Towards a New Constitutionalism

**Developing Global Civic Responsibility
through Participation in
World Constitutional Deliberation**

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Declaration

I hereby declare that the work presented in this thesis is, except where due acknowledgement has been given, that of mine alone. The work has not been submitted previously, in whole or in part, to qualify for any other award. The content of the thesis is the result of work that has been undertaken since the official commencement date of the approved research program.

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SUMMARY

Confronted by major global problems, our 'foremost challenge', according to the 1995 report of the Commission on Global Governance, is to develop the vision of a better world – one more democratic, secure and sustainable.[1] The report concludes with a call for 'a global civic ethic' – for commitment by all to a set of globally protective responsibilities. The thesis asks, *what does this challenge imply? How to achieve an effective response? What provisions, in principle, ought to be instituted to meet the Commission's call?*

The call is a tall order – for a quantum leap from passive, rights-oriented, civic culture to one based on global responsibility. The thesis is *not* concerned with the *probability* of such shift occurring. The premise is that *if* we believe that the call *ought* to be met – that it commands an ethical response from all – we *ought* first to comprehend the ethical and practical implications, and second, seek to comply with them. The thesis is concerned with the first obligation. It requires an inquiry disciplined by moral reasoning and persistent focus on the long range, world future. It has led the thesis into somewhat underdeveloped terrains.

The call to enact global civic responsibilities implicitly entreats us to recognise the validity and gentle power of Kant's *categorical imperative*,[2] to unleash it from its remote, theoretical mountaintop and allow it to reign supreme as the preeminent, constitutional principle for personal and global governance. The thesis argues that this recognition will require, and result in, a new, education-led constitutionalism centred on *civic integrity development*.

Logically derived from the Golden Rule, the categorical imperative and its *universality* and *moral autonomy* constraints are adopted by the inquiry, somewhat experimentally, as a methodological discipline. For it is argued that such discipline should be cultivated by the new, education-based constitutionalism. This requires persistent, uncompromising focus on the universal *ought*. Where *ought* leads, the inquiry follows, even when it invokes an

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[1] Commission on Global Governance (1995: 1)

[2] 'Act only on that maxim which you can at the same time will that it should become universal law' (Kant, 1785)

apparently 'unrealistic' future beyond the margins of current educational and constitutional practice.

The new constitutionalism appears vaguely outlined on the horizon, largely beyond political and educational experience. The thesis moves towards this horizon to consider grounding assumptions and transit impediments, with the goal, above all, to determine the more prominent, 'in principle' landmarks toward which the world's educational resources could be steered.

The term *constitution* is minimally defined as *a paramount, overarching strategy of mutual protection*, not bound to current national constitutions, territories, and identities, nor to familiar constitution-making processes. Invoked by growing recognition of global interdependence and mutual risk, it stands for inclusive protection, ideally of, by and for 'We the People of the World'.

The Commission's recommendation that people should deliberate on 'the vision of a better world' has been pursued by futurists since the 1960's. Their pioneering ventures are examined in chapter 2 and found contributive yet insufficient to meet the constitutional requirements implied by the Commission's challenge. Various conceptual and practical obstacles impede effective response to the challenge. These preoccupy much of chapter 2 and indeed the whole thesis.

The new constitutionalism presupposes, as does prevailing national constitutionalism, that despite cultural differences, there are certain universal interests that all want protected. Most would want reliable protection against preventable mayhem, slaughter and environmental destruction. It is argued in chapter 3 that while the universalist assumption can reasonably withstand relativist scepticism, universal interests remain to be identified. Upon examination of notable identification procedures it is asked – should this be left to social researchers? Arguments are raised to suggest that, as a civic harm preventative measure, all people should be constitutionally required to identify these interests.

Universal interests cannot be protected while people take no responsibility for their protection. Were the Commission's call for globally responsible civic culture taken seriously, what would this imply for world political economy? Chapter 4 undertakes an exercise in future-oriented normative inquiry to explore world constitutional implications in outline.

Revealed on the horizon is a new economic game with new words – *the priactive constitution*. The exercise demonstrates the challenging nature of the substantive ethical agenda confronting deliberants of the new constitutionalism.

What right does one have to participate in world constitutional deliberations and consider such agendas? Chapter 5 argues that one has a right, and a responsibility to do so. The arguments appeal to the democratic ideal, political legitimacy, the Golden Rule, the defence role of citizenship and the fact that each imposes the world constitutional order on all. But the participatory right and responsibility cannot be exercised without universally accessible constitutional fora, procedures and education. The theoretical ideals of deliberative democracy are summoned. The current technical feasibility of creating an Internet-based system of democratic deliberative provisions is illustrated in the Appendix.

Even were such provisions made available, a key impediment to effective response to the Commission's call is that most work-committed adults are unlikely to volunteer substantial time for the learning engagement. Given the unacceptability of political coercion, chapter 6 considers the moral proposition that youngsters worldwide be submitted to the learning challenge in their years of compulsory education. The literature on moral justifications for compulsory education reveals considerable disagreement. These justifications seem anyhow unrelated to curriculum priorities that are actually imposed on captive audiences. As highlighted by the World Trade Centre attack, the world's people have little constitutional protection against deceptive doctrines conveyed in distant classrooms. A key problem for global governance is whether the world's teachers should not be constitutionally obligated to promote and exemplify globally protective responsibilities.

Chapter 6 argues that universal compulsory education can be ethically justified for the protection of universal interests only when *civic integrity development* is maintained as the curriculum priority. This would develop global civic responsibilities in teachers and students through exercising their participation in world constitutional deliberation under the counter-indoctrination constraints of the *categorical imperative*. It would entail deliberation on universal interests in view of global threats, alternative normative strategies to protect those interests, and public disclosure of normative commitments. Moreover, by tapping the real interests of students, adult literacy expectations – linguistic, moral, ecological and political – could be more readily met. But such educational strategy might not suffice to assure reliable enactment of civic responsibilities. It is argued that 'school' might need replacing or

augmenting with environmentally rich learning settings that could enable chosen norms to be experienced and demonstrated.

The thesis concludes that implementation of the new, education-centred constitutionalism implied by the Commission's call will first require an engaged response from educators. It is recommended that a global network be established linking key persons in schools and university faculties who will take responsibility for activating curriculum and community response to the Commission's call and, in the first instance, engage themselves in civic integrity development to acquire facilitator competencies.

Chapter 1

INTRODUCTION

1.1 GLOBAL CRISIS AND CHALLENGE

Reports by global overview agencies such as the World Watch Institute, UN Development Program, UN Environment Program, UN Food and Agriculture Organisation, UN Research Institute for Social Development, the World Resources Institute and the Commission on Global Governance have alerted us to a complex of global problems threatening the interests of this and future generations. They are problems that constitution-makers of earlier centuries did not foresee and against which the world of the 21st century appears to have inadequate constitutional protection.

From a systems perspective, the situation is disturbing. Two axioms of systems theory are self-evident. First, systems are viable only while their parts are responsive to vital priorities. Second, systems remain viable only within viable systems.[1] Since the early Greeks, the essential role of the citizen has been to protect the system from internal and external disturbance. Today, the dependence of all humans and their organisations on the viability of the global system has become clear. It is the global system that demands priority responsiveness, yet it is without a citizenship to protect it. The situation has stimulated calls for the development of global civic culture,[2] a global civic ethic,[3] and world citizenship. But these calls are largely unnoticed by the popular media, pollsters, political parties and the public at large. Compared to the importance of popular sports, the contest between propositions for world system change – such as for UN reform, new global institutions,[4] Cosmopolitan Democracy,[5] and World Federation,[6] gains insignificant attention.

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[1] Beer (1975)

[2] See for example, Boulding (1988). *Global civic culture* needs to be clearly distinguished from the notion of *global culture*. Whereas the latter connotes the homogenisation of culture, the former accommodates cultural diversity under a protective umbrella of shared ethics and practices.

[3] See for example: 'Declaration for a World Ethic', proclaimed in 1993 by the 'Parliament of the World's Religions' held in Chicago and attended by 6,500 persons. Insertion of the term *civic* in Global Ethics, by the Commission on Global Governance (1995), provided a useful qualification signalling the call for an interface ethic between the world's diverse moral communities, not a comprehensive system of ethics.

[4] Considerable concern is expressed about the capacity of current international institutions, which function within a framework of absolute respect for national sovereignty, to effectively resolve some of the more pressing global problems (Camilleri and Falk, 1992, Dryzeck 1997). The US government retreat in 2001 from the Kyoto Protocol Agreements on Greenhouse Emissions is a case in point. Proposals for new institutions such as an International Court of the Environment (Postiglione, 1996) might not be able to prevent such withdrawals.

[5] See in particular Archibugi and Held (1995), Archibugi et al. (1998)

[6] For some decades the World Federalist Movement has been promoting the concept of a UN Parliamentary Assembly. An evolutionary proposal, such an assembly would initially only have the powers of

'Global governance faces a grave test', wrote the Commission on Global Governance (CGG). Were the test to fail:

> the entire world would be engulfed in spreading violence, and large areas would become ungovernable. Crime, drug abuse, high unemployment, urban stress, economic mismanagement, and ethnic tensions would lead to low-level violence or graver conflict in regions and cities throughout the world. In this view, the Chiapas rebellion in Mexico, the Los Angeles riots, the murders of journalists and academics in Algeria, and the appearance of neo-fascist movements in Europe – different though they are in character and scale – bode ill for their respective societies and the world as a whole.[7]

The CGG's pessimistic scenario is not untypical of those presented in numerous global reports by world watchers over the last decades. Familiar are the predictions of global financial collapse, wars sparked by water scarcity, World War 3, global nuclear holocaust and environmental catastrophe. Visions of 'hell' await those who persist with their 'evil' doings. But the language has changed. No longer is there messianic talk about 'saving the world', but about achieving 'sustainability'. The unsustainable scenario is nonetheless hellish. Perhaps images of unthinkable futures are necessary to distract people from their sport and provoke the required response. But we need look no further than the present for such imagery. 'For it must be cried out', wrote Derrida:

> Never have violence, inequality, exclusion, famine, and thus economic oppression affected as many human beings in the history of the Earth and of humanity. Instead of singing the advent of the ideal of liberal democracy and the capitalist market in the euphoria of the end of history, instead of celebrating the 'end of ideologies' and of the great emancipatory discourses, let us never neglect this obvious macroscopic fact, made up of innumerable single sites of suffering: no degree of progress allows one to ignore that never before, in absolute figures, never have so many men, women, and children been subjugated, starved, or exterminated on the Earth.[8]

In view of this predicament, the CGG report opens with a chapter entitled 'A New World' and begins with the following words:

> The collective power of people to shape the future is greater now than ever before, and the need to exercise it is more compelling. Mobilising that power to make the world more democratic, more secure and more sustainable is *the foremost challenge of this generation*.[9] (my emphasis)

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recommendation to the General Assembly, but in the long term it would become a full-blown World Federal Parliament with the power to legislate.

[7] Commission on Global Governance (1995: 17)

[8] Derrida (1994: 85)

[9] Commission on Global Governance (1995 :1)

Our common future will depend on the extent to which people and leaders around the world develop *the vision of a better world* and the strategies, the institutions, and the will to achieve it. [10] (my emphasis)

The report concludes with a paramount call for a 'global civic ethic', the adoption by all, and leadership in the first instance, of a set of global responsibilities.[11]

What does the call imply? What kind of world might this lead to? How to achieve an effective response? What provisions might be needed? These are the key questions addressed by the thesis.

1.2 THE THESIS:

A RESPONSE TO A KANTIAN CHALLENGE

The call for an advance from rights-oriented nationalist culture to responsibility-based global civic culture is tantamount to a call for a quantum leap in personal and global development. The thesis views the call as having immense implications for the future of education and constitutionalism. The thesis examines the presuppositions, the impediments to effective response, and sets out on a future-oriented moral inquiry to explore the world educational and constitutional implications. The abiding theoretical question that motivates the thesis is – what, in principle, must be agreed to by leaders, and educators in particular, if the Commission's call is to be successfully met?

The Commission's call for global responsibility is viewed by the thesis as a ringing of the bells in *The Global Neighbourhood* (the title of the CGG report) for an awakening to and activation of the categorical imperative, an activation that will usher in a new constitutionalism. Two centuries ago, Immanuel Kant encapsulated the profound idea of the imperative in one simple and succinct sentence:

'*Act only on that maxim which you can at the same time will that it should become universal law*'.[12]

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[10] ibid.:12

[11] The Commission's call was echoed by the UN Secretary-General, Kofi Annan, in his Report to the UN Millenium Summit. But he confined to his call to an environmental ethic – 'a new global ethic of conservation and stewardship' (Annan, 2000: 79) http://www.un.org/millennium/sg/report/. The same words were ratified by resolution of the General Assembly in the UN Millenium Declaration, September, 2000, http://www.un.org/millennium/ (last accessed Aug 2001).

In this one sentence, resides a globally protective, constitutional strategy of a complexity that this thesis has only begun to unfold. Having attracted immense philosophical curiosity, the categorical imperative has long awaited recognition and status as the sovereign principle of global governance. It stands to be recognised as the world protective *integrator* principle. Compliance with it would integrate global governance with personal governance, and serve to procedurally guide all constitutional determinations – political, economic and organisational.

The central claim of the thesis is that the CGG's call for global responsibility is a call for worldwide compliance with the categorical imperative, in effect, a call for a paradigmatically new constitutionalism. It would be new in at least the following four respects.

(1) *universal applicability*; the new constitutionalism would provide inclusive protection by, of and for 'We the People of the World';

(2) *substantively*; as chapter 4 argues, conformity with current world economic and political norms militates against compliance with global responsibilities. New globally accessible facilities and institutions will be needed to enable and encourage compliance. It may require a fundamental reconstitution of world political economy;

(3) *procedurally*; compliance with global democratic responsibilities indicated by the Commission and examined in chapter 5, will require a marked advance in constitution making procedures and provisions, with education playing a crucial preparatory role, and with the Internet serving as civic information and forum facility. A key aspect of the procedure would have individuals decide both world constitutional and self integrity norms, at the same time, constrained by the universality, impartiality, autonomy and publicity requirements of the categorical imperative. The categorical imperative would serve as the *meta-constitutional* governing principle. This will require that deliberants not be constrained by current national constitutions, territories, and identities;

(4) *personally*, a shift from rights-based governance to governance based on universal compliance with global responsibilities, suggests the need for considerable advance in personal integrity development. Development of the 'inner' constitution will need to be viewed as having equal or greater importance than the 'outer' constitution. As argued in chapter 6, this will require a fundamental reorientation of compulsory education priorities,

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[12] Kant (1785: 88)

with education, governed by the categorical imperative, serving centrally as the constitution developer.

The new constitutionalism appears in outline on the future horizon, counterfactually, an ocean away from the familiar constitutional landscape of the past and present. The thesis is largely a philosophical exploration towards this horizon. It seeks in part to clarify and map no more than the prominent 'in-principle' features beyond investigation by the hindsight-oriented, descriptive and explanatory approaches of the social sciences. The contention is that these horizon features would need to be recognised by the world's educational leadership if educational resources are to be galvanised for an effective response to the Commission's call.

1.2.1 The meaning of 'constitution' in the thesis

The new constitutionalism is not new in so far as the accepted modern meaning of the term 'constitution' is carried forward, but only in its generic sense. The meaning of the term has changed considerably since Aristotle's comparative analysis. It is possible that what is understood by the term in the coming centuries will continue to change. Since we will be discussing the possibility of free and open world constitutional deliberation, we cannot predict whether future constitutional structures will resemble familiar political constitutions of the past. For linguistic continuity, there is need only to carry forward a minimalist generic meaning, merely the *purpose* of a political constitution, its raison d'etre, and shed the historical forms with which we are familiar. In this generic sense of the term, territories, boundaries and membership are undefined. For the purpose of this thesis the term connotes *the paramount, overarching, difficult-to-change strategy of protection in a pluralist civic domain, to which institutions of governance and everyday law and policy are subordinate*.

As such, constitutional determinations would remain, as today, logically prior to everyday law and policy making and, if not fixed in perpetuity, would need to be relatively more enduring than law, able to withstand the shifting orientations of political forces, particularly through periods of economic stress, unrest and protest.

But we are not talking about an imposed world constitution. The scepticism surrounding grandiose world constitutional blueprints, such as proposed by Clark and Sohn,[13] accompanies

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[13] Clark and Sohn (1966)

the view that serious global problems can be resolved 'only through a protracted process of transforming the most fundamental values, beliefs, attitudes, and myths'.[14] This view invokes the need to 'redefine global constitutionalism as an organic part of the world democratising process'.[15] To serve effectively as a dependable strategy of mutual protection, a constitution must be something more than a document. A document protects no one. People must act as constitutional protectors. The norms of the outer constitution as expressed in a charter must reflect, and will only have force if reflected in, the inner constitutions of the world's people. Only when reliably maintained by individuals of integrity, can constitutional norms, as for any code of ethical principles, serve to provide protective insurance in the civic domain against the risks that rise and fall with human passions and discontents.[16]

Being head of the hierarchy of protective institutions, the world constitutional framework of norms, and its internalisation in the self-integrity of individuals, logically warrants paramount and priority attention. This gives rise to a main conclusion of the thesis that curriculum priorities, in both compulsory education and teacher education, would need to be coordinated accordingly, as a primary principle of global governance.

1.2.2 Is the thesis advocating world government?

While the thesis contends that a new global constitutionalism is implied by the Commission's challenge, no definitive model of world government is advocated. The Commission stresses the need to clearly distinguish global governance from world government and warns against the latter.

> [W]ere we to travel in that direction we could find ourselves in an even less democratic world than we have – one more accommodating to power, more hospitable to hegemonic ambition, and more reinforcing of the roles of states and governments rather than the rights of people.[17]

From a futures perspective, terms like 'global governance' and 'world government' are empty bottles. The future contents, and even the bottle labels, will be determined by the world

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[14] Kim (1993: 59). Critical of the 'world peace through world law' argument, Kim argues that we must take account of the complex interdependencies between war, economic injustice and ecological scarcity and cannot expect a legal structure to be reliably protective if not comprehensively conceived.

[15] Kim (1993: 59)

[16] This understanding is consistent with what is typically conveyed by constitutional scholars. See for example, Suber (1990), Murphy (1993), Elster (1988, 1998). While Elster (1988:3) explains that constitutions serve the function of protecting individual rights, I contend that, more fundamentally, it is common interests whose protection is sought through the dependable exercise of responsibility.

[17] Commission on Global Governance (1995: xvi)

constitutional procedures of the future. The proposed new constitutionalism would provide the world's people with the opportunity and assistance to deliberate on the range of governance models on offer, and invent new models. The idea is that all proposals should be given a democratic airing, and even innovation zones should be made available for trialing, experimentation and experiential learning. Chapter 4 ventures to illustrate an ethically-based world order model, one that might be required to enable compliance with the global civic responsibilities suggested by the Commission. The chapter argues that an Internet-based democratic participatory model is required, in principle, to enable exercise of the participatory rights and responsibilities argued for in chapter 5. But the new constitutionalism would have this model placed on the negotiation table alongside contenders – alongside the various world federalist models, the Baha'i model, cosmopolitan democracy, anarcho-syndicalist models, UN reform models, and so forth. The thesis does not examine these models.

Fear of an imaginary, oppressive world government, with a vast global bureaucracy, an America or USSR writ large, and the prospect of grossly expensive world presidential election campaigns has no doubt contributed to the closure on world constitutional deliberation. The fear needs to be apprehended, but cannot be, while inquiry is stifled, and alternative, innovative constitutional conceptions – that may offer unprecedented safeguards – are screened from view and democratic debate. We cannot speak of democratic global governance while political discourse remains closed to, and ignorant of, world constitutional alternatives. In view of mounting global problems, political leaders and the public media need to be more open to the possibility that adequate response may not be achievable within the framework of current world constitutional norms. Scholarly opinion is greatly divided between those who believe in the possibility of a perpetual growth-for-full-employment utopia and those who suspect and fear that such trajectory is crisis-ridden. But the public appears scarcely aware of the positions and arguments. The mass media tends to focus attention on the reigning political powers whose continued electoral success depends on maintaining the faith that the risks will be manageable within the prevailing world constitutional framework. The general public, informed by little more than the perfunctory political analyses of the popular media, does not hear of the views of those like Chomsky, Bookchin, Falk, Galtung, Harman, Burnheim, Gould, Giddens, Derrida and Theobald,[18] who in different ways have called for fundamental system change. This seriously undermines the capacity of citizens to gain a balanced view, form autonomously considered opinions, let

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[18] Chomsky (1970), Bookchin (1971) Falk (1975, 1995) Galtung (1980), Burnheim (1985), Harman (1988), Gould (1988), Giddens (1991), Thompson (1992), Derrida (1994), Theobald (1997)

alone question what little democratic power they have to affect constitutional change in accordance with such views. While calls for fundamental system change are 'radical', by definition, that does not justify their systematic neglect and exclusion from the public domain. Indeed such manipulation, albeit unintentional, should be regarded as inimical and potentially dangerous to the public interest. As Fishkin argues, failure to ensure that citizens have the *capability,* the *incentive* and the *opportunity* to subject prevailing political and economic practice to continuing self-critical examination abrogates a fundamental condition of political legitimacy.[19]

Useful insight may be gained by viewing the current predicament from the perspective of the children's story of the three pigs and their straw house. Being an old, comfortable and much loved house, it greatly distressed them that it was vulnerable to the demolition threats of a wolf. Two pigs believed that with judicious reinforcing the structure would hold up. The third pig doubted that it would. He proposed a radical option to design and construct an entirely different, more secure structure. His transition strategy required keeping the straw house intact for as long as possible to provide some protection (their only protection), while the new structure was built alongside. The story comes to a happy end. Their investment in the new structure proved a great success, and the pigs abandoned the old in favour of the new.

