt. I, Ch. IV, 7

²⁰ *ibid*, Bk. IV, Pt II, Ch. XIX, 1

capable administrators. Their descendants, as a rule, proved unable to sustain such qualities of governance. Factions, pettiness, corruption, love of luxury, a general softness in all things contributed to the accelerating decline of dynastic authority.

Many conservatives in the United States claim to document a decline in the quality of the American civic order. Robert Bork wrote “Slouching Towards Gomorrah”²¹; Daniel Patrick Moynihan complained that American culture was “defining deviance downward”; David Callahan described America as living by a culture of “cheating” in order to get ahead. Callahan concluded at one point: “Young people became more cynical and materialistic. The nation drifted without a strong sense of national purpose – stuck, it seemed, in an intractable malaise.”²²

The process of civic dissolution was caught by the poet William Butler Yeats in his 1921 poem “The Second Coming”:

Things fall apart; the center cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity.

Counteracting such anarchic trends towards disaggregation of the civic order, building bulwarks against the dissolution of social capital, requires the government to support those institutions that form social capital through the inculcation of the moral sense in individuals.

Education that places a premium on a disciplined approach to knowledge, that has some reliable epistemology of truth, and that is demanded of its students deserves the most

²¹ Bork, Robert, *Slouching Towards Gomorrah*

²² Callahan, David, *The Culture of Cheating*

support. Art and culture that, similarly, encourages vitalization of the moral sense have the most claim on public patronage.

NGOs, private clubs, churches, families, facilities for common endeavors – the full range of civic society infrastructure – all merit the solicitude of public interest. While private in their essential activities, they nonetheless perform a public service. It is a public good to foster that which sustains the civic order – even a respectful patriotism. Pride in self and in one’s culture do much to prepare individuals for their civic responsibilities.

In his Farewell Address, written upon his relinquishing the Presidency of the United States, George Washington advised as far as the promotion of patriotism among the citizens of the nation that: “... it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.”

CONCLUSION

The previous chapter, Chapter 3 on Discourse Ethics, presented a process for citizen involvement and a means for public officials and politicians to sustain their fiduciary relationships with the people they govern. This chapter on service of citizens points to the duties of government as a fiduciary for the common good. Moreover, this chapter recognizes the dependency of moral government on a strong and healthy civic order. Government is only the channel in which the waters of society and culture flow. The banks have a role to play in facilitating the flow, but they are not where the water seeks to pool and abide.

The next chapter on General Principle No. 3 – avoidance of corruption and abuse of power – discusses further protections for the people as beneficiaries of the public trust.

Chapter 5

Preventing Abuse of Trust

“Th’ abuse of greatness is when it disjoins remorse from power.

...
 But ‘tis a common proof That lowliness is young ambition’s ladder,
 Whereto the climber-upward turns his face;
 But when he once attains the upmost round,
 He then unto the ladder turns his back,
 Looks in the clouds, scorning the base degrees
 By which he did ascend. So Caesar may:
 Then, lest he may, prevent. ...
 And therefore think him as a serpent’s egg,
 Which, hatched, would as his kind grow mischievous,
 And kill him in the shell.”

- Brutus in William Shakespeare’s *Julius Caesar*, Act II, Scene I

“And this man is now become a god, and Cassius is a wretched creature,
 and must bend his body if Caesar carelessly but nod upon him. ...
 Upon what meat does this our Caesar feed that he is grown so great?”

- Cassius in William Shakespeare’s *Julius Caesar*, Act I, Scene II

“And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine author of our blessed religion...”

- George Washington’s *Prayer for the United States*

“With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the nation’s wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.”

- Abraham Lincoln, *Second Inaugural Address*, March 4, 1865

“The mind of the superior man is conversant with righteousness;
 the mind of the mean man is conversant with gain.”

- Confucius, *The Analects*, Bk. IV, Ch. XVI

Do not treat men with scorn, nor walk proudly on the earth:

God does not love the arrogant and the vainglorious.
 Rather let your stride be modest and your voice low:
 the most hideous of voices is the braying of the ass.

- The Koran, surah 31 Luqman, 31:18

Under conditions of moral government, abuse of power breaks the bonds of loyalty and obedience. Since public office is a trust, only habits of stewardship are appropriate in those who hold office. Power is held under restraint of duty – duty of loyalty and duty of care. Where duty is forgotten on the part of those who rule, the duty of obedience by those who should obey evaporates in response to the breach of public ethics.

Abuse of power comes from personal shortcomings. Less a matter of policy and very much a concern of individual aggrandizement, breach of trust converts a public asset – government office - into a form of exploitable private property.

Policy disputes, strictly speaking, do not support accusations of abuse of power. People differ honestly and naturally in their thinking and their reasoning, and they hold different personal values. Individuals are trusted with office in order to use their skill and to bring their personal capacities to the service of the common good. Not everyone will agree with their actions or their priorities. Constitutional checks and balances are provided by moral government – elections, courts, separation of powers – to prevent one person's willfulness from growing into a tyranny where their personal and individual policy preferences can be dictatorially and arbitrarily imposed.

The more unconstrained power any person has in office, evidently, the more likely will such power be used arbitrarily. As power is concentrated more and more in fewer and fewer hands, breaches of public trust will occur more frequently. That is why Lord Acton said "Power tends to corrupt and absolute power corrupts absolutely."

Neither gods nor saints, human individuals lack the character, the wisdom and the self-restraint that should come with having perfect grace under pressure and temptation. It is, therefore, at the level of the human individual that moral government can be undone.

Selfishness subverts stewardship. Accordingly, the third principle of the Principles for Government makes specific demands of those who hold public office to constrain their selfishness.

Those fit for public office must have character, by which is meant a sufficient degree of self-awareness and self-control to master their most mean, petty, greedy, indulgent, inconsiderate, wanton, heartless, thoughtless, stubborn, opinionated, and cruel instincts, reactions and desires. Possession of character requires as well a solid grasp of reality and sound powers of good judgment to avoid illusions, naivete, and the seductive, but misleading, conclusions arising from wishful thinking.

The normal remedies for abuse of office are removal of the individual and the nullification or cancellation of whatever action was prompted by the excessive selfishness in decision-making. Under the United States Constitution, the procedure for removal of an individual from office is by impeachment. A charge of abuse of trust is brought by the House of Representatives to the Senate for trial. President Andrew Johnson was impeached after the Civil War over his policy differences with the anti-slavery Republicans but not convicted. Richard Nixon was impeached for his use of the powers of the presidency to intimidate his opponents. He resigned his office rather than defend his actions. William Clinton was impeached for lying under oath to a federal court about his personal conduct. He was not convicted by the Senate.

Abuse of Office

In his play *King Lear*, William Shakespeare presented a tragic tale of abuse of kingly office on the part of Lear. As he ages, Lear decides to indulge himself by setting his three daughters against each other in demonstration of their affection for himself. In this he casts to the winds thoughtful stewardship of his kingdom. Both his court jester and his loyal officer Kent attempt to dissuade him from such folly. But Lear is stubborn and incorrigible. Set in his way he is fooled by two daughters who insincerely flatter him and

spurns his third daughter who is most honest and devoted, yet inarticulate in expressions of her love and care for her father. Lear banishes the younger child and turns himself over to the keeping of his other children. Ungrateful, they reduce him to a pitiful wanderer; he goes mad; the two daughters turn on one another, and the kingdom is lost to an invader. Lear was a complete failure as steward of his dominions. He was the fool, lost in dreamy falsehoods about the nature of those around him. His personal desire to hear flattery from his daughters childishly overcame his judgment. All his actions were self-referential and inappropriate for the holder of a great office of state.

In Japan, the historical incident of the 47 Ronin in 1702 (called *Cushingura*) leads to similar conclusions. Lord Kira, a senior protocol official in the court of the Tokugawa Shogun, goaded the younger Lord Asano mercilessly until Lord Asano lost self-control. Against law, Lord Asano drew his small sword in the Shogun's Palace to strike Lord Kira, who thereby received a face wound. Without a proper investigation, Lord Asano was immediately found at fault in this matter and was therefore ordered to commit seppuku, or ritualized suicide, as a punishment. He obeyed. His fief was confiscated and turned over to Lord Kira.

However, under the leadership of his Chief Steward Ishi Kuranosuke, forty seven of Lord Asano's samurai held to their duty of loyalty and exacted revenge against Lord Kira for his abusive ways. The forty seven, though no longer legally bound to the Asano House, put aside their personal concerns in order to act in accordance with higher moral standards. Their actions, nevertheless, broke the law. So they reported to the Shogunate their murder of Lord Kira and calmly accepted their certain punishment, which was death by seppuku.

In this affair, the egregious, over-weening actions of self-regard were committed by Lord Kira; the standard of loyalty and selflessness in office was upheld by the forty seven samurai; and an admirable degree of thoughtful care in accomplishing the justice deserved by the House of Asano was demonstrated by the Chief Steward Ishi Kuranosuke.

Personal advantage and manipulation of the opportunities out of arbitrary personal desire have no place in official decision-making. There must be a standard of care determined by values and interests greater than self-interest. There must be an active, thoughtful, intentional desire to promote a greater good, taking into account the values of the institution, the needs of the community, the longer-range considerations of policy, and the thoughts and perceptions of citizens.

An official is not there to serve himself or herself, but the best interests of others.

Selfishness comes in many forms; it is more than just materialist satisfaction with money and luxuries. Psychological self-satisfaction can be a greater danger to the public good than greed. Willfulness, a childlike pouting and insistence in getting one's way at all costs, undermines discharge of a public trust.

Intellectual arrogance and a conceit over one's own superior insights and abilities often lead to abuse of office. Here is where policy arguments come up against a thin line between firm leadership on the part of the official, on the one hand, and arbitrary personal obstinacy, on the other. At times a leader is quite correct to be firm in his or her opinion about what is the right course of action to take, rejecting advice from others.

But in such cases where the official is going against the advice of his or her counselors, her or she would be wise to articulate the grounds for the decision, extrovertly showing that such grounds include considerations of the public good, not to mention the studied application of serious reflection on competing alternatives.

John F. Kennedy's book *Profiles in Courage*, written while he was still a Senator, took as its theme instances where elected officials had gone against the opinions of their constituents when they, for the best of reasons in their own minds, thought that such opinions were wrong or misplaced. Kennedy's point was an important one for the theory of moral government: an official is placed in office to use his or her best skills and

judgments, not to slavishly follow the thinking of others. Such intellectual and policy cowardice is really just another form of selfishness – the base concern for pleasing others that comes with a lack of character.

Demagogues, who tell the people only what they want to hear and who feed public fears and selfish desires, bring a danger of poor stewardship to public office. Populism in democracies carries a virus of potential exploitation of office that must be carefully watched if government is not to be perverted into a self-serving cronyism.

At bottom, demagogues and populists serve themselves above all. The people are only useful vehicles through which personal ambition is realized. No longer the moral ends of service, the people become tools in the hands of the power-hungry and the revengeful. Loyalty to larger ends and due care for constitutional institutions suffer most at the hands of those who would exploit pressing popular feelings for their own immediate aggrandizement.

In such cases, one's judgment and character are sold to the highest bidder. This is betrayal of trust for base purposes.

After the assassination of Julius Ceasar, Marcus Antonius sought to impose himself as the most powerful man in Rome. His style was that of the demagogues – promising rewards to soldiers and plebians, to any who would follow his dictates. For the Senate, on behalf of the laws and customs of republican government, Cicero spoke out against Antonius. In his eight speech against Antonius seeking to rally his fellow senators and to turn the people against Antonius's ambitions, the greatest orator of his time said:

“So Antonius has something to promise his followers. What have we? Have we anything similar? Heaven forbid! For our object is that no man hereafter may be able to promise anything of the kind. I speak unwillingly, but I must speak. Ceasar's auctions, Conscript Fathers, inspire many unprincipled men with expectations and audacity, for they have seen men become from beggars suddenly rich; and so those who threaten our goods to whom Antonius promises everything, are always longing to see auctions.

What have we? What are our engagements to our soldiers? Much better and greater things. For the promise of what is criminal is pernicious both to those that expect and to those that promise; we undertake to secure to our soldiers liberty, law rights, courts, the empire of the world, dignity, peace, quiet. The promises therefore of Antonius are bloody, savage, criminal, hateful to the gods and men, not lasting or salutary; ours, on the contrary, are honest, upright, noble, full of joy and full of patriotism.”¹

Subordinating one’s integrity of judgment for personal advantage need not go so far as demagoguery. Simple surrender to the demands of faction and party will be sufficient to divert an official’s conduct away from high standards of stewardship. Imposing the interests of a faction on others without question, in all instances, and with rigor and intolerance constitutes an abuse of office as well. Use of office to further the vision, principles and policies of one’s group or party is perfectly permissible but must be kept within limits of due care for the community and loyalty to higher principles of the common good, including the principles of moral government.

In his Farewell Address, George Washington warned against the power of faction and party to corrode the proper morals of government. “... let me warn you in the most solemn manner against the baneful effect of the spirit of party generally. This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. ... It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms ... A fire not to be quenched, it demands a uniform vigilance to prevent its demands from bursting into a flame, lest, instead of warming, it should consume.”

Constitutional arrangements of checks and balances and insistence upon the Rule of Law rightly hinder the rise of such political manipulators.

Ambition, properly constrained within the law and constitutional procedures, craftily blends personal self-interest with the public good. Public office can ennoble private

¹ Cicero, Philippic, VIII, iii, 9-iv-11

ambition, adding distinction to personal talents. Honor and recognition of abilities used to help others add further support to the linking of personal pride to the public interest.

Ambition, carried too far, easily brings about abuse of power. But it cannot be entirely suppressed as a motivation for people in public life. The challenge is to keep it within bounds and not let it metastasize as a cancer eating away at the moral quality of government.

People, after all, are human and selfish desires always have a seat at the table of personal motivation. We cannot expect to have saints for our rulers. But we can insist on demonstration of good character as a condition for appointment to office.

Corruption – the inner cancer of moral government

In its dictionary definition, the word “corruption” embraces every deviation from the path of moral government. But in common usage today, “corruption” refers most of all to the sale of office for some personal financial gain. Sometimes corruption is as simple as a cash bribe – money paid in return for obtaining an illegal advantage. Sometimes corruption is more complex – the awarding of contracts or the intimidation of rivals in return for economic advantage flowing to one’s family and relatives. They might be awarded a contract or made a corporate director or officer. A loan might be made to their business with no onerous terms of performance or repayment. Sometimes the favor purchased from the official is an appointment to office.

The CEO of a government-owned bank in Thailand once told me that, on occasion, the Prime Minister would call him up and say: “I just need a tiny, little favor. Just your signature, one signature, on a document. I’ll send a car over with it right away.”

In the Oxford English Dictionary the word “corrupted” is defined as “changed from the naturally sound condition; putrid, rotted or rotting; infected or defiled; adulterated or

debased; debased in character, depraved, perverted, vitiated by errors or alterations.” The word covers a multitude of shortcomings – all tending away from a wholesome, healthy condition.

The verb “to corrupt” has similar usages according to the same dictionary: “to induce to act dishonestly or unfaithfully, to spoil in quality, to make venal, vitiate, to make impure or rotten.”

In Shakespeare’s play *Hamlet*, the phrase “Something is rotten in the State of Denmark” is voiced after Hamlet’s Uncle murders the rightful King, takes the throne and marries the widow – a course of corruption that soiled not only the kingship but the honor of Hamlet’s mother and brought about the deaths of the Usurper, Hamlet’s Mother, Polonius, Ophelia, Hamlet and Laertes, Rosencranz and Guildenstern. The treachery of Hamlet’s Uncle violated the wholesome quality of the court.

Similarly with Shakespeare’s play *Macbeth*: when Macbeth listens to call of his personal ambition and breaks faith with his duties as subject and host to murder his king, Scotland loses its felicity; civil war breaks out; Macbeth’s wife goes mad and dies and he falls to the sword of enemy. Enjoyment of his kingship did not come.

Confucius expressed disdain for seeking riches in office: The Chi family was very rich. The head of the family was richer than the famous Duke of Chou had been and had eight rows of pantomimes in his area. Confucius complained” If he can bear to do this, what may he not bear to do?”² Ch’iu, a disciple of Confucius, collected taxes for the head of the Chi family and so increased his wealth. Confucius said: “He is no disciple of mine. My little children, beat the drum and assail him.”³

Corruption perhaps most directly perverts a trust of stewardship into personal property, subverting the natural order of moral government to the dominion of a selfish will.

² The analects, Bk. III, Ch. I

³ *ibid*, Bk. XI, Ch. XIX

Corruption in any form is a falling away from stewardship towards selfishness. Selfishness is a perversion, a defilement, an adulteration of, moral government because that form of government is designed to serve a common interest and a public good.

Moral government is a quality of rule. Like any quality, it can be sullied and compromised with the admixture of impure elements. The impurities that defile moral government come from excessive self-seeking and the resulting desire to divert the actions of government away from stewardship towards personal exploitation and aggrandizement.

One of the essential qualities needed for moral government consists of the mental state of concern and concentration brought to bear by those holding office. Their inner orientation towards their work determines how good stewards they can be. Acting as a fiduciary requires thinking and wishing like a fiduciary should think and wish to secure the best interests of the beneficiaries. In short, this cast of mind emphasizes feelings of faithfulness and calculations of prudence and good sense – the mental habits necessary to carry out duties of loyalty and due care.

Financial interest interferes with one's ability to be faithful and to exercise due care. The temptations of securing financial gain often sway one's judgment, creating a cagey and crafty mind set on manipulation of power and opportunity for selfish purposes. In American business law awareness of this propensity for interest to overcome loyalty has determined the result of many cases where breaches of fiduciary duty have been alleged. In a most famous case, that of *Meinhardt v. Salmon*⁴, New York State Judge Cardozo imposed a rule that the benefits of selfish action in violation of fiduciary duties would be taken away as a punishment and as a deterrent against similar actions on the part of others in the future. Judge Cardozo demanded of fiduciaries "something higher than the morals of the marketplace. The "punctilio of an honor the most sensitive" was to be the standard

⁴ *Meinhardt v. Salmon*, NY

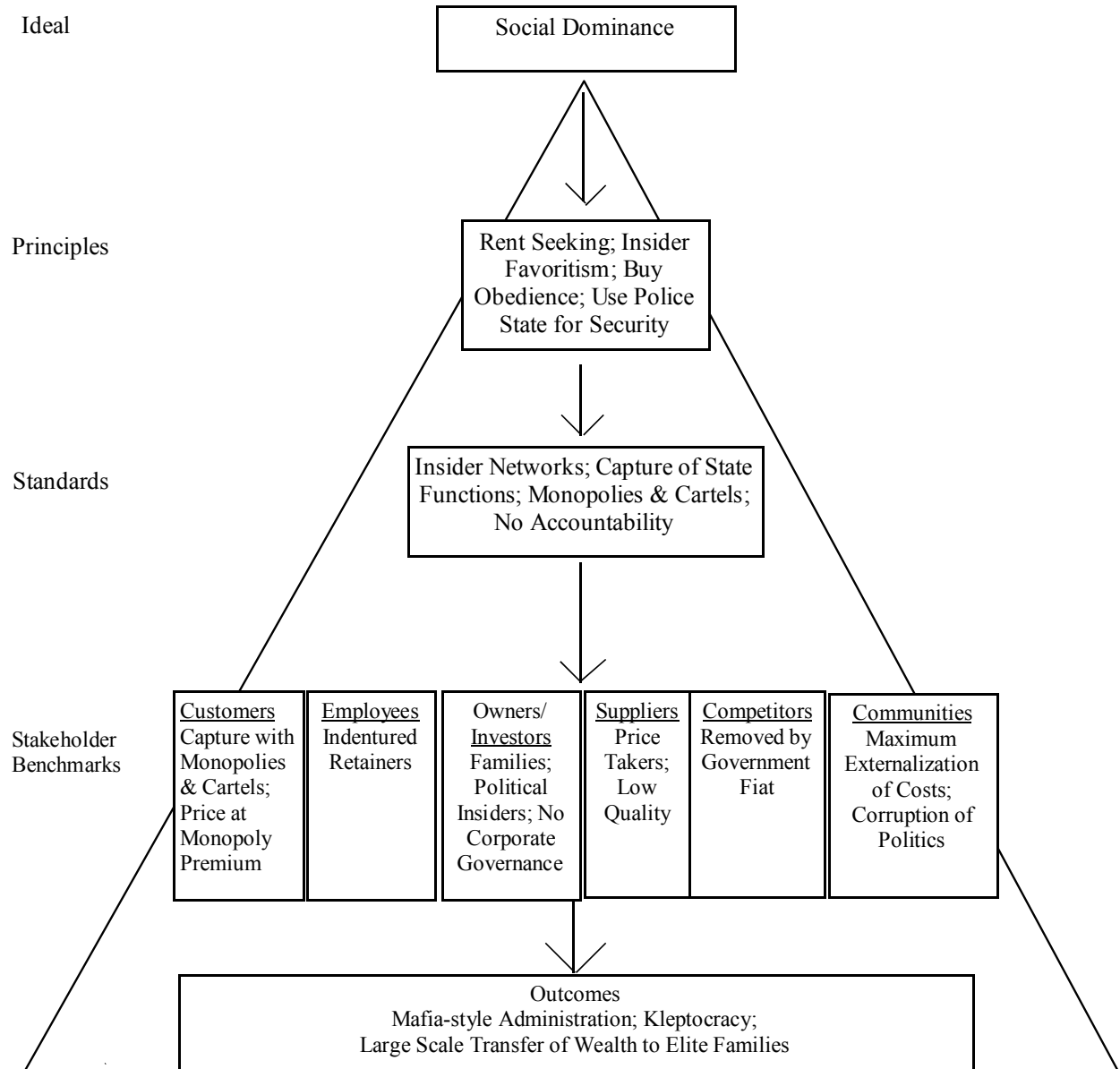
for conduct of a fiduciary. How can we ask less of those in public office who have so many others dependent upon their wise stewardship of public power.

Financial corruption introduces bias, favoritism, prejudice and hidden agendas into the councils of government. Open discussion and fair treatment are pushed aside in order to take care of one's cronies and to punish their enemies. Distortion of government programs and misuse of law results.

Financial corruption has a deleterious effect on economic development. Good honest businesses lose out to those who buy preferential treatment from government. The opportunity to earn money from the oppressive use of regulations and discretionary authority encourages officials to over-regulate society and the economy, reducing private sector wealth creation and the rise of entrepreneurial middle classes. Such corruption leads to a political-economy of crony capitalism, serving the interests of a small and very wealthy elite that "rents" political power, especially the police services, to guard and protect its monopoly and cartel-like market dominance.

Systems of crony capitalism operate along the lines illustrated in the following chart:

Crony Capitalism



Systems of crony capitalism can be divided into four main types: interest groups bidding for favorable treatment from government, elite hegemony. Factional pluralism or fragmented patronage networks seeking financial support for their members, and unified patronage machines.⁵

Placing limits on the power of government to do favors, especially in secret, attacks the vitality of systems of corruption. Thus, Principles Number 3, 4, 5, and 7 have the effect of minimizing corrupt practices. Principle Number 3 (Public servants shall refrain from abuse of office and corruption, and shall demonstrate high levels of personal integrity.) addresses the conduct of those would stoop to corruption while in office. Principle Number 4 (Security of persons, individual liberty, and ownership of property are the foundations for individual justice.) provides private rights with freedom from excessive government regulation. Principle Number 5 (Justice shall be provided.) promotes the rule of law through honest judges and correct law enforcement. Principle Number 7 (Transparency of government ensures accountability) minimizes the dark corners of government where dishonest, unethical and illegal abuse of office can occur.

Reduction of corruption has been associated with increases in a country investment rate and its per capita growth rate.⁶

Because financial corruption requires secrecy, stealth and hypocrisy, it steadily undermines efforts to make government accountable and transparent. This raises the risks of arbitrary behaviors being chosen by the powerful, which increased risk dampens enthusiasm for investment. Standard practice is for those in control of a corrupt regime to insist on expropriation of apart of the earnings of successful enterprise, usually through bribery, as payment for a license to operate. The present value of entrepreneurial

⁵ Johnston, Michael "Public Officials, Private Interests, and Sustainable Democracy: When Politics and Corruption Meet" in *Corruption and the Global Economy*, Kimberly Ann Elliot, Ed. (Washington, DC; Institute for International Economics, 1997

investment is thus reduced and potential investors are accordingly turned away from the effort.

Systemic corruption vitiates the legitimacy of a ruling authority. Lack of concern for public welfare coupled with largess provided for aristocrats prepared the way for revolutions against monarchy in both Bourbon France and Romanoff Russia. Perhaps every student of modern history, government or political science knows the stinging remark of Marie Antoinette – alleged and effectively used against her – that, when desperate people demanded bread, she replied “Let them eat cake.”

Concentrating the spoils of office in relatives and a few chosen clients led to the collapse of Marcos’s government in the Philippines and Suharto’s one-man rule in Indonesia. Frustration with 70 years of clientism on the part of the PRI Party in Mexico permitted the opposition PAN Party to win under Vincente Fox in 2001. And corruption, set on by a collapse of faith in the regime’s redemptive purpose, eroded the will of Communists in 1991 to maintain the Soviet Union when demands arose for a sharing of power and wealth. A series of patronage based corruption scandals in Japan brought an opposition party to office for the first time since World War II.

Mencius saw very clearly the consequences of economic selfishness:

“Once Duke Mu complained to Mencius that thirty three of his officers had been killed and the people had not come to their defense.

