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Foundations of Political Office

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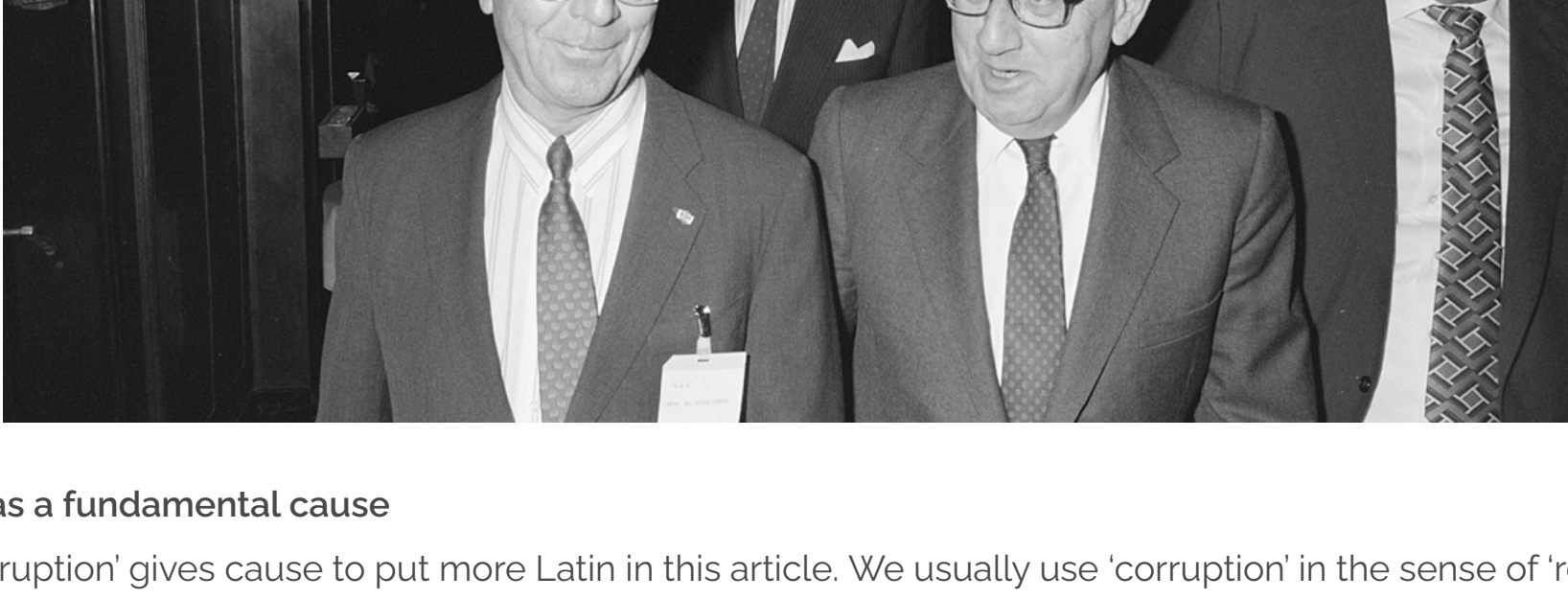
by Leo Klinkers |

Global Economic Panel April 1989

On 11 and 12 April 1989, the Tuschinski Theatre in Amsterdam again hosted the Global Economic Panel led by the then President of Philips, Prof. Dr. Wisse Dekker. Again, the Panel consisted of famous political figures. Among them were Helmut Kissinger, known as Minister of Foreign Affairs under President Nixon, and Helmut Schmidt, former Chancellor of Germany.

I was one of the lucky ones who could attend the Panel on personal invitation. I will never forget how Schmidt and Kissinger discussed world issues, sitting relaxed across the stage from each other. At one point, Kissinger asked Schmidt: "Helmut, what do you think are the three most important problems the world will face in the next three to four decades?" Without hesitation Schmidt replied: "Global corruption and fraud, global warming and refugee and migration problems."