The procedural design of the new constitutionalism will need to assure that voices calling for fundamental system change are fully heard by the public. To inform and appraise its design a better understanding is required of the kind of substantive proposals that may be put on the negotiation table. To assist that understanding, chapter 4 sketches a possible world constitutional future, a proposal from a third pig, as it were, for a globally protective 'house of bricks' to eventually replace the 'house of straw'. The exercise shows that consideration of such constitutional future will require deliberants to depart from their familiar linguistic and conceptual framework, the alleged straw house, in which the bulk of economic, political and constitutional literature is couched. Presented in skeletal outline is a model of an unprecedented world political economy, a new game with new words, whose realisation will depend on development of and universal access to the Internet. What appears on the horizon is far removed from the concepts of governance and government to which we have been accustomed.

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[19] Fishkin (1992)

1.3 METHODOLOGY:

FUTURE-ORIENTED NORMATIVE INQUIRY:

A VENTURE WITHOUT MAPS

The nature of the inquiry required two interwoven theoretical approaches. One thread involved fairly straightforward critical inquiries aimed at a range of targets. These included presuppositions associated with the Commission's call, pioneering attempts by the field of futures studies to engage people in world futures visioning, theoretical obstacles that have been thrown in the path of global and universalist problem solving, the norms underpinning citizenship, moral arguments justifying compulsory education and a number of others. The second thread engages, somewhat experimentally, in what I call *futures-oriented normative inquiry*.

The method warrants some explanation. Much normative inquiry focuses on the present and past. It seeks to critically examine the validity of accepted norms and/or the normative propositions raised by theorists from the ancients to the moderns. When an inquiry seeks to propose a new norm and argue for its validity, it is motivated by the hope that reasonable persons would be persuaded by the arguments, adopt the new norm and abandon the old, as is the hope of the Commission. Inquiry aimed at normative prescription logically points to the 'from here into the future'. Such inquiry is inherently futuristic and idealistic,[20] not in the utopian fictional sense, but in the sense of practical innovational pursuit; it pursues persuasive ideas beyond current social practice with a view to providing foresight, social direction and steering capacity. Such inquiry risks being aborted when it appears that the embryonic outcome might not be *immediately* welcomed and nurtured by the prevailing society. A disciplined futures-oriented normative inquiry is persistent; it aims to give shape to a morally derived future in spite of the possibility that the result may appear alien in the world of the present. It might involve an engagement in what Jantsch called 'cultural design'.[21] The

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[20] The term 'idealistic' is used somewhat tentatively in view of its ambiguous nature in the philosophical literature. The term as used needs to be distinguished from versions of the philosophical view that sees the external world as a manifestation of the ideas and operations of the human mind, that perception of reality is mediated by mind-devised models of it.

[21] Jantsch (1975). When referring to culture design, Jantsch defines the highly ambiguous term 'culture' as 'a shared appreciative system, plus a communication system through which sharing becomes possible'. (p.281) By 'design' he means abstractly, 'the interplay of planning and love, of fixing and flowing... acting simultaneously at all levels from the micro to the macro-world, from replacement to regulation'. (p. 297) Jantsch's conception of cultural design concerns the design of social institutions, and would today be more

founding of the US constitution could be viewed as entailing an early, somewhat undisciplined, participatory exercise in future-oriented normative inquiry. It engaged deliberants in the pursuit of a revolutionary possibility, a practical utopia. It required them to actively conceive certain social freedoms as artefacts to be 'sold' to the public, even when the demand was not apparent. As it happened, declared rights of equal treatment remained ignored by racial segregationists a hundred and fifty years later.

In contrast to the inquiry involved in founding the American constitution, an attempt was made to discipline the thesis inquiry with the constraints of *universality* and *autonomy* as required by the categorical imperative. These constraints compel one to consider the implications of propositions for all people, independently of their current geographic locality, or political, cultural or religious affiliations. The focus is persistently on the global *ought*. Where *ought* leads, the inquiry follows. If the *ought* leads into a new, alien future, beyond the margins of authoritative discourse and acceptability, so be it. It cannot be a poll-driven or statistics driven discipline, nor constrained by current discourses or practices or constitutional frameworks. Immediate acceptability by a public audience cannot be expected. The constraint of autonomy demands that one remain firmly on an ethically ideal course, without compromising principle to the cynical sirens that yodel from the rocks of current reality.

A key reason for adopting such methodological approach was to maintain means-ends consistency. Precisely because the thesis argues in the end that the categorical imperative should govern the new constitutionalism and its educational provisions, it was determined that the implied discipline and its idealistic constraints should, to a significant extent, be exemplified and demonstrated by the thesis itself.

The challenging discipline of future-oriented normative inquiry has yet to find an accepted home among the methodologies of the social sciences. There is little to be found in the way of demonstrable practice and guidelines compared to the substantial literature on empirical methodologies. My inquiry revealed little more than the landmark work by Rawls' *Theory of Justice*[22], perhaps the first pioneering effort to demonstrate a rigorous Kantian-constrained undertaking to articulate a morally reasoned, constitutional future. Unfortunately, as various critics have pointed out (see 6.3.2), his attempt was less than successful. Lacking sound methodological guidance, this thesis has undertaken a similar, but yet quite different journey

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commonly referred to as institutional design or constitutional design. For this he advocates an education that is normatively driven, that takes seriously what he calls 'the ethics of whole systems'.

[22] Rawls (1972)

to Rawls, on a more crudely lashed-together raft. The size limitations on PhD theses do not permit construction of large, watertight philosophical galleons such as Rawls attempted. To the extent that the thesis has succeeded in demonstrating application of Kantian constraints, chapter 4 and perhaps the final section of chapter 6 serve to be judged as the better exemplars.

The thesis required literature searches that reached into a range of disciplines including political, moral, economic, environmental and educational philosophy, futures studies, constitutional theory, citizenship studies and electronic democracy. The searches revealed significant gaps in domains of critical importance. I earlier noted the lack of methodological demonstration of Kantian based futures inquiry. As discussed in chapter 5, I found a corresponding and remarkable lack of theoretical attention to world constitution making procedure. Such attention would, almost by definition, demand a universalist, future-oriented moral inquiry. While academic interest in deliberative democracy has begun to flourish in the last decade, much of it highly influenced by Kantian ethics, little attention has been given to its applicability to world constitution making; it remains largely state-confined and undisciplined by the universalist constraint (see 5.2.2). Despite the considerable growth of interest and experimentation by governments in electronic democracy, nothing was found in the theoretical literature that explored the potential of the Internet, as a universalising tool, to facilitate participation in world constitutional deliberation. Nor was anything found in the educational literature, not even in the futures studies literature, which theorised a role for education in preparing the world's people for participation in world constitutional deliberation. The impression is that the political and educational world that dominates the reputable journals, takes for granted that there is not, and perhaps should not be, any right and responsibility on the part of anyone to engage in such deliberation, as if the world constitutional order is strictly non negotiable. This is reflected by an obvious, ubiquitous lack of educational provisions, facilities, training and curricula.

This unattended terrain is opened up in chapter 5 with several paths of moral reasoning that argue the case that the world's people have both a right and a responsibility to participate in world constitution making, without encumbrance by status quo authority. A central argument springs from the largely accepted Golden Rule, which in effect serves as the main constraining rule governing the moral reasoning in the thesis. In chapter 5, a logical pathway is constructed from the Golden Rule to demonstrate how broad consensus to what Kant labelled the *categorical imperative* could be achieved. As the inquiry progressed, it became

increasingly clear that the Rule and the imperative determined the motivational focus of the thesis, its methodology, and the universal moral and constitutional claims.

While the thesis rests on Kant's categorical imperative, it does not infer endorsement of everything that Kant wrote. The thesis is a Kantian response only in respect to the *categorical imperative* – the one sentence formulated by Kant, and the label. No discussion is entered into concerning Kant or his extensive works and their critics, except where directly relevant to the one sentence and its implications.

1.4 THESIS STRUCTURE AND OUTLINE

The chapters of the thesis unfold in the order that they were written, but as should be expected, in accord with plans that changed as the inquiry proceeded. The final structure indicates something of a learning journey in progress. Insights gained later in the exercise have not been fully reincorporated into earlier chapters. The central importance to the thesis of the Golden Rule and the categorical imperative became apparent while writing the fifth chapter, thus we find scant mention of them in the earlier chapters. While the phrase *categorical imperative* emerges later, its governing constraints – universality and autonomy – served nonetheless as disciplining factors from the beginning. Similarly, concepts such as 'proto-citizenship' appear and take on importance later in the thesis. With the benefit of hindsight, the thesis might perhaps have been better structured with the Golden Rule and categorical imperative featuring as early foundational starting points.

Chapter 2 establishes the scene. The chapter is not a statement of 'the problem' in the typical sense. It does not regurgitate the vast litany of global problems and statistical data that are the stuff of innumerable UN reports. Such problems are referred to in passing throughout the thesis. The focus is rather on the problem of responsiveness to global problems, or more precisely on responsiveness to the Commission's challenge. *How are educators responding? What response might be implied? What are the impediments to effective response?* The inquiry results in somewhat of a potpourri chapter; it scouts in various directions to gain perspective on the labyrinthine predicament in which we appear lost. Prompted by the immediacy of looming World War 3 prospects, we move to look at three pioneering approaches by the infant futures studies field to engage people in the Commission's challenge of envisioning a different and better world future. While this provides useful clues as to what

could be done, the greater concern is with what remains to be done, what ought to be done, for effective response. To gain some purchase on the enormity of the challenge, the chapter attempts an initial list of what might be entailed in terms of scope, time investment, training, logistical provisions and so forth. The development of such strategic list cannot be undertaken without an appreciation of the thought barriers and practical obstacles impeding mass response to the Commission's call. Thus we next turn to critically examine a number of theoretical impediments – serious reservations in the literature about the kinds of presuppositions in the Commission's challenge. We consider ontological and epistemological denials – refutations that global problems exist and that global knowledge is possible. We find these difficulties compounded by the lack of clarity and agreement over the key term 'global'. So we turn to address the problem – what defines a problem as 'global'? Finally, the chapter confronts perhaps the most formidable obstacle to responsiveness, the very practical *'we're too busy, don't have time*, problem. How might the Commission's call be heard amidst the barrage of advertisements, TV soapies, cop shows, sports replays, one minute news items, pop music and the hoopla of political party electioneering? And were it heard, who could afford to invest the substantial time away from businesses or jobs to consider the complex array of issues?

Chapter 3 is an attempt to retreat from the labyrinth of problems to consider fundamental starting points for global cooperation. Considering the diversity of people and beliefs in the world, what, if anything could be reasonably agreed upon? Conflict resolution practice indicates that if major problems and differences among people are to be effectively dealt with, they need to be focused on the question – what are the common interests? What shared interests might warrant our cooperation with billions of disparate strangers? This chapter focuses on the supposition that there are certain quasi-objective interests, universal interests, that all human beings have in common, whether or not they are aware of them. If they have these interests how are they to be identified? If these interests cannot be identified, we have a serious quandary, a major global problem about which we cannot speak. For if there are no common interests, there can be no common threats, no global problems, only local or individual problems. In order to speak sensibly about global problems, constitutional protections, human rights or global responsibilities, we must suppose certain universal interests. The first part of chapter 3 is devoted to critical examination of perhaps the most important philosophical obstacle thrown in the way of this supposition. Relativist and postmodern thinkers express serious theoretical concerns about the possibility of universal reason, universal thought, and universal agreement on anything. Three main claims of radical

difference – linguistic, ontological and rational – are thrown in our way. We critically examine each in turn and find them to be insubstantial. This is fortuitous, for as is argued, were these claims valid, the progress of civic affairs would have to cease. Without universal interests, there would be no basis for civic cooperation, nor any form of constitutionalism, nor any validity to claims of 'national interest'. On the other hand, if there are universal interests, then we have firm grounds to argue for a new, globally protective constitutionalism. There remains nonetheless the difficult question of how universal interests are to be practically and politically determined. The chapter thereupon undertakes a critical examination of some interesting transcultural approaches offered by Galtung, Max-Neef and Connolly. The chapter concludes with the argument that engagement in transcultural interests-identification should, as a world constitutional norm, be undertaken by all at the earliest age, as a primary component of their civic education.

Chapter 4 moves to examine the world order design implications of widespread compliance with global responsibilities as called for by the Commission. Supposing that universal interests can be identified that most people demand to be fulfilled and protected, what would this imply for the constitution of world political economy? Clearly there is no prospect that such interests could be reliably protected in a civic domain where the public is absolved from responsibility for their protection, where each is free to decide their life plan and projects without regard for the priority needs of others. This consideration leads to the formulation of an ethic of global responsibility implied in a number of recent global Charters.[23] It is referred to as the 'priaction principle': *govern time and resource use so that universal interests (basic needs) of all are satisfied, globally, **prior** to the satisfaction of other interests (luxury needs).*

The first part of the chapter undertakes to present and consider three of the more persuasive arguments for the principle with a view to its consideration as a world constitutional norm (or in Kantian terms as universal law). These are referred to as the sustainability argument, the economic security argument, and the agapic love argument. While the arguments appear strong and would likely gain widespread acceptance for the principle, they would not suffice to gain *compliance*. Being cautious, we want to know the ramifications before we commit. Moreover, as the chapter shows, compliance with the priaction principle could not be expected without a suite of enabling institutions and provisions. Before committing to the principle, we need to explore the global system consequences of universal compliance. If

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[23] Eg, The Earth Charter 2000, UN Declaration on Responsibilities of the Present Generation Towards Future Generations (1997), Universal Declaration of Human Responsibilities (Interaction Council).

others have not yet undertaken such exercise for our benefit, the imperative to comply compels us to undertake the exploration. The categorical imperative is a hard task master.

This task is undertaken by the second part of the chapter, a task for which the discipline of future-oriented normative inquiry is most suited. We proceed to logically derive from the priaction principle some of the more fundamental and interrelated constitutional norms that would constitute a priactive political economy. An unprecedented arrangement emerges. While many practical questions are left hanging, a sufficient glimpse is gained of the outline of a new model world political economy - a new game with new words – an arrangement crucially dependent on development of an Internet information system. Without Internet technology, it would seem that compliance with the priaction principle could be forbiddingly difficult, if not impossible.

The side benefit of the exercise is that it indicates how consideration of such normatively preferred future will require deliberants in a world constitutional forum to detach from the familiar linguistic and conceptual terms that have framed economic and political discourse. The exercise also demonstrates what can be entailed were constitutional deliberation governed by the categorical imperative and the constraint of morally autonomous reasoning.

Chapter 5 apprehends the problem that essential provisions for world constitutional deliberation are lacking. As noted earlier, the impression is that most people, including leaders, educators and constitutional scholars, appear to take for granted that they have neither right nor responsibility to participate in world constitutional deliberation, let alone negotiate constitutional alternatives such as implied by the priactive principle. While this attitude persists, it is unlikely that sufficient resources could be marshalled to create the necessary forum and educational provisions. This attitude and the lack of provisions present an immense impediment against effective response to the Commission's call.

This chapter attempts to lay out several paths of moral reasoning for the contention that the world's people have both a right and a responsibility to participate in world constitution making, and to exercise these without encumbrance or manipulation by status quo authority. The chapter is structured in two main sections. The first section argues for the right of participation, the second for the responsibility. The arguments for the participatory right make appeal to the already widely accepted theoretical ideals of democracy and political legitimacy. It is shown that were the moral justifications underpinning these ideals

universalised, the right of global participation would follow. The question of how the legitimacy of the global political order might be determined raises interesting future prospects for the practical application of the relatively new theoretical field of deliberative democracy. Following the ideas of Joshua Cohen,[24] we consider the possibility that a global association, independent of the UN, could initiate a democratic world constitution making procedure using the Internet to enable all to exercise the right of participation, and thereby satisfy the conditions of political legitimacy.

The proposition that we have not only a right but also a responsibility to participate is supported by three arguments. The first makes appeal to the widely accepted Golden Rule. It is argued that if we accept the Rule, we are led inexorably on a logical path to accept the categorical imperative. This path is crucial. It underpins the entire thesis and the claim for a new constitutionalism. If the logic that leads to the categorical imperative can be agreed to, and upheld by educators in the first instance, the next priority task is logically obligatory. Each must autonomously figure out, commit to and make public the universally applicable principles that will in future constitute their integrity – a task tantamount to participation in world constitutional deliberation. If agreement with the Golden Rule and the categorical imperative can be forged among educators, we should expect that development of educational and informational provisions as required for world constitutional deliberation would follow.

The next somewhat long and complex argument appeals to the well-accepted defence role of citizenship. The argument begins by exposing three crucial weaknesses in the underpinnings of national defence – weakness in relation to the manufacture of national identity, to the need for citizen indoctrination and to the absence of defensible rationale. It is argued that these weaknesses need to be attended to as a prior defence obligation for which training in moral defence would be required. As protectors of the civic realm, citizens should be able to stand and morally defend their moral allegiances without wilting under the pressures of moral challenge. The normative constitutional defence responsibility that such reasoning invokes is related to a third argument. It follows from an argument put by Pogge[25] that by acquiescence or consent each imposes the world constitutional structure on all. This renders each accountable to all, and responsible for the suffering caused by the structure. It obligates each to autonomously review the structure when persistent, serious suffering is in evidence, as it is today.

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[24] Cohen (1997)

Chapter 6 addresses the Commission's challenge from the perspective of education. While leaders, schools, universities and educators ignore the challenge we face the grim future scenarios noted in the introduction. This chapter asks – what *ought* educators to do cooperatively, in principle, to effect an adequate response to the Commission's call? What global educational norms might the world's educational leaders come to accept, were they to engage in communicatively competent deliberation? Considering the radical differences in curriculum priorities and learning settings around the world, some fairly robust moral arguments would need to be summoned to persuade the world's educators to adopt certain universal curriculum priorities. Again an exercise in future-oriented normative inquiry is called for to determine such future priorities and indicate the ethical rationale. Again we find ourselves travelling some distance from current discourses.

We begin by recognising the practical obstacles impeding widespread adult response to the Commission's 'foremost challenge'. Most adults are overly committed to work and survival imperatives and have little time remaining after satisfying family and sport interests to devote voluntarily to the difficult learning requirement. Governmental impositions towards such end would be politically unacceptable. Adults would refuse to be treated as their children are treated in compulsory education. So here exists a ready captive audience. Could we ethically justify submitting youngsters worldwide to the civic learning challenge in their years of compulsory education? The accusations raised by Goodman of compulsory miseducation[26] remain pertinent. Propositions for universal compulsory education demand strong moral justification.

The chapter turns to critically examine the moral justifications in the literature in support of compulsory education, with a view to identifying and building on the stronger arguments. Considerable disagreement over aims and justifications is found. However, the theoretical appears unrelated to curriculum priorities that in practice are imposed on the world's captive audiences. In many countries, the situation amounts to arbitrary political detention from which the young have little constitutional protection. As the terrorist attack on the World Trade Centre demonstrates, deceptive narratives and doctrines shovelled into the minds of suggestible young persons in remote classrooms can have a disturbing impact on all. We can all become victims of compulsory miseducation.

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[25] Pogge (1989)

If children, and all people, are to be constitutionally protected against the risks of compulsory miseducation, the ethical and political issue of how compulsory curriculum priorities are decided cannot be avoided. It is argued that widespread dialogue among educational leaders and stakeholders is needed. But the communicative competencies required for such dialogue presuppose the kind of global civics education suggested by the thesis. This leaves an apparent chicken and egg conundrum. No short-term solution appears evident.