Mencius replied: ”In calamitous years and years of famine, the old and weak of your people, who have been found lying in the ditches and water-channels, and the able-bodied who have been scattered about to the four quarters, have amounted to several thousands. All the while, your granaries, O prince, have been stored with grain and your treasuries and arsenals have been full, and not one of

⁶ Mauro, Paulo “The Effects of Corruption on Growth, Investment and Government Expenditure, in *Corruption and the Global Economy*, *ibid*.

your officers has told you of the distress. Thus negligent have the superiors in your state have been, and cruel to their inferiors. ... Now at length the people have paid back the conduct of their officers to them. Do not you, O prince, blame them.”⁷

When King Hui of Liang state presumed that Mencius had come to his court with counsels of selfish profit, Mencius rebuked him immediately: “Why must Your Majesty use that word “profit”? What I am provided with are counsels to benevolence and righteousness and these are my only topics.”⁸

“When one by force subdues men, they do not submit to him in heart. They submit because their strength is not adequate to resist. When one subdues men by virtue, in their hearts’ core they are pleased and sincerely submit. ...”⁹ Similarly Mencius advised: “He who finds the proper course has many to assist him. He who loses the proper course has few to assist him.”¹⁰ Mencius concluded from history that “It was by benevolence that the three dynasties gained the throne, and by not being benevolent that they lost it.”¹¹ and that “The people turn to a benevolent rule as water flows downwards and as wild beast fly to the wilderness.”¹²

There was no room in benevolence for corruption, the “personal profitability” of office in the political philosophy of Mencius. “The regular path of virtue is to be pursued without any bend, and from no view to emolument,” he insisted.¹³ Therefore, he insisted “He who takes an office on account of his poverty must decline an honorable situation and occupy a low one; he must decline riches and prefer to be poor.”¹⁴

⁷ The Works of Mencius, Bk. I, Pt. II, Ch. XII

⁸ The Works of Mencius, Bk. I, Pt. I, Ch. I

⁹ *ibid*, Bk. II, Pt. I, Ch. III

¹⁰ *ibid*, Bk. II, Pt. II, Ch. I

¹¹ *ibid*, Bk. IV, Pt. I, Ch. III

¹² *ibid*, Bk. IV, Pt. I, Ch. IX, 2

¹³ *ibid*, Bk. VII, Pt. II, Ch. XXXIII, 2

¹⁴ *ibid*, Bk. V, Pt. II, Ch. V, 3

The Rule of Law Protects Those Who Would Act From Principle

The institutional arrangements put in place to encourage fidelity to trust on the part of public officials are often referred to in the English and American constitutional tradition as the "Rule of Law". The "Rule of Law" will be discussed more fully in Chapter 7 on the judicial institutions necessary for a moral government. In this chapter on the personal standards expected from public officials, we need only point out that formal legal requirements provide important supports and encouragement for proper conduct on the part of individual in office.

The law should facilitate decision-making based on reasoned consideration of facts, laws and policies in opposition to arbitrary, whimsical, personal grounds for taking action. From the decisions reached by judges in individual cases to enactments of legislative bodies, the fundamental test for sanity is the presence of reason over prejudice.

We can analogize the function of the Rule of Law to a clinical analysis of a patient's state of mind: to what degree does the patient exhibit rational and logical cognition? Moral government and its public offices are very much involved in discourse ethics, a communal process of coming to conclusions about right and wrong, use of force, coercive restriction of individual activities and other matters of serious consequence. For such discourse, as discussed in Chapter 2, to be coherent and constructive for society interventions in discourse such as the justification for government decisions must meet some minimum test of public or common sense and probity. The reasoning used by government must be more abstract and of general application than one person's idea of truth or right and wrong.

It is not permissible in a moral government to have as a reason for state action that "I want it so!"

The official's desire must be supported cognitively by some thoughtful connection to a policy, a law, an analysis of fact open to the scrutiny of others and reasonable to at least some of them.

The Rule of Law demands that decision-makers move from inside their own minds and psyches to a conceptual space, not only open to others, but where others can conveniently move their minds and thoughts for a conversation with the decision-maker. Moral government is not the preserve of closed minds. According to Ralph Waldo Emerson, that is where "foolish consistencies" create "hobgoblins" for little minds. Such little minds are not fit to govern a public trust.

Personal Integrity Is Required

It is inconceivable that a moral government could thrive where there is no personal integrity. Dedication and sincerity of purpose, self-composure and wise discernment, are the inner building blocks of character necessary for holding a trust, for serving others as their steward.

Every tendency towards meanness, selfishness and personal triumphalism degrades the quality of character we seek in politicians and officials. In one important sense, moral government wages a constant struggle against human nature. That is why we are called every day to support and energize the principles of moral government. That is why it was said that: "The price of liberty is eternal vigilance." We must be on constant watch for signs of abuse of power. The evil must be killed in the shell as much as possible before it hatches and does great harm to the common weal.

Upon completion of the proposed Constitution for the United States in Philadelphia, Benjamin Franklin was asked as he was exiting what is now called Constitution Hall “Mr. Franklin, what kind of a government have you given us?” He replied “A republic, Madame, if you can keep it.”

While the desire for moral government is most likely universal in human hearts, the capacity to achieve it is less firmly planted in our characters. The pull of the self is strong and often overcomes our ability to be faithful to higher standards of conduct and concern for others.

Perhaps the most famous theory of government as resting on the moral character of individuals in office was offered by Confucius.

The Master said:

“He who exercises government by means of his virtue may be compared to the north pole star, which keeps its place and all the stars turn towards it.”¹⁵

“Hold faithfulness and sincerity as first principles.”¹⁶

The lordly man “acts before he speaks and afterwards speaks according to his acts.”¹⁷

“High station filled without indulgent generosity; ceremonies performed without reverence; mourning conducted with sorrow – wherewith should I contemplate such ways?”¹⁸

¹⁵ The Analects, Bk. I, Ch. XVI

¹⁶ *ibid*, Bk. I, Ch. VIII, 2

¹⁷ *ibid*, Bk. II, Ch. XIII

¹⁸ *ibid*, Bk. III, Ch. XXVI

“The firm, the enduring, the simple and the modest are near to virtue.”¹⁹

“When the love of superiority, boasting, resentments, and covetousness are repressed, this may be deemed perfect virtue.”²⁰

“What the lordly man seeks is in himself; what the mean man seeks is in others.”²¹

And perhaps in summary of his call for personal integrity in office, Confucius concluded that:

“The lordly man has nine things which are subjects with him of thoughtful consideration.

In regard to the use of his eyes, he is anxious to see clearly.

In regard to the use of his ears, he is anxious to hear distinctly.

In regard to his countenance, he is anxious that it should be respectful.

In regard to his demeanor, he is anxious that it should be benign.

In regard to his speech, he is anxious that it should be sincere.

In regard to his doing of business, he is anxious that it should be reverently careful.

In regard to what he doubts about, he is anxious to question others.

When he is angry, he thinks of the difficulties (his anger may involve him in).

When he sees gain to be got, he thinks of righteousness.”²²

Frankly, what else is there that is necessary to say about personal integrity?

¹⁹ *ibid*, Bk. XIII, Ch. XXVII

²⁰ *ibid*, Bk. XIV, Ch. II

²¹ *ibid*, Bk. XV, Ch. XX

²² *ibid*, Bk. XVI, Ch. X

CONCLUSION

Financial corruption and other forms of personal abuse of public power most directly compromise the expectations of citizens that the state exists for their benefit. Chapter 6 following will discuss the next General Principle, one that requires specific service of citizens in their search for happiness and individual justice.

Chapter 6

Individuals: The Building-blocks of Justice

And The Lord God formed man of the dust of the ground,
and breathed into his nostrils the breath of life;

- *Genesis 2:7*

And The Lord God said, Behold, the man is become as one of us,
to know good and evil:

- *Genesis 3:22*

Cultivate virtue in your own person,
And it becomes a genuine part of you.

Cultivate it in the family,
And it will abide.

Cultivate it in the community,
And it will live and grow.

Cultivate it in the state,
And it will flourish abundantly.

Cultivate it in the world,
And it will become universal.

...

How do I know about the world?
By what is within me.

- *Tao Te Ching*, No.54

The Commander of the forces of a large state may be carried off,
But the will of even a common man cannot be taken from him.

- *The Analects*, Bk.IX, Ch. XXV

From the Son of Heaven to the mass of the people,
All must consider the cultivation of the person the root of everything.

- *The Great Learning* 6

This above all: to thine own self be true,
And it must follow, as the night the day,
Thou canst not then be false to any man.

- *Hamlet* by William Shakespeare, Act I, Sc. III

Plate sin with gold,
And the strong lance of justice hurtless breaks;
Arm it in rags, a pygmy's straw does pierce it.

- *King Lear* by William Shakespeare, Act IV, Sc. VI

Morality, virtue, ethics, good and evil live in the world only through the agency of individual persons. We each minister within the life-world on behalf of some purpose, that without us, would have no power to change the course of events. The engine of transfer from the abstract realm of “Normativity” to the physically alive realm of “Facticity” is the human.

The character of individuals then plays the god with our fates. Bad people tend towards bad ends and good people make our lives more secure, more worthy and more happy. It is in our collective interest, then, to encourage the good and overcome the bad in individuals. Indeed, it would be very, very difficult for me to be well living among those who seek to do me ill. Some bargain or social contract prudentially recommends itself to each and every person that we each show some concern for the other. The moral sense within us serves as such a contracting agent, permitting socialization and human development.

The fourth principle of the Principles for Governments recognizes the importance of individuals as follows:

Security of persons, individual liberty and ownership of property are the foundation for individual justice.

The civic order, through its instrumentalities, shall provide for the security of life, liberty and property for its citizens in order to insure domestic tranquility.

The civic order shall defend its sovereign integrity, its territory, and its capacity to pursue its own ends to the maximum degree of its own choice and discretion, within the framework of international law and principles of natural justice.

Moral government must look through collective activity all the way through to the actions of individuals for the character of the individual is the root of everything. The end of moral government, under principles of *Kyosei* and human dignity, is protection and

nourishment of the moral sense, which is operational only in individual lives. Moral government must, as a condition of its success, provide for the individual. The individual may not be highhandedly or arbitrarily sacrificed in order for a group to better its circumstances.

The balance of social initiative and cultural power among individuals, families, communities and societies is a complex matter. Collectives do have interests that deserve the respect of individuals. Individuals live and find their character within collectives and through social engagement. A radical, extreme individualism stridently opposed to society and culture erodes the moral sense as surely as repression of individual conscience by any collective. Individualism empowered by the moral sense is a duality – not a dichotomy – between self and society embracing both in a dialectic of process and reciprocal interaction.

What is important for moral government, however, is never to eliminate the individual soul or conscience as an active participant in that dialectic.

This dependency of moral government on individuals is most pronounced in the modern Western European tradition. For example, the American Declaration of Independence holds that “all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness...” Government is instituted in order that individuals – not families, or townships, or states – can secure rights to themselves for their own separate pursuits of happiness defined individually.

The Declaration of the Rights of Man and Citizen, adopted by the National Assembly of France in 1789 at the start of the French Revolution, similarly held that “The aim of every political association is the preservation of the natural and inalienable rights of man; these rights are liberty, property, security, and resistance to oppression.” To give further encouragement to individual powers, the Declaration also held that “Liberty consists of the power to do whatever is not injurious to others; thus the enjoyment of the natural

rights of every man has for its limits only those that assure other members of society the enjoyment of those same rights;”

The Universal Declaration of Human Rights, adopted by the United Nations in 1948, expressed this same reliance on individuals as the basis for moral government, saying in Article 1 that “All human beings are born free and equal in dignity and rights. There are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” This Declaration made express reference to the moral sense in two ways: it noted, first, that “reason and conscience” are endowments of individuals and, second, that individuals should use those endowments to limit their selfish motivations and accommodate themselves to more collective interests from time to time.

More recently, Kofi Annan as Secretary General of the United Nations, put this requirement of moral government as follows:

“Larger freedom implies that men and women everywhere have the right to be governed by their own consent, under law, in a society where all individuals can, without discrimination or retribution, speak, worship and associate freely.”¹

If we look at individualism from the opposite perspective of the collective, we cannot arrive at conditions of a just civic order. If the collective will is always to have the upper hand over the demands of individual reason and conscience, there will be no civic order, just oppression and rule by one elite after another. Fear and greed will carry the day; events will be in the saddle and ride mankind. Conditions of tyranny and war will prevail constantly. There would be no discourse ethics, no reasoned public interest, no sound stewardship of public power and only the whimsy of mercy would deliver justice. Those for whom the powerful would feel affection would find protection under their patronage.

Placing the collective before the individual would exacerbate sectarian, ethnic and class rivalries and conflict. Individuals from different religions, ethnic groups and races and

¹ Kofi Annan, Report of the Secretary General A/59/2005
21 March 2005, *In Larger Freedom: towards development, security and human rights for all*, p. 15

social statuses can more easily accommodate their values and interests, and even fall in love with one another, than can defenders of the respective collective identities. Individuals can look for unique circumstances with which to bridge group differences; they can find, and act on, gaps in the shibboleths of communal arrogance and disdain for the “other”. The great mass murders of the Twentieth Century (not to mention the religious wars among the Abramic faiths over the centuries) were occasioned by perceptions of “groupness” and a breakdown of individual conscience. Most egregious were the Holocaust against the Jews to protect an Aryan collective and the class-based repressions of Stalin, Mao Tse Tung, and Pol Pot.

It has sometimes been said that the urgent demands of public safety require being contemptuous of others. The interests of the people, it is said, provide good cause for restrictions being placed on individuals. From the perspective of moral government, it is most necessary to take up such assertions with caution. “The people,” said Madame de Stael after the French Revolution, “oh yes, the people. What crimes have been committed in the name of the people.”

Any ideology or religion that blinds us to the moral dignity of individuals leads us that much closer to madness and evil. A moral government should have in place checks upon any tendency to move ²society in such directions. As the Huai Nan Zi Taoist text from ancient China says: “The basic task of government is to make the populace secure.” The text also reminds us that “A good rider doesn’t forget the horse; a good archer doesn’t forget the bow; a good leader doesn’t forget the populace.”³

While an emphasis on security of individual empowerment has come to the contemporary global community largely dressed in Western European linguistic formula, placing responsibility for moral reasoning and action with the individual is not only Western European. All religious must and do look to the individual conscience as the seat of spirituality.

² Thomas Cleary, *The Tao of Politics*, (Boston, Shambala 1990) p.3.

³ *Ibid* at p. 24

The Koran was a revelation to individuals to submit themselves to holy guidance. Buddhism assumes that the source of suffering for all persons lies within the individual mind. And, similarly, Buddhism teaches that seeking release from such suffering challenges individuals, not groups, to control and cleanse their minds of wrongful emotions and thinking. In Japan, Shinto's search for purity and sincerity of mind looks to individuals to experience within each worshipper the proper state of reverence and selflessness.

To the extent any religion seeks to replace egocentrism with something more enlightened, it must address individuals through prayer, ritual, belief and other practices. The problem to be rectified can only be isolated within an individual conscience. The throne of spirituality finds its special place within the individual mind. All popes, priests, rabbis, monks, ministers, and mullahs come as supplicants before that royal sway offering counsel and solace to the anxious conscience seated there.

Similarly too, the natural, familial process of socialization, of enculturation of communal norms, seeks to impose within an individual's mental construct the values of a group. While conformity with group norms is the goal of cultural ordering, the means used to achieve collective needs address individuals one at a time, one after another.

Providing Security for Individuals

Nourishing individual moral capacity demands empowering individuals. Those who are not alive, those who cannot act, those who have no power of self-assertion cannot contribute to human society. Life is basic; presence in the realm of "Facticity" is a precondition for shaping that world. Liberty –freedom to do – is a second precondition for shaping the world. And ownership of property is necessary for liberty to happen effectively.

Government is only one part of a society; government alone does not shoulder the burden of providing security for individuals. In the most just societies, the entire civic order ministers to this requirement. Instrumentalities of the civic order – business enterprises, churches, NGO's, unions, political parties, families, fraternal organizations – must act with respect for the lives, liberties and property of individuals.

The civil law of most societies, enforced by the state, provides incentives against criminal and negligent behavior that threatens the life or liberty of others. Laws of libel and defamation guard the moral autonomy of others. Laws of property, contract, trespass, protect expectations of property.

In the United States, groups may not call upon the power of government for assistance in imposing their behaviors on others contrary to laws binding on all in common. Thus, states may not enforce discriminatory private racial covenants preventing African-Americans from buying homes. Religions may not use the state to impose their dogma or practices on others. Displays of exclusively Christian religiosity, for example, are not appropriate on public property.

The most controversial issues in contemporary American politics – abortion and gay marriage – arise at the intersection of religious values and individual liberty. In the abortion debate, the liberty of a mother to determine her social destiny is at cross-purposes with the life interest of the unborn child. Anti-abortion activists hold the life interest of the as yet-unborn person as more important than the liberty interest of the mother. Conversely, pro-choice advocates and feminists hold the liberty interest of the mother as paramount. The abortion issue goes beyond seeking legal redress in the courts. Legislation restricting abortions is demanded; limitations are put on the conditions of obtaining an abortion; public information campaigns are financed to persuade pregnant women not to seek an abortion. Defining the scope of liberty on this issue drags in many parts of society.

As too with gay marriage. Churches take a stance on the sanctity of gay marriage and set examples of moral legitimacy with decisions to ordain or not ordain gay individuals as ministers and pastors. Judicial interpretations of constitutional rights to liberty are sought by advocates of gay marriage and opponents of the practice reciprocate politically with attempts to amend state constitutions to restrict the liberty of marriage.

Finding a just resolution of these issues is difficult. Under Principle Number 1, use of discourse ethics is, first of all, the most appropriate response of a moral government. Under principles of *Kyosei* and human dignity, participants in the debates over what government should do need to burden themselves with a recognition that their own views may not be simply imposed on others and that others have some right to expression and liberty as well.

The German philosopher Hegel concluded that private property was necessary for morals. Without seizing hold of some touchable part of the cosmos, no person could fully bring his or her values into being.² In Hegel's terms, to objectify a subjective intent, to move from mental states to physical being, to incarnate value into the evolution of the world, something tangible had to be transformed according to the dictates of our own will. Only speaking of our intentions would not always fully bring our personhood into palpable being for others to take into account and accord us the dignity we seek. People have a need, Hegel assumed, to leave their mark on the world. That happens only once some part of the world is appropriated as being especially ours, to the exclusion of control by others. Ownership of things – a right to private property - therefore, has an important place in the theory of morals in that ownership of property enhances the living presence of our dignity.

Mencius once said that “The way of the people is this: if they have a certain livelihood, they will have a fixed heart; if they have not a certain livelihood, they have not a fixed heart.” He rather accurately understood the connection for most people between economic security – the possession of a livelihood based on property – and their ability to act from firm moral purpose.

Moral choice presumes that people are in a position to choose, that they are in command of some force or power that can make a difference. The rich have many options before them, the poor very few. Is this not why we so often expect more responsibility from the rich than we do from the poor? Those with money can always make a difference, do things right, stand against bad tidings and unhappy events, and go out of their way to help others.

Those without property are more easily overlooked. Frankly, they get stepped on by others more often than not. Rights of religious conscious, free speech, political participation, have little meaning for those without money and property. Hernando de Soto, a Peruvian advocate for capitalizing the poor, now calls for giving the poorest of the poor titles to their shacks and hovels as a first step in improving their lives.³ Give them capital, give them access to mortgage credit, he says, and then they can make something of their lives. Keep them in laboring servitude and less good will come of their lives and of their children's lives.

The advantages of wealth are not to be disparaged. Mae West was poor and she was rich; she concluded that "rich is better." Having money and possessing property brings self-confidence, promotes tolerance, permits individualism, and makes moral choices possible in life, actualizing personal values.

One can, however, choose an ascetic life over a life of property ownership. Buddha, Jesus, and Gandhi did so. Monks, priests, and nuns like Mother Theresa do so regularly. Yet, the ability of a Mother Theresa to serve so many of the poor and destitute in Calcutta depended on her ability to attract donations from others. Wealth was a precondition for her charitable accomplishments. Mother Theresa's subjective intent to change the world as she felt would be necessary and proper was achieved through persuasion of others to implement her ideals with their actions and property. The impact of a Jesus or a Buddha on our lives unfolds inwardly, in our psychology where we choose our values and virtues.

The ascetic life they embodied cultivates reality at the level of personal subjectivity, often to the exclusion of more objective worldly accomplishments.

By making it more and more possible for ordinary people to gain the means of expressing their values and moral inclinations in this world of “facticity”, ownership of property serves a moral end. It enables people to bring the world more and more into accord with their preferences.

At the core of human dignity is individuality. To respect another person is to make way for that spark of special vitality that sets a person apart. Seeing another as limited by the traits of a class or race or tribe does not do full justice. At all times, we each know to a point of moral certainty that we are alone, unique, and different, even though we partake of class and ethnic identities. By having profitable work, ownership of land and things, possession of material goods, we enhance our powers of self-expression.

When the Pilgrims landed in Plymouth, Massachusetts, the rules of their colony imposed community property as the reward for their efforts. Members of the colony were, in effect, on equal salaries, working for a common master. Governor William Bradford wrote: “[T]he young men did repine that they should spend their time and strength to work for other men’s wives and children without any recompense. The strong has not more in division than he that was weak and not able to do a quarter the other could; this was thought injustice. The aged and graver men to be ranked and equalized in labors and victuals, clothes, etc., thought it some indignity and disrespect unto them. And the men’s wives to be commanded to do service for other men, as dressing their meat, washing their clothes, etc., they deemed it a kind of slavery, neither could many husbands well brook it.”

“For this community of property,” Bradford continued writing, “was found to breed much confusion and discontentment and retard much employment that would have been to their benefit and comfort all being to have alike, and all to do alike if it did not cut off those

relations that God hath set amongst men, yet it did at least much diminish and take off the mutual respects that should have preserved them.”

Whippings were resorted to as an inducement to greater productive efforts in service to the community.

In the spring of 1623, members of the colony agreed to let people produce for their own benefit. With this result: “This had very good success, for it made all hands very industrious, so as much more corn was planted that otherwise would have been by any means the governor or other could use, and saved him a great deal of trouble, and gave far better content. The women now went willingly into the field, and took their little ones with them to set corn, which before would allege weakness and inability, whom to have compelled would have been thought great tyranny and oppression.”

In pursuit of their own private well-being under the new rule of private appropriation, members of the Plymouth colony increased the wealth and happiness of all. Reward brings forth enterprise as a general rule. The piper who is paid plays regularly to our satisfaction.

At times, acting out of interest stabilizes the expectations others have of our future behavior more forcefully than if we act only from charitable impulses. The others look to our interests, not to our will, to calculate how true our conduct will be to our word. Thus at times does self-interest promote higher levels of trust. Impulses to do good for another may quickly come and may just as quickly go should our mood change, whereas our interests are more permanent, our circumstances being constant. Counting on someone’s interest in making a payment, for example, may be more dependable than trusting only to their promise to do so in return for giving them our possessions. Their self-interest becomes a power in our hands, giving us greater confidence that they will act as we desire and expect.

Pursuit of interest permits agreements to be reached where adherence to principle often promotes pride and hubris, both destructive of mutuality and compassion. Interests may be easier to compromise than points of honor, demands for self-esteem, or vindication of religious and ethnic identities in the eyes of others. Standing on ceremony or insisting on validation of one's moral superiority have little place in the realm of commerce and finance. In business, money is a solvent, dissolving social and ideological rigidities to open up possibilities for cooperation. Throughout recorded history, peoples and nations with little fondness for one another have nonetheless managed to engage in trade and commerce where it was in their separate, but reciprocal, interests to do so.

Of course, if the circumstances dictating the direction to be taken by self-interest change, a person will quickly decide on a corresponding change of course if necessary. Reliance on self-interest alone can be deceptively secure, for the world is mutable. Further, we may not accurately perceive how others calculate their interests.

In his famous observation that capitalism cleverly took advantage of self-interest, and did not rely on altruism to further the common good, Adam Smith had in mind a game theory of negotiated outcomes. Markets, he saw, were the products of negotiations, of bargaining. He knew they served social well-being in the creation of jobs and income, and he observed that self-interest did not undermine this service. Rather, like an invisible hand, self-interest of the calculating individual incorporated social virtue into personal advantage. At the end of a market or an investment process, the selfish inclinations of individuals were merged on a higher level of perception about reality into a common good.

Smith wrote: "I depend for my dinner on the self-interest of the baker and the butcher, not on their love for me." He might equally as well have written: "The baker and the butcher depend for their income on my self-interest in eating well, not on my love for them."

Each depends on the other; neither has power to abuse the other without paying a price. Checks and balances controlling base manipulations are in place. If the baker or the butcher provide unwholesome food, or charge excessively, I will take my trade elsewhere. Likewise, if I fail to pay them fairly, they will refuse to sell me what I desire.

Mencius had a similar insight. He said “The getting those various articles in exchange for grain is not oppressive to the potter and the smith, and the potter and the smith in their turn in exchanging their various articles for grain are not oppressive to the farmer.”⁴ He later added: “If you do not have an intercommunication of the productions of labor, and an interchange of services, so that one from his surplus may supply the deficiency of another, then husbandmen will have a superfluity of grain and women will have a superfluity of cloth.”⁵

As economies moved beyond agriculture and simple crafts into industrialization and international trade, Smith saw that division of labor into specialized tasks could occur with the application of capital to production. As societies specialize more and more and labor subdivides into ever more unique niches of functional accomplishment, individuals everywhere become more and more dependent on one another. No one can be self-sufficient. Obtaining what we need and what we want requires participation in a network of exchange relationships. To please others, we need to meet their terms; and for others to please us, they need to meet ours. Our selfishness is constrained by our evident need to please those on whom we depend. In this context, Smith understood, selfishness would be guided to mutually advantageous outcomes. Where selfishness leads to mutual satisfaction, it has accomplished a social, and therefore an ethical, result.