We are now 31 years on. In a world that has indeed evolved in this way. Quod erat demonstrandum (What had to be proven).



Corruppere as a fundamental cause

The word 'corruption' gives cause to put more Latin in this article. We usually use 'corruption' in the sense of 'receiving valuables in exchange for granting favors'. However, that interpretation is too narrow. It is just a species of the genus 'corrupere'. That is Latin for 'spoiling'. Whether we are talking about food that is no longer edible or an election whose result is predetermined because a strong man can buy most votes. In the sense of 'spoiling', it all comes under the term 'corrupere'.

By 'worldwide corruption and fraud', Schmidt also referred to a growing deterioration in the quality of political systems. One of the consequences of this is uncontrollable climate and migration problems.

Fifty years of work for politicians

In 1970, at the Faculty of Law of Utrecht University, I could develop teaching and research in public administration. Until 1983, I concentrated on putting together an interdisciplinary method to analyse and improve the functioning of governments. Applying this method in public administration proved so successful that I was able to continue my academic work outside the university. In this way, I had the privilege of being called in to solve political and social problems in several countries. I learned two things:

- 1. The political office is the most important office in the world. Where the political office is absent, societies disintegrate, and the path is paved for those with ambitions to acquire absolute power.
- 2. Politics, in the sense of the way political officials exercise political office daily, is the cause of most political and social problems. It is not the solver.

My experience is in line with what Schmidt meant: the general increase in corruption and fraud is also reflected in a steady deterioration in the quality of people who think they can exercise political office. A very small minority can indeed do that. I have had the privilege of working with politicians of exceptional quality. Deeply aware of the importance of political office. But I must confess with the same honesty that most of the politicians for whom I could work should not have received political office.

Their unsuitability has to do with the fact that people do not need a diploma just to do unskilled work and to obtain political office. I understand the objection. Most politicians certainly have a diploma that goes beyond a cycling or swimming diploma. But that is not what I mean. By this I mean that since 1970 I have hardly ever met a politician with a deep-rooted knowledge of the foundations of political office. And that is certainly not the same as having a diploma of any kind. By this I do not mean that a lack of that knowledge indicates bad people. It simply means that they are not fit to hold political office. We are dealing here with a structural defect in political systems: candidates for political office are selected by all kinds of criteria, but they are not tested for insight into the foundations of political office. This is a necessary requirement in order to serve the interests of a people.

Another objection that I understand is Article 4 of the Dutch Constitution, which stipulates that every Dutch citizen has an equal right to be elected as a member of a representative body. This means that no one should be prevented from holding political office, but that does not mean that it is desirable to admit everyone to that office. I suspect that every citizen feels it is important to be represented by people whose competence and suitability for the most important office in the world are judged to be adequate.

What are the foundations of political office?

Each profession requires relevant competence (knowledge and experience) and aptitude (mentality and morality). These two criteria determine whether a person is qualified to exercise a given profession. This applies in full to persons holding political office.

In terms of competence

The requirement for competence in the foundations of political office requires deep-rooted knowledge such as:

- 1. To know how the concept of popular sovereignty has developed from Aristotle onwards through all the centuries; popular sovereignty in the sense of 'All sovereignty rests with the people'.
- 2. To know how writings of political philosophers – next to renowned historical popular uprisings – formed the basis for various forms of organising peoples' representation while saving the sovereignty of the people.
- 3. Knowing that the protection of the sovereignty of the people must be ensured by following indelible principles such as:
 - Factis ius oritur: it is the facts that must lead to justice;
 - Iniuria ius non oritur; injustice does not create justice;
 - Pacta servanda sunt; treaties must be respected;
 - Rule of law: no one is above the law;
 - Trias politica: separation of legislative, executive and judicial powers;
 - Checks and balances: the constitutional instruments to guarantee the separation of powers;
 - Actus contrarius principle: using the same procedure to rectify what went wrong in the past.
 - Habeas corpus: prohibition of illegal detention and the right to a fair trial;
 - Ius cogens: mandatory legislation;
 - Ius post bellum: right after war;
 - The right to self-determination is an inalienable right.
- 4. To know the origin and meaning of human rights treaties and fight tirelessly for their application.
- 5. To know how political parties can function on a religious basis within the principle of separation of church and state.
- 6. To know where law as an instrument for achieving political goals (the so-called instrumental view of law, driven by the delusion of the day) must give way to the independent value of written law.
- 7. To know the difference between a centralized and a decentralized unitary state.
- 8. To know the fundamental difference between federalism and intergovernmentalism.
- 9. To know what the fundamental difference is between a parliamentary and a presidential system.
- 10. To know the fundamental difference between an appointed Prime Minister and an elected Prime Minister, either from and by Parliament or from and by the people.
- 11. To know what the fundamental difference is between monism and dualism and that working with a coalition agreement as a driving force for monism destroys the required dualism between parliament and government.
- 12. To know that for countries that have to cooperate and live together only a federal state is the appropriate organisational form, with consequences for the correct application of constitutional and institutional standards, with the aim of entrusting to a federal body interests that individual states cannot independently represent, while preserving the sovereignty of the Member States and their Citizens.
- 13. To know why intergovernmental forms of government such as the United Nations and the European Union, with their limited political life cycle and fundamental systemic errors, cause irreparable damage to principles of sovereignty if they are not replaced in good time by a federal form of government.
- 14. To know how to apply the architecture of breaking through a status quo, the architecture of goal-setting, the architecture of goal-achieving, and the encompassing architecture of the process of circular policy-making; circular in the sense of avoiding policy fall-out, loss of policy energy, and of constantly falling into the trap of solution-thinking.
- 15. To know how to design enforceable law without the pathological side effects of juridification and bureaucratization of administration.
- 16. To know which elements from sciences such as law, philosophy, political science, sociology, organisation theory, communication theory, cybernetics, systems theory, causality theory, formal logic, psychoanalysis and social psychology should guarantee good governance.
- 17. To know that while individuals have a conscience and the capacity to learn, public organisations as such do not have a conscience and a learning capacity and therefore raising the quality of public organisations must be guided by investment in the individual learning capacity and conscience of political and civil servants.

In terms of suitability

Now to the question of suitability. That relates to mentality and morality. The most important requirements are:

- 1. To understand and feel that having and exercising political powers is incompatible with accepting immunity and double mandates.
- 2. To understand and feel that having powers vis-à-vis society requires accountability for the exercise of those powers; and that for that purpose it is not possible to work with a treaty, but only with a constitution.
- 3. To understand and feel that the right to take up a political office requires having the courage to use the service of the people to do good and to fight evil. Doing good in the sense of restless protection of inalienable values of humanity. And fight against the ever-dormant (pre-)fascism that can threaten any society.
- 4. To understand and feel that the (mis)behaviour of political office bearers determines the (mis)behaviour of society.
- 5. To understand and feel that acting respectfully, letting everyone be and looking for commonality and connection create a sense of security and trust in government.
- 6. To understand and feel that moral action means acting in the light of the Categorical Imperative of Immanuel Kant.
- 7. To understand and feel that sincerity in statements and true action takes place in the light of the Theory of Communicative Action of Jürgen Habermas.
- 8. To understand and feel that righteousness in action must be in the light of the Theory of Righteousness of John Rawls.
- 9. To understand and feel that wise action must conform to the Virtuous Ethics of Aristotle.
- 10. To understand and feel that courageous action – and daring to act – is necessary despite resistance from destructive forces.
- 11. To understand and feel that having the aforementioned knowledge requirements is not non-binding: noblesse oblige.

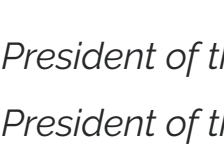
If, in addition to this competence and suitability, anyone knows anything about public health, defence issues, agriculture, livestock and fisheries, macroeconomics, housing, climate change or other policy sectors, then that is all well and good, but not necessary. Sometimes even annoying, because officials and advisers are better at mastering this than politicians.