In an attempt to provide long range direction and steering capacity, the latter part of chapter 6 sets out arguments to persuade that universal compulsory education could be ethically justified when curriculum priorities are oriented to the development of globally protective responsibilities, as the Commission would wish. However, that justification is strictly predicated on educational impositions being non-doctrinaire, and constitutionally governed by the constraints of the categorical imperative. Such education is referred to as *civic integrity development*. The hypothesis that remains to be tested is that such education would find 'in principle' agreement from diverse, communicatively competent deliberators who were disciplined by the constraints of the categorical imperative.

Apart from enabling prerequisite literacy in language and ecology, it is argued that such education would need to incorporate the key elements highlighted by the thesis. It would engage students in the identification of universal interests, as discussed in chapter 3, and the global problems (structural and substructural) that might threaten those interests. It would focus attention on the responsibility of each for global structures and the problems they generate. It would enable unencumbered exploration of alternative futures. It would develop moral reasoning capabilities so that each could critically examine civic norms and defend their civic commitments in the face of challenge. It would develop communicative competency through exercise in world constitutional dialogue. However, all this might not suffice, it is argued, to assure reliable enactment of civic responsibilities. Integrity development may well require replacing 'school' with new, experientially rich learning settings – perhaps student-managed whole town environments – in which self-chosen civic norms could be system modelled, trialed, demonstrated and experienced.

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[26] Goodman (1964)

Emerging from this chapter is an outline glimpse of a new constitutionalism centred on civic integrity education to ensure that, in the long run, all are capable of serving as reliable global protectors and constitutional deliberators, a constitutionalism reigned over by a meta-constitutional governor – the categorical imperative.

It is concluded that if the Commission's challenge is to be met, the world's teachers and teacher educators should be among the first to meet it. The suggestion is made that an experimental global network of educators will need to be established to take the leading educational and world constitutional initiative by submitting *themselves* to the deliberative learning challenge.

Chapter 2

GLOBAL PROBLEMS AND CONSTITUTIONAL RESPONSE

Pioneering Ventures and Impediments

2.1 INTRODUCTION

I find myself now rewriting the introduction to this chapter on completion of the thesis, a week after the devastating attack on the two symbols of Western civilisational power – the World Trade Centre and the Pentagon. The modern world has been delivered a shocking slap in the face. Perhaps this event may waken it, to force it to reflect on this power. Competitive and exploitative global trading practices combined with trading sanctions backed by military superiority are causing immense human suffering. Unfortunately, everyday violence by economic exploitation and neglect fails to shock. And the horrendous event has largely failed to elicit greater sympathy for the neglected. Growing numbers of disenfranchised and angry young men in the Islamic world now have a 14 century old constitutional text lodged as a living presence in their minds, inspiring them to terrorise and destroy the demonic Goliath that the US represents, ironically, to deliver truth and kindness to the planet. But the United States President is sabre rattling.   With equal irony, the self-righteous, Christian US leadership is committing the nations to a retaliatory military crusade, a war that seems unlikely to end with a military solution, one that could unleash a multiplicity of suicidal terror cells throughout the world's densely populated urban areas. There is much talk about the prospect of a 'clash of civilisations'[1] and World War 3. There is little talk of the possibility of constitutional dialogue.

The focus on civilisational clash obscures the picture. The diversity of cultures and practices that characterises the Islamic world cannot be captured unproblematically in a bottle labelled 'civilisation'. Liberally educated Islamic scholars would shrink from the suggestion that they belong to the same civilisation as the Osama Bin Laden terrorist network. A more penetrating grip on the global conflict would be gained, it is contended, by focusing on the central 'holy' texts, the fixed and enduring constitutional narratives and prescriptions that live in the minds, and guide the missiles, of the warmongers.[2] Contending for our attention on the conflict resolution table sit a number of powerful constitutional texts including the Torah, the Christian Gospels, The Qur'an (Koran), the US Constitution, The UN Charter, and the supreme but yet unwritten constitution of the Market.

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[1] The phrase 'clash of civilisations' has developed fashionable currency among commentators, stimulated by the best selling book by Huntington (1998).

[2] The Islamic scholar, Sardar (1991) writes: 'The Qur'an is the prime source of Islam. Indeed the Qur'an is Islam. Anyone seeking an understanding of religion, culture and civilisation of Islam, would therefore have to go to the Qur'an.'

The destruction of a central holy temple of the West, the World Trade Centre, should shock us into recognising the awesome power of ancient doctrine. The Qur'an remains steadfast in the face of the modern world as one of the most important constitutional documents of this era. In the minds of committed devotees the doctrinal text has sovereign power, overruling any civic arrangement that the world's people might seek to democratically establish. While the text speaks of kindness and charity to all, it also urges death to the unbelievers and infidels. 'We will put terror into the hearts of the unbelievers... Hell shall be their home'.[3] 'Fight against them until idolatry is no more and Allah's religion reigns supreme'.[4] The Qur'an cries out for recognition and respect as a contender for world constitutional and heart dominance. The document therefore belongs to all, not only to believers.

As the suicidal attack on the Trade Centre and Pentagon makes clear, the constitutional narratives held by people in distant places can seriously affect us all. The biblical narratives are no less problematic than the Quran, considering their underscoring role in the long-standing hatred and violence in the Middle East and the Balkan states, let alone in the history of violent crusades, inquisitions, and missionary colonisations. We are all becoming the victims of these ancient narratives,[5] and their continuing instillation into the minds of children in schools around the world.

The event highlights a key insight of the thesis. In an interconnected world, we can no longer afford to be blindly tolerant of what is conveyed as truth in the world's classrooms. Mutual protection will require our involvement in newly constituted forms of global governance that will obligate the world's teachers to comply with certain globally protective responsibilities. If we are to prevent World War 3, and 4, and 5, we will require a dialogue not between civilisations, but between human beings. We will need to place on the negotiation table all the constitutions that compete for our acceptance and allegiance, and enable all to scrutinise

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[3] Qur'an (Imrams 3: 149) This English translation of the Qur'an by Dawood (1978), the most widely circulated in English speaking countries by Penguin, has been criticised by some Islamic scholars, eg Sardar (1991), as biased against Islam.

[4] Qur'an (Cow 2: 190)

[5] Schwartz (1998) argues that we really need to worry about the violence that is embedded in the Old Testament bible. For this ancient 'foundational narrative', as Schwartz calls it, at once constitutes the identity of the modern Israeli Jew and their claim to the territory called Israel – God's Promised Land. For this 'land of the bible' they are prepared to fight to the death, with nuclear weapons if necessary, and violently exclude others with historical claims to the same land. However, the legitimacy accorded to the Israeli State by the UN requires, in effect, that the world's people accept the legitimacy of the biblical narrative, or at least overlook its suspect nature. This renders us all accomplices to and responsible for the violence that is generated (see 5.3.2 -3).

the truth and moral validity claims that they embody. As this chapter will begin to argue, an interconnected world demands a mutually protective civic constitutionalism, entailing constitutional dialogue that extends into and across the world's classrooms.

In recognition of the crucial need for dialogue, the UN declared the year 2001, International Year for Dialogue. Dialogue about what? There are innumerable things to talk about. What are the foremost priorities that command the attention of all? And how is that attention to be captured? According to the report of the Commission on Global Governance (CGG) the 'foremost challenge' is to participate in the development of the vision of a better world.[6] This chapter asks (1) What has been the educational response to the challenge? (2) What response is implied? (3) What are the impediments to effective response? The chapter addresses these questions consecutively in three sections.

The first question has not been addressed not by examining surveys of curriculum priorities imposed on students in the world's classrooms, for I have not found such surveys. Rather, I inquire into experimentation that has been undertaken to engage people in world futures visioning with a view to asking how effective or successful these experiments have been. In particular I look at efforts by the pioneering field of futures studies, which for several decades, has contributed to assisting people in schools and communities to envision better world futures.

The second part of the chapter moves to argue that while these experimental beginnings have much to contribute, much more is required to meet the CGG's challenge. A cursory interpretation of the 'foremost challenge' indicates that it implies a call for widespread participation in deliberation on world constitutional norms and arrangements.

The chapter proceeds to examine some of the obstacles impeding response to the challenge. First, we examine relevant research in social-psychology that has sought to identify factors that determine and impede environmental responsiveness. Second we critically examine a range of theoretical obstacles – the problems of ontological denial (global problems do not exist) and epistemological denial (the global cannot be known). We tackle the related definitional problem; what distinguishes a problem as *global*? Finally we consider perhaps the most formidable, practical impediment, the power of the market to compel wholesale

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[6] Commission on Global Governance (1995: 1)

neglect of global priority challenges and to render the population too busy to comprehend the serious nature of the predicament.

2.2 ENVISAGING BETTER WORLD FUTURES:

The pioneering contribution of world futures studies

The CGG's call to develop 'the vision of a better world' has an attractive appeal that camouflages the difficult mountain-climbing journey implied. The pioneering field of futures studies has taken this challenge seriously for several decades. What have futurist educators been doing, what has come of their efforts and do they now have adequate educational tools to meet the challenge?

Edward Cornish, former president of the World Futures Society, saw the special task of futurists as supplying visionary inspiration:

> We need to create new visions of a better future world – visions that will inspire people everywhere to bury their differences and move on with the task of achieving the better world.[7]

But the task of future visioning has been regarded by many futurists not as their exclusive domain, but as a public participatory task. Futures studies practitioners tend to view the task as a basic democratic practice, beginning ideally in school, and even integrated into subjects across the curriculum.[8] Where education has tended to focus attention on the past and present, futures studies has sought to introduce steering capacity, foresight capacity – the capacity to focus on and be guided by the 3 P's, probable, possible and preferred futures. To Hooker, the goal of futures studies is 'to increase student's sense of empowerment to participate meaningfully in the choices ahead for the shaping of their own futures and the future of society'.[9] The capacity to choose is a key theme. Because the circumstances that unfold largely result from the exercise of choice, or the failure to choose, it behoves each not only to be aware of the range of possible alternative futures but also to capably exercise choice and contribute to the realisation of preferred futures. That the future is a matter of choice is hardly a new understanding. What appears refreshing about futures studies is the

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[7] Cornish (c1979: 1)

[8] Beare and Slaughter (1993)

[9] Hooker (1989: 50)

attempt to develop methods to enable people to explore the choices. The World Futures Studies Federation, formed in the early 1970's, is a key association aimed at researching, developing and promoting such methods.[10] The Federation's membership has established a number of world futures studies courses around the world. But these pioneering contributions have yet to substantially impact on traditional curriculum structures. On the whole, traditional education continues to deny students adequate opportunity to exercise future choice, most crucially in the domain of system and constitutional choice. Attention tends to be hindsight focussed and confined to current frameworks, and where focussed on the future, on the choice of a career.

How are futures studies practitioners enabling people to envisage a better world? A pioneering repertoire of tools and techniques has been developed to assist in this purpose.[11] There is neither the scope, nor the need here to review them all. Suffice it to say that both my involvement and inquiry in the field indicate that the repertoire would not suffice to meet the Commission's challenge. I will support this point, first by illustrating three prominent examples of future visioning processes (1) futures-invention, (2) syntegrity and (3) scenario development. Second, I will show that a current philosophical mindset among futures practitioners is inhibiting the educational contribution required to meet the Commission's challenge.

Futures-invention or futures visioning workshops were developed in the early 1970's by a handful of pioneering practitioners.[12] Prominent among them is Warren Ziegler who developed a substantial business conducting such workshops under the banner of Futures Invention Associates. His facilitation manuals have been translated into a number of languages and sold around the world. Ziegler advocates a visual approach to vision development. Beginners are asked to 'imagine the future', to indulge in reveries about desirable worlds and convey their dream visions to others through coloured drawings,

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[10] Malaska & Stevenson (1988) present the role of the World Futures Studies Federation to be 'to help people consider alternative futures, and envision and create their own preferred futures whether at individual, community, regional, or global levels; to broadcast clearly and forcefully the visions of all the the world's cultures, to spotlight those cultural visions previously marginalised; and to decentralise and disseminate futures studies to the individual level worldwide.

[11] For overviews of futures studies approaches, see Slaughter (1991, 2000), Inayatulla (2000), Glenn (2000).

[12] Elise Boulding is a much accredited early pioneer of world future visioning; she is known for her workshops conducted worldwide on 'imagining a world without weapons'; see Ziegler (1988). Robert Jungk is credited as being among the first pioneers in Europe, but for the more limited purpose of providing guidance for organisations, factories, co-ops, unions, schools, neighbourhoods and communities. Practical introductions are outlined in Jungk & Mullert (1987). These have been adapted by reputable futurists such as Dator (2000) and Bezold (2000) of the Institute for Alternative Futures.

symbols, phrases or poetic writing. Such exercises have been viewed as appropriate not only for primary schools but also adults.[13] While visionary journeying of this form may appear somewhat naïve to the political scientist, the claim according to Ziegler – who has conducted workshops with local governments, business corporations, universities, schools and community groups – is that it enables the participant to begin to exercise an unused 'muscle'. The aim is 'to help each person practice releasing the imagination and focusing his or her intentionality for the purpose of inventing a good future'.[14] In this view, the process of developing a vision of a better world is inherently a discipline, entailing practice and competency development. Ziegler writes,

> Futures-invention is…an art, sometimes difficult to practice, which uses the language of images and the motive force of human intentionality to enable persons to invent a future which has not previously existed... to fashion, to create, to design new practices, new institutions, new ways of being and doing…[15]

Ziegler's facilitation manuals leave no doubt that 'vision' entails visual imagery. Participants are laden with the expectation that they need to develop competency in creative visualisation. The term 'imaging' features prominently. Participants must 'learn to take a mind-leap into the future, to live the future through the practices and discipline of imaging the future'.[16] From this perspective, the current lack of a powerful guiding vision of a better world may be attributable to humanity's failure to exercise its imaginative intelligence. Through Ziegler's lens, 'the vision of a better world', once developed presumably would manifest as a picture-scape in the mind, a series of images or a movie, replicable within the collective mind, so as to guide the cooperative creation of that better world. Whether this is what the CGG envisages for the world's people is not clear.

What evidence is there that such visioning methods produce worthwhile outcomes? Inestimable numbers of people have experienced Ziegler's workshop processes. Unfortunately there has been little investment in post-workshop evaluations.[17] We do not

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[13] In some workshops conducted for adults by Ziegler (1988) he suggests that you 'go inside yourself, and discover what lies in you about the future…sometimes it helps to take notes…one way is to write words, phrases, streams of consciousness. Another way is to draw pictures, diagrams, symbols, whatever captures your material'. (p. 11)

[14] Ziegler (1982: 3)

[15] ibid.

[16] ibid.

[17] Few workshops conducted by Ziegler or his associates have been formally evaluated. Ziegler (1987: 52-3) found such evaluations to be unhelpful to facilitators, sponsors or participants. 'Usually, the most effective form of evaluation has been self assessment within the community of learners.' Ziegler argues against

know what was invented and imagined, how developed were the inventions, whether participants reached agreement on future visions and if so in what respects, whether any actions were generated by these inventions, and what benefit (if any) participants believed were gained for the time and considerable money invested. According to Slaughter, the outcome of such work has been 'profoundly under-researched'.[18]

Future-visioning does not necessarily entail the development of the visual imagery. An ambitious approach to mobilising the world's people to envisage a better world was conducted in 1993 by a US-based organisation called the World Citizen Authority. Unlike Ziegler's visually oriented approach, the exercise was largely cognitive and issue based. The strategy involved engaging groups of 30 people in 30 countries (North and South) to deliberate on the question 'How can we, as sovereign world citizens, best govern our world?' The ambitious exercise was structured by what was called the 'Team syntegrity' or 'Syntegration' process and required a time investment of no more than a weekend (2 full days and an evening). Developed over a number of years by the systems theorist, Stafford Beer[19], the workshop process was conveyed by means of a facilitation manual distributed to participating groups. The innovative structure ensured that agenda setting was undertaken in a participatory democratic manner. Deliberative teams of 6 were formed and reformed by a system of rotation involving 'participants' and 'critics' so that all the ideas, arguments and objections could circulate for consideration by all. Since the first event in 1993, Syntegrations have continued in different parts of the world.

Having helped organise the first event in Australia, I can report that while no singular comprehensive vision emerged of a better world (such result could not be expected from a two day event) people typically gave voice to possibilities which substantially departed from the constitutional status quo.[20] While opinions greatly differed over economic governance, the preference for a one-world community was close to unanimous. Statements produced by

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rigorous evaluation, arguing 'that if it is to be done, it must remain in the hands of the users…participant controlled, participant-oriented, and always in process, never final'.

[18] A personal email response from Richard Slaughter (1998) to a query on this matter. Being on the editorial board of two futures journals, Slaughter has been closely in touch with developments in the field. His negative response prompted me to submit a request to the World Futures Studies Federation email list (August 1998), asking practitioners for 'research - published or unpublished - on normative shifts resulting from exposure to futures studies'. The request yielded a very interested response but no worthwhile results.

[19] The description and theoretical underpinnings of the Team Syntegrity process can be found in Beer (1995).

[20] Results have been published in World Citizen News, NWO publications, Burlington, USA and on an Internet Web site, 'World Citizen Web', http://www.worldcitizen.org. (Aug. 1998)

the teams were published on the Web. A Syntegration team in Addis Ababa, Ethiopia, for example, produced the following statement:

> On this beautiful Earth, ethnic status and religion should not be an obstacle between people. There should not be boundary limits between us; we should use our democratic rights fully to govern ourselves. However, our present rulers deny us our true democratic rights…[d]ifferent countries have different laws and constitutions. And the differences between countries may deepen from time to time, resulting in wars. To solve this problem, it is not power that is required but people's recognition of their oneness… This will be achieved when the world has a single constitution that treats all the world's citizens democratically.[21]

It could not be claimed that such outcome is indicative of what the world population at large would be inclined to produce after deliberation in a Syntegrity workshop. Participants were unrepresentative of the general population, first, in their willingness to volunteer a weekend to deliberate on such matters, and second, in their possible bias towards a 'one world' view inferred by their attraction to a workshop initiated by an organisation promoting that view. A valid testing of a Syntegrity workshop process would require bringing together people having fundamentally conflicting visions of better futures by an organisation recognised by all to be a neutral intermediary. Until fully democratic deliberative processes such as the Syntegrity process are conducted on a sufficiently large scale, such outcomes risk being dismissed by international relations scholars as naïve and unrealistic. However, as discussed at length in 5.3.2.2, what is viewed today as politically 'realistic' may be tenable only while the public's political 'naivety', their 'induced ignorance',[22] is maintained by national educational authorities and the popular media. While the procedures and outcomes of these pioneering future-visioning methods have their deficiencies, they provide useful starting points to build upon if the immense challenge posited by the CGG is to be adequately met.

The educational provisions required to meet that challenge, however, are unlikely to be provided by futures studies practitioners while they maintain certain basic dispositions that stop them half way. The stimulating orientation of futures studies may prove, at the same time, to be the key limiting factor. The 's' in futures symbolises the limitation. It connotes multiple futures. Futures studies compels us to think in divergent directions.

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[21] World Citizen News, August/September issue, 1996, p.4

[22] Dismissing prevailing structures of authority as typically illegitimate and immoral, Chomsky remarked that 'people are not stupid, they are subjects of induced ignorance' (public lecture at Melbourne Town Hall, Australia, 24 January 1995, entitled 'Great Powers and Human Rights').

> Students reconceptualize the future, seeing "the futures" as multiple and open, as a space with many possible and as-yet undetermined outcomes which depend upon their active participation. They question their assumptions, evaluate differing cultural and disciplinary perspectives, and envision and create preferred futures for future generations.[23]

While this divergent orientation is vital in meeting the challenge raised by the CGG, it cannot suffice. The divergent orientation needs to be substantially augmented and balanced with a convergent orientation. Required is the participation of the world's people in democratic agreement-building processes, that, as will be argued later, focus attention, by way of priority, on the overarching system of mutual protection, on a singular world future.

There is further difficulty inherent in the notion of 'futures'. As mentioned, a key assumption of futures studies is that the future is amenable to choice; in order to compare and choose, one needs to be aware of a range of alternative 'futures'. The difficulty is – how does one distinguish 'a future' from an 'alternative future'? Arguably, the choice as to whether to paint one's house green rather than blue or pink, constitutes different possible futures for the neighbours. This trivialises the idea of 'a future', yet much of the technological focus in the 'Futurist' magazine appears scarcely less trivial.[24] Urging a critical approach to futures studies, Slaughter takes to task the largely uncritical element of American futurism whose discourse is characterised by a predominantly 'gee whiz' technological focus, an orientation 'to maintaining the status quo' and toward 'lower order concerns'.[25] This begs the question: which constitutive elements of a 'future' are non-trivial, higher order and demanding of priority attention? The same question can be asked of the invocation to envision 'a better world'. If a better world can be created with a fresh coat of paint, a new feel-good drug, or electronic banking, the world is always getting better. Such creative matters continuously preoccupy the working lives of a multitude of professional designers and inventors, whose visions for the future are realised everyday. But clearly, the CGG's challenge is calling for investment in matters of greater priority.