Property ownership is fully consistent with *Kyosei*, human dignity and the principles of moral government. In turn, therefore, moral government needs to assure individuals of their access to ownership of property. Such ownership is a security, not only for the individuals, but also for the society and civic order surrounding and protecting them.

⁴ The Works of Mencius, Bk. III, Pt. I, Ch. IV, 5

⁵ *ibid*, Bk. III, Pt. II, Ch. IV, 3

The Responsibility to Defend

Individual citizen enjoyment of life, liberty and property comes to little if the state where the person lives is invaded, its government overthrown, or its society ravaged by incivility. The citizen is protected by the laws of his or her government; a collapse of that government frees the citizens from obedience but simultaneously throws each citizen upon his or her own resources for self-defense and protection. The condition of citizenship evaporates and conditions of justice are hard to find.

Thus, moral government finds it necessary to defend its prerogatives over the territory it controls. This responsibility to defend includes opposition to foreign invasion as well as domestic subversion.

A moral government requires both military capability and powers of domestic police. Sovereignty is to be asserted in the face of both foreign enemies and criminal conspiracies.

Simple acts of crime by citizens against one another derogate from sovereign authority. A moral government is within its rights to police society and arrest criminals. However, respect for human dignity requires that police powers be used in a humane and restrained fashion. The power of arrest must not be abused; reasons for arrest must exist and the accused deserves a chance to challenge those reasons before a neutral tribunal. Guilt should be proven by the government, and not presumed. Innocence and freedom from imprisonment should be the preferred posture of government towards citizens.

But a balance is to be struck between tolerance of individual liberty and repression of criminal behavior through arrest and punishment. Excessive tolerance on the one hand undermines civic liberty just as much as excessively draconian enforcement of the law does on the other.

Government must defend itself from subversion and domestic revolt that does not comply with the requirements of discourse ethics. Of course, where government itself is tyrannous and does not so comply, then it has no justification for its hold over political power. Not living by the requirements of stewardship, an immoral government is only defending itself and not the civic order or the common good. Defense of such a government is no more than an appeal to the tides of fortune and the outcomes of civil strife.

Insurrection that takes to arms prematurely in the name of its own vision of justice loses its right of self-defense against government oppression. Such a resort to violence rejects the politics of discourse and condemns the perpetrators of such civil war to criminal status.

For defense against foreign aggressors, a moral government may call upon its citizens to assume the burden of combat. The exigencies of just war also permit such a government to impose hardships on citizens as measures best calculated to protect the nation against defeat and ruin.

Conditions of aggression and legitimate self-defense are spelled out in international law. The means to fight a war are also defined. In short, war must not be waged against non-combatants but only against those serving in military units. Under the Geneva Conventions, compassion must be shown to prisoners and civilian populations loyal to the enemy. The use of certain weapons of great nastiness is also proscribed by international convention.

Conditions of Justice

General Principle No. 4 of the Principles for Governments calling for the security of persons implies a standard of justice. That standard is further elaborated by General Principle No. 5 on justice, which is discussed in the next chapter.

Concern for human dignity requires that what is right and just for individuals, rather than the interests of groups alone, be embraced by the ideal of justice. What is right and fitting for a society to defend must be seen, in large part, from the perspective of individuals. Moral values, right purposes, venture forth from individuals. It is the individual conscience and the actions of individuals that, cumulatively and reciprocally over time, result in communal conditions of justice.

The aspect of justice brought to the fore when we consider the rights of individuals is opportunity. Justice is, in part, freedom for the person where the individual receives what he or she seeks to achieve and accomplish. But, under the standard of *Kyosei*, this liberty cannot be exercised by one person brutishly and without regard for the freedom and liberties and opportunities of others. Accomplishment for one at the expense of the other seems unjust in the eyes of the other. How are we to choose, then, among the competing values and interests of different individuals?

Another criterion for achieving moral government when the perspective of human dignity presents itself is concern for the emotional needs of individuals. As the current Pope Benedict XVI wrote in his December 2005 Encyclical *Deus Est Caritas*:

There is no ordering of the State so just that it can eliminate the need for a service of love. Whoever wants to eliminate love is preparing to eliminate man as such. There will always be suffering which cries out for consolation and help. There will always be loneliness. There will always be situations of material need where help in the form of concrete love of neighbour is indispensable. The State which would provide everything, absorbing everything into itself, would ultimately become a mere bureaucracy incapable of guaranteeing the very thing which the suffering person—every person—needs: namely, loving personal concern. We do not need a State which regulates and controls everything, but a State which, in accordance with the principle of subsidiarity, generously acknowledges and supports initiatives arising from the different social forces and combines spontaneity with closeness to those in need.⁶

The process of selecting among individual desires is just that – a process. There is the restraint of law and the discipline of character as mediators in the process. There is

⁶ At para 28 b

politics through discourse and government as a steward to determine the laws and adjudicate among disputing individuals. Under the terms of moral government, the process of finding justice rests on widespread participation by the individuals who form civil society. They are empowered for such participation with protection for their lives, liberties and ownership of property.

Thus, the achievement of justice leads us back to implementation of Principle No. 1 on the need for discourse ethics. A process of discourse is most likely to arrive at plans for putting conditions of justice in place within a framework of respect for individual human dignity.

CONCLUSION

The empowerment of individual citizens provides a guide to the uses of public power. As corruption takes value, opportunity and security away from citizens, providing them with life, liberty and ownership of property adds fundamental value to their lives. It is they, not the state, who bring meaning into culture and society as the dignity of being human belongs to them and not to any collective.

Chapter 7, which follows, will provide more understanding of the requirements of justice – the state of happiness toward which individuals seek to move their lives.

Chapter 7

Justice

The Lord lords, the Minister ministers,
the Father fathers, and the Son sons.

- Confucius, *The Analects*, Bk. XII, Ch. XI

See what a man does.
Mark his motives.
Examine in what things he rests.
How can a man conceal his character?

- Confucius, *The Analects*, Bk. II, Ch. X

The first day of the year:
thoughts come – and there is loneliness
the autumn dusk is here.

- Matsuo Basho

...and what doth the Lord require of thee,
but to do justly, and to love mercy,
and to walk humbly with thy God?

- The Book of Micah 6:8

Those who seek to redress their wrongs incur no guilt.
But great is the guilt of those who oppress their fellow men
And conduct themselves with wickedness and injustice in the land.
Woeful punishment awaits them.

- The Koran, surah 42 Counsel, 42:35

When we ask why should we live in civil society under the rule of a government, the answer must be that it has its advantages. The advantages are of two kinds – moral/emotional and practical/economic. Living in society helps us maximize our ability to live in the realm of “Normativity” as well as in the realm of “Facticity”. Living all alone in a wilderness is possible, of course, but comes with disadvantages both physical and psychological.

The favorable advantages we obtain by living in a civic order constitute justice – we thereby get what is due to us individually. The outcomes, however, can be good or bad depending on what we deserve. At a minimum, we should be furnished with opportunities to become ourselves consistent with our moral capacities and our intellectual abilities. The standard of human dignity demands no less.

By our actions we can disqualify ourselves from receiving advantages. We are not born to a state of grace where our happiness is guaranteed and all our wishes are granted. But we can expect some positive support from the civic order – respect from others, forgiveness on occasion, a livelihood, free communion of our ideas and personalities. A social order that provides no dignity or opportunity for self-hood to its members would be frightening; those living in such harsh, unfeeling conditions would be condemned to a sort of life-long maximum security prison or Gulag. Such a life would have no justice and such a society could not be morally justified.

The goal of justice is realized in happiness. But happiness is not satiation of desires and indulgence in pleasures. Happiness must embrace a sense of place; it includes limitations and self-control, composure and the restraints of wisdom. The happiness of the morally ignorant and the uneducated person is a light, transient, unsatisfying thing of little consequence. That kind of happiness really is no more than an unending search for short episodes of comfort and pleasure, each one evanescent and fleeting. Substantial happiness occurs when we experience virtue in ourselves and virtue in our society.

Virtue lies in finding the right course of action; it is the application of the normative in a setting of “Facticity”. Justice happens when virtue prevails – each then gets what is properly due to him or her. In an important respect, justice is the application of “Normativity” to “Facticity”.

Justice therefore is an outcome of human action and is not preordained. Justice is not a scheme to be engineered by a government and imposed on people confining them to zoo-like cages and forcing them into obedient, mechanical behaviors.

Justice is a due proportion, a balance of risks and returns, of personal advantages coupled with contributions to the whole. It is more an art than a science, having a aesthetic feel and texture to be appreciated by wisdom and sound judgment. Justice is appreciated by observation of outcomes. Not subject to mathematical certainty, in many cases the quality of justice cannot be calculated with precision. Often times, justice is an unarticulated feeling of fairness and right “fit”.

A matter for debate and process, justice relies for its success on the application of Principle No. 1 seeking moral government, the use of discourse ethics in public decision-making. The current Pope, Benedict XVI, has made this connection between justice and a process of wise reasoning when he wrote in his December 2005 encyclical *Deus Est Caritas*:

“Politics is more than a mere mechanism for defining the rules of public life: its origin and its goal are found in justice, which by its very nature has to do with ethics. The State must inevitably face the question of how justice can be achieved here and now. But this presupposes an even more radical question: what is justice? The problem is one of practical reason; but if reason is to be exercised properly, it must undergo constant purification, since it can never be completely free of the danger of a certain ethical blindness caused by the dazzling effect of power and special interests.

Here politics and faith meet. Faith by its specific nature is an encounter with the living God—an encounter opening up new horizons extending beyond the sphere of reason. But it is also a purifying force for reason itself. From God's standpoint, faith liberates reason from its blind spots and therefore helps it to be ever more fully itself. Faith enables reason to do its work more effectively and to see its proper object more clearly.¹

¹ *Deus Caritas Est* Encyclical Letter, Pope Benedict XVI, Dec 25, 2005 At para 28 a

The great disturber of justice is abuse of power – violations of human dignity and *Kyosei*. In those circumstances, individuals do not receive what is due to them because of what or who they are, but only what is imposed on them by the inconsiderate, willful actions of others.

Thus one criterion of moral government is its ability to provide justice and restrain abuses of power that would wrongfully upset the balance of outcomes. The fifth principle of the Principles for Governments is, therefore, as follows:

Justice shall be provided.

The civic order and its instrumentalities shall be impartial among citizens without regard to condition, origin, sex or other fundamental, inherent attributes. Yet the civic order shall distinguish among citizens according to merit and desert where rights, benefits or privileges are best allocated according to effort and achievement, rather than as birth-rights.

The civic order shall provide speedy, impartial and fair redress of grievances against the state, its instruments, other citizens and aliens.

The Rule of Law shall be honored and sustained, supported by honest and impartial tribunals and legislative checks and balances.

Office: The meeting place of individuals and society

If the perspective of individuals only is chosen as the scale of justice, then communal and social interests do not receive their due respect. On the other hand, if the perspective of the community and the social group is chosen as the scale for justice, then the individual will most likely not receive his or her due regard. Finding what is due, what is fair and

what is just requires gaining perspective on the respective claims of individuals and others. Justice can be thought of as a mediation process taking all those claims into consideration depending on the circumstances.

In many communities we have a notion of office – a role or position to be filled by a person. An office has duties and responsibilities; it is a social instrument. But offices are filled by individuals with their own styles, needs, personalities and preferences, skills and abilities. We often say that a person is not “right” or “fit” for a particular office. Or, we can say that a person has “grown” in office to gain enhanced respect. Being “right” or “fit” for an office has a dual aspect: one perspective is that of the social expectations of the role to be performed; the other perspective is that of the individual in the office – do they feel successful, adequate, in charge of the office or it is a burden to them?

Offices are not limited to political positions. As Confucius taught, almost any social relationship can be thought of as an office – father, mother, son, sister, friend, supervisor, co-worker, etc. Holding one of these offices brings us under the burden of expectations about how we should treat others. How we behave in the office, in some part, conditions what is our due from society, shaping then, in part, our own individual experience of justice. How we father, mother, meet our citizenship obligations, etc., shapes to some significant degree what we deserve to receive from others. Life, as some say, is not a free lunch; we must sing for our suppers so to speak.

The outcomes of a person’s life can be assessed as being fair or just from their point of view or as being fair and just from society’s point of view when their circumstances are held up in comparison with the circumstances and situations of others.

Impartiality: The Office of Personhood

Fundamentally justice should be seen from the perspective of the individual more than from the vantage-point of society. Human dignity requires no less. It is easy for society to slight and misjudge the contributions and perspectives of individuals and hard for

individuals to get a fair hearing from powerful defenders of the status quo and stubborn advocates of their own, deeply felt cultural codes of right and wrong. Ascribing a fundamental dignity to individuals moves the scales of justice in their direction.

We can say, then, that underneath an individual's situation as father, mother, fireman, lawyer, indian chief, citizen, soldier, merchant, accountant, librarian, etc. is a permanent condition of personhood. It is that office of personhood – a distinct individuality - that is protected by the standard of human dignity.

What is the office of personhood?

It is the responsibility to grow into adulthood and to be adult and mature as a grown person. It is the responsibility to be ethical and to live by means of virtue and not by power. Personhood is robust self-expression exercised within the stadium made by culture and the needs of others. The demands of office impose some restraints on the otherwise unfettered impulses of the selfish individual. The office acts to mold and shape raw individualism into a more ethical quality of living. So the office of personhood is not the same thing as pure, unrestrained, warlike individualism.

The office of personhood has its duties and responsibilities, but also its privileges and prerogatives. The duties are to be moral and ethical and the minimum privileges are to receive respect for one's human dignity and support for one's life, liberty, and ownership of property.

In childhood, the privileges of personhood are more and the duties less. As we grow, we grow in capacity to exercise our moral sense. The burden of duty accordingly falls increasingly upon us as we approach adulthood. And, in old age, we again become dependent on the care of others as our responsibilities fall off and our needs are addressed without regard for our abilities. The office of personhood in the very young and the very old is largely one of receiving; in adulthood our responsibilities are more to care and provide and less to receive the charity of others.

What is just for a child seems a selfish, childish demand in an adult. And what is just for an active adult is often too much to ask of the aged and the infirm. The balance of justice adjusts over our lifetimes to reflect our different abilities.

The office of personhood seeks to isolate those attributes of a person which support his or her status of dignity as a human person. Factors making for invidious social discrimination are thereby eliminated. Impartially with regard to certain birth characteristics prevents such discrimination. A person is more than his or her social condition, ethnic or national, origin, sex, religious preference and other attributes. The quality of the individual must be allowed to shine through social and cultural drapery.

The civic order and its instrumentalities – most particularly, the state – shall respect an individual’s office of personhood. Skill and dedication in the execution of that office should be the primary determinant of what justice the individual receives.

The required degree of impartiality acts to encourage a fiduciary stance on the part of the state with regard to citizens. The bounds of the office of personhood protect citizens against unfairness and abuse.

The Inequities of Individualism

The perspective of human dignity sets up an expectation of sameness on some level among all individual human beings. As the American Declaration of Independence “declared” through the pen of Thomas Jefferson: “All men are created equal.” Since each and all share the same gift of life, discriminations among people that favor some over others are suspect. As noted above, the office of personhood expects each individual to receive due consideration from government merely because he or she is a person. They need no other status to merit respect and support for their personhoods.

Yet people are not the same – physically, emotionally, or mentally. In all manner of ways individuals differ from one another. Respecting the inherent dignity of a person carries with it an obligation to see their differences, their unique qualities and characteristics as well as their uniformity of personhood. To treat different things alike is not fair. Justice at times requires making distinctions that reflect relevant differences.

We are not all the same. Fathers are not their sons; policemen are not firemen; Christians do not pray in supplication before images of the Gautama Buddha as many Buddhists do. Appropriately enough, then, government may rightly supervise a civic order that makes distinctions among individuals where such distinctions may cogently be made.

Standards of merit frequently come into play as we think of the responsibilities attached to all the different offices in a society. We would not want the blind to drive nor the deaf to answer police distress calls. Those who cannot control their contempt for others should not be given political power. Those who lack ethics should not be given control of other people's money. Some are better than others in most occupations and undertakings.

Of course, respect for human dignity requires giving people a chance to prove their capabilities and to improve their skills through education and training. But respect for *Kyosei* requires that individuals pass some test of concern for others before granting them their selfish preferences. The good of the whole sets legitimate limits on what individuals can demand as their fair share. Again, a balance must be struck between what is permitted the individual out of regard for their liberty and moral autonomy and what is denied out of concern for the good of others.

Where effort and achievement provide confidence that a person is right for a job or a social office, those who make a greater effort or who achieve more should be given a preference over those who do not hit a comparable mark. Justice does not guarantee equality of outcomes in life, only fairness depending on what went into the process.

None of us has a birthright to success, to wealth, fame, or happiness. We are human, after all, and born to worry, dream of things than cannot be, and, at times, to suffer from our mistakes and illusions. If we are like Icarus in the Greek myth - getting carried away with our powers, forgetful of our limitations, and flying too close to the sun - we will, like him, lose our unnatural wings and fall to our deaths.

Redress of Grievances

Since justice can rarely be accurately predicted in advance, but must upon wait the outcome of events and knowledge of all the circumstances before rendering judgment as to the fairness of it all, an after-the-fact mechanism must be created to make determinations about the degree of justice in a society. The opportunity to make a case and have it heard provides the best guarantee that justice can be obtained.

In the story of the 47 loyal *ronin* samurai, the lack of an investigation and a hearing prior to ordering Lord Asano to take his own life gave rise to the legitimacy of private vengeance on the part of his retainers. They believed that the Shogun's officials had not fully taken into account extenuating circumstances arising from Lord Kira's oppressive conduct and had, rather, very quickly decided on their Lord's punishment considering only formulistic compliance with a rule.

In the Old Testament of the Christian Bible, King Solomon seeks evidence in order to determine the justice of awarding the baby to one claimant or the other. A process, a proceeding, an investigation, an opportunity to present evidence and reasons should precede any determination of just results.

Human dignity, again, demands that the individual be attended to and listened to and not summarily treated as some expendable creature of no inherent value. Impartiality therefore is crucial to a just proceeding. The pleas of one seeking justice should be considered on their merits and not dismissed out of hand from prejudice, stupidity, or laziness. Issues raised pointing to circumstances bearing on fairness should be responded

to with thought and reason, not emotion or contempt. If a question is raised that deserves an honest answer, that answer should be sought in the facts and open-minded analysis.

Most societies provide for consideration of disagreements about just outcomes. From elders who mediate around a night campfire to formal proceedings in great stone courthouses, trials with written briefs and sophisticated cross-examination of witnesses, communities across the range of human experience have long provided, and continue to provide, access to persons trained in balancing the concerns of justice.

Seeking justice through the public hearing of disputes seems to be a need of human nature. A moral government can not avoid meeting this need. And, how well the need is met, becomes a good test of the moral quality of the civic order itself. Keeping people from a fair hearing of their complaints very likely indicates the intrusion of an unjust and repressive political order.

In particular, redress of grievances caused by state action is essential for a moral government. Those cloaked with police powers and the advantages of political influence can impose their wishes through fear and intimidation if there is no check on their arrogance. Bringing them before the bar of justice, asking the state itself to keep to its own laws and regulations, is a salutary measure to prevent harm before its occurrence and to remediate it after damage has been done.

Citizen access to fair and impartial tribunals keeps government to its proper course of stewardship. A moral government should work with civic society – as a matter of priority - to provide sufficient numbers of courts, knowledgeable and tactful judges and capable attorneys at law to provide citizens with convenient access to redress and speedy consideration of their disputes.

The Rule of Law is Fundamental

The well-used phrase “the Rule of Law” can be misunderstood. It does not refer to a system of rule “by law” very legalistic, formalistic, with rules, regulations, forms and rigid compliance mechanisms. Tyrannies very often operate under rule “by law” where the governing power controls the lives of citizens through the written regulation of minutia. Hitler’s process of systematically moving German citizens of Jewish ethnicity towards extermination was very “lawful” in the sense that the German government had laws and regulations specifying just how hard life was to be for German Jews.

Bureaucracies – often soulless machines that bring out the worst and most petty traits in people – run by rule and written order. Just by itself, law - the written expression of how one should behave - is no guarantee of either justice or morality, no matter how elegantly it is phrased.

The phrase “the Rule of Law” then points in a different direction than reliance on formal, written rules of conduct set down in advance. Living under the Rule of Law is rather a state where public power and the discretion of public officials are constrained within a framework of fiduciary thinking. The Rule of Law is a decision-making environment that encourages stewardship and minimizes arbitrary willfulness in government.

Sophocles dramatized the requirement in part of his play *Antigone*, written in Athens around 442 BCE. Creon has become king of Thebes after the two sons of Oedipus have killed each other in battle. Creon decrees that the body of one son shall be given the full funeral honors due a son but that the body of the other son, who had been exiled from the city shall lie unburied. Antigone, sister to both, refuses to accept Creon’s decree and buries her brother’s corpse.

When asked by Creon why she had defied his edict, Antigone replied:

“... for it was not Zeus that had published me that edict; not such are the laws set among men by the Justice who dwells with the gods below; nor deemed I that thy decrees were of such force, that a mortal could override the unwritten and

unfailing statutes of heaven. For their life is not of today or yesterday, but from all time and no man knows when they were first put forth.”²

Bracton’s Treatise on English law, written in 1276, when speaking of the king’s power, contains the famous phrase “the king must not be under man but under God and under the law, because law makes the king.”³ Bracton continued: “for there is no king [properly so-called] where will rules rather than law.”⁴ In short, law makes the king; for all his majesty and puissance, the king still does not make the law out of his own will. The law is higher than his will, akin to the ordinances and righteousness of god.

Bracton wrote several decades after Magna Carta where the Bishops and Barons of England had resisted King John’s personal demands and imposed on him subordination of his will to a written contract by the terms of which he was to exercise his office of king. Bracton added to his analysis a very specific reference to the office of the Barons in keeping the king to the law and away from willfulness: “The king has a superior, namely God. And also the law by which he is made king. Also his court, namely, the earls and barons, because if he is without bridle, that is without law, they ought to put the bridle on him. That is why the earls are called the partners, so to speak, of the king; he who has a partner has a master.”⁵

Bracton was deeply influenced in his thinking by the Christian tradition. In fact, he quoted as authority passages from the Old Testament. In the Old Testament Book of Samuel, we read not only of Samuel’s opposition to kingship, but of his writing down (formal law) the manner of kingly rule and placing his book of rules before the Lord as if to make Bracton’s point that law was next to God in justifying kingly decision-making.⁶

Mencius had a similar insight into how kingly rule needed circumscription:

² Sophocles, *Antigone*

³ Bracton, *On the Laws and Customs of England*, S. Thorne. Ed. (Harvard U. Press) Vol II. P. 33

⁴ *ibid*,

⁵ *ibid*, p. 110

King Hsuan of Qi asked Mencius: “May a minister then put his sovereign to death?”

Mencius replied: “He who outrages the benevolence proper to his nature is called a robber; he who outrages righteousness is called a ruffian. The robber and the ruffian we call a mere fellow. I have heard of the cutting of the fellow Chau, but I have not heard of the putting a sovereign to death in his case.”

Chau had been the notorious last king of the Shang Dynasty, overthrown by King Wu who founded the succeeding Chou Dynasty. Mencius noted that due to his lack of benevolence and righteousness, Chau could not properly be called a king, but only a robber and a ruffian. To use the formula of Bracton, with Chau there was no law, only will, and so there was no legitimate king on the throne of China.

Confucius was very concerned that the minds of those in power not stray from righteousness. That is why he so insisted on living by the rules of propriety; it promoted concern for others and restrained selfish inclinations. “It is by the Rules of Propriety that the character is established.”⁷ “To subdue one’s self and return to propriety is perfect virtue.” ... Look not at what is contrary to propriety; listen not to what is contrary to propriety; speak not what is contrary to propriety; make no movement which is contrary to propriety.”⁸ In such a frame of mind focused outwardly on relationships with others, a person can follow virtue without psychological resistance. Concerned for others, a person can be trusted; being trusted, a person is then fit for public office.

Ancient China knew a school of political philosophers who valued the impersonal character of law. One, Shang Yang, advocated the harshness of legal formalism through rewards and punishments to condition subjects to sacrifice themselves for their sovereigns. The first in the legalist tradition, Mo Tzu, once said “though one cannot achieve righteousness one must not abandon the way, just as the carpenter must not

⁶ I Samuel 10:25

⁷ The Analects, Bk. VIII, Ch VIII

⁸ *ibid*, Bk. XII, Ch. I

blame the line though he cannot saw the lumber straight.”⁹ Mo Tzu advocated replacement of self-centered thinking in government leaders with subordination of the will to the commands of Heaven, an impartial presence of mind. Mo Tzu said: “The Will of Heaven to me is like the compasses to the wheelwright and the square to the carpenter.”¹⁰

A most subtle and insightful legalist, Han Fei Tzu, explained the analogy of measuring instruments to a fiduciary state of mind as follows:

Men make no fuss about balance and weight. This is not because they are upright and honest and would ward off profits, but because the weight cannot change the quantities of things according to human wants nor can the balance make things lighter or heavier according to human wishes. Acquiescing in the inability to get what they want, people make no fuss. In the state of an intelligent sovereign, officials dare not bend the law, magistrates dare not practice selfishness, and bribery does not prevail.”¹¹

Han Fei Tzu concluded: “... legal standard and personal inclination are in conflict,”¹² noting elsewhere that “Indeed, the purpose of enacting laws and decrees is to abolish selfishness. Once laws and decrees prevail, the way of selfishness collapses. Selfishness disturbs the law.”¹³ He added elsewhere: “Wherever private righteousness prevails, there is disorder; wherever public justice obtains, there is order.”¹⁴ Since the policy goal of Mo Tzu, Shang Yang, and Han Fei Tzu was to create order through the repression of selfishness, their advocacy of law moved rather prominently in the direction of rule by law rather than just “Rule of Law” as a guide to the use of public power.