Has the low point been reached?

No, the lowest point of worldwide decline in the quality of political office has not yet been reached. In more and more places in the world, populist nationalism bordering on fascism is on the increase. With the threat of a return to post-Westphalian nation-state anarchy. Its decay – manifested in conflicts and wars with their various forms of violence and violations of human rights – is proving stronger than peaceful demonstrations against political misconduct. This process of creeping decay seems unstoppable for the time being.

If we look at this development in a similar manner, the next phase of Helmut Schmidt's prediction of increasing corruption and fraud is the arrival of violent uprisings by peoples who see no alternative but to choose variants of the English Magna Carta of 1215, the Dutch Placard of Abandonment of 1581 and the American Declaration of Independence of 1776.

In 2023 it will be hundred years since Hitler placed his first (but failed) putsch. To acquire absolute power ten years later in 1933. I do not know of any fact or argument that is strong enough to suggest that this cannot happen again. However, we can do everything we can to prevent it by, among other things, giving the political office back the dignity it should have.



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This is poignant. It links directly to what social scientists have observed for over 100 years: that humans are social creatures that are both cooperative and competitive. They form groups and the dynamics between these groups are paramount to larger social organization. As humans and their respective groups vie for power, deadly conflicts emerge. As the proto-container for human societies is now the nation state, there is a global power vacuum. There is no (effective) global governance. Nations can and do exercise their own sovereignty, often in the face of global treaties formed via the UN. As long as humans are organized in nation states, the threat of war looms. For many of us privileged citizens of rich democratic societies, it seems that the world is peaceful. But this historical era is a relatively short period of peace and the entire history of human social organization is categorized by power struggles and war. War that takes place at present outside of the rich democratic sphere. Leo Klinkers' ideas about a federal Europe should lead to less conflict in the European area. It forces cooperation for the common European good. However, these ideas are logical, not because of some ideal global society but instead because without a united Europe, other national powers such as China, Russia and in the very long term India will take control of the fate of European societies. What a conundrum. Perhaps the lesser of two evil paths is to form a united Europe; but racism and nationalism plague human consciousness. We are predisposed to affiliating with groups for survival, and this leads to out-group prejudice. Out-group prejudice is one of the fundamental aspects of war and oppression. The obvious example of this are the Nazis, but they are just one of an entire human history of groups attempting to dominate other groups; in fact groups that not only want resource and geographical dominance, but are attempting to define themselves constitutionally as superior to others. So is the human condition. Our politics should reign this in. So yes, we probably need to start with a federal Europe. And as much as it affects me to say it – with a European army.

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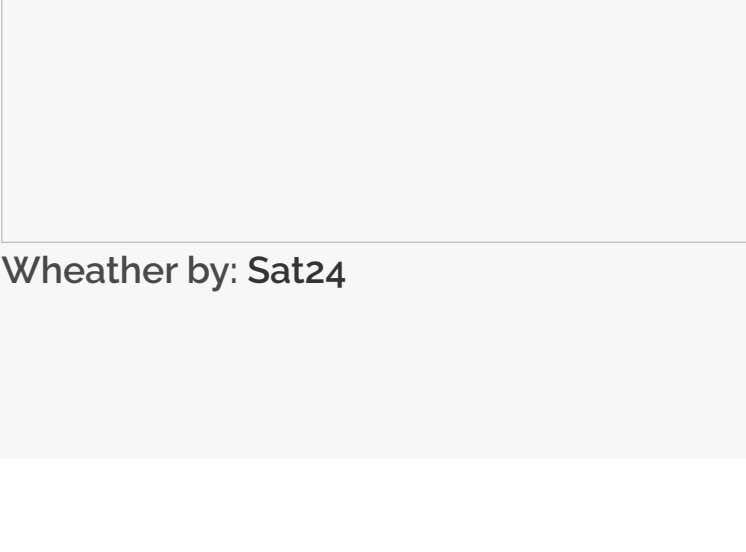
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