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[23] From the website of the Hawaii Research Center for Futures Studies (HRCFS). Presided over by Jim Dator, the centre claims to be 'one of the oldest and best-known futures-oriented academic research institutes in the world'. http://www.futures.hawaii.edu/vision.html (accessed Aug. 2001)

[24] The prospect that all electrical gadgets in a home might be computer controllable could be seen as promising a bright new future. The accommodating language of futurism permits every triviality to be entertained.

[25] Slaughter (1988:12)

Scenario development is favoured among many futurists as a methodological tool for use in corporate and government circles[26] as well as in futures studies courses. A range of 'stories' are creatively projected 20, 30, 50, 100 or 1000 years distant, typically ranging from 'business-as-usual' scenarios, portrayed in bleak, pessimistic terms, to the scenarios based on transformation of values and painted in idealistic terms.[27] These scenarios may be developed in a participatory manner, but Futurist writers more commonly undertake the task, and present them to clients and/or the public to assist in policy making. A good example of a limited public exercise was recently undertaken by Costanza.[28] He argues that well articulated visions are useful to help accelerate public judgment about major value issues. He provides four visions, each a 'future history', a story of the Earth written 'as if' from the perspective of the year 2100, labelling them *Star Trek*: the default technological optimist vision; *Mad Max*: the skeptic's nightmare; *Big Government*: Reagan's worst nightmare; and *Ecotopia*: the low-consumption sustainable vision. Costanza has presented these to audiences, mainly University students, who were asked to consider and state on a scale of -10 to +10 how desirable (or undesirable) they would find it if they happened to find themselves there. As expected, respondents found the Mad Max vision very negative, and the Ecotopia vision very positive, with only about 7% negative reaction. There appeared to be no follow up exercise.

An infinite number of visions of better worlds could potentially be conjured. These would add to and contend with the visions already jostling for attention. A neo-liberal vision, epitomised by Fukuyama,[29] sees a bright 'end of history' future in a minimally regulated world market featuring unlimited economic progress and growth. This conflicts with the ecopolitical vision of a biocentric, limits-conscious, small-is-beautiful world, and with the waning but persistent Marxist and John Lennonist vision of a world without countries and religions. These in turn compete for allegiance against the fundamentalist Christian visions of the coming of God's Kingdom on Earth and Islamic visions of a world theocracy based on the Qur'an. These conflicting visions are conveyed by adherents with absolute moral conviction: 'This is where the world is going, this is how it must be'.[30]

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[26] Scenario development is strongly promoted as a management tool. See Godet (1998), Ringland and Todd (1998).

[27] Hammond (2000) presents 3 global scenarios: *Market World* a vision in which economic and human progress is driven by free market economies. *Fortress World* a future world where unattended social and environmental problems diminish progress creating, poverty, despair, conflict, violence, and social chaos. *Transformed World* where fundamental social and political change offer hope of fulfilling human aspirations.

[28] Costanza (2000)

[29] Fukuyama (1992)

[30] Michael & Anderson (1986: 119)

How is it possible that a singular common vision, '*the* vision of a better world' could emerge from this catalogue of future visions? The flourishing in recent decades of conflict resolution practice and education offers a glimmer of promise. Methods for dealing with multi-party environmental conflicts and even major international conflict have significantly improved.[31] However, as Michael and Anderson asserted, 'Western society has no concept of any approach to reconciling the different cultural worldviews which are the source and legitimator of such conflicts.'[32] That democratic agreement building on a large scale may be necessary to create a better common future has not been an evident consideration in the futures studies literature. Of the several tertiary courses offered in futures studies, I could not find any that plan to prepare students of futures studies with the skills to engage in or facilitate social agreement building for the purpose of engendering a preferred common world future.[33]

While considerable benefit is gained from divergent futures exploration, the report of the CGG is clearly calling for a convergent focus, a singular vision, a singular future, which all people will uphold in common. Such vision may not be one that can be conveyed in terms of visual imagery. Called for, as a matter of foremost priority by the CGG, is a set of globally protective responsibilities and arrangements that could be trusted to protect the interests of all, in effect, a singular set of enduring, world constitutional norms to which all would be dependably committed. This set of norms would ostensibly provide the firm skeletal framework for the vision.

The question is – in a world characterised by cultural and religious difference, how are the responsibilities to be politically determined? Whose responsibility is it to decide global norms? How are these responsibilities to be cultivated? The approaches used in futures studies could take us some of the way, but clearly something much more is needed. The

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[31] See Trolldalen (1992), Susskind & Cruikshank (1987).

[32] Michael & Anderson (1986: 119)

[33] A Masters course in Futures Studies in UHCL, Texas, claiming to be the only one of its kind in the US, offers students the following Web site introduction to a career in the futures field. 'Futures researchers track technical innovations, value shifts, geopolitical tides, environmental perturbations, economic developments, demographic patterns, and other trends of change. From these data they create scenarios of possible alternative futures, which are then used as contingencies within strategic planning initiatives. Working as facilitators or consultants, futures researchers can help communities, corporations and organizations envision their preferred futures and compare those visions with current trends and scenarios of possible futures. This process leads to the kind of practical planning and policy-making that truly brings about change' http://www.cl.uh.edu./futureweb/futdef.html (accessed Sept. 2001). A web–based course called *Creating Preferred Futures* offers students 'an opportunity to develop creative, futures-oriented problem solving and critical thinking skills... Numerous interactive forums are provided for students and teachers to connect, discuss ideas, share successes and... learn how to create their preferred futures within the context of your particular learning community, or in unique collaborative activities with other students around the world...' http://dev.planet-tech.com/cpf/documents/CPF.pdf (accessed Sept. 2001)

report by the CGG offers no guidance. In the following, first steps are taken to explore the implications of the CGG challenge.

2.3 THE PRIORITY CHALLENGE:
WORLD CONSTITUTIONAL DELIBERATION
some implications

What did the twenty-six members of the Commission on Global Governance (CGG) imagine were the world constitutional implications of the opening sentences of their 1995 report? We quote them again:

> The collective power of people to shape the future is greater now than ever before, and the need to exercise it is more compelling. Mobilising that power to make the world more democratic, more secure and more sustainable is the foremost challenge of this generation.[34]
>   Our common future will depend on the extent to which people and leaders around the world develop the vision of a better world and the strategies, the institutions, and the will to achieve it. [35]

The Commission's report revealed little consideration of the world constitutional implications of this 'foremost challenge'. The following is an initial listing of some of the implications, to indicate the unprecedented scope and ambition entailed by the project.

(1) The Commission's challenge presupposes that there are basic, culturally transcendent interests common to all people, of this generation and future generations, which are threatened by global problems. But is this presupposition valid? How can we assume that remote tribal groups in the New Guinea highlands, the neo-Nazis in Europe and the traders on the floor of the New York stock exchange have interests in common, and of such crucial importance, that their protection would invoke agreement to cooperate? This question is taken up in the next chapter.

(2) The requirement that 'the collective power of the people' – several billion people – be 'mobilised' to participate in creating a better world implies a world reconstitutional deliberation process of unprecedented scale and character for which there are currently no constitutional forum facilities or preparatory provisions.

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[34] Commission on Global Governance (1995.:1)

[35] ibid.:12

(3) The participatory development of 'the vision of a better world and the institutions, strategies and the will to achieve it' implies an investment of a substantial portion of time by everyone. Each would need to critically appraise the contemporary predicament in its complexity, understand their contribution to the situation, consider alternative proposals for world constitutional protection, and attempt to reach agreement on preferred arrangements. It is difficult to envision how such ground could be covered in less time than that required for a substantial university course.

(4) Achievement of agreement on 'the vision of a better world', and in the first instance, on world constitutional norms, implies the need for commonly accepted agreement-building *procedures*. It is unlikely that people from diverse cultural backgrounds and ideological positions will be willing to participate unless they can be assured that dialogue is free, open and democratic, and will not be dominated by any individual, group or authority. However, this will require participants to be willing to detach from their own authoritative frameworks, in other words, to think as morally autonomous agents. This could prove immensely difficult for religious extremists, and certainly not easy for the bulk of national citizens who have been subject to doctrinaire forms of education (see 5.3.2).

(5) If participation in agreement building dialogue will require all parties to exercise basic competencies in autonomous moral reasoning and communicate without domination and assertion of authority, this will entail considerable educational preparation, for which universally accessible provisions are needed. We consider some of these in chapter 6. How provisions could be made accessible on the Internet is illustrated in the Appendix.

(6) The establishment of universally accessible information provisions will not suffice on their own. If the Commission's challenge is to be met, considerable moral persuasion, or incentives, or even coercion may need to be considered to commit the majority of people to invest the time required. Chapter 6 examines the ethics of the proposition that all be compelled to undertake such learning, at the earliest age, in their years of compulsory education.

(7) Meeting the social learning challenge will require the services of a global network of educators and institutions committed to the goal. On first sight, the prospect of mobilising educators to meet the CGG challenge, given already established curriculum priorities and structures, does not appear encouraging, at least not in the short term. The feasibility increases to the extent that the planning horizon is extended to the longer term.

(8) Effective mobilisation of the world's educators implies the need for a strategic planning body or network to catalyse, facilitate, perhaps even co-ordinate the effort. The establishment of such a body – perhaps in association with agencies such as UNESCO – seems feasible in the relatively short term.

(9) The CGG report calls both people *and leaders* to commit to the vision development task. The implication is that educational leadership ought not presume merely a catalyst role and remain outside and untouched by the processes they instigate, but first and foremost participate in the learning journey. Indeed educators would need to do so in order to be sufficiently experienced and equipped to enable others to do so.

(10) The implication of the CGG's challenge is that most people, if not everyone, *ought* to be involved, and participate in the deliberative process as morally autonomous agents, and do so as a matter of foremost priority.

The above list is far from exhaustive, but it provides a sufficient glimpse of the immense constitutional and educational implications of the Commission's challenge. The idea that the world's people should be 'mobilised', as the Commission suggests, to participate in visioning a better world, will clearly meet with overwhelming denials and obstacles. If the challenge is to be met, the impediments will need to be overcome. We now turn to examine some of them.

2.4 IMPEDIMENTS TO WORLD CONSTITUTIONAL RESPONSE

2.4.1 Structural Impediments

The 1992 Earth Summit at Rio de Janiero saw the world's countries adopt a number of major accords – the Rio Declaration on Environment and Development, Agenda 21 as the action program, the framework conventions on Climate Change and Biological Diversity, a statement on forestry principles, and preliminaries for the Convention on Desertification. Five years after, the Earth Council in cooperation with representatives from a broad range of organisations convened the Rio+5 forum to review progress on the accords.[36] The chairman of the Earth Council, Maurice Strong, reported:

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[36] March 13-1997, Rio de Janiero

Five years later, it is apparent that despite these commitments and the accompanying public affirmations, the basic concept of sustainable development is still not well understood and the policies and structures required to implement the Earth Summit agreements are still not in place. Despite progress made on many fronts as evidenced at Rio+5, the world community has still not made the fundamental transition to a development pathway that will provide the human community with a sustainable and secure future. Environmental deterioration continues and *the forces which drive it persist*. (my emphasis) [37]

What precisely are the persistent forces impeding the transition to a sustainable and secure future? Is Strong alleging that they might be the forces of the competitive market? Or the self-preserving forces of nationalism and the Westphalian order? Strong avoids pointing the finger directly. UN style diplomacy requires that such contentions be cautiously sidestepped. He alludes to the forces obliquely: 'One of the major impediments to more progress is the fact that many of the organisations and individuals working for sustainability in their own communities and sectors continue to work largely in isolation from each other'.[38]

A mounting literature is viewing the principle of national sovereignty as a major impediment to global justice, peace and sustainability.[39] As Williams writes, 'unless these [state-centric] structures are overturned, sustainable development will remain an aspiration rather than a practical goal.'[40] There are unknown multitudes who, in tune with John Lennon's song, 'imagine a world without countries'. But their voices and visions are ignored in the corridors of international power. They face a formidable conundrum, for the forces that are causing the insecurities and deteriorations, are the same forces that are impeding corrective responses. Even influential brokers such as Strong are staunch supporters of the status quo. While Strong points to the need for 'A New World Order' he conveys the 'reformist' view[41] that sustainability can be achieved by creating reforms within the prevailing world order. In a closing plenary speech at UNCED, Strong declared that the 'The New World Order… must unite us all in a global partnership, which of course, has to respect national sovereignty as a

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[37] Maurice. F. Strong, Earth Council Chairman´s Report to the UN Commission on Sustainable Development, http://www.ecouncil.ac.cr/ (accessed May 1999)

[38] ibid

[39] See for example Falk (1992, 1993, 1995), Thompson (1992), Walker (1993), Brecher (1993), Castles (1997).

[40] Williams (1996: 55)

[41] Elliott (1998) contrasts those who take a 'reformist position' with those who take a 'critical' one. These terms might mislead in so far as both camps are critical of the status quo and reformist in their orientation. What distinguishes them is their willingness to subject all aspects of current structures to critique.

basic tenet'.[42] While this 'basic tenet' is conveyed as a non-negotiable aspect of the world constitutional structure, it will in the view of many remain a permanent impediment to achieving the mutually desired goals of global security and sustainability.

2.4.2 Lack of interest?

In view of the inertias, how does the Earth Council view the way forward? The Council sees no quick fix. The most promising way forward according to the Council is through the development of a universal set of moral values, echoing the call for a global civic ethic by the Commission on Global Governance.[43] Pressing forward on this, the Earth Council instigated a People's Earth Charter process. Interviewed about the Charter in 1988, Strong explained:

> The real goal of the Earth Charter is that it will in fact become like the Ten Commandments, like the Universal Declaration of Human Rights. It will become a symbol of the aspirations and the commitments of people everywhere. And, that is where the political influence, where the long-term results of the Earth Charter will really come…This is a People's Earth Charter. It will have its power, it will have its influence because it comes from the people. That's why we want to ensure that people throughout the world, the maximum number of people are involved. That is what will give it its authenticity. That is what will give it credibility.[44]

The Earth Charter process was completed in 2000. To what extent did it involve 'the people'? As far as I have been able to discover, it proved a marginal event. The popular media gave it minimal attention. In Australia, invitations attracted tiny gatherings of people. The bulk of the world's population knew little or nothing about the process. Or they lacked sufficient interest. Why? We do not know, for there were no post-process evaluative studies. We are left to conjecture about the factors. However, to be sure, it would be misleading to claim yet that the completed Charter is 'a symbol of the aspirations and the commitments of people everywhere'. While growing numbers of government bodies are declaring commitment to the Charter, they represent a tiny minority of individuals who remain nameless for there appear to be few individual signatories.

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[42] The CGG report suggests on the contrary that the basic tenet of national sovereignty requires questioning. 'Sovereignty has been the cornerstone of the interstate system. In an increasingly interdependent world, however, the notions of territoriality, independence, and non-intervention have lost some of their meaning... The principles of sovereignty and non-intervention must be adapted in ways that recognise the need to balance the rights of states with the rights of people and the interests of nations with the interests of the global neighbourhood. It is time also to think about self-determination in the emerging context of a global neighbourhood rather than the traditional context of a world of separate states (1995: 337)'.

[43] Maurice Strong who was a member of both bodies no doubt influenced the coincidence of strategies.

[44] transcript of interview conducted March 5, 1998, Earth Charter Website, http://www.earthcharter.org/welcome/mstrong.htm (accessed Jan. 1999)

Would the Earth Charter process have been more a popular success if massive funds had been invested in global promotions and the organisation of public meetings in villages, towns and cities around the world? Perhaps, but it bears telling of a parallel event in Australia to which thousands were initially attracted, an event that promised a nation-wide dialogue for change. Like a straw flame, the impetus rapidly flared and died. As there were no post-evaluative studies, my own experience as an organising participant in the event bears telling briefly. In 1998, the futurist writer and speaker, Robert Theobald was brought to Australia by the Brisbane Education Centre to help catalyse the event. The event stimulated a movement called 'Reworking Tomorrow', a name derived from Theobald's book *Reworking Success*,[45] which was promoted and sold as the key stimulus text. After a series of talks on Australia's ABC radio, people filled Town Halls around the country to hear him. Brisbane Town Hall was filled three times. Theobald typically asked his audiences whether they believed that politicians beholden to the current policy framework could remedy the major problems confronting the world. Organised into focus groups, audiences overwhelmingly responded with a no; fundamental changes were needed. Theobald urged them to participate in community dialogue to envision and bring forth the kinds of changes they believed were necessary. Follow-up workshops were organised to assist those who registered interest in doing so to form into continuing dialogue groups. Despite considerable investment of funds and concerted efforts by organisers to build and sustain the impetus, the number actively involved in dialogue groups three months later had dwindled to handfuls in each state. Two years later, the groups had largely abandoned, with little result to show, at least on paper. The story, in the eyes of other participants, remains to be recorded. Questions about the failure of interest and motivation beg to be asked. The story merits research and analysis. However, while such analysis might reveal something valuable about why the event did not achieve what Theobald had hoped, it may not indicate precisely what *will* work in future to 'mobilise' the people as the Commission would like, and sustain their interest.

2.4.3 Lack of an open, democratic, world constitutional forum

Suppose, however, that interest in the Commission's challenge could be somehow generated and sustained. Suppose an optimistic scenario in which say several million people, 0.01% of

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[45] Theobald (1997). The book's chapters were originally written by Theobald for the prestigious Massey Lectures broadcast annually by the CBC in Canada. The lectures were cancelled at the last moment. The book lambasts the current economic system and calls for its abandonment.

the world's population were actively and voluntarily involved in visioning groups around the world. How would communication across the groups occur? How would the views of each be given an equal airing, such that each group and individual could contribute insights to, and gain insights from, the total discourse, without causing immense information overload for participants? And how could constitutional agreement be forged? If we appreciate how difficult it might be for normative agreement to be achieved by a small group of educators, given a room and a generous amount of time and food, consider the challenge involved in facilitating agreement among millions of disparate groups around the world. I raise these questions not with a view to suggesting answers at this point but merely to indicate the lack of enabling provisions. Clearly there is much scope for experimentation and development, which would need to be undertaken if the Commission's challenge is to be met.

Currently there is no world constitutional forum with procedures to ensure that diverse voices, including those such as Theobald's, are properly heard. Unfortunately, questions of democratic constitutional participation have been confined to a marginal theoretical discourse and to the boundaries of nation-states. In practice, even national constitutions typically provide little scope for democratic review and amendment by 'We the People'.[46] The most democratic mechanism currently in existence for this purpose is the citizen-initiated constitutional referenda. Only five countries offer citizens this provision.[47] There is no formal provision for the world's people to review their world constitutional relationship. Distant from public awareness, let alone realisation, are proposals for the establishment of a People's Assembly[48] or a UN Parliamentary Assembly[49] to give voice to other than national governments. Yet even these proposals presume the perpetual rectitude of a world

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[46] In a survey of 160 national constitutions, Suksi (1993) found that 32 (20%) contain no explicit reference to or commitment to democracy. These include countries frequently referred to as Western democracies - United States, Australia, Denmark, Finland, Israel, Japan and Switzerland. Suksi notes that the main mechanism for 'bringing in the people' is the *constitutional referendum*. Of the countries surveyed, 56 (35%) contained provisions for constitutional referenda. His figures show that 'the constitutional referendum does not, at least as of yet, compete seriously with representative forms of constitutional enactment and amendment' (p. 139). Suksi concludes that 'by and large, under modern constitutions, the people do not govern; the people occasionally participate in legislative activities' (p. 274).

[47] Provision for citizen-initiated constitutional referenda exits only in Italy, Liberia, Lichtenstein, the Philippines and Switzerland (Suksi 1993).

[48] Among the leading promoters of the proposal for a People's Assembly is the Association of World Citizens. Founded in 1975 in San Francisco, the association has worked to develop a body of committed world citizens to democratise the UN, give voice to the world's people and establish a democratically enforceable Global Bill of Rights.

[49] The proposal for a UN Parliamentary Assembly, akin to that for a Peoples Assembly, is being promoted by the World Federalist Movement. Its proposal is an evolutionary one; initially such an assembly would only have the powers of recommendation to the General Assembly, but in the long term it would become a full-blown World Federal Parliament with the power to legislate.

geopolitical order dominated by sovereign states as currently configured. The 350-year-old system of Westphalian Peace reigns supreme over the present allowing no scope for negotiation. Remote seems the prospect of a forum that could enable the world's people to fundamentally review their constitutional relationship in view of the threatening global predicament and the catalogue of alternative world order models.[50]

This problem will not be resolved through the construction of a mammoth global meeting hall to seat millions somewhere in the world and expect the world's people to make pilgrimages to it. The challenge will be to enable people to participate in their own localities. The establishment of an Internet-based world civic information and education facility could readily serve such purpose (See Appendix). While the UN should arguably be a major player in its establishment,[51] lack of UN support need not prejudice its implementation. The provision needs to be a People's facility, rather than a UN facility, and ideally be maintained by a neutral non government association (see discussion 5.2.1).