Han Fei Tzu admired the authors of legalism on these grounds:

⁹ The Works of MoTzu, p. 224

¹⁰ *ibid*, p. 140

¹¹ Han Fei Tzu, vol II, p. 253-254

¹² *ibid*, p. 285

¹³ *ibid*, p. 235

¹⁴ Han FeiTzu, Vol. I, p. 167

They never burdened their minds with avarice, nor did they ever burden themselves with selfishness, but they entrusted law and tact with the settlement of order and the suppression of chaos, depended on reward and punishment for praising the right and blaming the wrong, assigned all measures of lightness and heaviness to yard and weight... They never ... drew the inked string off the line and never pushed the inked string inside the line, and was neither severe beyond the boundary of law nor lenient within the boundary of law; but observed acknowledged principles and followed self-existent standards. Thus, disaster and fortune were based on rational principles and legal regulations, but not on love and hate.¹⁵

Han Fei Tzu did not want selfish calculating minds running government. He wanted government to serve greater ends of social order and not the personal needs of those in power. He even looked very favorable to Taoism as a guide to the right-mindedness of rulers: "The reason when men value non-assertion and non-thinking as emptiness is that by remaining empty, one's will is ruled by nothing."¹⁶ In such an "empty" state of mind, the official can let his mind "fill up" with thoughts in the service of others. Han Fei Tzu believed that "the calamity of the ruler originates in self-assertion."¹⁷ The Annals of Lu Bu Wei put the point as follows: "To hold in one's hands the fate of the people is a heavy responsibility, and so he cannot permit himself to do as he pleases."¹⁸

If a ruler's mind is distracted by his own self-referential pre-occupations, then he will not pay attention to the facts at hand, but will act on illusions and delusions. "When the ruler estimates wisdom and virtue not according to meritorious services and judges crimes and faults no through the processes of investigation and testimony, but simply listens to the

¹⁵ Han Fei Tzu, Vol I, p. 278

¹⁶ *ibid*, p. 170

¹⁷ *ibid*, p. 54

¹⁸ Annals of Lu Bu Wei, p. 531

words of the courtiers and attendants, then incapable men will fill up the court and stupid and corrupt magistrates will occupy all posts.”¹⁹

The Taoist text the *Huai Nan Zi* echoed Han Fei Tzu’s thoughts rather eloquently in this passage: “As a balance scale is fair insofar as it weighs things impartially and a plumb line is correct insofar as it determines straight lines impartially, a ruler who applies the law without personal likes and dislikes can thereby command.”²⁰

Another way of speaking about the restraint on rulers sought by subjecting them to the Rule of Law uses the language “arbitrary and capricious”. Decisions which are “arbitrary and capricious” have no legitimacy; they are invalid and can be overturned. They go beyond the proper bounds of public agency where the decision-maker has no power to act with binding consequences. The person albeit acting in an official capacity really acts as an individual for himself or herself only and not for the government or the civic order. The act motivated by excessively idiosyncratic considerations, without regard for reasoning about the common good, has no claim to authority.

It is often said in American court opinions that “arbitrary and capricious” decisions fail a test of reason. They are not rationally related to an accepted end of government; they fall outside the flow of chosen normative standards cascading down through principles, standards, and applications into circumstances of “facticity”.

As Han Fei Tzu put it: “The law does not fawn on the noble; the string does not yield to the crooked. Whatever the law applies to, the wise cannot reject nor can the brave defy. Punishment for fault never skips ministers, reward for good never misses commoners.”²¹ The *Annals of Lu Bu Wei* insisted that “When those charged with upholding the law bend it out of personal interest, they must be punished by death.”²²

¹⁹ *ibid*, p. 103

²⁰ Thomas Cleary, *The Tao of Politics*, (Boston, Shambala 1990) p. 5

²¹ *ibid*, p. 45

²² *Annals of Lu Bu Wei*, P. 483

The moral government needs procedures to avoid, if possible, “arbitrary and capricious” decisions on the part of its officials and checks in place to minimize their effects should they occur. As Hamilton most likely wrote in Federalist No. 49, “The passions, therefore, not the reason of the public would sit in judgment. But it is reason alone of the public, that ought to control and regulate the government. The passions ought to be controlled and regulated by the government.”²³ What applies to government as a whole also applies to the individuals who fill the offices of government – they are to regulate their decisions with reason and not passion.

One device developed by the United States Supreme Court to foster proper stewardship decision-making by government officials goes under the name of “substantive due process”. This is a framework for the analysis of government laws, policies and decisions that protects individuals. It walls off certain areas of life from government regulation. Deeply personal decisions involving privacy, marital relationships and a woman’s liberty interest to terminate a pregnancy, for example, are shielded from government regulation by the doctrine of substantive due process.

Then, under equal protection analysis, the Supreme Court requires that government action have at least a rational relationship to some common good. A person is said to have been denied equal protection of the laws if he or she is subjected to an irrational use of government power. In such cases, the courts declare the government action to be null and void and of no effect. It was an action “ultra vires” or one occurring beyond the walls of government’s official precincts where it had no right to survive.

Under the doctrine of “procedural due process” American courts require the development of evidence – facts - and the presentation of reasons before a government decision can legitimately be made. The intellectual result of such formal procedures is either finding the requisite rational connection between the decision and some reasoned purpose, or the absence of any good grounds for the decision, in which case it is overturned. If the courts

²³ Federalist No. 49, The Federalist Papers

must strain their minds in order to find rational grounds for a decision, such grounds probably do not exist.

Assurance that a public decision-maker's state of mind is properly that of an agent and public fiduciary is enhanced by second-guessing the quality of his or her reasons from an external vantage-point, that of an independent and impartial judge. Moral government cannot long survive without the active assistance of honest and impartial judicial tribunals.

Few have improved on the Alexander Hamilton's presentation of the case for an independent judiciary as part of a just constitutional order:

“The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure to that of the legislative body.”²⁴

“Considerate men of every description, ought to prize whatever will tend to beget or fortify [integrity and moderation] in the courts; as no man can be sure that he may not be tomorrow the victim of a spirit of injustice by which he may be a gainer today. And every man must now feel, that the inevitable tendency of such a spirit is to sap the foundations of public and private confidence, and to introduce in it stead universal distrust and distress.”²⁵

Hamilton quoted the French jurist Montesquieu to the effect that “there is no liberty, if the power of judging be not separated from the legislative and executive powers.”

Without the ability of judges to declare acts of government void, “all reservations of particular rights or privileges” to the people “would amount to nothing” said Hamilton.²⁶

²⁴ Hamilton, Alexander, Federalist No. 78, The Federalist Papers

²⁵ *ibid*

²⁶ *ibid*

Finally, conditions of the “Rule of Law” are sustained when there are checks and balances among the various offices of government, in particular a separation of powers among the legislature, executive and judiciary. Madison in recommending adoption of the United States Constitution noted that: “The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.”²⁷ “It will not be denied,” said Madison, “that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.”²⁸ Concentration of power is to be feared, both because it conveniently conspires with deep human tendencies towards self-aggrandizement at the expense of others and because the accumulation of power gives license to the habits of tyranny.

Tyranny is the political anti-matter that negates stewardship and destroys moral government. The tyrant is an agent of none but himself. The tyrant is tempted towards complete and juvenile willfulness, a condition where the passions are not willingly subject to thoughtful rational restraint. Tyrants do not provide justice except fortuitously.

Consider this advice from Alexander Hamilton:

“To what expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? ... by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places.”

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of

²⁷ Madison, Federalist No. 47, The Federalist Papers

²⁸ Madison, Federalist No. 48, The Federalist Papers

the others. ... Ambition must be made to counteract ambition. ... the private interest of every individual may be a sentinel over the public rights.”²⁹

Another effective but often ignored device for upholding fidelity to the “Rule of Law” on the part of public officials is impeachment – removal of the official from office.

Impeachment is not a criminal proceeding to impose punishment. Removal from office for breach of duty is not a punishment but only the loss of a job. If there is good cause for termination, the impeachment is just and appropriate.

Impeachment has two positive effects on office holders: first, the threat of losing the position acts as a deterrent to wrongful conduct; second, should wrongful conduct occur, the scope of the damage can be limited by removing its cause as soon as possible.

Alexander Hamilton was a great believer in the efficacy of impeachment as a check on abuse of public office. He believed that “Man, in public trust, will much oftener act in such a manner as to render him unworthy of being any longer trusted, than in such a manner as to make him obnoxious to legal punishment.”³⁰

In defining the nature of an impeachment, Hamilton wrote: “The subjects of its jurisdiction are those offences which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself.”³¹

The author of such mischief, being in default of duty, should not be permitted to continue holding the powers of office, once trust in his or her judgment is lost. The “Rule of Law” requires that public power be vested in those who think, not just for themselves, but for the good of society as well.

²⁹ Hamilton or Madison, Federalist No. 50. The Federalist Papers

³⁰ Hamilton, Federalist No. 70, The Federalist Papers

³¹ Hamilton, Federalist No. 65, The Federalist Papers

CONCLUSION

Justice done marks the quality of a government and its surrounding civil society. Where injustice prevails, public power is abused and government has failed of its trust. It may properly be turned out of office.

Conditions of justice often reflect the prosperity and well-being afforded to individuals by their society's level of general welfare. Chapter 8 following will now provide a guide to responsible promotion of that general welfare for the benefit of those who rely on government for justice.

Chapter 8

Promoting the General Welfare

So God created man in his own image, ...And God blessed them
and God said unto them, be fruitful and multiply, and replenish
The earth and subdue it:

- The Book of Genesis 1: 27-28

Allons! To that which is endless as it was beginningless,
To undergo much, tramps of days, rests of nights,

...

Forever alive, forever forward,
Stately, solemn, sad, withdrawn, baffled, mad, turbulent, feeble,
Dissatisfied,
Desperate, proud, fond, sick, accepted by men, rejected by men,
They go! They go! I know that they go, but I know not where
They go,
But I know that they go toward the best – toward something
Great.

-Walt Whitman, *Leaves of Grass*, Song of the Open Road 13

When the Master went to Wei, Zan Yu drove his carriage.

The Master observed: "How numerous are the people!"

Yu asked: "Since they are numerous, what more shall be done for them?"

"Enrich them," was the reply.

- Confucius, *The Analects*, Bk. XIII, Ch. IX

The people turn to a benevolent rule as water flows downwards,
and as wild beasts fly to the wilderness.

- *The Works of Mencius*, Bk. IV, Pt. I, Ch. IX

The purpose of the magnanimous is to be found in procuring benefits
for the world and eliminating its calamities.

- MoTzu, *Universal Love* (second essay)

The responsibility of a moral government is to provide for the general welfare, not as libertarian Americans cynically joke "to promote welfare generally". Both *Kyosei* and regard for human dignity encourage a government to use its powers for the common good, which often means creating conditions in which individuals can have more fulfilled, constructive and creative lives.

The eighth principle of the Principles for Governments is as follows:

General welfare contemplates improving the well-being of individual citizens.

The state shall nurture and support all those social institutions, most conducive to the free self-development and self-regard of the individual citizen. Public authority shall seek to avoid, or to ameliorate, conditions of life and work which deprive the individual citizen of dignity and self-regard or which permit powerful citizens to exploit the weak.

The state has a custodial responsibility to manage and conserve the material and other resources that sustain the present and future well-being of the community.

If government is a steward, and government officials public fiduciaries, service of others is the duty of government and the task of its employees. But in promoting the advantages of the common interest and the public good, government should define that interest and envision that good from the perspective of *Kyosei* and human dignity.

Kyosei looks to the capacity of many individuals working together based upon their different abilities and points of view as part of a mutual and reciprocal joint endeavor. The perspective of human dignity holds that individual welfare must not be unjustly sacrificed to serve the needs of the whole. The general welfare that is the correct undertaking of moral government must be managed as a plurality, a human ecosystem perhaps, some organic process of life and endless generativity on the part of its individual members.

A simple utilitarian calculus of the “greatest good for the greatest number” as proposed by Jeremy Bentham will not do. For under that rule, the interests of the isolated, the

weak, the poor, and the recalcitrant will easily be sacrificed to promote the good of the greater number. The standard of good applied in practice inevitably will be some particularistic and self-centered value chosen by those with power, who will always lie under the temptation to abandon stewardship of all to achieve satisfaction for those near at hand. The practical standard of good under a utilitarian approach needs to be confronted with a fundamental moral demand that the dignity of individuals be respected and the dynamic of *Kyosei* be honored.

Individuals need well-being. Without that what is the point of life on this side of the Kingdom of Heaven in the Red-Dust world of karmic retribution? A life of pure spirituality is other-worldly and very difficult to achieve in the realm of “facticity”. Moral government, being of the realm of “facticity”, exists to provide for as much well-being as is practicable under the circumstances and, even more important, to improve upon circumstances so that more well-being is made available to citizens in the future.

Providing for Moral Enrichment

Well-being is not exclusively material. Jesus responded to the temptation of Satan with the observation that “Man does not live by bread alone.”

Mencius was asked once: “All are equally men, but some are great men and some are little men – how is this?” He replied: “Those who follow that part of themselves which is great are great men; those who follow that part which is little are little men.”¹

The point made here by Mencius, and found as well in many of his other observations, is that the moral sense, a person’s character, constitutes an important part of a person’s destiny. One’s well-being as a person is the substance of that destiny. A good destiny results in robust and sustainable well-being. Theravada Buddhists would consider this evidence of “good karma” or *bunna* in the Pali language of the Theravada scriptures.

¹ The Works of Mencius, Bk VI, Pt. I, Ch. XV

No individual can deepen his or her moral sense, or enhance his or her character, in isolation but only in society. Relationships, traditions, language, religion, education, the environment of *Kyosei*, forge the moral sense. Moral government cannot overlook the quality of those institutions that comprise the environment of *Kyosei*. While government is only part of society, and subordinate in many ways to civil society (as pointed out in the discussion of Principle No. 2 of the Principles for Government in Chapter 3 above), nonetheless government bears responsibility for shaping public goods. Civic institutions of all kinds that foster the moral sense are public goods. Government should be attentive to their needs in matters of taxation, education, and regulation.

What individuals most often need in order to deepen habits of moral capacity is freedom for self-development. Character cannot be injected into a person from without; it can only happen from within the person's emotional and psychological experiences. Enforcing strict regimens of punctual discipline and imposing conformity with no tolerance for error do not build character, only fearful submission.

And rebellion always lurks under such fear. Such a straight-laced conformist lives on the edge of emotional distress and lacks inner courage and self-reliance. They are more obedient machine than well-grounded person. Fully participating in the office of personhood does not come easily for them. They respond to commands but do not generate well-being for themselves. Their unhappiness slips out from time to time, giving rise to dysfunction and spreading unhappiness to others.

A healthy and balanced self-regard promotes well-being. Someone who conforms when appropriate from an inner sense of personal worth and moral judgment can fulfill the office of personhood with tranquility and pleasure. He or she can easily go on to serve with diligence in many other offices as well. Intermediating institutions of civil society – families, churches, schools, peer groups, clubs, places of work and relaxation – develop for better or worse the identity of each individual. A strong, self-reliant identity contributes most to personal well-being over a lifetime.

Institutions, family parenting styles that survive for generations, and deep cultural beliefs that promote a sense of victimhood unite to form a civic order not conducive to the formation of strong self-reliance in individuals. Where a subordinated ethnic group sees itself as helpless and always the pawn of some enemy, anger can easily turn into self-loathing. Losing a sense of mastery undermines our emotional abilities to fulfill the offices of personhood and citizen. Finding presence of mind to act decisively in our own best interests, considered upon the whole, is elusive under such circumstances.

We cannot easily trust others if we do not first trust ourselves. Promoting the general welfare may call for guiding the mores and habits of civil society towards more self-reliance and a willingness to look beyond past injuries. A process of reconciliation brings important benefits to the victims of oppression and discrimination as it does to moderate and temper the prejudices of those who have abused their powers in the past. Governments should always stand ready to support and facilitate such initiatives for they contribute to stronger ties of social responsibility and deepen reserves of moral courage.

A related psychological condition that can only be called an infirmity is fostered by the crass identity consumerism and the entertainment culture of American media empires. Cultural encouragement of celebrity cults play upon the insecurities of children and young adults, arresting their self-development and prolonging their experience of low self-esteem. This culture leaves young people in a kind of purgatory of self-imposed victimization. They become whiners at home and at work; they abstain from the office of citizen; and they have great difficulty forming relationships of trust and responsibility.

The unhappy person is very prone to find solace in dependencies on emotional stimulants such as spending money, drugs, alcohol, abusive relationships, acting out fears and anger. The experiences brought on by these external stimulations take the place of internal values. The dependency undermines mastery of self and perpetuates the person's sense of living at the beck and call of a whimsical fate where no one really cares for them or will provide them with security.

Such people, very common among young adults around the world, are wanderers, exiles in their own lands. As the American poet Robert Frost might have said, they have no “home” to go to. He defined home as “something you somehow haven’t to deserve.”² Knowing that you have such a “home” is the foundation, for most people, of a proper sense of self and is the beginning of sound happiness. Providing such “homes” for its citizens is a high calling of any civic order.

As it looks to its responsibilities vis-à-vis the civic order, moral government, at a minimum, must not take the place of civil society, replacing civil institutions with government agencies and decision-making. The important work of civil society must be done by institutions of civil society, not by the government. When civic institutions and mores of civil responsibility atrophy and decay, or never emerge from traditional clans and feudal arrangements, they should not be supplanted by public structures. Rather, they should be cultivated and promoted with government serving only as midwife and nurse to the needs of the society. Government is only part of civil society, important indeed, yes, but not overpowering.

Privatization of civil society best conditions individuals for the effective development of their moral capacities and high-quality self-regard. Government must step back from over-regulation of all organizations that shape individual character. Even public schools should be carefully watched to keep them creative – though disciplined – facilitators of good citizens. Character development without dogmatism should be an important component of a person’s education, especially in childhood when basic habits are learned and the moral sense undergoes rapid development.

Living well and working as one should

To live well, individuals need wealth and economic opportunity. Not great wealth, mind you, but some comfortable degree of material prosperity. Well-being in life is very much a matter of material satisfaction in addition to moral maturity and spiritual wholeness. As

² Frost, Robert “Death of the Hired Man”

discussed in Chapter 6, above, on General Principle No. 4 of the Principles for Governments – “*Security of persons, individual liberty, and ownership of property are the foundation for individual justice*”, ownership of some wealth gives vibrancy to individual freedom for most people and empowers them to act upon their values and beliefs. Some golden mean between ethereal spirituality, on the one hand, and satiation of the physical senses, on the other, probably leads to the most satisfying life.

Poverty deprives citizens of dignity and sound self-regard. While material possessions alone do not and cannot make for a life well lived, lack of material resources undermines human dignity. Powerlessness in any form invites exploitation and contempt, giving rise to insecurities and anxieties destructive of happiness.

Moral government is responsible for creating the conditions for private enterprise and economic growth – growth that is equitably shared across a social order. Concentration of economic opportunity among the few does not sufficiently promote human dignity. Not does it empower all citizens to share in the benefits and burdens of *Kyosei*.

Fundamentally, private property, free markets, financial intermediaries, entrepreneurial investment create wealth for a society. Government action reallocates what is produced by individuals but does not create permanent conditions of wealth. The road out of poverty follows the course of capitalism – for individuals as well as for nations. The framework of a fiduciary kind of capitalism is indicated by the Caux Round Table Principles for Business. My book *Moral Capitalism* provides a guide to the use of those principles.

Governments can meet their responsibilities for improving the general welfare of society through economic development through implementation of certain 12 core best practice standards of financial institutions. These standards promote transparency and accountability in financial institutions, creating conditions for solid economic growth. The standards are fully consistent with the demands for stewardship and public agency that are imposed on moral government by these Principles for Governments.

The 12 core best practice standards cover three important areas of government concern:

1) macroeconomic policy, 2) market infrastructures, and 3) financial institutions. If macroeconomic policy is faulty, the economy cannot grow. If market infrastructures reward the crafty and the corrupt, capital will not be invested. And if banks, securities firms, and insurance companies that hold money for investment are too crafty and self-seeking, financial capital will not be well used in enterprise.

International institutions met in the last years of the 1990's to draft best practice standards to guide governments towards the most effective regulatory policies in these three areas. The best practices stand as benchmarks of excellence for countries to achieve in managing their financial affairs. Implementing these best practices reduces opacity and promotes transparency, and so, forges more trust in the future among those who can create new wealth - if they believe that investing today will be rewarded tomorrow.

The focus of the best practice standards in the area of macroeconomic policy is on reducing opacity and bringing relevant information to the markets as quickly as possible. Generally, these practices require governments to be open about economic, budgetary and monetary realities and not hide the truth from markets. Governments should publish quality information about GNP, balance of payments, budget expenditures, tax revenues, and off-balance sheet liabilities. In addition, central banks should be open about their monetary policies and the rate of money creation. They should also disclose foreign exchange holdings and off-balance sheet operations. In the area of macroeconomic policy, secrecy leads to misjudgments being made and market over-reaction to surprise disclosure of bad news. Allowing decisions to be made based on illusory and rosy scenarios when it has possession of more accurate information is an abuse of public trust on the part of any government.

In the second area of market infrastructure, the best practice standards promote fiduciary behavior on the part of companies and corporations. Accounting standards must be sound and enforced. They are the first line of defense against fraud and abuse on the part of

those responsible for private enterprise, the primary engine of economic growth. Corporations must be well governed with a view towards protection of owners and responsibilities towards stakeholders. Ownership interests and debt investments in failing enterprises must be quickly and efficiently re-structured through insolvency proceedings so that the risk of failure is properly distributed and funds are continuously attracted to new investment opportunities without fear of sustaining a total loss should the enterprise become unprofitable. And, finally, the payment of checks and the transfer of money through banks needs to be orderly and completely reliable.

For the third area of concern – the risks associated with financial institutions – banks need to be regulated for safety and soundness; securities companies, stock brokers, investment bankers, need to be soundly capitalized, prevented from market manipulations, and encouraged to make decisions on the basis of sound valuations of companies and their issued securities; and, the public needs to be assured that insurance companies are not thinly capitalized and do not assume excessive risks.

Investing in countries that do a better job in living by these best practices brings significantly higher returns than do investment strategies that ignore such standards.³

If a country implements the 12 core best practice standards, it can expect its economy to grow. A great benefit of a growing economy is job creation. Wealthy countries provide more work for their citizens, and more highly valued work, than do poor countries. Frankly speaking, work is better for a person's well-being than economic dependency – even on the social welfare bureaucracies of an indulgent state. But, if an economy is not producing and distributing wealth as it should, the obligations of this Principle No. 6 require a moral government to provide needy citizens with welfare in order to prevent deprivations of their dignity and minimum well-being.

From the perspective of human well-being, work is far from an imposition and a source of frustration. Work – whether physical or mental – can become a calling when the moral

³ see website of Financial Standards Funds: www.financialstandardsfunds.com

sense identifies a larger meaning and purpose to individual efforts. When the individual perceives his or her work to be attached to an office, to be necessary for realization of a larger and not self-referential scheme of life, then the person adopts the work as an elevation of personal meaning. A sort of sanctity envelops the job and the worker feels needed, at home, and even stimulated by the challenges that need to be met and overcome. To the extent civil society can provide a person with a vocation, instead of just work, that society significantly enhances the person's sense dignity and provokes them to energetically give their all to the *Kyosei* processes happening around them.

Government economic policy should be to provide conditions of work for as many citizens as possible. This duty includes not only sound macroeconomic policy, but education in skills, fairness in hiring, fair and open labor markets, job creation through economic growth, etc.

Finally, a moral government must restrain citizens from abusing their private powers, especially their financial and economic power. Laws to prevent monopolies, price fixing, contracts of adhesion, discrimination in hiring or lending, pollution, sale of defective products, fraud and misrepresentation, waste and negligence, slander and defamation, and other civil wrongs, are appropriate uses of government's police power.

Avoiding the tragedy of the commons

Another form of abuse of private power happens when selfish appetites over-consume natural resources. Some form of balance must be found between the needs of economic growth and protection of the environment. Finding that balance is another public good that falls under government responsibility to manufacture in sufficient quantity.

The very process of industrialization and modernization, now in the Twenty First Century becoming a process of post-industrialization, that serves the needs of human dignity and *Kyosei* in obtaining more well-being degrades the traditional natural environment of the planet. Morally we do not want to give up on the search for well-being, especially when

so many people still live in poverty; but, conversely, we do not want to so degrade our world that it undermines our well-being. Moral government must balance its search for economic empowerment of the individual with concern for the environment.

The tragedy of the commons refers to the situation of exploitation of what is free and open to all – a commons. Each takes what he or she needs, or more than what is needed, as there is no price put on excessive extraction, without thought for how much others are taking or for the effect on the commons of everyone's rapacity.

No one polluter is responsible for global warming, but many polluters collectively have contributed to increasing levels of CO₂ in the atmosphere. No one fishing boat in the vast oceans has over-fished the seas, but thousands of boats taking what they can with sophisticated fish-finders and long nets have reduced global fishing stocks to dangerous levels. If everybody is in charge, than no one is in charge. With no one responsible, the earth's physical resources are depleted too quickly, its air and waters are fouled, and its biosphere is set off kilter.

Representing the public interest, government needs to step in and prevent the tragedy of the commons. This is its responsibility towards sustaining the well-being of peoples. The obligation arises at every level of government from hamlet and village, through city and state to nations and the global community of nations at large.

The tragedy of the commons has only occurred when human usage of nature becomes excessive in scope and intensity. One fisherman with rod and line will not over-fish a large lake. In building the pyramids, ancient Egyptians did not use up all the sandstone and granite in Egypt and marble still can be cut from the mountain at Carrara, Italy, just as it was for Michaelangelo.

But after industrialization, when human ingenuity harnessed new forms of power and made great tools, exploitation of the earth's resources, consumption of goods, and

creation of new forms of waste grew to the point where the balance of nature was tilted by human activity. The industrial age brought about the tragedy of the commons.

But what human hands have done, human actions can undue. New technology, new knowledge, new materials can significantly alter the impact of human civilization on the nature order. We argue, however, about how fast to push accommodation with nature and how much to pay for it. We fear that buying new technology and changing wasteful habits will reduce earnings for private companies and lead to lower salaries for workers and fewer jobs. We see a dichotomy: either protect the environment or enjoy economic growth.

It may well be that such a choice between nature and humanity is not inevitable. That, in fact, economic growth will lead to a duality where nature is supported and human civilization can grow in wealth and well-being.

In striking that balance between two valuable goals, the process of discourse ethics required by General Principle No. 1 of the Principles for Governments (discussed in Chapter 3 above) plays an important role. Since the precise point of balance is not intuitively clear, discourse on the use of public power to protect the environment or to promote economic growth will allow us to arrive at a reasonable path of responsibility in managing growth and conserving natural environments.

Environmentalism should not become a religion – intolerant, dogmatic and unscientific. Fanatics of any kind who would bend government to their uncompromising vision of “right thinking”, if in office, violate General Principle No. 3 (discussed in Chapter 5 above) of the Principles for Governments. The “green” movement best serves humanity by folding its commitments to nature into a process of discourse politics.

Though the degradation of natural conditions has become serious only with the industrial revolution, concern for nature as condition of moral government has ancient roots. For example, Confucius when fishing did not use a net, and, when shooting birds, only took

them on the wing, not when they were perching.⁴ Mencius advised: “If close nets are not allowed to enter the pools and ponds, the fishes and turtles will be more than can be consumed. If the axes and saws enter the hills and forests only at the proper time, the wood will be more than can be used.”⁵ The Koran in Surah 55, The Merciful, (55:1) tells us that God “... raised the heaven on high and set the balance of all things, that you might not transgress that balance.” In the Old Testament story of Noah and the flood, we read that upon the purification of the earth through the great flood, God made a promise with every living thing to sustain life and creation. He charged the surviving humans – Noah and his sons – to “replenish the earth”. This was a command to be steward of creation, to bring forth abundantly in the earth”, not to wantonly shed the blood of living creatures or despoil what God had made.

CONCLUSION

If providing justice, as discussed in the previous chapter, leads to considerations of proportion and due rewards, promoting the general welfare must think in terms of aggregate achievement. But the components of that aggregate accomplishment are still the same individuals who deserve justice at the hands of government. We measure the quality of general welfare as we do justice – by its effects on the individual carriers of human dignity.

Chapter 9 will now delve into procedures for keeping public officers faithful to their trust.

⁴ The Analects, Bk. VII, Ch. XXXVI

⁵ The Works of Mencius, Bk. I, Pt. I, Ch. III, 3

Chapter 9

Accountability: Preserving the Fiduciary Ethic

You can fool some of the people all of the time,
and all of the people some of the time. But
you can't fool all of the people all of the time.

- A. Lincoln

[The president] shall from time to time
give to the Congress information of the State of the Union,
- Constitution of the United States, Article II, Section 3

I hold the maxim no less applicable to public than to private affairs
that honesty is always the best policy.
- G. Washington, Farewell Address, Sept 17, 1796

Since public officials are agents and trustees of the public weal, they must always be ready to account for their actions. The procedure for reporting and accounting for one's stewardship has stood the test of time as a wise precaution when power is placed the hands of an agent. Government transparency directly serves the needs of *Kyosei* and human dignity.

Kyosei implies a sharing of responsibility, a joint and mutual participation in creative endeavors. To hide important facts, feelings, anxieties, considerations from partners is to wall them off and de-legitimate the *Kyosei* environment. Secrecy is inconsistent with mutuality, though at times we are right to be alone with our private griefs and joys. *Kyosei* – a setting of joint destinies – demands accountability. Each is accountable to the other for contributions and mistakes. The right of the other to have discourse over what has happened in the relationship cannot be fairly denied. Reciprocal dependencies justify giving consideration to the interest of partners in learning more about the use of power as it has affected them for better or worse.

Proving information, especially important information, empowers others. It enhances their human dignity and accepts them as peers and as moral persons, capable of

participation in community with ourselves. By the same reasoning, secrecy diminishes their moral importance and excludes them from our way in life. With secrecy, people are transformed into an “other” – distant and put on notice of their lack of significance in our lives. Why then, should they trust us or give us power over their destinies?

With his ministry focused on personal responsibility, Jesus once offered a parable on the steward called to account for his administration.¹ The office of steward or shepherd – one who was accountable for the welfare of others - was a metaphor for his calling as the Son of man.

Accordingly, judgment of our conduct – how well or poorly we carried out the office of personhood – has always played a very important role in Christian theology. At the end of time, most traditional Christians believe, God will, on judgment day, judge the “quick and the dead.” Those who had kept his ways and covenants will be admitted to Heaven and those who had fallen into sin damned forever. Jesus said: “When the Son of man shall come in his glory, and all the holy angels with him, then shall he sit upon the throne of his glory: And before him shall be gathered all nations: and he shall separate them one from another, as a shepherd divideth his sheep from his goats.”²

The consequences of what we have done and how we have lived cannot be avoided. Secrecy and prevarication will not avail us on judgment day in the Christian tradition. We are accurately to align our acts with our ideals and our obligations to benefit from a close alignment and to suffer for any past variance.

The Chinese Legalist Han Fei Tzu made much of a minister’s obligation to establish the correspondence between name and reality of action, between what was intended and what was actually accomplished in the lord’s name. Mencius advised that ministers should fearlessly remonstrate with their lord to keep him accountable.

¹ Matthew 25:14; see also Luke 16:2

² Matthew 25:31-32

In the Babylon of King Hammurabi, once a year the king entered the temple of the high goddess where his crown and insignia of office were removed and he was stripped of his royal garments. The priest, representing the goddess, admonished the king for his transgressions and ritually whipped him as a reminder of his merely human status and his obligation to serve the goddess with fidelity.

As England's king Henry II sunk deeper into his vendetta against Thomas a Becket, his former advisor and Chancellor, Becket was called before the king to account for 40 pounds of the king's money taken and not returned. Four knights appeared with Becket to stand surety for repayment of the money and King Henry lost his legal advantage over his former servant, now Archbishop. Subsequent English parliaments developed the proceeding of an impeachment for high crimes and misdemeanors to call powerful officials, even King Charles I, to account for their deeds in office.

In the trial of Charles Stuart during the English Revolution, he was asked to defend himself against the charge:

That the said Charles Stuart, being admitted King of England, and therein trusted with a limited power to govern by and according to the laws of the land, and not otherwise; and by his trust, oath, and office, being obliged to use the power committed to him for the good and benefit of the people, and for the preservation of their rights and liberties; yet nevertheless, out of a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his will, ...he, the said Charles Stuart, for accomplishment of such his designs, and for the protecting of himself and his adherents in his and their wicked practices, to the same ends hath traitorously and maliciously levied war against the present Parliament and the people therein represented...

Charles responded to the demand that he justify his policies with a rejection of the authority of the Parliament to call him to account. He replied to his accusers on January 21, 1649 "... no earthly power can justly call me (who am your king) in question as a

delinquent.”³ Charles continued: “There is no proceeding against any man, but what is warranted either by God’s laws or the municipal laws of the country where he lives. Now I am most confident that his day’s proceeding cannot be warranted by God’s laws; for, on the contrary, the authority of obedience unto Kings is clearly warranted, and strictly commanded in both the Old and New Testaments, which, if denied, I am ready instantly to prove. ... Thus having shed you briefly the reasons why I cannot submit to your pretended authority, without violating the trust which I have from God for the welfare and liberty of my people, ...”

Charles lost the argument, was found guilty of waging an illegal war against Parliament and the people and was then executed.

In his summation of the political and constitutional lessons learned from the English Revolution, John Locke advocated the propriety of having leaders account to the people for their actions:

For as a good prince, who is mindful of the trust put into his hands and careful of the good, cannot have too much prerogative – that is, power to do good, so a weak and ill prince, who would claim that power his predecessor exercised, without the direction of law, as a prerogative belonging to him by right of his office, which he may exercise at his pleasure to make or promote and interest distinct from that of the public, gives the people an occasion to claim their right and limit that power.

...⁴

Locke concluded powerfully on this point as follows:

Who shall be judge whether the prince or legislative act contrary to their trust?
...I reply: The people shall be judge; for who shall be judge whether the trustee or deputy acts well and according to the trust reposed in him, but he who deposes

³ The king’s reasons in *Constitutional Documents of the Puritan Revolution*, p. 374

⁴ Locke, *John Second Treatise Concerning Civil Government*, sec 164

him, and must, by having deputed him, have still the power to discard him when he fails in his trust?”⁵

In line with Locke’s recommendation, General Principle No. 7 of the Principles for Governments requires that government account for its policies and actions:

Transparency of government ensures accountability.

The civic order shall not act with excessive secrecy or provide its citizens with inadequate information as to the acts and intentions of the civic order and its instruments, which secrecy or withholding of information would prevent its citizens from participating in the discourse that provides the civic order with its legitimate authority.

Secrecy

Secrecy encourages abuse of trust. Where the will is weak, fear of others and their judgments can keep us obedient and reliable even when we would prefer a more selfish, inconsiderate course of action. Where no one can call us to account, there is little accountability – only our own sense of self and our own moral sense. What people don’t know about our actions can’t be thrown back in our face along with intrusive demands for explanations or apologies. Hiding the facts gives license to mischief.

Teenagers removed from parental supervision and with no fear of recriminating disclosure behave more wantonly than they do at home. Risks taken in secret seem less consequential and, therefore, less worrisome. Tourists far from their homes and neighbors are known to act more boorishly - and with an unbecoming insensitivity to those around them - than they do in places where they are known and recognized.

⁵ *ibid*, sec. 240

The anonymity of crowds turns citizens into bullies. Actions taken in mass formation remove responsibility from individual consciences. The mob has its own psychology, and not a pleasant one at that. It is a force for fear and passion and not for moral suasion and responsible stewardship. The mob thrives on sensation, which is a far thing from the deliberative quality of mind necessary for just government.

After he successfully set the Roman citizens in motion as a vengeful mob with his speech in memory of Julius Ceasar, Mark Antony smirks (in Shakespeare's rendition of the story): "Mischief, thou art afoot. Take thou what course thou wilt!"⁶

Much vice takes place out of sight. Much corruption occurs when it will not be discovered. Corrupt regimes usually insist on intimidation. The Sicilian Cosa Nostra for many years was famous for its code of silence – *omerta* – where witnesses did not tell what they knew. As the code was honored less and less, the police were able to act on behaviors, make arrests and disband those crime families.

Because repressive regimes do not trust the people, informants and reporting thrive to expose everyone's conduct and empower the state to impose consequences for disobedience. Part of a just constitutional order leaves the people with some privacy that they might not live in fear of the government. Under the American Constitution, the government may not enter a house or search a person unless it has reasonable grounds to suspect a violation of law has occurred. Only upon some valid suspicion based upon conduct may the citizen be called to account for abuse of office as citizen or of personhood.

A common sense guideline for conduct has it that "If you do not want to see your conduct reported in the New York Times, don't do it."

⁶ Shakespeare, William Julius Ceasar

If exposure would bring un-welcomed accountability, lack of exposure does not take the place of having a good cause to act. Whatever needs to be “covered up” probably should not have been attempted in the first place.

The power of secrecy to encourage excess applies to motives as well as acts. Many times, it is our motivation – usually petty and vindictive – that we would prefer to conceal. Especially when holding public office, we like others to think we deserve the position because we are high-minded and concerned for the public interest. Following more private agendas detracts from our trustworthiness, so naturally, we would hide from the public that which would lower us in their esteem.

Exposure of President Nixon’s acts to steal information from the office of a leading Democrat, harass opponents with tax investigations, and making payments to witness to keep them silent lead to impeachment proceedings against him. Exposure of secret dealings with Iranians and secret funding of the Contra Movement in Nicaragua using private funds damaged President Reagan’s stature in his second presidential term.

On the other hand, some level of secrecy is appropriate for a government to enjoy. Jury deliberations, for example, are held in seclusion. The discussions of the United States Federal Reserve Board about future monetary policy are held in secret. In criminal investigations, in foreign affairs, in military planning, exposure of government actions and knowledge damages the security of the public. And so, constitutional governments have official secrets acts to permit some secrecy within limits. American Secretary of State Cordell Hull was deemed to be most naïve, even if morally correct, when he opposed code-breaking on the grounds that “Gentlemen do not read each other’s mail.”

Privacy, however, even with its cloak of secrecy towards outsiders, shields many important intimacies of human dignity. American law, for example, recognizes the right of married spouses to keep their conversations private. Where public policy would encourage the exchange of information and the building of confidential relationships – part of a healthy social capital – privileges to remain silent when confronted are given to

priests and lawyers. To permit a president obtaining accurate information, courts have given the presidential office a privilege not to reveal discussions between the president and his advisors.

Inadequate Disclosure

Partial disclosure suffers from the same defects as complete secrecy. It is a shield to hypocrisy and deceit. It facilitates bad decisions on the part of those who are misled and contributes to their lack of success in their initiatives. A partial truth gives people wrong ideas about who or what is responsible for misfortune. By hiding facts necessary to reach a sound conclusion, partial disclosure undermines holding the proper persons accountable. It therefore covers up irresponsible, juvenile and willful behavior.

The adequacy of disclosure turns on the materiality of the information to the legitimate needs of the potential audience. We have no need for trivia; nor do we need to pry into the corners of lives that are of no concern to us and have no bearing on our well-being. If the information would make a difference to the outcome of deliberation, it is important and material and should be disclosed. A very thorough evaluation of the factors that make for materiality and disclosure can be found in American court decisions discussing misrepresentation in the sale of securities. American law provides for the disclosure of material information that investors would rely upon in order to decide on the value of an investment. Transparency of material considerations in the sale of securities is required.

General Principle No. 7 on transparency of government enthusiastically supports our enjoyment of discourse ethics under General Principle No. 1 (See Chapter 3 above). Where material information is lacking, the quality of public discourse will suffer and its conclusions will fall short of what is needed to make wise decisions for the public good. The importance of discourse ethics under General Principle No. 1 calls forth the obligation for government and its officials to disclose whatever is important for resolution of the issue at hand.

What an agent, trustee or fiduciary – private or public – should disclose needs to be analyzed from the point of view of the beneficiary. What is material to the beneficiary's calculations is to be disclosed. The agent, trustee or fiduciary, therefore, needs the mental agility to view the facts and the information from the perspective of the beneficiary and not only from a selfish perspective.

In the application of each General Principle of the Principles for Governments, facts are needed. The abstract principles and standards furnished by the realm of "Normativity" must be integrated with the contingent complexities existing in the realm of "Facticity". Those involved in discourse ethics seeking application of a principle or a standard need to know the relevant facts. Those facts should not be hidden from them at all.

Furthermore, proper exercise of the "Rule of Law" under General Principle No. 5 (see Chapter 7 above) especially demands knowledge of relevant facts. Without ready access to the facts, the course of justice can not be charted. Disclosure of information, therefore, becomes a fundamental obligation of government.

And, secrecy is the most willing handmaiden of corruption and abuse of power. Successful activation of General Principle No. 3 prohibiting the abuse of power by officials (see Chapter 5 above) depends on the transparency of government decision-making. Facts as to corrupt and private manipulations of public power are always material and must be disclosed by governments and the corrupt officials themselves. Evil has no claim to protection in any form.

The Fourth Estate

A free and inquisitive press institutionalizes this General Principle No. 7 on government transparency and accountability. Curious, inquisitive reporters who seek out the facts and challenge official interpretations of events keep government moral and responsible. Laws against libel and slander are sufficient to prevent abuse of media power in most cases. Under American court decisions, for example, where a false or misleading report was

published out of malice or with reckless disregard for the truth, the reporter has not served the ends of discourse ethics. No hidden truth was exposed and no unbiased effort to enhance public understanding was attempted in good-faith. Such use of journalism falls outside the sphere of protected speech.

Whistle-blowers

Where a cover-up is in progress, or excessive secrecy, especially done intentionally in bad faith to avoid accountability for wrong, is exposed by an insider, that violation of confidence is fully justified. The higher duty of a public official is to the principles of moral government, not to those superiors or colleagues who would pervert the discourse process out of selfish concerns.

Any form of lying, deceit or misrepresentation – except of secrets justified on legitimate policy grounds – should be exposed and its perpetrators duly punished.

Generally, however, those who provide embarrassing truths are charged with betrayal of the group or of giving comfort to political opponents. Sadly, for many who do not value higher principles, unquestioned loyalty to a leader or a team takes the place of genuine accountability for the public trust.

In democratic societies, cover-ups and partial disclosures are done to avoid controversy, especially when the controversy may prove damaging to one's public standing. But discourse ethics thrives on controversy; like lawyers advocating for different clients before a judge and jury, participants in politics should be encouraged to debate points of difference, not to bury them under the sweet sounds of patriotism or other comforting but intellectually deadening platitudes.

Freedom of Information Acts

Freedom of information acts do no more than implement the obligation of government to disclose material information and limits secrets to those most necessary confidences. They are a modern extension of the old rights of free speech and free press, made necessary by the growth of government. When public power was limited in size and scope, and public budgets were small, information flowed more freely to the press and among the citizens. But as regulatory bodies have become large, professional and government proceedings protracted, citizens cannot keep up with all the information used by government to make its decisions.

Just as the financial beneficiaries of a trustee need the legal process of an accounting to learn what their trustee has done vis-a vis their interests, so too do citizens need special access to the information kept by government about their welfare.

These acts seek a balance between what must be disclosed and what can be kept from public knowledge.

Administrative Procedure Acts

Under American constitutional law, regulatory actions of government are given a transparent character. They are not to be done in secret. The adoption of rules that should promote the public welfare and in all ways comply with the Principles for Governments should follow, under American administrative law, a system of public hearings. Interested parties may thus learn of what the government intends. They are given an opportunity to provide facts and information to the decision-makers in a process of public discourse ethics. And, affected parties may challenge both the substance of regulations and the process by which they were adopted in the courts. The regulators are thus made accountable for their actions and exposed to public scrutiny.

Some American states even have open meeting laws that require all government bodies such as school boards, city councils, county commissions, to hold their meetings in public, open to any who would like to come, listen and observe.

12 Best Practice Standards for Financial Management

Where disclosure and secrecy of financial matters is concerned, the 12 best practice standards offer sound and practical guides to government officials as to the extent of their obligations. Generally however, these best practices err on the side of disclosure and the reporting of information.

Information is of great importance to markets. Markets move on pricing decisions by buyers and sellers and they, in turn, need information by which to gage the risks of future returns and commercial hazards. Where there is opacity and a lack of information, market participation carries more risk. Those with smaller capitals are consequently discouraged from engagement. They are thus disenfranchised from opportunities to improve their economic condition. This conflicts with a government's obligation under General Principles No. 4 and 6 to promote just and equitable wealth creation.

Restriction of material market information by governments creates a partially in favor of crony capitalists and corrupt economic undertakings. Lack of this information in the public domain helps insiders profit at the expense of citizens in general and causes social conditions to stagnate. The ends of justice thus are not served.

The Burden of Disclosure

In criminal law, to protect the citizen against abuse by the police, a presumption of innocence is conferred. An accused has no need to come forward and prove his or her innocence; that is the burden of the government to carry in the trial. So, by analogy, government officials often dismiss accusations of corruption, malfeasance, misfeasance, or non-feasance with a demand that the accuser produce evidence of fault. "It's only politics," they say. "Nothing of substance; no need to dignify the charges with a response." Show me the "smoking gun" it is said, and only then will I accept responsibility.

This self-serving defense upsets the balance of authority between master and servant.

The people are the master and the officials the servants. It is incumbent upon them to account for their behavior and prove that it was correct. They have the data, the financial accounts, the records, the evidence. Their obligation is to put the information in the public domain and then defend their conduct.

If such a burden of coming forward with evidence is too onerous, then they need not assume positions of public trust. Public office was not thrust upon them against their will; they were not conscripted to serve. In most cases, office was eagerly sought and money spent and time invested to acquire it. Holding office is a privilege, not a right, and with privileges come corresponding responsibilities.

If acting prudently as an agent of the public, or if refraining from abusing one's position for selfish advantage, would strain one's conscience, then avoidance of public service is the right thing to do. The private sector offers many ways to selfishly get ahead if need be.

A fiduciary carries the burden of coming forward with facts to permit an accounting of his or her stewardship. And, when accusations are made by beneficiaries that their agent has acted selfishly and disloyally, the agent is given the burden of providing sufficient evidence to the contrary. These sound private-law decisions should apply to public officials as well. Civil service protections should not be extended to wall off public agents from a due dependence on public scrutiny of their actions.

Many police departments bristle with resentment when citizen review boards are proposed to second-guess the actions of police officers when they are accused of abuse of power. The resentment may be emotionally real, but it is misplaced. The power of a police officer on the beat or in a squad car is still public power, accountable and fiduciary in nature. The officer bears the burden of justifying the use of such power when

questioned. It is a burden to be sure to respond to such accusations. Those bringing the officers actions and judgment into question may indeed have a political agenda, or want simply to harass those whom they resent, and, as a result, are only bringing forth a slander. But the burden of coming forward with sound evidence of prudent judgment exercised under stressful circumstances is the officer's.

Public service should always be contingent on serving the public; it should not become a life-time sinecure void of personal responsibility for public outcomes. Unionization of public officials raises troubling questions of how well such unions can comply with the obligations of holding public office in stewardship.

CONCLUSION

If public office is to be a public trust, then those who hold office must come under scrutiny. They are accountable to others for their actions. Pleasing their own conscience is an insufficient guide to the morality of their conduct in office. Some more public standard of accomplishment is necessary. And, those who hold power are most suited to the task of reporting on their motives, actions and results achieved.

The next chapter, Chapter 10, discusses the last of the general principles of the Principles for Governments, General Principle No. 8 on government and the global community of nations.

Chapter 10

The International Order

All things rest with Heaven.
 Heaven gives each person a destiny.
 But don't blame Heaven for being near or far;
 The scales of its justice rest inside our own hearts.
 Our moral sense outweighs all our other abilities.
 - Nguyen Du, *Kim Van Kieu* at line 3241

We the peoples of the united nations determined
 To save succeeding generations from the scourge of war,...
 To reaffirm faith in fundamental human rights, in the dignity
 And worth of the human person, in the equal rights of men and women,
 And of nations large and small, and
 To establish conditions under which justice and respect
 For the obligations arising from treaties and other sources
 Of international law can be maintained, and
 To promote social progress and better standards of life in larger freedom
 ...
 - Charter of the United Nations, 1948

God does not love aggressors.
 - The Koran, surah 2, The Cow, 2:189

Like the sweep of Heaven, neither *Kyosei* nor human dignity can be limited within national boundaries. The nation is but a partial human community; important but only as part of a larger whole. Humanity is God's great creation on earth in the Christian tradition, not some smaller segment. In his parable of the good Samaritan, Jesus taught that virtue was not the special preserve of a given race. In his covenant with Noah after the great flood, God's writ ran expressly throughout all of creation, not just on the slopes of Mt. Arafat where Noah's ark allegedly found land.

The principle of *Kyosei* is expansive. It can embrace all who come together for mutual assistance and support. As circumstances change, as we find ourselves doing business with people from around the world, our *Kyosei* environment expands to include them as well. The Tao is not partial; nor should the mind of man rest always in partiality and particularity.

Human dignity elevates anyone human - no matter what his or her race or nationality. Therefore, the principles of respecting human dignity carry us, when necessary, beyond the legal borders of the nation state out to the world beyond.

Thus the 8th and final General Principal of the Principles for Governments requires as follows:

Global cooperation advances national welfare.

Governments should establish both domestic and international conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; live together in peace as good neighbors; and employ international machinery and systems for the promotion of economic and social advancement.

Justice is International Too

For most of us, justice is a domestic consideration; a balance of fairness within our national legal order. And yet we should not forget that, more and more, justice is international. The actions of other governments and people impinge on our well-being, and, our government's actions effect their lives as well. For us to enjoy conditions of justice, as well as for them to enjoy the benefits associated with their human dignity, an international order must be attended to.

On leaving the office of president, George Washington gave the young American nation some very sound advice about world affairs:

“Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue?”

Admittedly war has been the international order of humans since the “memory of man runneth not to the contrary” (as the old English common law would have it). But warfare is an immoral condition, where might makes right and justice leaves our lives “solitary, poor, nasty, brutish, and short”¹ Such an international order can not be defended from the perspectives of *Kyosei* and human dignity. Something more constructive and generative is required.

War validates the partial and the particular. It defends the prerogative of the self against the other and is, at times, most justified. Aggression must be confronted with armed defense; illegality countered with rightful police power. Partial interests of a nation, or more especially of national governments, or of a religion or ethnic group, or more especially of the leaders of religions and ethnic groups, give rise to most wars. To find justice in an international context, the proper scope of national interests and the claims of religion and ethnic autonomy need to be defined. Within limits, the personal identities and cultural meanings made possible by nations, religions and ethnic communities are important parts of our individual dignity. Those identities and the communities that activate them deserve respect and protection.

But just as individuals can go too far in imposing themselves on others, so too nations, religious communions, and ethnic communities can impinge on the liberties and

¹ Hobbes, Thomas, *Leviathan*

prerogatives of other communities. The militant and uncompromising nationalism associated with newly industrializing nations and fascist movements provided sad examples of national loyalties carried too far.