While the construction of a major civic Web site plus peripheral infrastructure will entail an undertaking of unprecedented scale, the challenge does not present an insurmountable technical problem. The obstacles that occupy the remainder of this chapter are of greater concern to the thesis.

2.4.4 Psychological factors determining response to global problems

Considerable psychological research has been undertaken in the last two decades to examine the factors that predict individual responsiveness to environmental threats. A particularly useful collation and mapping of the research was undertaken by Littlefield et al. to produce a

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[50] There is not yet a publicly available catalogue of alternative world constitutional models. It surely should be taken for granted that a democracy, and democratic global governance, would ensure that all models and reasonable voices are given full public exposure. That possibility is now well within the technical capacity of the Internet. In such catalogue we should expect to find concepts developed by the World Order Models Project (WOMP) featuring the work of Richard Falk (1975, 1995) and Saul Mendlovitz (1975). It would include the 'cosmopolitan democracy' ideas of Archibugi and Held (1995, 1998) and Thompson (1992), the spiritually-based world order model of the Bahai's, and the various plans catalogued by Wynner and Lloyd (1946).

[51] Wallerstein (1995: 20) pointed in this direction, arguing that the UN should act 'as a critical forum…Let the United Nations interfere *verbally* in everything, without exception. Let it seek to proclaim that there are no internal affairs exempt from world discussion'.

comprehensive explanatory model.[52] Not only does the model provide a multifactorial analysis, it also suggests a hierarchical relationship between the range of factors.

First, and most obviously, a person must be *aware* of an impending threat in order to respond. But mere awareness of the threat is insufficient to predict a response. According to the model, if a person assesses the threat as not of immediate concern, competing priorities such as the world football series on television are more likely to engage attention. The process of *threat appraisal* is an important first stage in which a range of factors is considered. Assessment of the threat of acid rain, for example, entails awareness and consideration of contentious technical information, short and long term *personal* risk assessment, and, depending on the moral development of the person, appraisal of risk to a smaller or larger circle of others. Global problems, though disturbingly serious, may begin to manifest in distant localities and may not be assessed as posing an immediate threat to one's interests. Switch the television channel and the problem disappears, out of sight, out of mind. Only when the threat is registered as salient does one proceed to the next stage of the process, referred to by the authors as *response generation*. What can be done about the suffering of people under despotic regimes in Iraq, Cambodia or Burma? If one is unaware of effective strategies, if one sees no practical way to remediate the problem, the desire to help cannot translate into responsive action. The last stage involves *response appraisal*. If one happens to be aware of practical strategies, a number of questions arise – which strategy is likely to achieve the best outcome? What can one do with one's limited skills? What is the likely impact of ones 'little' contribution? What is the likelihood that all one's efforts will amount to nought?

From the perspective of this model, voluntary commitment to world constitutional deliberation will only occur among those who have moved to the third stage of responsiveness. They will have come to the view that, compared with other strategies, commitment to such deliberation will be the most effective and worthwhile use of their time and capacities. This supposes an already high level of awareness of problems, strategic effectiveness, and personal moral agency. The model suggests that the Commission's call may gain a committed response from only a tiny minority of the world's population.

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[52] Littlefield et al. (1995)

Problems that are 'global' represent a class of serious problems that demand priority attention. While the scale of the problem can be personally overwhelming, it can also be distant and non-threatening to the immediate wellbeing of those who are in the most well resourced position to respond. That there may be 1.2 billion people living in absolute poverty on less than $1 a day[53] presents no apparent, immediate threat to the comfortable lifestyle of the financial investor in New York. According to this model, until a hijacked aeroplane flies through his window, he is unlikely to proceed to the *response generation* stage. Until then, the problem could be appraised as not 'his' problem. The problem simply does not exist in his mind. He is otherwise preoccupied. He pursues his plans 'as if' the problem does not exist. We are faced with a dilemma. He is unlikely to respond to imminent problems via the path of personal *threat appraisal*.

How then might we gain his participation in constitutional deliberation? He will need to be distracted. An intervention will be required into his life space, an invasion of his privacy rights, as it were. In order to morally justify this, appeal to something more than to personal threat and personal interest is required. He will need to be held accountable as a co-contributor to the problem. But in order to hold him responsible, in order to justify an intervention, to persuade him to come to the negotiation table, we would need to show first that the problem exists independently of his mind. This will not be the only impediment to overcome. We will be confronted with a range of philosophical denials and perceptual blind spots at the various stages of response. In the following, we will examine some of the impediments associated with 'ownership' of global problems. Various ownership denial strategies are possible. For example, I may believe that the problems belong only to a malpractising proportion. If I am not the cause of the problem, it is not 'my' problem. Hence it is not for me to fix it. I might claim that the problem belongs to corrupt governments, exploitative multinational corporations, secret conspiratorial networks, the material consumption of first world nations, the population breeding habits of third world people, and so forth. Hold them responsible. Why should I be mobilised to consider world problems?

In the following we will examine three forms of denial: (1) The problem doesn't exist, it doesn't affect me, and is not in my mind; (2) I can't think globally and can't be expected to think globally, and anyway (3) what defines a problem as global, (such that I should be concerned)?

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[53] World Bank (2001)

2.4.5 Ontological denial. How can global problems exist if not in the minds of people?

Images of global problems appear in abundance on newspaper and television. But they appear remote, fleeting phantasms, absurdly juxtaposed with advertisements for shampoo, chocolate, and new cars. With the flick of a switch or the turn of a page, the problem is no longer in sight. The problem of global problems is that they are not seen in the comfortable leafy suburbs of London, Melbourne or Boston, or among the crowds at the football and horse racing stadiums. They are not seen in the busy supermarkets, tourist hotels, airports, or the rice-growing terraces of Bali. Everyday life proceeds as if they do not exist.

The thesis presumes that there are serious global problems requiring the attention of all. But is this presumption valid? Can it be said that a global problem exists if it does not exist in the present consciousness of all or most people in the world? Can such a problem have a certain 'objective' existence independent of the mental preoccupations of human beings? If a problem is not impinging on my consciousness and causing me suffering, is it really a problem? Philosophers subscribing to the mental state theory of harm[54] will answer *no* to the above questions. According to this theory what counts as harm – and hence a problem – is only that which impinges upon a person's present state of mind depriving them of happiness. According to this theory, while the Titanic was steering directly toward an iceberg, there was no problem. What the passengers didn't know was not hurting them. No harm was being felt. The problem arose only when the passengers became aware that their ship had struck an iceberg and was sinking.

While the mental state theory seems to defy common sense, it is consonant with that brand of utilitarianism that underlies neo-classical economic theory – the basis of economic management now practised worldwide. Utilitarian theory supposes that the satisfaction of human wants and wellbeing is best indicated by quantifiable 'utilities', by the sacrifices (prices) people are prepared to endure in exchange for getting what they want. The exchange negotiation typically is between two parties, the decision whether or not to proceed with the exchange, and the terms of the exchange itself, being greatly dependent on the mental state and desire impulse of the parties at the precise time of the exchange. The state of mind during the proportionally larger time intervals between exchange events remains outside the

utilitarian calculus. The wonder of utilitarian theory is the much contended supposition that nation-wide aggregation of these measurable exchanges, referred to as the Gross Domestic Product (GDP), can indicate the total economic wellbeing and progress of a nation[55]. Moreover, because it is presumed that continued growth of GDP is necessary to improve economic progress and the welfare of all, the encouragement of competitive self-advantage seeking in preparation for those critical exchange moments has become the primary goal of economic management. What matters is the measurable collective mental state, constituted by multiple happiness-seeking moments in which self-maximising 'rational' preferences are expressed among trading dyads. Social and environmental problems not felt by traders to immediately impinge on their exchange moment are ignored. They are regarded as external to such moments (externalities) and excluded from the utilitarian calculus.[56]

Increasingly serious risks to all parties are arising from the currently narrow economic focus on mental state as manifest in trade deals. Suffice to mention two. First, as the Asian financial crisis demonstrated, the dealings of 'casino capitalism'[57] have swollen like turbulent floodwaters to exceed the control of national governments. In effect, a powerful supra-national anarchism is being exercised, capable of ruining national currencies overnight, instantly bankrupting large enterprises with overseas borrowings, and causing massive unemployment[58]. While some financial dealers may act carefully and responsibly, they, along with everyone else, are vulnerable to the decisions of the growing numbers of share traders having narrowly focused, impulsive states of mind with time horizons limited to a few days or even minutes. Second, because the natural environment – a prolific producer of goods and

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[54] For detailed discussion of this theory, see Garrett Thompson 1987.

[55] In a demonstration now referred to as Arrow's Impossibility Theorem, Arrow (1963) showed that given certain plausible suppositions, there can be no rational aggregation strategy. See also MacKay 1980.

[56] It remains to be seen whether recent attempts to introduce Triple Bottom Line accounting, whereby social and environmental factors are taken into account alongside financial reporting, will become more than a marginal phenomenon without legislation to enforce such practice.

[57] The term Casino Capitalism was coined as the title of the book by Strange (1986).

[58] '…[w]orld financial markets have emerged as a form of supra-national government for the 21st century. They are not elected and do not convene. But as virtually all nations join the global economy, their finances are subject to the markets' rulings. Their currencies, which must be reasonably stable to promote national growth, are always on trial. So is their access to international borrowing markets to finance exports and infrastructure. When these markets' verdict is negative, changes in national economic policies are forced and entire governments can be powerless…This awesome power stems from profound changes in technology, global liquidity and the culture of investment performance. Technology now permits information to be disseminated instantaneously worldwide and transactions to be executed electronically from any fully equipped terminal. In addition, there are huge capital flows coursing the world, driven by global trade and investment patterns. These monies are professionally managed for maximum investment results. The result often is mass capital movements, favouring a nation or abandoning it, and fostering prosperity or hard times. Their verdicts cannot be appealed.' (Altman 1997)

resources for human benefit – cannot enter into human exchanges and bargain or protest, it is excluded from the utilitarian calculus and the purview of market-focused economic decision-making. Hence despite the reality of ecological limitation, the compulsion towards economic growth continues, full steam ahead. If a titanic disaster looms, the mental state theorist, who appears to be in control of the economy's steering wheel, denies it; the utilitarian calculus does not reveal it; no serious problem is seen to impinge on the economic state of mind. The denial is an inherent part of the game.

Thomson appeals to common sense in arguing that 'the unknown can be harmful'[59]. But what precisely is it that may be seriously harmed by an unknown danger, if not our present state of happiness? Thomson suggests that 'the analysis of harm should answer the following questions: (1) When something harms us what does it deprive us of? (2) Why is what we are deprived of good?'[60]

Thomson deals with this issue through an analysis of the two main accounts of harm – the *objective* and the *subjective* – that have typically been presented as an either/or possibility, mutually incompatible and exhaustive. In the *subjective* or the *desire account* one is harmed only if one is deprived of goods one desires; if drunken Bill wants yet another whisky, the bartender harms him by refusing to serve him more alcohol. In the *objective account,* harm means deprivation of certain objective well-being experiences that are entirely independent of a person's desires. Thomson argues that a crucial distinction should be made between a plausible weak account and an implausible strong one.[61] He rejects both the strong objective and subjective accounts and proposes a third, a middle path, an *interests account* – in effect a merger between a weak objectivism and a weak subjectivism. He defines interests as the 'roots of desire', 'the reasons which lie behind a person's non-instrumental desires', those which indicate 'the motivational nature of his desires'.[62] An interest has both objective and subjective characteristics, objective because it can be identified as independent of certain actual desires, and subjective because, in the last analysis, interests can only be determined and recognised as 'good' or 'basic' by humans and their failings. As is further discussed in the next chapter, Thomson's analysis has considerable affinity with the 'real interests' thesis

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[59] Thomson (1987:43)

[60] ibid.:44

[61] 'The weak thesis says that the desirability of action A *can* be independent of an actual state desire for A. The strong thesis says that the desirability of A *must* be independent of any desire, actual or possible.' (Thomson 1987:51, italics mine)

[62] ibid.:64

of Connolly,[63] and the basic needs theses of Forder,[64] Oppenheim,[65] Doyall and Gough[66] and Manfred Max-Neef.[67]   It is an account predicated on the supposition that there are certain interests which all humanity shares. However, following from the above analysis, we should expect that there will be interests which can be subjectively validated, which most people could identify upon deliberation, and thereby achieve global consensus. Most importantly, the interests-based account of harm, if it can be validated, will allow us to conclude that a global problem can exist, in the sense that it threatens identifiable common interests, despite being beyond the conscious awareness of the public. This conclusion is hardly sensational. Unfortunately, it is only with hindsight that we now recognise the serious threat to the common interests of the passengers on the Titanic, while they drank and made merry.

2.4.6 Epistemological denial: How can global problems be perceived and resolved if global knowledge is impossible?

Esteva and Prakash argue that because the world is so big and complex we cannot possibly 'know' the world, that global thinking hence is impossible, an illusion, futile, even arrogant and at worst, destructive and dangerous. They argue against the slogan 'think globally, act locally' and urge us only to 'think and act locally', for 'one can only think wisely about what we actually know well'.[68]

It is certainly true that we do not and cannot know the world if knowing the world implies omniscience, knowing it in all its vastly complex detail. We cannot be expected to remember even the names and locations of all the cities, towns and villages, let alone the names of their several billion residents, and their local flora and fauna. By the same token we cannot know our own self or the child that grows under our care, let alone next door neighbours, if knowledge implies complete understanding of the human mind/body, of how cells, chromosomes and genes work and how they enable us to think and feel. Nonetheless, despite our lack of knowledge about the mysterious, babbling infant-stranger in our midst, we are more or less able to attend to its immediate needs and often successfully respond to its distress calls.   Lack of knowledge is clearly one crucial factor hindering responsiveness, but

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[63] Connolly (1983)

[64] Forder (1974)

[65] Oppenheim (1981)

[66] Doyall and Gough (1991)

[67] Manfred Max-Neef (1991)

[68] Esteva and Prakash (1994: 125)

complexity and lack of omniscience is not necessarily an obstacle to effective response. Just as we can be responsive to the child in our house, so too are we increasingly able – given advances in communication technology – to perceive and respond to distress signals coming from the other side of the planet.

The multiple distress signals issuing from the world can of course be overwhelming. Clearly one cannot respond to them all. This does not imply that we cannot respond to *any* of them. As is argued in the next chapter, adequate response implies a decision on priorities. The task of deciding priorities is perhaps made easier if the focus of our response is confined, as Estava and Prakash advise, to geographic locality and knowledge. But the difficulty arising from such advice is threefold. First, to ignore the sufferings of remote people under a repressive regime on the pretext that we do not know and cannot know much about their suffering, is to suppose that people who live remotely suffer in ways quite differently and incomprehensibly compared to those who live locally. Such supposition of course is untenable. Second, such advice meets with ethical difficulties. As Singer argues, we are morally responsible for the plight of distant persons, species and habitats who are without adequate help from those in their vicinity, just as we are for the unknown infant who is drowning in the pond before our eyes.[69] Third, it is not clear what 'thinking locally' means. One need not be an Internet user to appreciate how virtual locality collapses geographic locality. Since the advent of story telling, writing and the printing press, geographic location has had a diminishing grip on the locus of attention, on mental location. Where is the mind when it is reading? Where is the self located – in mental or geographic space? If one is situated in a dentist's waiting room in Australia, but focused on a picture of China, where is the mind located in that moment, in China or Australia or both? According to psychologists and phenomenologists since Buddha, the self is primarily mentally located; it is a stream of consciousness.[70] The person with whom I am now talking on the telephone, though on the opposite side of the globe, may be located closer to me – in mind, spirit and attitude – than another sitting in the same room as I. Such appreciations muddy the distinction between local and global thinking and render untenable the admonition to think globally *or* locally, one way *or* the other, in response to global problems.

But then how do we define a 'global' problem such that it invokes our response?

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[69] Singer (1993)

[70] 'Thoughts themselves are the thinkers', wrote the psychologist William James. Quoted in Gunaratne (1963:30)

2.4.7 Problem of definitional clarity: What distinguishes a problem as 'global'?

McKinlay and Little[71] defined problems as global 'when their solutions cannot be achieved within the boundary of the state'. This definition is indicative but insufficient. Problems can have cross-boundary impacts involving two or more countries and be resolvable through bilateral or multilateral agreement without necessarily invoking the participation of the world community. The definition is inadequate for a second reason. It focuses on solution achievement wherein responsibility for the solution is presumed to be confined to state-boundaries and state-bounded actors. It reflects an approach, typically supposed in International Relations discourse, that resolution of widespread environmental and social problems is theoretically dependent upon the predetermined framework and interests of the state.[72] The abiding concern of states for the protection of national security and continued economic growth militates against adequate apprehension of the underlying causes of the problems, and as Elliott[73] pointed out, of ecological interdependence. A government may permit the clear-felling of a rainforest to increase export revenue and short term employment and thus resolve the state's financial and political problems. From a state's viewpoint the problem and its resolution was achieved within its boundaries. The norm of national sovereignty provides the state with the right to determine what should be done with the ecosystems and resources within its territories. The tragedy of the ecological commons that arises when states resolve their 'internal' problems in such manner, should lead us to seek criteria for defining global problems which do not presuppose the continuing logic of the state.

Focusing on ecological problems, Elliott offers a twofold approach to the identification of these as 'global'. First, 'global issues are those which affect the global commons, those parts of the ecosystem or the planet which are beyond national jurisdiction', the oceans, the atmosphere and so forth. Second, problems are global 'when the common heritage of humankind is at stake. This principle invokes the idea of a shared global resource, to be managed *in the common interests* of all'.[74] (my emphasis)

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[71] McKinlay & Little (1986: 1)

[72] Saurin (1996)

[73] Elliott (1995)

[74] ibid.:3

This latter point is pivotal. For it needs to be shown that there is indeed a universally common interest, an interest which has some objective, transcultural existence, regardless of whether people are aware of such interest, a common interest possessed by future persons not yet acculturated. If this can be shown, then we can identify problems as global when they appear to threaten those interests. It there are such interests, there remains the contentious issue of their identification. Is biodiversity conservation, for example, a common interest, or merely the interest of an environmentally concerned minority? How would we validate such an interest? These are crucial questions, for unless they are adequately addressed, the existence of global problems cannot be presumed. The important issue of universal interest identification is a main focus of the next chapter. On the supposition that common interests can be identified, the thesis proposes the following as a first step criterion to distinguish a global problem from a non-global or private problem:

> 1 *A global problem is one which threatens the common interests of humanity, of present and future generations*.

A subset criterion is suggested by Elliott in the preceding discussion. On the supposition that among the range of possible common interests there can be clearly identified a common interest in the protection of common heritage – oceans, coastlines, rivers, atmosphere, forests, biodiversity, rare species and precious buildings – the following definition can be asserted:

> 1.1 *A global problem is one which threatens a common interest in the conservation of global heritage as per list (to be determined)*.

Further subset criteria for identification of global problems could be generated through clarification of other categories of common interest. We might want to include categories such as protection from tyranny, violence, economic insecurity, exercise of arbitrary power, and so forth. By virtue of these criteria, any act of common heritage violation or of tyranny in any part of the world, would be regarded as a global problem, of concern to all, thus providing justifiable grounds for intervention to protect the common interest. Where a local or regional government permits or threatens to permit the destruction of a rainforest within its jurisdiction, it would, by this criterion, be acting in abuse of its obligation to govern in the common interest, and should invoke a protective response from higher levels of government.

That the world's people currently lack adequate world constitutional protection is a global problem of a different kind. Global problems may be distinguished in two ways. On the one

hand there are the more obvious presenting or 'surface' problems, such as discussed above. On the other are the less obvious, 'underlying', 'causative', 'structural' or 'constitutional' problems. When the world's people are powerless to protect rainforest heritage from destruction by ecologically neglectful governments, or individuals from violent dictatorships, we are presented by both kinds of global problem – symptomatic and structural. The suffering of people under Sadam Hussein's tyrannical regime is as much attributable to the lack of adequate world constitutional protection as it is to the brutality of his leadership. They are victims of what Galtung called 'structural violence',[75] an attribute increasingly levelled at the norm of national sovereignty expounded in the UN charter.[76] Intended as a strategy of mutual protection, it has proven itself a diabolical structure that safeguards the violent actions of tyrannical rulers, permitting them to do whatever they want on 'their' territory, destroy 'their' forests and subject 'their' people to every cruelty, with impunity. As argued in chapter 5, we are all responsible for the imposition of such structures on each other, and hence for the suffering generated by such structures. Though one may live comfortably removed from Iraq, one is nonetheless responsible for the suffering of Iraqi subjects in so far as it is within one's capacity to attempt to alter the structure of global protection, and negligent in so far as one remains silently acquiescent. A world constitutional order which consistently fails to protect individuals within Iraq, can equally fail to protect the interests of all others in the world, including myself, if and when there arises a change for the worse in the local winds of political power. Thus what can appear to be a local or internal problem is a global one if it can be attributed to failure of the world protective structure and requires a reconstitutional response from the world's people.