An important part of international justice is finding the equilibrium points among conflicting identity communities. Creating a civil society in which each can live without becoming a threat to others offers a way forward away from war and territorial conquest.

Claims of sovereignty at the national level by one group to the exclusion of others provoke fears and either pre-emptive or retaliatory violence to defeat what is seen as an abuse of power. Shared sovereignty, if possible, transforms conditions of war between groups into discourse, creating improved conditions for *Kyosei* and more respect for human dignity.

International law can be thought of as a state of shared sovereignty. Each national authority gives up some autonomy to resort to war and force in order to obtain benefits of peaceful exchange and mutual prosperity. During the last half of the Twentieth Century, this process of sharing sovereignty lead to the emergence of the European Union.

Treaties

Nations have developed a process of discourse ethics among themselves through treaties and other sources of international law. The rules and obligations reached by such discourse are not enforced by a government, but are accepted by convention and by a self-interest considered upon the whole. Enlightened self-interest guides national governments more and more to live by common rules and to arbitrate their disputes peacefully.

War, especially aggressive war, is coming, more and more, to be rejected as an instrument of national policy. And with good reason.

The justification for adherence to treaties entered into is the need to vindicate promises.

The *Annals of Lu Bu Wei* contain a poignant passage on the necessity to keep promises:

When ruler and minister do not keep promises,
 The hundred clans criticize and vilify them,
 The altars of the soil and grain become insecure.
 When officers do not keep promises,
 The young do not fear their elders,
 The noble and the base demean each other.
 When rewards and punishments are not dependable,
 The people regard violating the law a trifling matter,
 And so cannot be governed.
 When friends and associates do not keep promises,
 They become alienated and develop hostilities,
 And so are no longer capable of being close to one another.
 When the hundred artisans are not dependable,
 Vessels and tools are crude shams,
 And the red cinnabar and black lacquer are not pure.²

Treaties are voluntary agreements. Enforcing their terms works no injustice.

Governments should not violate their treaty commitments and should conform their domestic legislation and practices to such international norms.

A government is not obligated to join a treaty arrangement just as the United States did not accept the Law of the Sea international agreement, the treaty establishing an international court of criminal justice, and the Kyoto Accords on the reduction of CO2

² The *Annals of Lu Bu Wei*, p. 501-502

emissions. Treaty negotiations and the decision to sign or not to sign what is proposed for common ratification are the discourse process of formal international relations.

So is participation in international organizations such as the United Nations, the World Court in The Hague, the World Trade Organization, the International Labor Organization, the World Bank, the International Monetary Fund, the OECD, NATO, APEC, and dozens more multi-national fora. Each organization is a forum for discourse ethics at the international level. No one is in command so that the outcomes of such discourse must reflect the tugs and pulls of differing national interests and objectives. The process is fundamentally respectful of *Kyosei* and human dignity in the long run. During the Cold War, however, such discourse was chilled by the strategic needs of the communist bloc to advance its ideological agenda, regardless of its impact on national and international conditions of justice. A state of war-like confrontation rather than a mutual search for the right results took over many international discussions, cheapening the value of the process for the global community. But once the Cold War ended, and rival power blocs based on ideology evaporated, international institutions gained ground as appropriate forums for supra-national resolution of issues.

Other Sources of International Law

Sovereign national governments should, out of respect for *Kyosei* at work internationally, accept limitation on their discretion arising from other sources of international law in addition to their treaty commitments.

Non-treaty sources of international law truly reflect a discourse ethic. They evolve through presentation, commentary, reflection and affirmation. Once those with credibility and prestige, charismatic qualities of moral leadership, converge on a proposition of restraint or obligation for national sovereigns, that proposition takes on the force of customary international law. It becomes normative for national governments. The stubborn, selfish and contumacious may refuse to acknowledge its authority, but bit by bit the practice of national governments falls in line with the new consensus.

Growing adherence to human rights norms was promoted over the last 30 years by international civil society organizations such as Amnesty International and Human Rights Watch. What was formerly mostly pious aspirations now has taken the form of consequential standards. Governments of less developed nations that violate human rights standards run the risk of sanctions. Concern for such standards brought international military power to bear against Serbian efforts to profit from the breakup of Yugoslavia with programs of ethnic cleansing in Bosnia and oppression of Albanians in Kosovo.

Similarly, international civil society agitation to protect the environment led to the Rio de Janeiro conference on the environment under United Nations auspices, and later to the Kyoto accords to reduce global warming. Religious leaders and the rock star Bono mobilized sentiment that national governments and international financial agencies should forgive billions of dollars in debts assumed largely by irresponsible African governments. A private group of eminent persons, working as the International Commission on Intervention and State Sovereignty, issued a report in December 2001 setting forth new limitations on the autonomy of national governments. Governments that failed in their fundamental responsibilities as trustees for their citizens could face international military intervention and removal from office, a form of impeachment by the global community.

Scholars, journalists, activists, and religious leaders, in addition to foreign ministries and politicians, make up the framers of non-treaty international law. They act as a moral force in the international community, speaking truth to power.

The Obligation to Live in Peace

National welfare benefits from peace and global cooperation. War and enmity minimize opportunities for growth and the accumulation of social capital. Domestically, war brings restrictions of liberty and political rigidity. Power is more concentrated in government for the duration of hostilities and officials gain in self-importance. Demands for patriotic conformity

are placed on citizens and the media. As the American anti-war movement puts it “War is unhealthy for children and other living things.”

The Charter of the United Nations and international agreements prohibiting aggressive war and war crimes give sufficient definition to the limits on sovereign rights to engage in war. The issue still remains, however, of the proper response to another sovereign that engages in aggressive or illegal acts. Rights of self-defense in such cases are certain and, if the aggressor does not desist in its overreaching, will justify a nation going to war.

More difficult policy choices arise in instances of “failed” states where there is no legitimate government meeting minimal tests of sovereign trusteeship. Where factions engaged in civil war or rebellion, or criminal gangs or similar cliques like the Taliban in Afghanistan provide the policing power, more interference in the affairs of such a territory seems justified in order to advance security interests of the larger global community.

At a minimum, governments should refrain from jingoism, giving strident voice to ancient hatreds, promoting misunderstandings and demeaning stereotypes of other communities, repressing minority communities with blood ties to kin, or faith ties to co-religionists, in other countries. These actions are provocative and inconsistent with the obligation to respect human dignity. Genuine disputes over land, sea lanes, fresh water, or other resources and economic advantages, and redress for past humiliations, should be brought to a process of dialogue and discourse first. Wise statesmen can always find ways to enhance national honor short of threatening the use of force.

Promotion of Economic and Social Advancement

A government’s obligation to promote the economic and social development of its enveloping civic order follows from General Principles Nos. 2, 4, 5 and 6 on helping the civic order promote and protect the moral sense of citizens, providing for liberty and ownership of property, promoting merit and achievement, and providing for the general well-being of individuals, respectively. Economic development converts recourses of finance capital, land,

labor, raw materials, invention, and other factors of production into goods and services through enterprise. More than ever before such factors of production may be sources throughout the world. To cut one's nation off from global markets and commerce reduces opportunities for growth and wealth creation.

Capital now flows throughout the world; ideas move over the internet; products are made in nearly every country; transportation can move raw materials and supplies to wherever they are needed; workers and managers are not tied to any one legal domicile. This is the era of globalization. In fact, trade among peoples, though much smaller in scale than today's international commercial transactions, has always gone on. No community is ever entirely cut off from its neighbors, except by choice. Productive stewardship of a national economy merits, as a matter of practical wisdom and due care for results, favorable consideration of international economic arrangements.

Not every aspect of globalization is positive; bad agreements can be entered into; unfair terms of trade and investment can be imposed by those with economic and political power. Elites in poor nations can sacrifice the long-term good of the nation for short-term personal advantages, especially with regard to the extraction of raw materials. Crony capitalism can siphon cash out of an economy and send it abroad for the benefit of those entrusted with economic advantage. Countries with weak regulatory infrastructures and countries that do not adopt the 12 best practice standards for management of national finances will find themselves more exploited than exploiting. Environmental protection in such countries with such low levels of social capital will often be inadequate.

On the other hand, the international order has created its own institutional capital to assist countries make the most of global opportunities. The principal organizations available to national governments are the International Monetary Fund, the World Trade Organization, the World Bank with its equity capital arm, the IFC, the International Labor Organization, United Nations specialized agencies such as the Food and Agricultural Organization, UNESCO, UNICEF, and the United Nations Development Program. In addition, there are international organizations for the improvement of air travel, banking, securities firms, insurance

companies, shipping, accounting standards, and law. Almost everywhere there is an activity, there is an international organization.

The entire range of colleges and universities is now an international network of cooperation and intellectual exchange. The human capital needed for economic and social advancement can be sources globally. Technology transfers, new materials science, bio-technology, cutting edge information systems are available throughout the world for a price. By going beyond its borders, a country can quickly boost its capabilities and its intellectual horizons. The remarkable economic development of Republic of China/Taiwan, South Korea, Singapore and China in the last decades of the Twentieth Century was greatly facilitated by access to American and European university education and the subsequent return home of educated technicians, scientists, lawyers, bankers, and entrepreneurs.

CONCLUSION

Government acts in a context; part of that context is domestic and part foreign. Government is often the line of demarcation between internal and external affairs, controlling borders and cross-border relationships. Fidelity to domestic obligations requires government to consider well its role in foreign affairs and international relations. A wise shepherd looks to all reasonable means, not only to keep the wolf from the fold, but also for help in watering and feeding the sheep placed under his stewardship.

Chapter 11

Principled Leadership: Stepping up to the Challenge of Moral Government

To see what is right and not do it is want of courage.

—Confucius, *The Analects*, Bk. II, Chap. XXIV, 2

If to do were as easy as to know what were good to do,
chapels had been churches, and poor men's cottages princes' palaces.

- William Shakespeare, *Merchant of Venice*, Act 1, Scene II

The difficult we do at once; the impossible takes a little longer.

- U.S. Seabees, Pacific Theater, 1942–1945

Things fall apart; the center cannot hold;
Mere anarchy is loosed upon the world,
The blood dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity.

...

And what rough beast, its hour come round at last,
Slouches towards Bethlehem to be born?

- W. B. Yeats, *The Second Coming*

We have met the enemy and he is us.

—Pogo

To change our world, principles have only the power of their champions. They take effect through human action. Only moral politicians will bring about moral government.

WITHOUT PERSONAL LEADERSHIP, MORAL GOVERNMENT IS ONLY A DREAM

Principles and dreams share a common impotence – neither has power on its own to alter reality. It takes people to put principles to work. Putting ideals and values into action is the task of leadership. Without principled leadership, therefore, moral government will not happen.

Contemporary culture conspires against principled leadership. We are told by Hollywood and politically correct opinion-shapers that character no longer counts, that it has become social and cultural repression of individual freedom. We are told by multiculturalists that character is the basis for injustice and the cultural hegemony of old ruling elites, mostly white males. Modern culture has turned us towards a realm of relativity where razzle-dazzle is all you need for success. In Cole Porter's words, "anything goes." There are no firm standards and no conviction that truth exists. If there is no truth any more, and reality is whatever you can get someone to accept it to be, why not just do what is best for you? Why, indeed, assume the responsibilities of stewardship? Sacrifice for others, long-term thinking, the burdens of service – what intrusions on self-interest!

One solution to this widespread ethical collapse is to ask for moral character once again. Ethics is the work of leadership, and character gives leadership its course headings and its determination.

Leadership brings quality to organizational life, whether political, social or in business — for good or bad depending on the character of the person asserting power. Leadership works through values; values, ideals, and vision create the leader's "charisma," which attracts others into cohesive cooperation. Leadership acts as a field of energy, aligning individuals with purpose by providing them with clarity through messages explicit and implicit. The leader, it is often said, has inner authority, an authentic passion for results, integrity of values and actions, and a kind of "charisma" – all due to an ability to invoke more transcendent perspectives on truth and virtue and the natural order.

THE NEED FOR CHARACTER

Government is all about power. Since abuse occurs whenever people get close to power, government is a constant gamble that abuses will not get out of hand. As long as people will want to work the system for their own reasons and for their own values, the potential for abuse of others will survive.

Abuse of power within capitalism can be corrected, to be sure, by laws and regulations, and by the clever design of checks and balances to maximize socially responsible use of

power. But laws and institutional mechanisms can always be outmaneuvered by clever manipulators and demagogues playing on the innate greed and fear of others.

A necessary part of the solution must be finding people of character and putting them in office. Self-restraint counteracts, and can even overcome, self-indulgence. A capacity for dignity and rectitude permits assumption of stewardship and fiduciary responsibilities, even toward total strangers.

The ancient Chinese Taoist text the *Huai Nan Zi* spoke of the personal character needed by a just leader as follows: “The art of human leadership is to manage affairs without contrivance and instruct without speaking; to be pure and calm, unmoving, unshakably consistent, delegating matters to subordinates according to custom, so that duties are accomplished without strain.”¹

Character triggers awareness of “self-interest considered upon the whole.” Character opens the mind up to contemplation of consequences, to possession of the “awareness” recommended by the Dalai Lama. Through character we extend our time horizon out from the present far into the future, and through character we extend our sense of self out to include the perceptions and feelings of others.

The Koran teaches that we need only “have faith and do good works” to be of good character. Confucius explained that with control of the self we can immediately attain

¹ Thomas Cleary, *The Tao of Politics*, (Boston, Shambala 1990) p. 23

active “reciprocity.” All Buddhists seek to overcome the passions that only serve to delude the self into false consciousness.

Fear often drives people away from assuming the responsibilities of leadership. Out of fear, people adopt values and goals that are inconsistent with their more genuine leadership instincts. Moral courage is needed to rise above fear. Character provides a basis for courage.

Yet, in contemporary politics and government service, we do not train for character, we do not select for character, and we do not reward character. The *Annals of Lu Bu Wei* note that “Reason and a sense for what is right are in short supply in the world, while recklessness and opportunism exist in abundance.” (p. 464) That text further advised that: “To allow purely personal interests to triumph over public interests is the sort of policy that will bring a state into decline.” (ibid, p. 507)

Chester Bernard trenchantly defined “moral character” as a personal force that tends to inhibit, control, or modify immediate specific desires, impulses, or interests that are inconsistent with the moral sense within the person and to intensify those that are consistent with such moral sense. This personal force is a matter of sentiment, feeling, emotion, and internal compulsion, rather than one of rational process or deliberation.¹

The *Annals of Lu Bu Wei* describe the character of the leader as follows: “A scholar-knight is neither partial nor partisan; he is weak yet strong, empty yet full. His manner is

transparent, with no suggestion of cunning, as if he were lost in his unity. Oblivious to small matters, his mind is set on great things.” (*ibid*, p. 644)

The work supplements this description more poetically:

How earnest! He truly has it himself.
 How certain! He does not doubt he has means.
 How heroic! He is sure he will not change.
 How concordant! He alters with Yin and Yang.
 How industrious! The steadfastness of his heart.
 How guileless! His not doing anything artful.
 How boundless! The farness of his goals.
 How dark! His depths cannot be fathomed.
 How solid! His moral principles cannot be demeaned.
 How tentative! He is unwilling to consider himself right.
 ...
 How extensive! His treating blame and praise as inconsequential and crude.
 He takes Heaven as his model.
 ...
 His essence fills Heaven and Earth,
 But is not depleted.
 His spirit covers the cosmos
 And has no boundary. (*ibid*, p. 348)

With a similarly reference to “taking Heaven as the model”, Scottish moral philosopher Thomas Reid defended the existence of “self-evident” intuitive judgments such as the proposition that “all men are created equal and are endowed by their creator with certain unalienable rights.” The grounds on which moral character rest require no searching for evidence, wrote Reid; no weighing of arguments; the propositions upholding the principles of our character are not deduced or inferred from others; they have the light of truth in themselves and have no occasion to borrow explanations from another source.²

Reid called the human capability of detecting first principles of conduct “common sense,” as it was a part of reason. He asserted that, “It is this degree of reason, and this only, that makes a man capable of managing his own affairs, and answerable for his conduct towards others.”³ (Reid’s thinking, by the way, was instrumental in shaping the political philosophies of nine of the Framers of the American Constitution during that summer of 1789 in Philadelphia.)

Asking for moral character is not an imposition on anyone; each of us within the bounds of cognitive and emotional normality has a capacity for common sense, and from that level of awareness, each of us can establish a moral sense to guide our conduct.

We can learn bureaucratic skills more easily than we can acquire the courage of leadership. Leaders arise out of their capacity to act on their ethical convictions. They have character.

The Great Learning, a text of the Confucian tradition, teaches us:

Wishing to order well their states, the ancients first regulated their families.

Wishing to regulate their families, they first cultivated their persons.

Wishing to cultivate their persons, they first rectified their hearts.

Wishing to rectify their hearts, they first sought to be sincere in their thoughts.

Wishing to be sincere in their thoughts, they first extended to the utmost their knowledge.⁴

LEADERSHIP'S CENTER OF GRAVITY

The animating soul of leadership requires living in community through values. Consider first that leadership always occurs in relationship. Without followers, there are no leaders. Leaders are called forth in community—large or small; they cannot lead in isolation.

The leadership relation is one of reciprocity. Fundamentally, it is a status of fiduciary obligation where power is conjoined with responsibility. Leadership is an office. It can come with position, a formal office, or it can flow out from the character of one who has no such position but, because of charisma, is recognized by others as an authority, as were Jesus Christ, Confucius, and the Gautama Buddha in their day.

Principled leadership as defined by the Caux Round Table is different from being a “boss.” It is also far from schemes of intrigue seeking promotion into positions of power and material influence. In principled leadership there must be a holdback of certain self-centered drives. In this regard, we can learn from the Chinese Taoists, who taught that in non-assertion of self can be found the most profound leadership. Consider these passages:

To win the world, one must renounce all.

If one still has private ends to serve,

One will never be able to win the world.

—No. 48

Therefore, the Sage reigns over the people
 by humbling himself in speech;
 And leads the people
 By putting himself behind.
 —No. 66

The way of Heaven has no private affections,
 But always accords with the good.
 —No. 79

The Way of Heaven is to benefit, not to harm.
 The way of the Sage is to do his duty,
 not to strive with anyone.
 —No. 81

Leadership in anyone, regardless of position, implies vision and articulation of values. Leaders have a capacity to cause others to suspend their own powers of judgment and adopt instead the leader's point of view. Business consultant Peter Senge would burden leaders with the task of promoting a shared vision for those who are asked to cooperate in a venture. Visions, Senge tells us, are exhilarating, creating the spark and the excitement that lifts an organization out of the mundane. Moving to a shared vision creates common

identity and relationships and removes mistrust. Building the shared vision is creating a moral order. It is necessary for organizational success, and it is the work of leadership.⁶ As presented in this book, leadership works from the top of a value pyramid down through standards and benchmarks towards action implementation. A leader starts with principles and ends with results.

As *The Annals of Lu Bu Wei* said: “Those who think too highly of themselves do not reach the truth.” (ibid, p. 292)

Bernard further advised that organizations endure in proportion to the breadth of the morality by which they are governed: “Long purposes and high ideals,” not calculations of short-term interests, are the basis for the persistence of cooperation in organizations. “Thus,” Bernard wrote, “the endurance of organizations depends upon the quality of leadership; and that quality derives from the breadth of the morality upon which it rests.... A low morality will not sustain leadership long, its influence quickly vanishes, it cannot produce its own succession.”⁷

In his examination of successful companies, Jim Collins saw a similarity among the chief executive officers of outstanding corporate performers. He called the personal quality that fostered success “Level 5 Leadership.” Those very successful chief executive officers had a personal capacity (the character we might say) to channel their ego needs away from themselves and into the larger goal of building a great company.⁸ These senior officers blended “extreme personal humility with intense professional will.”⁹ Collins’ Level 5

leaders had an incurable need to produce results; they had a calling; their work was about building, creating, and contributing.

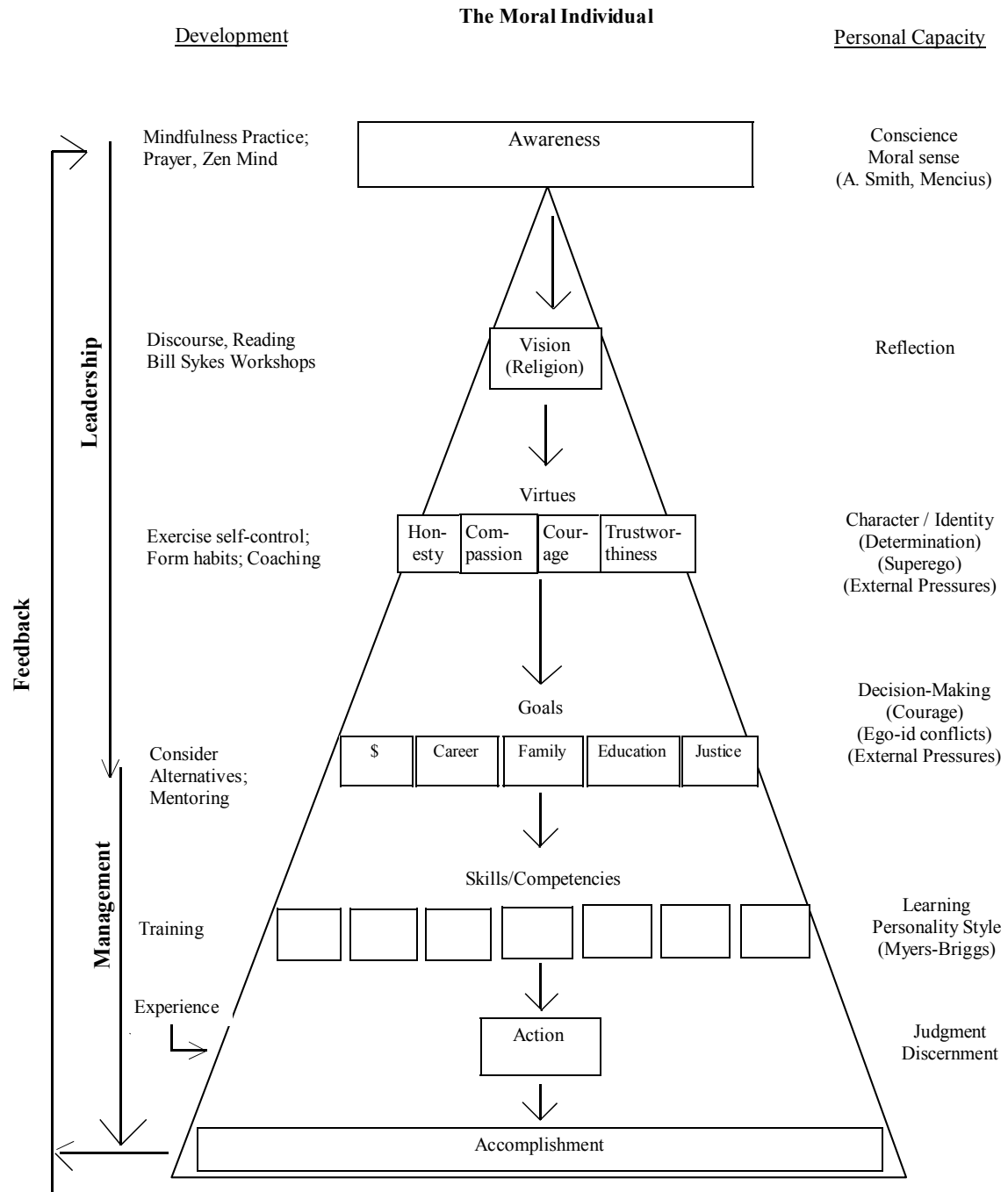
The contrasting group of chief executive officers, men like Lee Iacocca, talented but egocentric, could produce a leap in company performance, but the gains were ephemeral. For these executives, work was more about what they could get for themselves—fame, fortune, adulation, power, etc.

Peter Senge is a best-selling modern commentator on business leadership. His widely read book is *The Fifth Discipline*. He offers various “learning disciplines” to help business executives. He grounds his advice on the common sense tradition also advocated by Chester Bernard that leadership rests on an ability to form judgments that determine decisions. In particular, Senge advocates what he calls the “fifth discipline” of systems thinking, a shift of mind from seeing parts to seeing wholes.¹⁰ Seeing the whole is an integrative process of open awareness and induction. It employs the dynamics of the common sense, looking for first principles more than for rational intellectualism.

To develop our leadership capacity, we begin with awareness, developed by practices that sensitize our mental faculties. Then, out of our awareness, we usually settle on some understanding of truth and goodness, which for most people constitutes their religion. Religious teachings promote virtues and encourage us to bring these virtues into our conduct and our living. Possessing virtues shapes our character, and our character sets forth our goals in life. To realize our goals, we learn skills and competencies and put

them to work in earning a living and acting the citizen's part in our communities. Our leadership comes from the integrity, authenticity, and fidelity through which we incorporate our awareness with our religion, our virtues, our goals, our competencies, and our actions. Spiritual freedom, which is the operative essence of the ethical life, vitalizes our faculty of conscience and, hence, our sense of responsibility.

The following chart illustrates the flow of value down from the realm of "Normativity" into the realm of "Facticity" through individual decision-making and action:



Leadership has been called the “power of individuals to inspire cooperative personal decision by creating faith: faith in common understanding, faith in the probability of success, faith in the ultimate satisfaction of personal motives, faith in the integrity of objective authority, faith in the superiority of common purpose as a personal aim of those who partake in it.”¹¹ Faith, argued experienced businessman Chester Bernard, is the catalyst by which human efforts are sustained.¹²

Those with such faith, those self-empowered as leaders, can be good stewards of public power. They can implement the Principles for Government.

PRINCIPLED LEADERSHIP

The Caux Round Table proposes Principled Leadership as a road map for the improvement of government. The core competencies of principled leaders are moral courage to take the road less traveled, a sense of personal responsibility leading to decisive commitment, analytical skills to define relevant decisions, and interpersonal skills to bring people together for action.

Principled leadership demands thoughtful responses in two areas:

First, the person must be alert to ethical norms, to principles, and to what is expected of a good person. They must have an affinity for virtue, a sense of calling or vocation in their work. They should spontaneously acknowledge that work is more than instrumental and prudent conduct; that it is connective with goals and ends bringing meaning to a group or

a community; that it extends us into a moral universe of purpose on a scale larger than our own ends. The root of principled business leadership grows out of this moral sensitivity, itself rooted in religious reflection.

Second, the principled leader must have the skills to apply principles to specific situations in a process of analysis, synthesis, and interpretation. This process works best through use of inductive thought, the seemingly effortless and often intuitive perception of “fit” between principles and their applications in a business setting. Creativity is required, for leadership must confront new situations and challenges where no one has gone before and there are no templates or “how-to” manuals. Reflection can make a difference as, under its gentle guidance, simple solutions, fears, and emotional attachments are put aside for the moment in order for the decision maker to draw on a range of thoughts and considerations. One often applies principles by thinking from analogies.

Abraham Lincoln as a young member of the House of Representatives once cautioned: “The true rule in determining to embrace, or reject any thing, is not whether it have any evil in it; but whether it have more of evil than of good. There are few things wholly evil, or wholly good. Almost everything, especially of governmental policy, is an inseparable compound of the two; so that our best judgment of the preponderance between them is continually demanded.” (Lincoln, *Speeches and Writings* vol 1, p. 192)

Success in these areas is achieved by developing deeply held and clearly perceived values and beliefs. Since leaders are those who set direction, they must know where they want to

lead others and why. The principled leader is an “inner-directed” person, in the understanding of American sociologist David Riesman.¹⁴ “Other-directed” people lack convictions and certainties of their own and, accordingly, find it very difficult to step to the fore before others are willing and eager to move ahead.

Most politicians and bureaucrats are “other-directed”, not “inner-directed”

Their spent lives are spent calculating the wishes and opinions of others, not standing up for principles. But, being “other-directed” is not the same as being a fiduciary concerned for the interests of a beneficiary. The fiduciary is chosen and trusted to think and act for the beneficiary, not to slavishly follow their every whim.

In electoral politics, success comes from pleasing people. That is an incentive to advance their interests indeed, but pleasing their whims in the short run is not as good as building conditions supporting their self-development, well-being and moral sense over the long-term. Playing the fool for the populace to entertain them and get their votes does not show much respect for their human dignity; actually, such behavior cheapens their value as citizens.

In bureaucracies, a premium is placed on serving the needs of the group, not the wider society. Desire for promotion and more benefits leads to “office politics” of petty gossiping and complaining to eliminate rivals and so win advancement by default. This is not principled leadership but a small form of abuse of power, contrary to General Principle No. 3 on corruption in office.

The writings of Ralph Waldo Emerson on self-reliance add richness and enthusiasm to Riesman's observations.¹⁵ “Trust thyself,” Emerson wrote, “every heart vibrates to that iron string.”¹⁶ “A man should learn to detect and watch that gleam of light which flashes across his mind from within...” “Nothing is at last sacred but the integrity of your own mind.” “Society everywhere is in conspiracy against the manhood of every one of its members. Society is a joint-stock company, in which the members agree, for the better securing of his bread to each shareholder, to surrender the liberty and culture of the eater.”¹⁷

Being inner directed—guided by one’s moral sense and having confidence in its power of truth—is a subtle cast of personality. It is an individual distinction in determination, persistence, endurance, and courage that determines the quality of our actions.¹⁸

PRINCIPLED LEADERSHIP APPLIED: GOOD JUDGMENT IN MAKING CHOICES

Leadership is always an applied skill; it is contextual, not theoretical. It is living in the substance of decisions, not in back and forth considerations of possibilities or in “other-directed” concern for the unceasing approbation of our “teammates” so that we only act on the value choices made by others. In making decisions, leaders should begin with first principles, as discovered and affirmed by their moral sense. The task of leadership is then

to impose those first principles on reality. Our best leaders form a bridge from our mundane concerns to the eternal and the divine.

How are first principles applied in decision making?

The brilliant and astute judge Benjamin Cardozo sought to give us guidance in the art of decision making whenever principles are invoked. In 1921 he gave a set of lectures at Yale Law School on the ways of the judicial process at the common law. Cardozo presumed that, “There is in each of us a stream of tendency, whether you choose to call it philosophy or not, which give coherence and direction to thought and action.”¹⁹ This tendency is our personal response to the “total push and pressure of the cosmos.” It is our moral core of intuitive common sense, our first principles.

From his experience, Cardozo asserted that when common law judges decided given cases consisting of very, very specific sets of facts, “some principle, however unavowed and inarticulate and subconscious, has regulated the infusion [of different ingredients].”²⁰ Judicial decision making begins with the application of principle. Business leaders can therefore learn from judges about decision making.

When different interests conflict and hard choices must be made, the business leader, like the judge, must fit the decision to some end. In law, one such end, a fundamental social interest, is that the law be uniform and impartial, with no savor of prejudice, favor, arbitrary whim, or fitfulness. In business, the principal end is the making of sustainable

profits. The creative moral function exercised in the application of principle to the present facts is the essence of leadership.

Politicians and bureaucrats who lack an ability to analyze the decision-making environment with a view to a more accurate determination of the strategic factors at play in the situation will fail.

Providing justifications that preserve morale within civil society is the creative function of the leader, just as giving written opinions to justify legal decisions is the special function of the judge. Providing justification in either case is a moral undertaking. Few persons can long carry out this function of preserving morale except on the basis of inner direction—of genuine personal conviction—“not conviction that they are obligated as officials to do it, but conviction that what they do for the good of the organization they personally believe to be right.”²²

FINDING VIRTUE

Not every conviction is a wise one, and not every political point of view or government policy reflects the principles of moral government. In today’s moral milieu of relativism with its deficit of moral courage and where the center cannot hold, ersatz leadership is commonplace. Leadership said to be “politically correct” often goes by the name of sincerity or authenticity. Any passion, if sincerely valued, counts in the minds of some as deserving deference. In giving way to the demands of that sincere person, we suspend our

own beliefs in public to accept their value leadership. Even greed can meet the requirement of sincerity. Many sincerely want to be rich or famous, seeking to lead us from the standpoint of those values. Some just want to enjoy the power they have over others. It compensates for inner feelings of hurt and inadequacy. Their tendency in office is to use power for selfish purposes contrary to their trust.

Emerson saw the problem with trying to lead from personal sincerity alone in his essay on self-reliance: “What have I to do with the sacredness of tradition, if I live wholly from within? My friend suggested—‘But these impulses may be from below, not from above.’ I replied, ‘They do not seem to be to be such; but if I am the Devil’s child, I will live then from the Devil.’”²³ If Emerson was willing to live from the Devil, where, then, shall we find virtue?

Not strictly from ourselves. The Koran records the admonition of Allah thusly: “Woe betide those that write the scriptures with their own hands and then declare ‘This is from god,’ in order to gain some paltry end. Woeful shall be their fate, because of what their hands have written, because of what they did.”²⁴ Not every virtue found within us should be given a right to elevate us in leadership over others. Some values are better than others. The problem of moral relativity, which is idolatry of the self, cannot be ignored if there is to be a moral government within the confines of human civilization.

The best teaching is for us to listen, not to what we would tell ourselves, but to something deeper, something which, at first, is hidden from our senses, but which, by and by,

reveals itself to break through our more petty fixations and concerns. Only then, does this profoundness enter into our more conscious awareness of life. Listening is an underused, action-oriented discipline; it is a hidden treasure in finding life's meaning for you and your unique contribution to building a better world. Listening well will quickly open the door to enhanced leadership capacity.

Emerson asked us to listen to what he called the “oversoul.” Christians improve themselves through prayer; Buddhists and Taoists find the right way forward through meditation and silence. Native Americans of the Dakota tribes have “vision quests.” The Tao Te Ching is to the same effect:

“He who knows men is clever;
 He who knows himself has insight.
 He who conquers has force;
 He who conquers himself is truly strong.
 He who knows when he has enough is rich,
 And he who adheres assiduously to the path of Tao
 Is a man of steady purpose.
 He who stays where he has found his true home
 Endures long.”

—No. 33

There are many ways to virtue, but they all share the same requirement that we first go within in order to find the highest in the “without.” When we find principled moral values that are very comfortable living deep within our innermost nature, we are ready to lead and, by leading, to impress those values on our surroundings.

The purpose of invoking our moral sense is not to find satisfaction with ourselves but to venture beyond our little precinct into the world at large. Emerson recommended seeking for understanding where our deepest instincts lead: “In that deep force, the last fact behind which analysis cannot go, all things find their common origin. For the sense of being which in calm hours rises, we know not how, in the soul, is not diverse from things, from space, from light, from time, from man, but one with them and proceeds obviously from the same source whence their life and being also proceed.”²⁵ Mentor and personal coach to many senior executives, Kevin Cashman, too, writes that leadership comes from somewhere inside us. “Leadership,” he says after working one-on-one with hundreds of senior corporate executives, “is a process, an intimate expression of who we are. It is our being in action.”²⁶

KEEPING VIRTUE

Finding virtue is one task; keeping constant to its commands is another. Keeping our judgments in touch with virtue is the great civilizing work of social capital.

Moral government cannot take it for granted that principled leadership will prevail over ersatz leadership. Environments that encourage and facilitate the adoption of principled leadership skills and that preserve habits of mind and heart happily conversant with virtue need constant cultivation. Character, which keeps virtue active in our lives, needs daily sustenance and reassurance.

Workshops and sessions for reflection and deepening of purpose and awareness need to be conceived and organized. At times, only with second or third thoughts does the shape of our self-interest considered upon the whole become clear in our minds. Mentors should be found and encouraged to take younger politicians and officials under their wings.

Writings to provoke reflection and inspiration need to be published. Finally, the effort at cultivation of leadership insights should be opened to young, aspiring politicians and civil servants now in schools of government, public administration, and public policy throughout the world.

For people in government, a regimen of personal practice to enhance the capacity for ethics would promote more ethical decision making. This requires integration of one's faith, core values, and spiritual life into one's work life. The leadership proposition is that one's life in politics and government must reflect integrity and wholeness. Failing to do this leads to fragmentation, broken relationships, and missed opportunities to make a difference. But insisting on deep integrity measured by the greatest and highest values acknowledges accountability to one's conscience, inner voice, or Creator as well as to all other moral objects in this world. Alignment of the person with principles that run deeply

through life brings about effectiveness for that person as well as a pleasing sense of vocation. That alignment permits one to hold public office with grace and commitment.

CONCLUSION

Raising up principled leaders involves nurturing the development of mature, inner-directed, courageous, and selfless people who will be effective in bringing needed moral responsibility into the world. Failure in training them leads to fragmentation of community, broken relationships between people, and missed opportunities to really make a difference with one's life.

Letting dismay trump duty, Hamlet agonized that "The time is out of joint. O cursed spite, that ever I was born to set it right!" (William Shakespeare's *Hamlet*, Act I, Scene V, at 187)

That we should not all be Hamlets immobilized and mislead by our personal concerns, demands assuming the responsibilities of leadership in community – as citizen or in government. The Caux Round Table approach to leadership starts with accountability to one's conscience, inner voice, or Creator. The Caux Round Table believes that the transcendent is congruent with the practical. To do well by the world, we must rest in a tranquil appreciation of those values that are not of this world. Such personal accountability to high ideals leads to placing overarching value on virtues of humility, respect, gratitude, honesty, kindness, courage, and commitment to community.

The Caux Round Table vision implies that people can have a vocation in politics, to be creators of hope in a world plagued by cynicism, fear, dishonesty, and abuse of power.

How will you help bring more hope into the world?

Annex I

CAUX ROUND TABLE PRINCIPLES FOR GOVERNMENTS

FUNDAMENTAL PRINCIPLE

1. Public power is held in trust for the community

Power brings responsibility; power is a necessary moral circumstance in that it binds the actions of one to the welfare of others.

Therefore, the power given by public office is held in trust for the benefit of the community and its citizens. Officials are custodians only of the powers they hold; they have no personal entitlement to office or the prerogatives thereof.

Holders of public office are accountable for their conduct while in office; they are subject to removal for malfeasance, misfeasance or abuse of office. The burden of proof that no malfeasance, misfeasance or abuse of office has occurred lies with the office holder.

The state is the servant and agent of higher ends; it is subordinate to society. Public power is to be exercised within a framework of moral responsibility for the welfare of others. Governments that abuse their trust shall lose their authority and may be removed from office.

GENERAL PRINCIPLES FOR GOVERNMENTS

1. Discourse ethics should guide application of public power.

Public power, however allocated by constitutions, referendums or laws, shall rest its legitimacy in processes of communication and discourse among autonomous moral agents who constitute the community to be served by the government. Free and open discourse, embracing independent media, shall not be curtailed except to protect legitimate expectations of personal privacy, sustain the confidentiality needed for the proper separation of powers, or for the most dire of reasons relating to national security.

2. The Civic Order shall serve all those who accept the responsibilities of citizenship.

Public power constitutes a civic order for the safety and common good of its members. The civic order, as a moral order, protects and promotes the integrity, dignity, and self-respect of its members in their capacity as citizens and, therefore, avoid all measures, oppressive and other, whose tendency is to transform the citizen into a subject. The state shall protect, give legitimacy to, or restore all those principles and institutions which sustain the moral integrity, self-respect, and civic identity of the individual citizen, and which also serve to inhibit processes of civic estrangement, dissolution of the civic bond, and civic disaggregation. This effort by the civic order itself protects the citizen's capacity to contribute to the well-being of the civic order.

3. Public Servants shall refrain from abuse of office, corruption and shall demonstrate high levels of personal integrity.

Public office is not to be used for personal advantage, financial gain or as a prerogative manipulated by arbitrary personal desire. Corruption – financial, political and moral – is inconsistent with stewardship of public interests. Only the Rule of Law is consistent with a principled approach to use of public power.

4. Security of persons, individual liberty and ownership of property are the foundation for individual justice.

The civic order, through its instrumentalities, shall provide for the security of life, liberty and property for its citizens in order to insure domestic tranquility.

The civic order shall defend its sovereign integrity, its territory, and its capacity to pursue its own ends to the maximum degree of its own choice and discretion, within the framework of international law and principles of natural justice.

5. Justice shall be provided.

The civic order and its instrumentalities shall be impartial among citizens without regard to condition, origin, sex or other fundamental, inherent attributes. Yet the civic order shall distinguish among citizens according to merit and desert where rights, benefits or privileges are best allocated according to effort and achievement, rather than as birth-rights.

The civic order shall provide speedy, impartial and fair redress of grievances against the state, its instruments, other citizens and aliens.

The Rule of Law shall be honored and sustained, supported by honest and impartial tribunals and legislative checks and balances.

6. General welfare contemplates improving the well-being of individual citizens.

The state shall nurture and support all those social institutions, most conducive to the free self-development and self-regard of the individual citizen. Public authority shall seek to avoid, or to ameliorate, conditions of life and work which deprive the individual citizen of dignity and self-regard or which permit powerful citizens to exploit the weak.

The state has a custodial responsibility to manage and conserve the material and other resources that sustain the present and future well-being of the community.

7. Transparency of government ensures accountability.

The civic order shall not act with excessive secrecy or provide its citizens with inadequate information as to the acts and intentions of the civic order and its instruments, which secrecy or withholding of information would prevent its citizens from participating in the discourse that provides the civic order with its legitimate authority.

8. Global cooperation advances national welfare.

Governments should establish both domestic and international conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; live together in peace as good neighbors; and employ international machinery and systems for the promotion of economic and social advancement.

IMPLEMENTATION FRAMEWORK

The CRT recommends to governments as a framework for the implementation of these Principles for Globalization adoption of a Declaration of Intent. A form for such a declaration is suggested as follows:

AFFIRMATION OF INTENT BY RESPONSIBLE GOVERNMENTS:

The following Declaration of Intent is suggested for Heads of Governments as a statement of their intent to pursue these Principles of Globalization:

“The government of _____ declares that improving the prosperity and welfare of our citizens in peaceful conditions is a matter of highest national priority.

This government embraces the opportunities and responsibilities of participation in the global economic and financial system and believes that such participation is indispensable to the promotion of sustainable development in _____.

We believe that an open international trading system, a market economy and responsible private domestic and foreign equity investment in income and employment generating activities are the only realistic, effective paths to achieve stable growth. We wish all friends of _____ to know that this government and its loyal opposition are committed to observing the Caux Round Table Principles for Globalization, including especially the Principles for Governments, sound general policies, best international practices, and a moral/ethical climate to facilitate higher standards of living and better lives for the people of _____.

Annex II

Principles for Governments

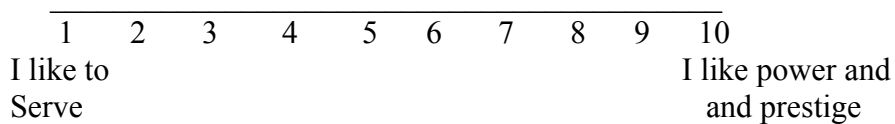
Self Assessment Form - Individual Elected Official

FUNDAMENTAL PRINCIPLE

1. Public power is held in trust for the community

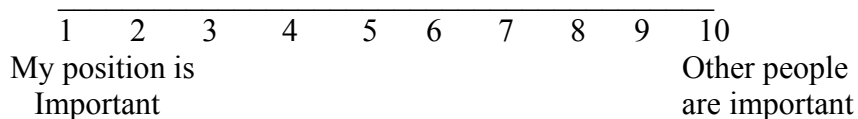
Personal Approach

F1



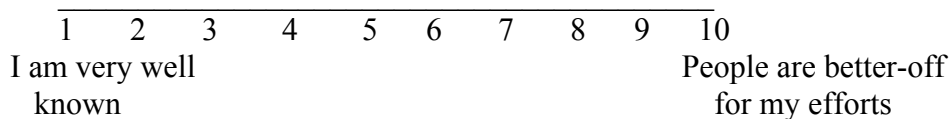
Action Deployment

F2

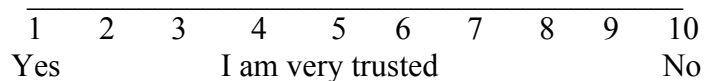


Results

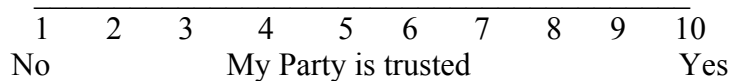
F3



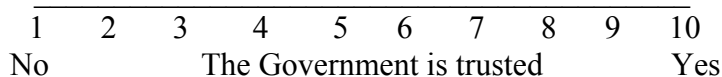
F3.1



F3.2



F3.3



GENERAL PRINCIPLES

1. Discourse ethics should guide application of public power.

Personal Approach

G1.1

| | | | | | | | | | | |
|--|------------------------------------|---|---|---|---|----------------------------------|---|---|---|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | I always stand on my principles | | | | | People always have good ideas | | | | |

G1.1.2

| | | | | | | | | | | |
|--|-----------------------------|---|---|---|---|---------------------------------------|---|---|---|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | Everyone should be heard | | | | | Decisions must be made immediately | | | | |

Action Deployment

G1.2.1

| | | | | | | | | | | |
|--|---------------|---|---|---|---|---|---|---|---|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | I listen well | | | | | | | | | |

G1.2.2

| | | | | | | | | | | |
|--|---------------|---|---|---|---|---|---|---|---|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | I read widely | | | | | | | | | |

G1.2.3

| | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | My job is to speak For my constituents | | | | | My job is to put coalitions together | | | | |

Results

G1.3.1

| | | | | | | | | | | |
|--|-------------------------------|---|---|---|---|---|---|---|---|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | I change my ideas in dialogue | | | | | | | | | |

G1.3.2

| | | | | | | | | | | |
|--|---------------------------|---|---|---|---|---|---|---|---|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | I mediate/facilitate well | | | | | | | | | |

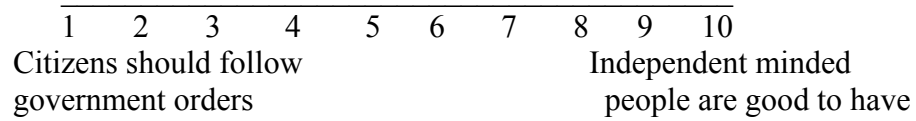
G1.3.3

| | | | | | | | | | | |
|--|--------------------------------|---|---|---|---|---|---|---|---|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | Others readily accept my ideas | | | | | | | | | |

2. The Civic Order shall serve all those who accept the responsibilities of citizenship.

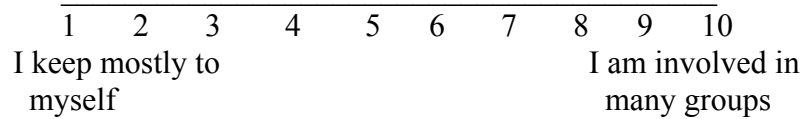
Personal Approach

G2.1

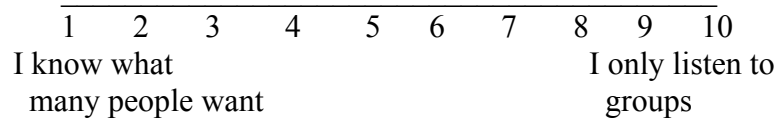


Action Deployment

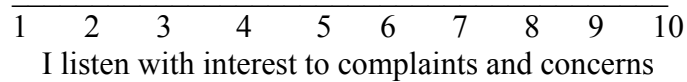
G2.1



G2.2

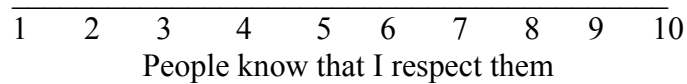


G2.3



Results

G3.3



3. Public Servants shall refrain from abuse of office, corruption and shall demonstrate high levels of personal integrity.

Personal Approach

G4.1

| | | | | | | | | | |
|--------------------------|---|---|---|---|-------------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Money and power | | | | | My reputation | | | | |
| are very important to me | | | | | is very important to me | | | | |

G4.1.2

| | | | | | | | | | |
|----------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I have a right to do what I want | | | | | | | | | |

Action Deployment

G4.2.1

| | | | | | | | | | |
|----------------------|---|---|---|---|----------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I easily do what | | | | | I easily say "No" to | | | | |
| others tell me to do | | | | | others | | | | |

G4.2.2

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I am happy living on my salary and with my official status | | | | | | | | | |

G4.2.3

| | | | | | | | | | |
|-----|--------------------------------|---|---|---|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | I insist on getting my own way | | | | | | | No | |

Results

G4.3.1

| | | | | | | | | | |
|------|-------------------------------|---|---|---|---|---|---|-------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| True | No one questions my integrity | | | | | | | False | |

G4.3.2

| | | | | | | | | | |
|------|---|---|---|---|---|---|---|-------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| True | I have nothing to hide; I can disclose everything | | | | | | | False | |

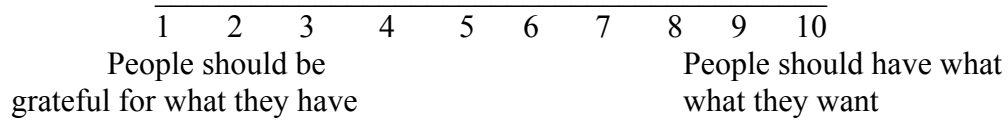
G4.3.3

| | | | | | | | | | |
|-------|-------------------------|---|---|---|---|---|---|------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| False | Corruption is a problem | | | | | | | True | |

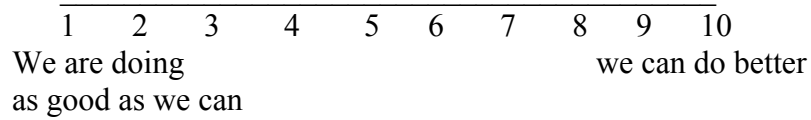
4. Security of persons, individual liberty and ownership of property are the foundation for individual justice.