The preceding considerations lead to the formulation of two further criteria

> 2 *A global problem is any localised threat to or violation of a common interest which can be partly or wholly attributed to faults in the overarching structure of global protection, ie., in the set of world constitutional norms and institutions.*

> 3 *A global problem is one which invokes a world reconstitutional response from the world's people.*

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[75] Galtung (1969)

[76] According to the UN Charter: 'No State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State.'

In the view of Rawls, constitutional responsiveness is the 'highest order interest'[77]. It is an interest to participate in the determination and review of the overarching structure of protection. On the fulfilment of this paramount interest the protection of all other interests depends. The development of this overarching structure must clearly be a cooperative affair involving mutually protective agents (Rawls calls them moral personalities).

> We start by viewing each person as a moral person moved by two highest order interests, namely, the interests to realise and to exercise the two powers of moral personality. These two powers are the capacity for a sense of right and justice (the capacity to honour fair terms of cooperation) and the capacity to decide upon, to revise and rationally pursue a conception of the good.[78]

From this perspective, where a population is not moved to continually pursue its highest order interests, even when confronted by serious global problems, we might conclude that the population does not yet comprise 'moral persons' as Rawls defines them. They lack the capacity to decide, revise and pursue a conception of the good. On the other hand, it could be argued that the lack of capacity is not so much a failure of moral personality, but as mentioned earlier, a lack of appropriate deliberative provisions to enable the highest order interest to be pursued. Whichever way it is looked at, there is a crisis of constitutional response. Such problem surmounts the familiar litany of global problems. Here, it could be claimed, is a paramount global problem, a meta-problem as it were, located at the summit of a hierarchy of problems, a problem belonging to each person and locality, hence a problem requiring priority attention. Inverting the previous criterion, a global problem might be formally defined thus:

3.1 *A global meta-problem exists whenever and wherever people fail to act as globally protective, moral agents.*

If global problems require a reconstitutional response from the world's people, there entails a special responsibility for political and educational leadership. Educational institutions and practitioners bestowed with the responsibility for moral, social and political education, ostensibly for their advanced awareness, should arguably be obligated – for the sake of mutual protection – to activate the highest order interest and stimulate reconstitutional learning. A global meta-problem clearly exists where educators systematically fail in this regard.

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[77] Rawls (1982:164)

[78] ibid.:165

The call by the CGG for leadership to be infused with a global ethic'[79] implies that leadership, on the whole, is not yet or insufficiently so infused. Clearly, leaders are more concerned with the protection of undefined 'national interests'. A segregative morality reigns. Export competitiveness and growth of anarchistic commodity production[80] is encouraged – at the expense of ecological systems. How current national and educational leadership is to become adequately infused with a global civic ethic is not clear. But until such infusion takes effect, the world remains beset with what Habermas called 'steering problems'.[81] Titanic imagery is conjured again.

> [S]teering problems can have crisis effects (if and only if) they cannot be resolved within the range of possibility that is circumscribed by the organisational principle of the society. Principles of organisation of this type determine…the learning mechanism on which the development of productive forces depends…[and] the institutional boundaries for the possible expansion of steering capacity.[82]

In effect, the institutionalised constraints on learning capacity, constitutes a further meta-problem, at the pinnacle of the hierarchy of global problems, a problem that needs to be apprehended as a prior requirement for resolution of other global problems. Such problem could be formally distinguished as follows:

> 4 *A global meta-problem exists when political and educational leadership in any part of the world, systematically fails to enable the people to exercise their highest order interest.*

If this analysis is correct, the failure of constitutional responsiveness can to a significant extent be attributed to a distinctional impediment, a failure to distinguish global problems from those that are not global, and a consequent failure to recognise the implications for moral agency.

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[79] Commission on Global Governance (1995:335)

[80] 'Anarchistic commodity production', a term used by Habermas (1973), refers to a form of anarchy which philosophical anarchists such as Noam Chomsky would probably not subscribe to. It refers to the 'do whatever you want to do' anarchy of the market whereby one is free to disregard priority needs and serve only those willing and able to pay (see discussion next chapter).

[81] Habermas (1973)

[82] ibid.: 7

2.4.8 When time is money, no time for constitutional response

The impediments discussed so far, while important, pale into insignificance against perhaps the most serious practical impediment – the time factor – that the world's people would be unwilling to voluntarily invest the substantial time required to participate in developing a constitution for a better world. Participants will need to critically consider large amounts of information concerning global problems, underlying causes, future projections, alternative normative and institutional options; it will require them to make moral choices, defend their choices with reasons, and find agreement on these matters. Realistically, a time investment would be required equivalent at least to that required of school or university students.

The call by the CGG – while it sits on library shelves – is weak competition against the call of the sports ground. And calling the loudest, is the sport on the playing fields of the global market. People commit to full-time commercial interests in racehorse breeding, fashion, casinos, tourist hotels, art galleries, sports, advertising, and so on – far removed from global problems, let alone from socially-necessary contribution. The dilemma is that business in today's globally competitive environment could not remain viable if it had to attend to global problems by way of priority. No cash flow would be gained by requiring employees to devote large amounts of time to constitutional deliberations. And unfortunately what time remains after business, after-hours, after family, friends and football, is not much time at all to attend to global problems. The persistent forces which the Chairman of the Earth Council suggested were leading to continued environmental deterioration, turn out to be the same forces limiting the time available for adequate constitutional response. In a study on human time and space perspectives, Boniecki found that:

> the function of physical survival of oneself and one's family (even in conditions of Western affluent society) involves an infinite amount of daily problems. These cause many immediate preoccupations and engage one in countless current relationships…each relationship, in turn, is charged with a certain amount of problems. These centre mostly on the present and the immediate future' [These natural limits] automatically impede our concern for the more distant future and thus constitute a formidable limitation to human perspectives.[83]

What hope is there? Rifkin[84] predicts a post-capitalist future when continued downsizing will force arrangements for a shortened working week, allowing more after-hours space for involvement in responsible citizenship. This seems highly unlikely unless a multilateral

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[83] Boniecki (1980: 168)

[84] Rifkin (1995)

convention is established binding all governments to regulate for a shorter working week. Without such agreement, countries that regulate unilaterally will place home companies at relative disadvantage to those that do not. Rivkin's post-capitalist future will require an act of global governance with unprecedented powers. Until such distant future is realised, and while notions of responsible citizenship remain theoretically and practically relegated to the minimal time left over after-business-hours[85], global problems will remain largely neglected, out of sight and out of mind.

The incapacity and unwillingness to invest the time to participate in constitutional deliberation could be viewed as the 'titanic' problem of global problems. In such circumstances, could *drastic* steering remedies be morally justified? Perhaps appeal could be made to the argument by J.S. Mill to justify coercive educational interventions, to treat adults as children are universally treated, to subject everyone to a program of compulsory education focusing on world constitutional protection.[86] Clearly this would be unacceptable to voting citizens. To avoid what might become a 'catastrophic learning process',[87] chapter 6 argues that we need to consider instituting a global education program for all children as part of their compulsory schooling such as called for by Salla, Tonnetto and Martinez.[88]

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In the next chapter we address a further major cognitive obstacle impeding response to the Commissions 'foremost challenge'. Any attempt to 'mobilise' the people, as suggested by the Commission, is unlikely to succeed unless it became very clear to humanity's diverse groups, and firstly to their educators, that despite the major differences, they share crucial common interests that can be fulfilled and protected only by cooperating.

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[85] Citizenship is usually conveyed as a voluntary field of involvement, essentially outside the realm of the market economy. 'Good' citizens are seen as those who participate in voluntary associations, service clubs, environmental and political activism, charity work, etc. – all 'after-business-hours' occupations. Rifkin (1995) reinforces this impression in suggesting the growth of a voluntary civic realm – a citizenship realm – distinctly outside of, and arising from the increasing displacement of jobs from, the market sector.

[86] J. S. Mill (1861:135): 'That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral is insufficient warrant.'

[87] Quoted by Elzinga (1997), from a Dutch paper by A. Cornelius, 1997 'Logic of Feeling: Layers of Stability in Culture'.

[88] Salla, Tonnetto and Martinez (1995: 261) call for a Global Educative Authority, a 'Council of Earth' that 'would formulate a universal syllabus of education for adoption by governments' as a necessary prelude to the formation of empowered international institutions.

Do such universal interests exist? How are they to be identified? What identification procedures could we regard as legitimate?

UNIVERSAL INTERESTS:

GROUNDS FOR A NEW

CONSTITUTIONALISM

3.1 INTRODUCTION

In the preceding chapter it was suggested that problems be defined as *global* when they appear to threaten, directly or indirectly, the interests of all people, including those of future generations. That argument however rests on the supposition that certain universal interests exist, quasi-objectively, like global problems, independently of people's awareness of them, and irrespective of cultural differences. Taken-for-granted political notions such as *the public interest*, *universal rights*, and *constitutionalism* can be sustained in a pluralist, civic domain only on the supposition that such universal interests exist and can be identified. This chapter argues that if such universal interests exist, then they furnish compelling grounds to consider the development of a new, globally protective constitutionalism. But the existence of these universal interests is not so clear. They remain to be empirically identified and publicly affirmed.   Considering the diversity of cultural and religious beliefs, what politically acceptable procedure should be used to identify these interests?   And what might be the implications of such procedure for civics education?

The word *interest*, in the English speaking world at least, presents our first problem. As a key term in political discourse, it can slip and slide interchangeably with terms such as *value, desire, want, need, preference, choice, market demand, utility, goal, objective, purpose* and *end*. As used in commerce, the term means something almost opposite to the type of interest that is of interest here. As one ethical investment fund put it, 'the real interest in a project is inversely proportional to the interest charged'.[1] In the swamp of meanings associated with the word will be found quandaries to do with self-interest, conflict of interest, and the possibility of disinterested motivation. These feed into questions about the possibility and nature of the 'public interest' and the 'national interest' in a political domain characterised by interest groups who compete for attention – commercial interests, sporting interests, ethnic interests, environmental interests, political party interests and so forth. Ignatieff wrote,

> [m]uch of our language carries a heavy legacy of past attachments and commitments; it is always an open question whether we genuinely share these commitments or are simply mouthing the platitudes which are their sign... our language stumbles behind like an overburdened porter with a mountain of old cases.[2]

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[1] Mercury, a UK based ethical investment fund, used this motto on their promotional literature in the 1980's.

[2] Ignatieff (1994:138)

It remains to be seen whether some unitary structure of key terms and meanings could be constructed in future to make political discourse easier. Language is an artefact of human design – humanity's first tool. As such it is amenable to design improvement. New designs can render old and overburdened ones obsolete. There remains ample scope for linguistic invention, and nowhere is it needed more perhaps than to advance dialogue on the protection of mutual interests. Improved world constitutional protection will arguably depend on the development, and successful promotion, of shared world constitutional language – a set of key terms, if not an entirely new *lingua franca* such as Esperanto – in which 'universal interests' can be unambiguously conveyed to all, as the ground for global cooperation.

The term 'universal interests', as used here, may be viewed almost synonymously with a number of terms used in the literature, some of which will be referred to in the chapter:

basic needs

common interests

basic human needs

fundamental needs   (Max-Neef)

real interests   (Connolly)

generalised interests   (Habermas)

primary goods   (Rawls)

interests   (Thompson)

universal kingdom of ends   (Kant)[3]

The supposition of universal interests underpins the global concerns, warnings and recommendations set out in the 1995 report by the Commission on Global Governance. On this point, the report is unequivocal: 'the idea that people have common interests irrespective of their national or other identities… is of increasing relevance to global governance'.[4] If the Commission's recommendations are to be successfully met, the 'idea' that there are universal interests, will require widespread acceptance and acknowledgment.

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[3] Max-Neef (1991), Connolly (1983), Habermas (1973, 1984), Rawls (1972, 1982), Thompson (1987). My inclusion of Kant's (1785) 'universal kingdom of ends' on this list is a little tentative, for his definition is somewhat elliptical and has no doubt led to considerable misunderstanding. Kant begs to sharply demark all interests from ends, and recognises no overlap (p. 99). However, the clarifications by Kant suggests the close proximity of ends to universal interests: 'we shall be able – if we abstract from the personal differences between rational beings, and also from all the content of their private ends – to conceive a whole of ends in systematic conjunction... a kingdom of ends' (p. 101).

But is the 'idea' of universal interests merely an 'idea'? Is the idea valid? How well does it stand in the face of the prodigious wave of neo-relativist literature that is dismissive of universalism whether it be in relation to language (as coordination medium), scientific understanding, moral principle, political culture, reason or rationality?

> One now frequently hears the adage, "Everything is relative", used either as a mantra recited ritualistically, much as part of a new age creed, or as an ad hoc premise which is added to every philosophical argument.[5]

To accept that everything is relative somewhat paralyses the prospect of identifying universal interests and the global problems that threaten them, let alone of determining mutually protective arrangements. If human needs and problems are purely subjective and relative to the socialised and changing mental condition of individuals, there can be neither global problems, nor universal interests. If we cannot know people's changing mental states, if we can only know what they need at any one moment by listening to them speak in a language we can understand, then those who *cannot* speak or be understood by us, have indecipherable needs that can only invoke our neglect. Because infants, mentally incapacitated persons and future persons are unable to communicate, let alone offer us some valuable thing in exchange for our consideration, how can we presume that they have interests similar to ourselves demanding of our attention? It may be asserted that the need to belong, or for identity, are absolutely universal. But how are such needs to be determined? According to what universally applicable procedure could contenders for the catalogue of universal interests be agreed upon? If relativism also trumps universal reason, the existence of universal interests can neither be validated nor invalidated. By the same token, the quandary is that without resort to universal reason, how can the validity of neo-relativist arguments be determined?

To most people such philosophical questions appear irrelevant. The questions appear not to distract the world's mothers from attending to the presumed universal needs of their newly born, yet to be acculturated infants, who cannot declare their needs. Nor are the world's hospitals stopping to ask the above questions before administering to the needs of the ill. Cultural background, or mental handicap, or lapse of consciousness is making no difference to the activities of ambulances and casualty departments. Whether one is a road casualty victim from a remote highland village in New Guinea, Peru or Bhutan, one is treated as a human being having culturally transcendent interests. The supposition that those same interests

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[4] Commission on Global Governance (1995: 254)

[5] Harris (1992:xiv)

belong also to future generations underpins the efforts by governments and organisations worldwide toward achieving sustainable development. Far more than this thesis rests on the universalist versus relativist debate. It will be argued that some of our most fundamental norms, institutions and practices are predicated on the validity of universal interests – universal human rights,[6] national constitutionalism, citizenship and law, state-regulated compulsory education,[7] and so forth. However, while these taken-for-granted features of modernity lend great strength to the 'idea' of universal interests, their prevalence does not necessarily validate the idea.

The upsurge of neo-relativist debate threatens to undermine the universalist supposition of the thesis, and indeed all possibility of universal human rights and political constitutionalism. The first part of this chapter examines the debate, not to add to it substantially, for it has been well ploughed over in innumerable texts, but to consider whether and to what extent relativist arguments are damaging to the universalist orientation of the thesis.

The second part of the chapter reconsiders the nature of the civic realm and 'the national interest' to show how these notions presume universal interests, that without this common ground, civic cooperation and large scale constitutionalism could not evolve or be sustained. It is argued that were the trouble taken to identify such interests they would be found to be universal. This argument consolidates the ground that underpins the thesis for a new globally protective constitutionalism.

The next part of the chapter asks – *how to identify universal interests*? What political and educational procedures should be used? We consider three procedural approaches advocated respectively by Galtung, Max-Neef and Connolly.

Finally, it is asked, would it be sufficient to leave the identification process to social researchers? It is argued that if the call for the adoption by all of global civic responsibilities were to be met, all would need not only to reflect on universal interests, but also declare willingness to cooperate to assure their protection, as a first step towards considering

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[6] Gewirth (1993:35) argued that 'before one might hold that human rights provide the normative and universal basis for a common morality... it must be shown that, amid and despite these diversities, there are also interests that all humans have severally in common'.

[7] State regulated compulsory education is predicated on the supposition that despite the different and changing interests among people, there are common human interests of overriding importance whose fulfilment and protection obligate all residents in a political state and hence all minors to learn and know certain things.

compliance responsibilities. It is concluded that *sustainable* mutual protection would require a common interests-focusing procedure to be *meta-constitutionally* embedded, as a primary requirement for civics education and participation in constitutional deliberation.

3.2 DOES RADICAL DIFFERENCE DENY UNIVERSAL INTERESTS?

The principles of long term sustainability and intergenerational equity suppose that future persons share certain interests in common with the diverse people who today inhabit the world. But this assumption cannot be validated *if* validation necessitates the capacity to enter into dialogue with everyone. Even the most democratic structure conceivable will exclude future generations from voicing their interests. If future persons cannot participate in our deliberations, how can we presume to know their interests? Precisely what interests can we assume to be the proper subject of our concern? A similar quandary applies to newly born infants. Analysis of a baby's screams and gurgles is unlikely to furnish much useful information about its real interests. In order to discover this information must we wait until it acquires language? The problem is, according to one relativist argument that we will examine later, when a child acquires one of the world's diverse languages, is socialised, and differentiated from children raised in other cultures, the possibility of validating our assumption through dialogue could meet an insurmountable dead end.

Relativism appears in a number of guises. Attempts to negotiate reasonable agreement can readily be confounded by the intransigent claims to radical difference founded in the slippery grounds of logical, moral, cultural, epistemological, ontological and procedural relativism, and more recently, postmodernism. Beyond the scope of this thesis is the task of addressing their multifarious attacks on the pillars of reason, scientific rationality and moral universalism. Nor can we address the arrows targeted at their alleged sources – the Enlightenment, western cultural imperialism and the patriarchal conspiracy. Economy dictates that from the prodigious literature, we attempt to extract and consider only the stronger arguments and assumptions, those that appear to be of greatest threat to the standing of universal interests, and to reason, and hence to the thesis. The extracted arguments are named and considered in this order: (1) the language difference argument, (2) the ontological difference argument, and (3) the rationality difference argument.

3.2.1 The language difference argument

Different cultures play different language games. Just as basketball cannot be properly conveyed and understood through the language of tennis, so the interests and ethics of one culture cannot be understood by those socialised within the language of a different culture.

One human interest commonly supposed to be universally shared is an interest in the avoidance of extreme pain and continual suffering. People are prepared to endure small amounts of pain to avoid anticipated greater pains, for example, to suffer the discomforts inflicted by a dentist for the sake of long-term relief from toothache. Aside from masochists, people typically choose to avoid subjection to physical and psychological deprivation and/or torture where no promise of greater compensating benefit is on offer. But how can we establish that all people understand what pain is, or more precisely that everyone experiences and means the same thing by the word 'pain'? How does one ascribe one's own experiences to others? Wittgenstein asked:

> If I say of myself that it is only from my own case that I know what the word 'pain' means – must I not say the same of other people too? And how can I generalise the one case so irresponsibly?[8]

Accepting the quandary raised by Wittgenstein, any difficulty of understanding among persons within the English language community concerning the shared word 'pain', will be substantially compounded among persons of disparate language communities. Words like 'pain', 'suffering', 'hunger', 'stress', and indeed the troublesome word 'interests' connote inner experiences of variable intensity and quality that are inaccessible to observers. How to establish the existence of universal interests given that the words used to convey interests may have no directly translatable equivalents in *all* other languages?

Using Wittgenstein's theory of language games as a point of departure, Winch insisted that 'the limits of my language mean the limits of my world'.[9] On the same path, Lyotard concluded that translation is impossible: 'it is clear that language games are heteromorphous, subject to heterogenous sets of pragmatic rules'.[10] This, he believed, renders the achievement

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[8] Wittgenstein (1953: 293)

[9] Winch (1970: 92)

[10] Lyotard (1984: 65)

of universal consensus 'neither possible nor prudent'.[11] Prudence, according to Lyotard, would direct us against any attempt to achieve consensus in regard to universals. 'Such consensus does violence to the heterogeneity of language games'.[12] Lyotard's assertion presupposes not only that there is a universal interest in non-violence, but also that the particular form of violence that he finds abhorrent – violence to language games – would be universally experienced, understood and abhorred.