Personal Approach

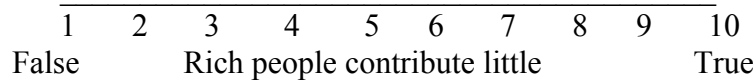
G4.1.1



G4.1.2

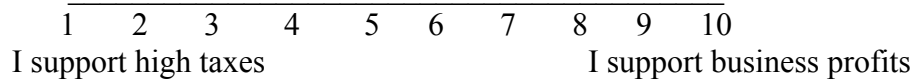


G4.1.3

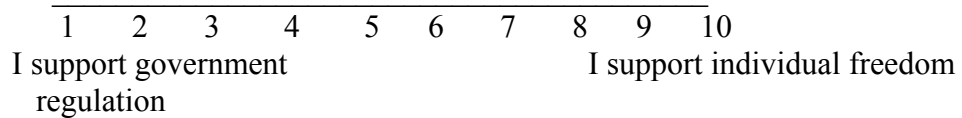


Action Deployment

G4.2.1

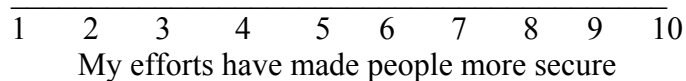


G4.2.2



Results

G4.3



5. Justice shall be provided.

Personal Approach

G5.1.1

| | | | | | | | | | |
|------------------------------|---|---|---|---|---|---|--------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Others tell me what to do | | | | | | | I follow the rules | | |

G5.1.2

| | | | | | | | | | |
|-----------------------------------|---|---|---|---|---|---|---------------------------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| The innocent must be protected | | | | | | | Criminals must be punished harshly | | |

Action Deployment

G5.2.1

| | | | | | | | | | |
|---------------|---|---|---|---|---|---|----------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I act quickly | | | | | | | I take my time | | |

G5.2.2

| | | | | | | | | | |
|---------------------------|---|---|---|---|---|---|--------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Solutions are clear to me | | | | | | | I must investigate | | |

G5.2.3

| | | | | | | | | | |
|--------|-----------------------------------|---|---|---|---|---|---|-------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| always | I follow my personal inclinations | | | | | | | never | |

Results

G5.3.1

| | | | | | | | | | |
|----------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| People always get a fair hearing | | | | | | | | | |

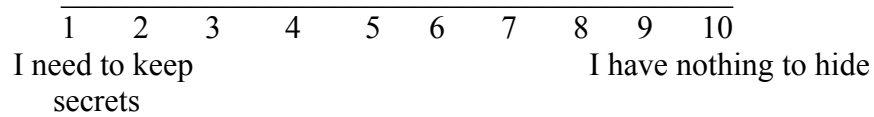
G5.3.2

| | | | | | | | | | |
|--------------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| The Rule of Law is very much honored | | | | | | | | | |

7. Transparency of government ensures accountability.

Personal Approach

G7.1.1

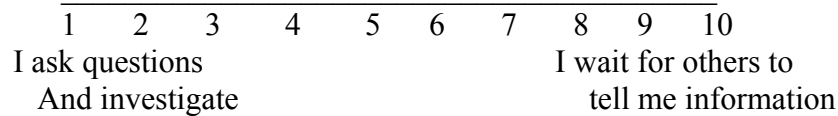


G7.1.2

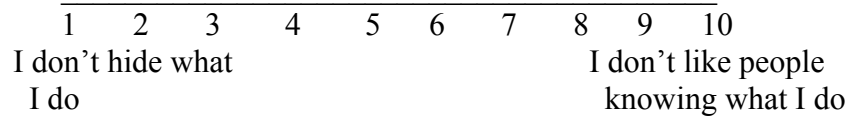


Action Deployment

G7.2.1

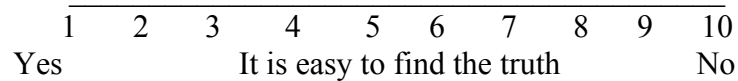


G7.2.2

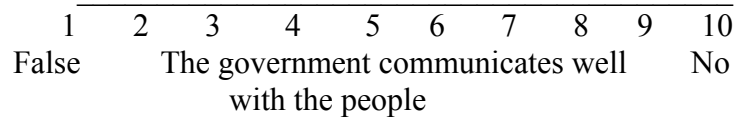


Results

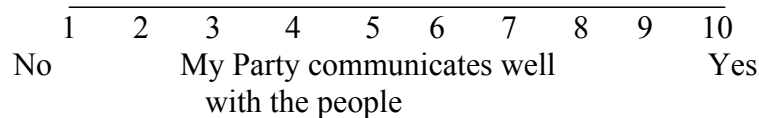
G7.3.1



G7.3.2



G7.3.3



Annex III

Principles for Governments

Self Assessment Form

Individual Civil Servant

FUNDAMENTAL PRINCIPLE

1. Public power is held in trust for the community

Personal Approach

F1.

1 2 3 4 5 6 7 8 9 10

I like to
Serve

I like power and
and prestige

Action Deployment

F2

1 2 3 4 5 6 7 8 9 10

My views are
very important

Other people
are very important

Results

F3

1 2 3 4 5 6 7 8 9 10

People need to
Listen to me

People are better-off
for my efforts

F3.1

1 2 3 4 5 6 7 8 9 10

Yes

I am very trusted

No

F3.2

1 2 3 4 5 6 7 8 9 10

No

My agency or department is trusted

Yes

F3.3

1 2 3 4 5 6 7 8 9 10

No

The Government is trusted

Yes

GENERAL PRINCIPLES

1. Discourse ethics should guide application of public power.

Personal Approach

G1.1

| | | | | | | | | | |
|------------------------------------|---|---|---|---|----------------------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I always stand on my principles | | | | | People always have good ideas | | | | |

G1.1.2

| | | | | | | | | | |
|-----------------------------|---|---|---|---|---------------------------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Everyone should be heard | | | | | Decisions must be made immediately | | | | |

Action Deployment

G1.2.1

| | | | | | | | | | |
|---------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I listen well | | | | | | | | | |

G1.2.2

| | | | | | | | | | |
|---------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I read widely | | | | | | | | | |

G1.2.3

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| My job is to get Things done efficiently | | | | | My job is to put coalitions together | | | | |

Results

G1.3.1

| | | | | | | | | | |
|-------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I change my ideas in dialogue | | | | | | | | | |

G1.3.2

| | | | | | | | | | |
|---------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I mediate/facilitate well | | | | | | | | | |

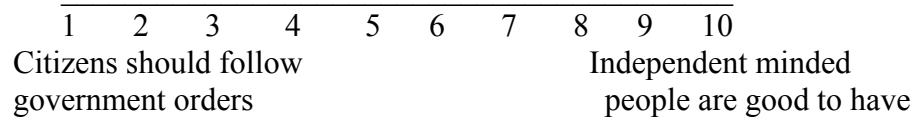
G1.3.3

| | | | | | | | | | |
|--------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Others readily accept my ideas | | | | | | | | | |

2. The Civic Order shall serve all those who accept the responsibilities of citizenship.

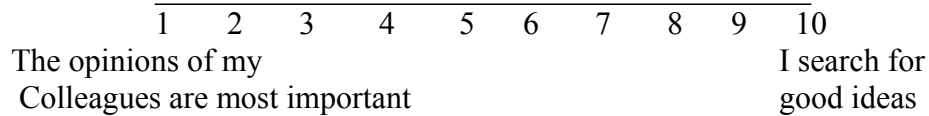
Personal Approach

G2.1

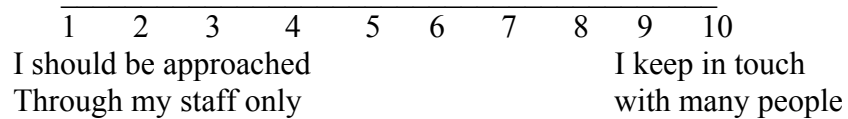


Action Deployment

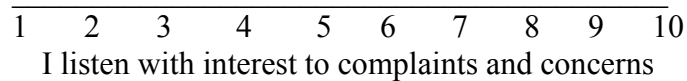
G2.2.1



G2.2.2

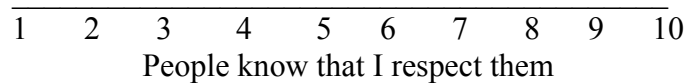


G2.2.3



Results

G2.3.1



3. Public Servants shall refrain from abuse of office, corruption and shall demonstrate high levels of personal integrity.

Personal Approach

G3.1

| | | | | | | | | | |
|--------------------------|---|---|---|---|-------------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Money and power | | | | | My reputation | | | | |
| are very important to me | | | | | is very important to me | | | | |

G3.1.2

| | | | | | | | | | |
|----------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I have a right to do what I want | | | | | | | | | |

Action Deployment

G3.2.1

| | | | | | | | | | |
|----------------------|---|---|---|---|----------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I easily do what | | | | | I easily say "No" to | | | | |
| others tell me to do | | | | | others | | | | |

G3.2.2

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I am happy living on my salary and with my official status | | | | | | | | | |

G3.2.3

| | | | | | | | | | |
|-----|--------------------------------|---|---|---|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | I insist on getting my own way | | | | | | | No | |

Results

G3.3.1

| | | | | | | | | | |
|------|-------------------------------|---|---|---|---|---|---|-------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| True | No one questions my integrity | | | | | | | False | |

G3.3.2

| | | | | | | | | | |
|------|---|---|---|---|---|---|---|-------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| True | I have nothing to hide; I can disclose everything | | | | | | | False | |

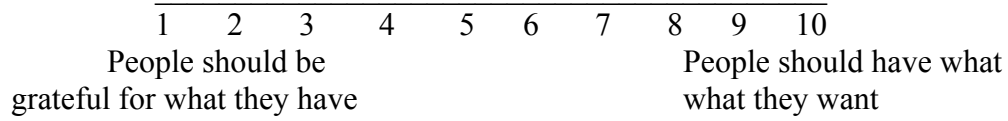
G3.3.3

| | | | | | | | | | |
|-------|-------------------------|---|---|---|---|---|---|------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| False | Corruption is a problem | | | | | | | True | |

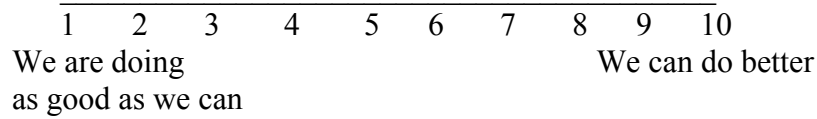
4. Security of persons, individual liberty and ownership of property are the foundation for individual justice.

Personal Approach

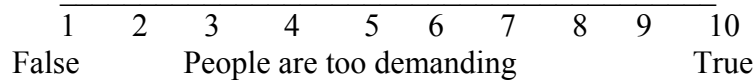
G4.1.1



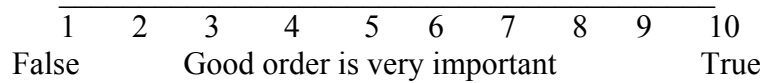
G4.1.2



G4.1.3

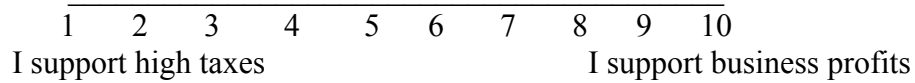


G4.1.4

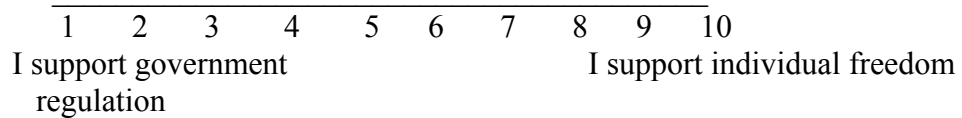


Action Deployment

G4.2.1

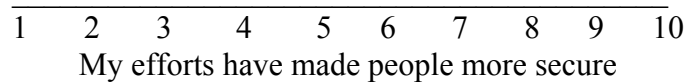


G4.2.2

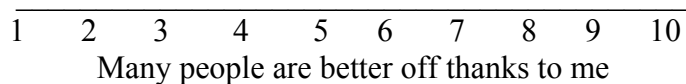


Results

G4.3.1



G4.3.2



5. Justice shall be provided.

Personal Approach

G5.1.1

| | | | | | | | | | |
|------------------------------|---|---|---|---|---|---|--------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Others tell me what to do | | | | | | | I follow the rules | | |

G5.1.2

| | | | | | | | | | |
|-------------------------|---|---|---|---|---|---|--|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I must do what is right | | | | | | | I should listen to Those in authority | | |

Action Deployment

G5.2.1

| | | | | | | | | | |
|---------------|---|---|---|---|---|---|----------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I act quickly | | | | | | | I take my time | | |

G5.2.2

| | | | | | | | | | |
|---------------------------|---|---|---|---|---|---|--------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Solutions are clear to me | | | | | | | I must investigate | | |

G5.2.3

| | | | | | | | | | |
|--------|-----------------------------------|---|---|---|---|---|---|-------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| always | I follow my personal inclinations | | | | | | | never | |

Results

G5.3.1

| | | | | | | | | | |
|----------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| People always get a fair hearing | | | | | | | | | |

G5.3.2

| | | | | | | | | | |
|--------------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| The Rule of Law is very much honored | | | | | | | | | |

G5.3.3

| | | | | | | | | | |
|-----|------------------------------|---|---|---|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | My agency does its duty well | | | | | | | No | |

6. General welfare contemplates improving the well-being of individual citizens.

Personal Approach

G6.1.1

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-----------------------|---|---|---|---|------------------------|---|---|---|----|
| I am happy for others | | | | | I am jealous of others | | | | |

G6.1.2

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|--|---|----|
| I care about garbage, clean air, and water | | | | | | | Thinking about the environment is not my business | | |

Action Deployment

G6.2.1

| | | | | | | | | | |
|------|--------------------------------------|---|---|---|---|---|---|---|-------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| True | I know the living conditions of many | | | | | | | | False |

G6.2.2

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
|------|---|---|---|---|---|---|---|---|---|----|-------|
| True | The Government should spend money on the poor | | | | | | | | | | False |

G6.2.3

| | | | | | | | | | |
|-------|--|---|---|---|---|---|---|---|------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| False | The government should grow the economy | | | | | | | | True |

G6.2.4

| | | | | | | | | | |
|-----|------------------------------------|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | Thanks to me people are better off | | | | | | | | No |

G6.2.5

| | | | | | | | | | |
|-----|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | Thanks to my agency people are better off | | | | | | | | No |

G6.2.6

1 2 3 4 5 6 7 8 9 10
Yes Government should closely regulate the environment No

Results

G6.3.1

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------------------|---|---|---|---|----------------------------|---|---|---|----|
| I am approachable | | | | | My staff deals with Issues | | | | |

G6.3.2

| | | | | | | | | | |
|-----|--------------------------------|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | My agency needs to work better | | | | | | | | No |

7. Transparency of government ensures accountability.

Personal Approach

G7.1.1

| | | | | | | | | | |
|------------------------|---|---|---|---|---|---|------------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I need to keep secrets | | | | | | | I have nothing to hide | | |

G7.1.2

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| If people know more, The government is Better-off | | | | | | | Secrecy is better for the government | | |

Action Deployment

G7.2.1

| | | | | | | | | | |
|------------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I ask questions And investigate | | | | | | | I wait for others to tell me information | | |

G7.2.2

| | | | | | | | | | |
|---------------------------|---|---|---|---|---|---|--|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I don't hide what I do | | | | | | | I don't like people knowing what I do | | |

Results

G7.3.1

| | | | | | | | | | |
|-----|---|---|---|---|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | It is easy to find the truth About my agency | | | | | | | No | |

G7.3.2

| | | | | | | | | | |
|-------|--|---|---|---|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| False | My agency communicates well with the people | | | | | | | No | |

G7.3.3

| | | | | | | | | | |
|----|------------------------------------|---|---|---|---|---|---|-----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| No | I communicates well with others | | | | | | | Yes | |

Annex IV

Principles for Governments

Self Assessment Form

Agency or Department

FUNDAMENTAL PRINCIPLE

1. Public power is held in trust for the community

Personal Approach of Agency/Dept employees

F1.

1 2 3 4 5 6 7 8 9 10

Like to
Serve

Like power and
and prestige

Action Deployment

F2

1 2 3 4 5 6 7 8 9 10

Agency/Dept views are
very important

Other views
are very important

Results

F3

1 2 3 4 5 6 7 8 9 10

Agency/Dept stands
its ground

People are better-off
for Agency/Dept efforts

F3.1

1 2 3 4 5 6 7 8 9 10

Yes Agency/Dept is very trusted No

F3.3

1 2 3 4 5 6 7 8 9 10

No Agency/Dept is appreciated Yes

GENERAL PRINCIPLES

1. Discourse ethics should guide application of public power.

Personal Approach of Agency/Dept employees

G1.1

| | | | | | | | | | |
|----------------------------|---|---|---|---|-----------------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Always stand on principles | | | | | Others have very good ideas | | | | |

G1.1.2

| | | | | | | | | | |
|--------------------------|---|---|---|---|------------------------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Everyone should be heard | | | | | Decisions must be made immediately | | | | |

Action Deployment

G1.2.1

| | | | | | | | | | |
|--------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept listens well | | | | | | | | | |

G1.2.2

| | | | | | | | | | |
|--------------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept widely and well informed | | | | | | | | | |

G1.2.3

| | | | | | | | | | |
|---|---|---|---|---|--|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept job is to get things done efficiently | | | | | Agency/Dept job is to create political consensus | | | | |

Results

G1.3.1

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept can change position after dialogue | | | | | | | | | |

G1.3.2

| | | | | | | | | | |
|---------------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept mediates/facilitates well | | | | | | | | | |

G1.3.3

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Others readily accept Agency/Dept ideas | | | | | | | | | |

3. Public Servants shall refrain from abuse of office, corruption and shall demonstrate high levels of personal integrity.

Personal Approach of Agency/Dept employees

G3.1

| | | | | | | | | | |
|---------------------------------------|---|---|---|---|---|---|--|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Money and power are very important | | | | | | | A good reputation is very important | | |

G3.1.2

| | | | | | | | | | |
|----------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| I have a right to do what I want | | | | | | | | | |

Action Deployment

G3.2.1

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept easily does what Others want | | | | | | | Agency/Dept easily says "No" to others | | |

G3.2.2

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept employees happy living on their salaries | | | | | | | | | |

G3.2.3

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | | | | | | | | | No |
| Agency/Dept employees insist on getting their own way | | | | | | | | | |

Results

G3.3.1

| | | | | | | | | | |
|------|--|---|---|---|---|---|---|---|-------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| True | No one questions Agency/Dept integrity | | | | | | | | False |

G3.3.2

| | | | | | | | | | |
|------|---|-----------------------------|---|---|---|---|---|-------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| True | | Agency/Dept fully discloses | | | | | | False | |

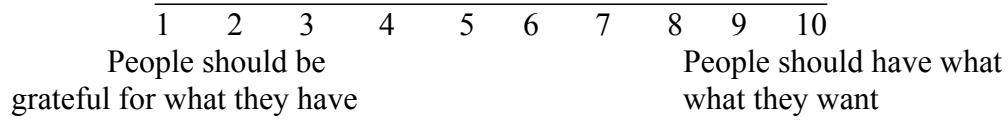
G3.3.3

| | | | | | | | | | |
|-------|-------------------------|---|---|---|---|---|---|------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| False | Corruption is a problem | | | | | | | True | |

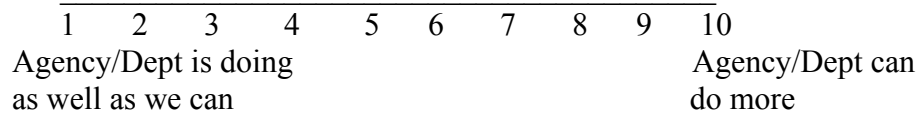
4. Security of persons, individual liberty and ownership of property are the foundation for individual justice.

Personal Approach of Agency/Dept employees

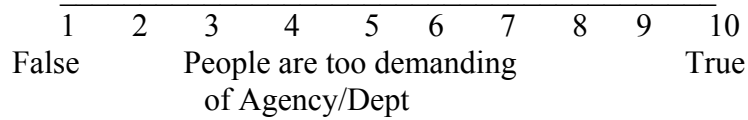
G4.1.1



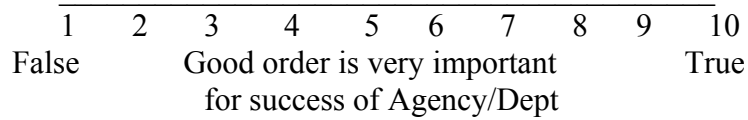
G4.1.2



G4.1.3

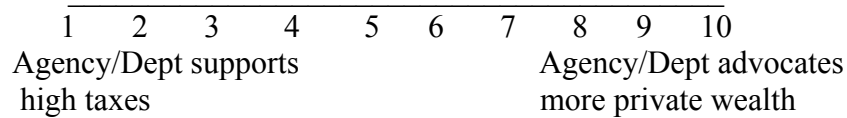


G4.1.4

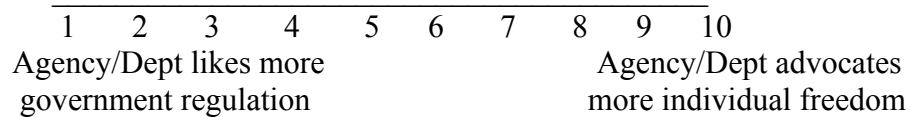


Action Deployment

G4.2.1

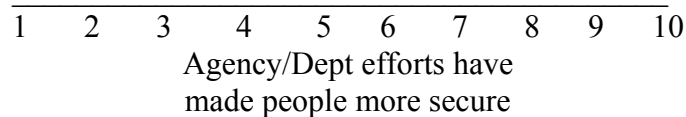


G4.2.2



Results

G4.3.1



G4.3.2

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Many people are better off thanks to Agency/Dept | | | | | | | | | |

5. Justice shall be provided.

Personal Approach of Agency/Dept employees

G5.1.1

| | | | | | | | | | |
|-------------------------------|---|---|---|---|---|---|--------------------------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept makes the laws | | | | | | | Agency/Dept must do as it is told | | |

G5.1.2

| | | | | | | | | | |
|------------------------------------|---|---|---|---|---|---|-------------------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept is wise and correct | | | | | | | Agency/Dept makes mistakes | | |

Action Deployment

G5.2.1

| | | | | | | | | | |
|--------------------------|---|---|---|---|---|---|----------------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept acts quickly | | | | | | | Agency/Dept takes its time | | |

G5.2.2

| | | | | | | | | | |
|------------------------------|---|---|---|---|---|---|---|----------------------------------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Solutions are clear to staff | | | | | | | | Staff should investigate more | |

G5.2.3

| | | | | | | | | | |
|--------|---|--|---|---|---|---|---|-------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| always | | Agency/Dept follows its personal inclinations | | | | | | never | |

Results

G5.3.1

| | | | | | | | | | |
|----------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| People always get a fair hearing | | | | | | | | | |

G5.3.2

| | | | | | | | | | |
|--------------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| The Rule of Law is very much honored | | | | | | | | | |

G5.3.3

| | | | | | | | | | |
|-----|--------------------------------|---|---|---|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | Agency/Dept does its duty well | | | | | | | No | |

6. General welfare contemplates improving the well-being of individual citizens.

Personal Approach of Agency/Dept employees

G6.1.1

| | | | | | | | | | |
|---------------------------|---|---|---|---|---------------------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Happy when Others do well | | | | | Jealous of others' good fortune | | | | |

G6.1.2

| | | | | | | | | | |
|--|---|---|---|---|--|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Measures metrics Of general well-being | | | | | Sticks to Agency/Dept indices of success | | | | |

Action Deployment

G6.2.1

| | | | | | | | | | |
|------|-------------------------------------|---|---|---|---|---|---|-------|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| True | Agency/Dept tracks individual cases | | | | | | | False | |

G6.2.2

| | | | | | | | | | |
|------|--|---|---|---|---|---|---|---|-------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| True | Agency/Dept has easily accessible complaint and appeal process | | | | | | | | False |

G6.2.3

| | | | | | | | | | |
|-----|---|---|---|---|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | Thanks to Agency/Dept people are better off | | | | | | | No | |

Results

G6.3.1

| | | | | | | | | | |
|---------------------------------------|---|---|---|---|--|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept heads easily approachable | | | | | Agency/Dept heads shielded from accountability | | | | |

G6.3.2

| | | | | | | | | | |
|-----|-------------------------------------|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | Agency/Dept serves its clients well | | | | | | | | No |

7. Transparency of government ensures accountability.

Personal Approach of Agency/Dept employees

G7.1.1

| | | | | | | | | | |
|-----------------------------------|---|---|---|---|-------------------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept needs to keep secrets | | | | | Agency/Dept needs to disclose | | | | |

G7.1.2

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept employees believe that if people know more, the government is better off | | | | | Agency/Dept employees believe that secrecy is better for the government | | | | |

Action Deployment

G7.2.1

| | | | | | | | | | |
|-----------------------------------|---|---|---|---|-----------------------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept seeks out information | | | | | Agency/Dept waits for information | | | | |

G7.2.2

| | | | | | | | | | |
|---------------------------------------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Agency/Dept hides details of its work | | | | | Agency/Dept likes people knowing what it does | | | | |

Results

G7.3.1

| | | | | | | | | | |
|-----|--|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Yes | It is easy to find the truth about Agency/Dept | | | | | | | | No |

G7.3.2

| | | | | | | | | | |
|-------|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| False | Agency/Dept communicates well with citizens | | | | | | | | No |

G7.3.3

| | | | | | | | | | | | |
|----|---|---|---|---|---|---|---|---|---|----|-----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| No | | | | | | | | | | | Yes |
| | Agency/Dept communicates well with others | | | | | | | | | | |

8. Global cooperation advances national welfare.

Personal Approach of Agency/Dept employees

G8.1.1

| | | | | | | | | | | | |
|--|--|---|---|---|---|--|---|---|---|----|--|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| | | | | | | | | | | | |
| | They know a lot about other peoples and cultures | | | | | The business of other countries is not their concern | | | | | |

G8.1.2

| | | | | | | | | | | | |
|-------|--|---|---|---|---|---|---|---|---|----|------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| False | | | | | | | | | | | True |
| | Agency/Dept acts as if other countries are important to government | | | | | | | | | | |

Action Deployment

G8.2.1

| | | | | | | | | | | | |
|--|--|---|---|---|---|---|---|---|---|----|--|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| | | | | | | | | | | | |
| | Agency/Dept brings foreign affairs into its work | | | | | | | | | | |

G8.2.2

| | | | | | | | | | | | |
|--|--|---|---|---|---|---|---|---|---|----|--|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| | | | | | | | | | | | |
| | Agency/Dept enjoys international cooperation | | | | | | | | | | |

G8.2.4

| | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|----|--|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| | | | | | | | | | | | |
| | Agency/Dept support international organizations | | | | | | | | | | |

Results

G8.3.1

| | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|----|--|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| | | | | | | | | | | | |
| | Agency/Dept employees have many friends/contacts in other countries | | | | | | | | | | |

G8.3.2

| | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|----|--|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| | | | | | | | | | | | |
| | Agency/Dept employees can speak knowledgeably about other countries | | | | | | | | | | |

G8.3.3

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|---|---|----|

Agency/Dept takes the interests of other countries
into account in making decisions