Lyotard consistently demonstrates a failure to recognise the contradictions in his criticism of universality; his texts are saturated with presuppositions of universality. Lyotard's writing, his textual performance, demonstrates what Apel calls 'performative contradiction'.[13] For example, while rejecting the possibility of universals, Lyotard overlooks the fact that language is a universal characteristic of human cultures, having common categorical features that all could distinguish. As Harris points out, '[e]verything is relative to a multiplicity of languages, except what Lyotard has to say about those language games'.[14] Quine, Goodman, Winch, Gadamer and McIntyre[15] present similar relativist arguments and reveal similar blindspots.

A further difficulty with the untranslatability claim is highlighted by Habermas in respect to McIntyre's thesis.[16] The weakness of the claim is made apparent, argues Habermas, when we consider what must be accomplished if examples illustrating untranslatability are to be found.[17] In order to uphold this claim, one would need to demonstrate expertise in three languages at least. One must experience essential inaccessibility in respect to at least two languages if one is to communicate this to us in a third language. When an interpreter experiences an incapacity to translate, 'he must be capable of adopting both irreconcilable

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[11] ibid.

[12] ibid.: xxv

[13] 'Karl-Otto Apel's notion of a *performative contradiction* is accurately but almost impenetrably defined by Habermas (1992: 80): ' A performative contradiction occurs when a constative speech act *k(p)* rests on non-contingent presuppositions whose propositional content contradicts the asserted proposition *p*'.

[14] Harris (1992: 117)

[15] Where Wittgenstein focuses on 'pain', Quine (1969) focuses on the problem of translation of such terms. He asks: to what does the term 'gavagai' objectively refer? Nelson Goodman (1965) introduces the term 'grue' as a chameleonic blue-green alien substitute for 'green' to argue that inductive predictions are confounded by and depend on linguistic practice, rendering impossible the making of universally valid inductive claims. Winch (1970: 92) focuses on the witchcraft of the Azande to argue that one cannot understand the rationality associated with other languages. McIntyre (1988: 375) asserts that 'you cannot express some of Plato's key thoughts in the Hebrew of Jeremiah'.

[16] Habermas (1993:96-104) refers to McIntyre's (1988) non-translatability thesis.

[17] Habermas (1993: 102)

perspectives and yet of understanding the meanings that cannot be transformed into one another.'[18]   Tenuous as it is, the claim of untranslatability would be applicable only for the languages in which one could demonstrate expertise. It could not be generalised over all languages.

Notwithstanding this problem, claims of untranslatability typically fail to illustrate examples that transcend the trivial, that show why common understanding or conflict-resolving agreement between diverse language groups might not be possible. Language communities may well have different systems of distinction, as Saussure recognised, but a great deal rests on what is understood to be the degree and significance of the difference.[19]   Simple and strident claims of *difference* are unhelpful in this regard.

While perfectly precise linguistic translation may indeed be impossible, such perfection may not be a necessary requirement for effective global communication. Despite fundamentally different linguistic and cultural backgrounds, Russian, Indian, Chinese and American scientists have understood and applied the same set of scientific and technological concepts in order to produce nuclear bombs and antibiotics. Such shared technical knowledge is predicated on shared recognition that all people, regardless of their language, suffer similarly from germ warfare and respond similarly to medical treatment. Comprehension of scientific theory and evidence within the multi-linguistic scientific community also indicates, as Habermas pointed out, the universal capacity of humans to interpret such information and translate it into the language of their social life worlds.[20]

That this capacity is not confined to the scientific intelligentsia is indicated by globally popular events such as the World Olympic Games and World Soccer. People from disparate cultural backgrounds are clearly capable of understanding the same set of linguistically mediated game rules. The meaning of 'soccer' is unambiguous because, unlike dictionary definitions, the term accompanies a rich set of rule-based criteria that enable children in all countries to precisely distinguish it from 'tennis', 'basketball' and other Olympic sports.

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[18] ibid.: 102

[19] While Saussure (1916) held that each language has a different set of *signifieds* in contrast to the *signifiers* (the words/symbols) the distinctional differences were not so impenetrable that they prevented Saussure from illustrating the nature of the differences in terms comprehensible to his students.

[20] Habermas (1987: 180)

Advances in telecommunications technology in the 20th century have radically increased the permeability of traditional regional and cultural boundaries. Cross-cultural movement of goods, scientific knowledge, musical influences, sports, tourists, and so forth, has meant that influences upon children can no longer be confined to those within regional and linguistic boundaries.[21] Children raised in multi-ethnic neighbourhoods tend to acquire speech patterns and accents different than their immigrant parents, imitating instead the broader 'authoritative language' spoken in school by peers, teachers and authority figures.[22] When children from different linguistic backgrounds are thrown together into a classroom, they are clearly able to comprehend and acquire new linguistic terms and distinctions introduced by teachers. This testifies not only to the universal capacity among humans to recognise similar experiential distinctions, but also to communicate those distinctions by applying a shared symbolic sign and sound language. The evidence from these classrooms alone renders the relativist claim of non-translatability little short of ridiculous.

While satellite-transmitted images shower on the world like messages from the gods, presenting the world to the village and the village to the world, the appreciation of the 'oneness' of humanity must inexorably and relentlessly seep through the linguistic screens that segregate one from another. Seeing how children everywhere, even in remote villages, become transfixed by television's capacity to convey the sights and sounds of distant neighbours, it is clear that there are modes of communication and comprehension that transcend linguistic boundaries.[23] Revealed to all are common biological signs, recognisable body language patterns and unmistakable displays of shared human vulnerability to drought, flooding, disease, brutality and food deprivation. If it is true that humans evolved from ape-like ancestors, it is also likely that common interest among our primeval parents to cooperate to protect themselves from these common threats stimulated the invention and development of language games in the first instance. Prototype equivalents to words such as *pain, suffering, stress, hunger* must have been preceded by shared experience, without which the words could

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[21] Geertz (1986: 121) wrote: 'That we are living more and more in the midst of an enormous collage, seems everywhere apparent…the person we encounter in the grocery store is as likely, or nearly, to come from Korea as from Iowa, in the post office from Algeria as from Auvergne, in the bank from Bombay as from Liverpool.'

[22] Bordieu (1991)

[23] McLuhan's polemics in the 1960's regarding the demise of speech and the rise of computer-assisted communication remain curiously prescient: 'the computer…makes natural and necessary a dialogue among cultures which is as intimate as private speech, yet dispensing entirely with speech. While bemoaning the doctrine of literacy and the obsolescence of the book, the literati have typically ignored the imminence of the decline in speech itself. The individual word, as a store of information and feeling, is already yielding to macroscopic gesticulation'. (1968: 90-91)

not have been socially established. But we need not speculate on the origins of linguistic invention. It merely needs to be recognised that for a language game to be learned by infants, they need access to a shared range of prelinguistic experiences. Breast-milk tasting is universally experienced before the words 'milk', 'mother', 'drink', thirst, or their translations become intelligible. Perhaps, we will need to return to shared pre-linguistic experience patterns to (re)discover our universal interests in order to develop a world constitutional language, with terms as clear as 'soccer', that we can discuss globally protective cooperation.

3.2.2 The ideological/ontological difference argument

Different cultures experience the world in different ways. Diverse ideas in relation to God, earth spirits, human origin and afterlife, the soul, ultimate purpose and meaning, etc., will produce markedly different interpretations of everyday experience and correspondingly diverse understandings concerning basic human interests.

This argument is not readily untangled from the previous one, in that different interpretations of life-world experience arise from the linguistic frameworks in which cultures reproduce their stories. Quine argued that one can only ask questions about a particular cultural ontology within the linguistic framework of that culture.[24] As evidenced by the empiricist practices of social science in the 20th century, this argument can appear to be valid. Survey, description, analysis and explanation of the experience of 'workers' in capitalist countries, for example, have typically been undertaken within the linguistic framework of capitalism. The semantically troublesome family of terms related to work such as 'labour', 'leisure', 'workforce', 'unemployment', 'retirement' and so on, provide the constitutive framework within which statistics are gathered and policies recommended. Typically, the social and political commentator is internal to the game, and provides analysis much as do football commentators during and after a football match.[25]

If one is to ask 'foreign' people questions of their culture, one's questions must be heard. This may require establishing credibility, entailing immersion in the foreign culture and its

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[24] Quine (1969)

[25] As Polak (1971: 312) pointed out, by attempting to remain an unbiased, objective observer of events, the social scientist abjures responsibilitity for the future, 'staying at the sidelines of the field, briefly as the impassive and impeccable spectator, or most literally as a "goal-keeper", automatically thereby becoming a stout defender of the existing order and of vested interests'.

moral-linguistics in order to demonstrate understanding. One must be qualified to think and speak like an economist before one is given a questioning voice in the reputable journals read by economists. Once thoroughly imbued with the self-referencing internal logic of the culture, the potential for mental entrapment within its linguistic framework can be overwhelming.

How can one ask legitimate questions of one's own culture, in isolation from others, without falling into the trap of self-reference? Legitimate questioning, argued Quine, requires comparison with a 'background' theory.[26] Again this raises problems of translation. Were a trained market economist to examine communist culture for comparative purposes, he faces what Quine called the problem of 'inscrutability of reference'.[27] While there may be similar referent words, the meanings may not be interpreted by each culture in the same way. Just as the word *ball* in cricket means something different in tennis, the word *own* to a capitalist means something else to a communist. Where the goals, rules and linguistic framework are different, how to maintain that one game is 'better' than another, more productive, or more efficient? Dragun wrote:

> Efficiency is rights-structure specific, and since there is no unique structure of rights, it cannot be said that there is a unique efficient social solution… Where efficiency is defined according to a particular institutional structure, it becomes clear that comparing different institutions according to the criteria of efficiency is conceptually erroneous.[28]

Dragun's criticism also applies to the use of market-based indicators such as Gross Domestic Product (GDP), job growth and average income to compare the 'wealth' of so called 'developed' economies with 'undeveloped' ones. Where economic life in the respective realms is governed by different cultural practices, such comparison is arguably similar to judging the slowness of cricket in terms of the speed of football using football-scoring measures. Much of the focus on economic indicators mistakenly presumes universality in the application of market-oriented performance indicators.[29] There appears an irony, even absurdity in the 'work' undertaken by those in the air-conditioned offices of the World Bank to assess and compare their own economic development with remote Indian and African

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[26] Quine (1969:48)

[27] ibid.:29

[28] Dragun (1983: 670-1)

[29] Not all Benchmark indicator systems suppose universality. For example, the Oregon system of Benchmarks (begun in 1991) is clearly culturally specific. It includes 'Real per capita income of Oregonians as a percentage of US real per capita income' and 'percentage of current court-ordered child support paid to single parents'. Some provisions appear more universally applicable such as 'number of children abused or

villagers through indicators such as 'average working hours' and 'unemployment rates'. Waring, among others, has emphasised how such figures not merely devalue, but ignore the vital economic role of women in village life, who are viewed as 'not-working', by definition of the market.[30] Such examples well illustrate Winch's argument about the difficulty of escaping the self-referencing trap.

It is tempting to conclude from the preceding that different cultures and models of political economy generate such different ontologies that it is impossible to evaluate 'well-being' or 'progress' or 'development' using any universal, culturally transcendent basis for comparison. Such conclusion could be premature. Further empirical cross-cultural research may yet identify criteria apart from efficiency, or progress, or income, or trade-based measures, which can be used for universal comparison. Growing recognition of the inadequacy of indicators such as GDP has stimulated initiatives in recent decades to establish social and economic wellbeing indicators more closely related to universal basic needs.[31] As discussed later, Max-Neef[32] has helpfully contributed to thinking in this area by distinguishing between *basic human needs* and *satisfiers*. Using different terms, Thomson argued for the same distinction, differentiating between *instrumental desires* and *non-instrumental desires*. If one asks 'why is X desired?' the answer may be to achieve 'efficiency'. Why is efficiency desired? Persistent questioning of this sort should lead one to identify the non-instrumental desires, 'the roots of desire', for which Thomson begged to reserve the term *interests*.[33]

From this viewpoint, notions such as efficiency, income, paid employment and productivity growth are distinguishable as cultural satisfiers or instrumental desires. Being of uncertain and differing relevance to all people and cultures, they should not be applied as universal indicators. If we are to sensibly talk about global development or compare the development

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neglected per 1000 persons under 18.' See http://libmail.chemek.cc.or.us/~rilg/OR_OPT/index.htm (accessed June 1999)

[30] Waring (1988)

[31] These have been variously referred to as General Progress Indicators (GPI), Economic and Social Indicators (see Eckersley 1998) and Development Indicators (produced by the World Bank since the early 1980's). This effort has been augmented by ecologically focused initiatives following the report by the Brundtland Commission (World Commission on Environment and Development, 1987) and subsequently by Agenda 21, to pursue ways to measure and assess progress toward sustainable development. The Canada-based International Institute for Sustainable Development has conducted a measurement and indicators research program, based on the Bellagio principles (established in 1996 in Bellagio, Italy, by an international group of measurement practitioners and researchers). See http://iisd1.iisd.ca/measure/ (accessed June 1999).

[32] Max-Neef (1991)

[33] Thomson (1987: 64) wrote: 'For the sake of convenience, I shall reserve the 'interest' for the reasons which lie behind a person's instrumental desires. A description that specifies a person's interests indicates the motivational nature of his desires'.

of one part of the world with any other, it seems clear that basic human needs or universal interests will need to be identified, as a first step.

Later we consider various procedures by which this might be done. Suffice now to contend that the identification exercise might prove less difficult than neo-relativist theorising would suggest. One need only point to the experience of emergency service agencies such as Red Cross whose global operation is predicated on an ability to assess universal, basic needs, without which relief priorities could not be determined. Clearly we would think it absurd, even immoral, were emergency aid supplies withheld from a population buried in rubble after an earthquake on the premise that their needs could not be discerned because of their strange ideological beliefs. Regardless of their beliefs, people are dug out of the rubble, sheltered from the burning heat or freezing cold, and provided with water, nutrients, and medical attention. Emergency service agencies appear not to agonise over the philosophical problem of identifying transcultural needs. In such circumstances, culturally relative signs such as the income level of victims, or their employment status, or their face-paint are viewed as irrelevant. In such circumstances, the universal takes priority over the particular.

But how could emergency relief agencies be so certain that culturally strange earthquake victims really do need emergency attention? One answer may be that victims typically express immense gratitude for the assistance given them. But is recurrent gratitude toward global relief agencies sufficient to indicate that universal interests have in fact been identified and temporarily fulfilled? A persistent relativist might argue that despite the appearance of smiling appreciation for acts of life-saving benevolence, the ontological beliefs of different cultural groups in respect to life, death and the interventions of Gods, will lead them to contrary views about basic needs.

Habermas argued that the issue is resolvable empirically only through undominated and competent communicative action aimed at the establishment of agreement.[34] Agreement-building communication, however, takes much time. A frequent criticism of Habermas' proposition is that practical time limits will severely limit the possibility of achieving such agreement. In view of the busy preoccupations of adults, the critics have a strong point.

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[34] Habermas argues that when we engage in unconstrained communicative action to achieve normative agreement in pursuit of a common interest, and continue long enough, a true consensus must come about. 'The interest is common because the constraint free consensus permits only what *all* can want; it is free of deception because even the interpretations of needs, in which *each individual* must be able to recognise what he wants, become the object of discursive will-formation.' (1973: 108)

However, the view assumed by this thesis in relation to constitutionalism does not require the engagement of all the world's adults before the end of this year or the next. It is a long-range view. Chapter 6 indicates that there are strong ethical justifications to require all to undertake such dialogue, at the earliest age, during the years of their compulsory education. We have already noted how children from multiple backgrounds are able to acquire shared linguistic literacy when allowed to mix in the same learning settings. Some may require longer than others to acquire adequate linguistic skills, but this need not be viewed as a handicap. Most educators would probably agree that given adequate time and assistance, children from different cultural and linguistic backgrounds would be quite capable of communicatively identifying shared experiences and distinctions, and hence common interests. In sum, the crucial factor that may impede widespread acknowledgment of common interests may not be the existence of any fixed and permanent ontological difference; it will amount to an unwillingness to invest the time and resources to enable the world's young newcomers to communicate about such matters. The moral imperative for such investment is addressed in chapter 6.

3.2.3 The rationality difference argument

Different cultural traditions have different ways of justifying their beliefs and behaviours. What is 'rational' or 'reasonable' for one culture is not necessarily so for another. There seems to be no universally applicable rationality, one that transcends culture, which can be used to assess the particular rationalities of different cultures. The apparent lack of a universally applicable rationality will prohibit the possibility of finding consensus over common interests, let alone mutually protective strategies.

The debate over what has been referred to as *strong contextualism* has continued for some decades among anthropologists, sociologists and philosophers. Winch, among earlier exponents, asserted that:

> [t]he forms in which rationality expresses itself in the culture of a human society cannot be elucidated simply in terms of the logical coherence of the rules according to which activities are carried out in that society. For… there comes a point where we are not even in a position to determine what is and what is not coherent in such a context of rules without raising questions about the point which following those rules has in the society.[35]

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[35] Winch (1970: 93-4)

The argument suggests that an anthropologist or social scientist or whoever does not belong to a culture is in no position to *impose* their standards of rationality on that culture in order to understand and explain it. Winch's main concern was with differences in *criteria of rationality*. Whenever we raise the issue of criteria or standards of rationality, we are faced with the question 'whose standards'?[36] Where Winch illustrated his argument by reference to the magical practices of the African Azande.[37] MacIntyre later extended the argument by pointing to the fundamental disagreement among sub-cultures within 'our own' culture. Not only are there radically opposed views between fundamentalist religious groups and secular society, but also among contemporary professors of philosophy.[38]

> So, it was hoped, reason would displace authority and tradition. Rational justification was to appeal to principles undeniable by any rational person…Yet both the thinkers of the Enlightenment and their successors proved unable to agree as to what precisely those principles were which would be found undeniable by all rational persons.[39]

MacIntyre illustrates this point by noting the disagreements between the philosophers of the Enlightenment – Rousseau, Bentham, Kant, the Scottish philosophers and their French and American followers. Classifying Enlightenment thought and its contemporary heir – modern liberalism – as yet another tradition,[40] MacIntyre concludes that 'there are no tradition-independent standards of argument by appeal to which they can be shown to be in error.'[41] Thus while there may be a universal interest in 'justice', what justice means or implies for different traditions varies radically. MacIntyre argues that contending approaches to rationality will make it impossible to establish any agreement as to which of the rival and incompatible conceptions of justice is the most rational. We may all want a just society, but MacIntyre asks: 'whose justice, which rationality?'[42] The same quandary applies to any

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[36] ibid.:98

[37] Winch argued that the oracle is as important to the Azande as the clock or mathematics is to modern society. He regarded the views of the Azande on causality, evidence, corroboration and contradiction as being merely *different* from the scientific view, neither more nor less rational. What is intelligible to us is not to them, and visa versa.

[38] MacIntyre (1984) points to the much-cited ideological conflict between Rawls (1972) and Nozick (1974).

[39] MacIntyre (1988: 6)

[40] ibid.: 10: 'And so finally, modern liberalism, born of antagonism to all tradition, has transformed itself gradually into what is now clearly recognisable even by some of its adherents as one more tradition.' This argument appears to involve a deceptive linguistic slippage in which the meaning of the word 'tradition' used in the first part of the sentence varies significantly in the second. However, it seems that in MacIntyre's view there is no slippage; every thesis and argument is constituted within one tradition or another. The assertion that one cannot fully understand a thesis or argument without resort to its historical origin is of course a tradition-transcending assertion.

[41] Ibid.: 403

[42] This question is the title of MacIntyre's book (1988).

contender for the catalogue of universal interests. By which rationality might universal interests be distinguished from other interests?

Habermas reveals a crucial contradiction in MacIntyre's relativism. MacIntyre supposes, on the one hand, that the forms of rationality belonging to alien traditions are so radically different, that there cannot be a bridge or overlap between them. Yet he acknowledges that cross-cultural learning and conversion does occur. How can this occur without supposing, as does Rawls,[43] some degree of overlapping rationality? Habermas points out that

> [t]he recognition of the rational superiority of an alien tradition can be sufficiently motivated from the perspective of one's tradition only if the learning subject can compare the explanatory power of both traditions in relation to the *same* problems.[44]

Mohamed persuaded multitheistic worshippers of his time to abandon their idols for the universalising rationality of monotheism. His powerful message convinced thousands of linguistically and culturally diverse tribes stretching from North Africa to Indonesia to do likewise. Christian missionaries carried a similar message to convert the diverse tribes on the African, American and Australian continents. This abundantly indicates that people are not imprisoned by the rationality of 'their own' cultural upbringing. The widely held belief that people 'belong' to the culture in which they are born, is clearly mythical. That one belongs to a discreet selection of cultural stories of the past and not to the stories one hears about other cultures is counter-evidenced by the multiple stories of conversion, to which, it could be equally argued, we all belong. Counter cultural influences may be screened out, if never completely, by barricading suggestible children into isolating environments and subjecting them to political or religious indoctrination. But the increasingly open world of modernity has confronted the human mind with a world of contesting stories, cultures and rationalities. The mind has no option but to determine its own authority, learn critical discernment and attempt to distinguish inferior from superior rationality.

In face of the mental struggles this can entail, one may be tempted to 'close the mind'. One closure strategy is to assert that all competing rationalities are equally valid. Where McIntyre asks 'whose justice, which rationality?' he comes perilously close to this conclusion.[45] It

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[43] Rawls (1993)

[44] Habermas (1993: 101)

[45] To assert, as does McIntyre (1988), that there is no context-transcending rationality, that there are only 'rationalities', is to assert (1) that the diverse species of context bounded rationalities share certain features in common allowing us to distinguish them under the universal family term 'rationalities', and (2) that one has considerable knowledge of the diversity of species in order to make this context transcending claim.

competes with the contention that all views are *not* equally valid. Either all rationalities are equally valid, or they are not. This familiar conundrum is not resolved by dogmatic force of assertion, or by appeal to mystical intuition, or by invoking a deceased authority such as Aristotle as the arbiter. If one is to convince a non-gullible listener that one's assertion has merit, one will require, in the first instance, shared agreement over the meanings of the terms *rationality*, *validity* and *equal*. If there are diverse species of rationality, as McIntyre claims, the shared features that categorise them as a family, would need to be agreed upon, if the term 'rationalities' is to serve as a functional tool for communication. These shared features presumably would be recognisable by all people in their diverse contexts. To assert that there is a family term 'rationality' that distinguishes the various species, is to infer the possibility of a context-transcending zone of overlapping understanding, a shared rationality.

Social survival requires trustworthy cooperation based on linguistic coordination. This entails a shared set of codified distinctions (eg. poisonous/not poisonous) which are consistently maintained and expressed.[46] Social trust and cohesion would quickly disintegrate were speech actors inconsistent and unpredictable in ascribing danger and safety signals to crucial ecological commons such as freshwater, edible plants, insects and other creatures. Ability to recognise and communicate common threats and danger signals, to warn of poisonous plants, infectious diseases or impending earthquakes, is a crucial requirement taken for granted by all cultures, a requirement which demands consistent application of linguistic rules by speech actors. Such rationale for linguistic consistency is not culturally relative; it applies to all language groups. Being universal, the rationale presumably would be comprehensible to all speech communities. The rationale implicitly belongs to everyone who learns to speak.

Lukes argued that we should distinguish between two senses of rationality, one being context and culture dependent and the other universal, applicable to all people and contexts.[47] Were I to attempt to influence you against accepting this (or any general proposition), I would be presupposing a universal goal, in that I would wish all people are successfully influenced by my argument, and a universal minimal logic, entailing at least the rule of linguistic consistency. As Apel makes clear, to argue against such implicit universalism is to engage in a *performative contradiction*.[48] It bears keeping in mind that the act of publication is a performance to a worldwide public. A writer who posits an argument, relativist or non-

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[46] Luhmann (1989)

[47] Lukes (1982)

[48] Apel (1987) see earlier note.

relativist, implicitly writes to convince all strangers who read. Both writer and reader must presume that the rationale as set out on paper, or on the Web, has universal application. As Gitlin points out, '[t]hose who deplore false universals still address arguments to a wide variety of human beings whom they presume have the power to reason'.[49]

It could be argued that writers who engage in such debates typically have been trained within a 'Western' philosophical tradition, publish works scrutinised by referees trained likewise, and are deluded in thinking that their work has universal relevance. Such argument incorrectly presumes that 'Western' rationality is stereotypically different from 'Eastern' rationality, and, moreover, that the 'East' can be characterised by a *singular* philosophical tradition. Over two thousand years ago, the philosophical debates in the Greek schools were parallelled in China. Confucianism, often mistakenly associated with 'Chinese values', contended for intellectual dominance among a number of schools including the Mohists, Hedonists, Taoists, Legalists, and the Agronomists.[50] While Confucianism preached traditionalism and family values, the influential Mohists (led by Mo Tzu, ca. 490-403 BC) were universalists, who condemned tradition for its unreliable guidance in determining moral standards, and instead preached universal benevolence and regard for all.[51] A similar philosophical environment existed in India. Stcherbatsky outlines the diversity of positions taken by ancient philosophical schools in India and Tibet and indicates extensive parallels with the ideas of Heraclitus, Plato, Aristotle and later European philosophers.[52] Questions regarding the logic of universality, causality, identity and contradiction were a common subject of attention among Indian philosophers.

It seems that such truth-pursuing questions must inevitably emerge wherever inquiry is unleashed. As Gitlin put it, 'human beings cry out to know what is *true*, not just "true for them", and *right*, not just "right for them"'.[53] The pursuit of truth – the need to make sense of the world – is an undeniable universal human interest, one that cannot be limited by the rationality of 'one's own' particular culture.

> Under pressure from events and books, movies and speeches…many rethink themselves and their relations to the world. They mature, regress, move sideways. They open

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[49] Gitlin (1996: 25)

[50] D. Howard Smith (1985)

[51] Hansen (1989)

[52] Stcherbatsky (1962)

[53] Gitlin (1996: 24)

themselves to thoughts that they hadn't thought before – including thoughts about "who they are." [54]

The pursuit of truth would appear to be a built-in, biological propensity, if not a consciously exercised interest. Without an inherent basic need to discover what is true and right, human learning, environmental adaptation and survival would be impossible. While that interest has certainly been inhibited by different cultural traditions, such suppressions will become increasingly difficult. With the advance of telecommunications technology, attempts to barricade children behind cultural boundaries and screen them from the truth-challenging influences of different cultures and philosophies will become increasingly futile.

If the interest in the pursuit of truth is indeed universal, as suggested by the UN-declared, universal right of freedom of thought,[55] there follows an associated universal interest – to protect that truth-seeking interest against the impediments that the exercise of authority and the rationalities of various cultures have placed in its path. Thus arises the frequently argued proposition by educational philosophers that education should uphold as one of its primary goals, the cultivation of moral autonomy, the ability to transcend the particular rationality of the cultural tradition into which one is born. The much-debated question as to whether moral autonomy is possible is taken up in 6.3.2.

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We have examined three arguments in support of radical difference and the rejection of universalism. Superficially, the arguments appear strong, but closer analysis reveals considerable weakness; universalism stands barely diminished in their company. This does not infer that universalism stands triumphant in an absolutist sense. It is a common mistake to equate universalist reasoning with absolute certitude and moral truth. While the rule of national sovereignty today applies universally, this does not necessarily ascribe moral rectitude to the rule. Nor does acceptance of universality imply that any moral prescription asserted by anyone to be universally applicable can be *justifiably* imposed on the entire world or any person. Where an interest is assumed to be universal, the assumption remains to be verified or refuted. The modest claim here is that universalism, and with it the possibility of universal interests, promises firm common ground for reasoned dialogue among diverse

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[54] ibid.: 26
[55] Universal Declaration of Human Rights, 1948, Article 18.

strangers and cultures, who in the face of global threats might wish to constitute reliable, mutually protective arrangements.

The next part of the argument finds more support for the possibility of universal interests by indicating the extent to which such interests *already* provide the taken for granted, if unacknowledged, grounds for current civic institutions worldwide.

3.3 THE ASSUMPTION OF UNIVERSAL INTERESTS IN CONSTITUTIONALISM: EXTANT GROUNDS FOR GLOBAL CIVIC CULTURE

Historically, the interface between strangers and strange groups has been the source of greatest instability, conflict and bloodshed.[56] This potentially conflictual realm between strangers may be understood as the *civic* realm. The civic realm beseeches us, if not to love the multitude of strangers in the realm, to at least act toward them with civility and in conformity with the law. In the modern nation-state the civilising power of law retains some legitimacy only while it accords with the *rule of law*, that is, while the law is applied equally to all people residing within its jurisdiction, regardless of their cultural and linguistic differences or their status. A national constitution together with the implicit and explicit system of rights and norms underpinning the law, as well as the body of the law itself, can be understood broadly as constituting the civic culture of a country. Civic culture functions, in effect, as a countervailing force to integrate particularistic communities.[57] The civilising power of civic culture has influenced linguistically and culturally diverse tribes, sometimes feuding in the mountain forests of New Guinea and Indonesia to increasingly believe that they belong to a wider culture of strangers. In spite of the probability that they will never meet face to face with one another, and will know nothing about each other as individuals, they will more or less identify with all as fellow nationals. That states throughout history have – by

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[56] The systems theorist, Stafford Beer (1975: 131) wrote that 'the major instabilities of society arise *between* the esoteric boxes'. What Beer calls an esoteric box, is not a closed system, nor merely a 'culture' as portrayed by relativists, but any 'self-organising and self-regulating' system that is 'very powerfully arranged to maintain its own internal stability…and survival…the esoteric box is an ultrastable system in equilibrium' (p. 137). He offers examples such as the Roman Catholic Church, the general practice of medicine, schooling, the modern institution of marriage and the family.

[57] Bridges (1994)

hook or by crook – achieved such integration provides further evidence of the universality of certain interests. Instances of civic breakdown and segregation, such as in the former USSR, do not invalidate the point. The integrative force of civic culture could never have demonstrated success if there was validity to the relativist claims discussed earlier. Civic culture succeeds to some extent because it appears to satisfy certain universal interests. Foremost among those interests are clearly peace, security, and the prevention of recurrent inter-tribal feuding, plundering and carnage.

Social and political commentary has to date typically viewed the protective and civilising features of civic culture as adhering essentially to the constitutional state – formerly the city-state and currently the nation-state. But the civic realm clearly extends beyond the nation-state. It exists as a potentially conflictual realm between nation-states no less than between strangers, tribal communities, cultures and corporations within a nation-state.[58] The civic realm has always been global, in spite of the general ignorance of its scale. Since the 5th century BC, philosophers have attempted to 'enlighten' the masses to the cosmopolitan nature of the civic domain,[59] without success. With the advance of telecommunications technology, the growth of global trade and economic interdependency, the lessons of two world wars, and the emergence of ecosystem awareness, appreciation that there is a global commons to protect seems to be slowly but surely trickling into public consciousness. Latent forms of world citizenship are emerging.[60] But as yet, unlike the nation-state, the global commons has no formally organised citizenship bound by allegiance to protect it. An effective globally protective civic culture[61] remains to be cultivated.

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[58] Rawls (1993:133) asks 'how is it possible that there can be a stable and just society whose free and equal citizens are deeply divided by conflicting and even incommensurable religious, philosophical and moral doctrines? It requires, he suggests 'an overlapping consensus of reasonable comprehensive doctrines [which] endorse the political conception, each from its own point of view.' To accept with Rawls that an overlapping consensus can be found between any group of diverse communities presupposes the existence of universal interests. It also can lead one to conclude that an overlapping consensus need not be confined to a bounded society but is attainable globally.

[59] A number of Greek philosophers, notably Democritus and Diogenes advocated Enlightenment views long before the so-called Enlightenment era. Diogenes rejected the idea of citizenship, arguing for a community of wisdom, of cultivated rational powers, a community without geographic limits – a cosmopolis.

[60] Falk (1993) outlined four types or images of emergent global citizenship: (1) the global reformer, advocating UN reform or world government or central regulatory institutions; (2) the global capitalist; (3) the global ecologist, advocate of new global environmental institutions; (4) the advocate of regionalism, in particular, European Unionism as experimental example of new transnational possibility; (5) the transnational movement activist – member of INGO's such as Greenpeace and Amnesty International.

[61] Global satellite transmissions of the moon landing, the Bandaid concerts, the Eurovision song contests, the World Olympic games and World Soccer are sometimes posited as indicators of emerging global culture, but

Just as national civic culture acts as a countervailing cultural force against the diverse cultural forces within a state, so too will global civic culture need to counter the inertias of prevailing national allegiance-bound civic cultures. The moral arguments that will be raised in support of maintaining the constitutional status quo must ultimately be grounded upon the existence of a 'public interest' or 'national interest'. While those notions have rhetorical appeal, attempts to discover precisely what interests in fact constitute the 'national interest' will succeed only in revealing the constitutional silence in this matter. National constitutional documents typically fail to explicitly convey the universal interests that, amidst the plurality of cultural interests, provide the legitimating grounds for the assertion of constitutional powers. Foley wrote:

> in both written and unwritten constitutions there remains an undisclosed component upon which the stability of a constitution's meaning and authority depends. Such a component remains obscure and compulsively unwritten. [A]n intermediate layer of obscurity… accommodates those implicit understandings and tacit agreements that could never survive the journey into print without compromising their capacious meanings and ruining their effect as a functional form of genuine and valued ambiguity.[62]

While lists of rights have typically been constitutionally declared, the universal interests that underpin those rights have not been revealed. That matter has been left open to interpretation. Compounding the difficulty is that nation-states have had no formal public forums or mechanisms to test adequately and regularly whether the real interests of most or all citizens in fact coincide with the presumed 'national' interest.

The hollow rhetoric of the national interest is invoked most prominently on the international stage. What is conveyed to be in the national interest appears to have immense moral force; it demands protection, while outside interests are treated as 'foreign', radically different, to be ignored and competed against. Whether it is in the national interest to provide humane assistance to 'foreigners' is a matter of choice, not moral responsibility. Individuals can be arbitrarily imprisoned and brutalised by 'their' governments, but the rule of national sovereignty embedded in the UN Charter and reinforced by military defence systems, dissuades and prevents morally motivated interventions. As further discussed in 5.3.2.2, the allegiance-binding imperative of the state invokes a closure on moral considerations at the border. It may be in a nation's interest to establish limited bilateral or multilateral relations

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this needs to be distinguished from global *civic* culture, whose primary function is the protection of basic needs/universal interests.

[62] Foley (1989: 8)

with selected others, but such relations can be unilaterally abandoned if the national interest requires it. This contradiction between one's moral obligation to others as a human being and one's obligation to the state, frames the realist vision that has dominated foreign policy and international relations discourse since the Westphalian agreement in the seventeenth century.[63] As Price put it, the realist vision is of an 'amoral arena devoid of ethical content'.[64] While the arena *between* the nations is largely amoral, internally the nation is morally constructed. State laws and taxes serve to protect and fulfil the interests of citizens, and the citizens are allegiance bound to sacrifice their lives to protect the state, if called (see discussion 5.3.2).

Given that the majority of citizens are prepared to die for their country, to protect the lives and properties of millions of diverse strangers, there is clearly an innate capacity for a high level of altruistic idealism. As Lumsdaine argues, 'the effective pursuit of national interests presupposes idealism... [it] requires principled idealists committed to the common good'.[65] But what are the rational foundations for such altruistic idealism? Considering the 'strange multiplicity'[66] that characterises the modern state, how is it known whether the real interests of citizens in fact coincide with the presumed 'national' interest, and whether these common interests differ substantially from those of foreign nations? How is such differentiated moral idealism legitimately and rationally grounded?

In the absence of adequate political procedure for identifying these interests, it cannot be presumed that a state's diverse citizens, who are continuously learning and changing, possess in common a set of interests fundamentally different or foreign to that possessed by citizens of a different state. In the unlikely case that empirical investigations would find no universal interests, the diverse strangers in a civic realm would have no grounds to continue cooperation; there would be no legitimate basis for constituting a political structure. In view of the proven viability of the pluralist democratic state system, it is reasonable to hypothesise that were non-manipulative procedures instituted to enable people in various countries to identify and declare their cooperative interests, those interests will be found to be universal.

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[63] See Linklater (1982) for an investigation of this moral contradiction in the evolving theory of International Relations.

[64] Price (1997: 47)

[65] Lumsdaine (1993: 11-12)

[66] This phrase is borrowed from Tully (1995).

A number of key implications follow for the thesis. Accepting the probable existence of universal interests, then those same interests would provide grounds for:

(1) the adoption by all of a global civic ethic, as called for by the CGG;

(2) the constitution of a world system of economic and political cooperation in which the protection of universal interests was accorded priority (the focus of the next chapter);

(3) the assertion of the right to participate democratically in world constitutional deliberation (see chapter 5);

(4) the establishment of a global forum to enable all to exercise that right;

(5) a universal, non-doctrinaire form of global civic education that would prepare learners to exercise that right (see chapter 6) and that would enable them, in the first instance, to identify their universal interests (see next sections).

While it seems unlikely that the presumption of universal interests in extant forms of civic cooperation would be greatly falsified by empirical testing, the procedure for the identification of these interests seems not to be a simple matter.

3.4 HOW TO IDENTIFY UNIVERSAL INTERESTS?

How, in a pluralist world, are universal interests to be identified? The word *interests*, in the English speaking world, presents our first problem, as already discussed. In view of this problem, the qualification of the term *interest* with 'universal' and the term *need* with 'basic' or 'fundamental' has created a semi useful and hopefully workable distinction for this thesis. But the identification of these interests across the thousands of language groups could require linguistic innovations and procedures to enable the world's people to achieve shared communicable understanding.

Assuming such linguistic innovation, the next question, as to what *procedure* should be used to identify universal interests, is crucial. A social survey approach that simply asked people 'what are your interests?' or 'which items on this list accord with your interests?' would clearly be inadequate. Galtung notes:

> [w]hat the subject says, in spite of being a subject, is not to be taken at face value… the subject is not necessarily conscious of her or his needs, and what are held to be needs may turn out to be false needs.[67]

Only a small number of approaches that recognise this consideration appear to have been recommended in the literature. We will briefly consider three of them – respectively by Galtung, Connolly and Max-Neef.

3.4.1 Galtung's 'basic needs' approach

Galtung expresses caution over the universalisation of basic needs, fearing the prospect that universal lists will be formulated by Western-oriented researchers and state bureaucracies. Such 'expertise' in human needs has indeed produced counterproductive social policy, such as experienced in the Eastern bloc countries with unpopular housing,[68] and in compulsory 'work for the dole' schemes.[69] Galtung is acutely sensitive to the dangers of disenfranchisement: 'how profoundly political is the problem of needs and their satisfaction... the struggle for the right to define one's own needs is a highly political struggle'.[70] With this proviso, he tentatively advocates a fourfold approach to distinguishing basic needs from satisfiers – a *verbal* and a *non-verbal* one, each requiring two pathways.[71]

Galtung views the verbal approach as easier and more reliable, but less valid. The idea is that inquirers should undertake a mutual, in-depth exploration of two paths. One path asks 'what is so important that we cannot do without it?' the other path, 'how much effort or sacrifice one would be willing to make for that need?'.[72]

How reliable is such an approach? Consider what is frequently claimed to be a fundamental, basic, psychological, or natural, human need – the need to belong to a tribal group, community or nation. Walzer largely justified his 'spheres of justice' thesis and the

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[67] Galtung (1990:327)

[68] Feher et al. (1983). Where policy makers assume universal interest in protective shelter and overlook the interest in diversity, creativity and quality, the result is uniformly drab, unpopular housing

[69] 'Compulsory work for the dole' schemes find support on two main grounds, (1) primitive moral duty based on the assumption that universal interest in security is best satisfied through market reciprocity 'don't expect monetary income if you won't work for money, and (2) paternalist concern to fulfil an assumed universal self esteem interest requiring participation in paid work. Paid work is thereby elevated as a universal need, underpinning the declared universal 'right to work', invoking policies that compel the market's 'losers' to participate in what becomes 'wage slavery'.

[70] Galtung (1990: 320

[71] ibid.: 326-9

[72] ibid.: 327-8

maintenance of a militarised, segregative international order on this supposition.[73] It seems a strong thesis. After all, 'security, welfare and freedom are systematically subordinated to the imperatives of identity, recognition and belongingness'.[74] It is tempting to arrive at the counter-intuitive conclusion that the latter need is more important than the former, indeed the most basic need of all. As Nudler asserts, the need for identity and belonging is 'the first and most fundamental need of the person system'.[75] But such certitude is undermined by Koestler's argument that this apparent basic need is a manifestation of ubiquitous indoctrination and the suggestibility of the young.[76] The notion that the newborn should be segregated and socialised to become citizens of nation-states, is taken for granted as a global norm and practice (see further discussion 5.3.2). Considering that cultural segregation and identity branding has occurred since recorded history, how can we know whether the need for group identity and belonging is 'natural',[77] or 'basic', or merely the outcome of questionable traditional practices? The same quandary applies to the need for money, the need to trade and the need to 'work'.

Many today would assert, for example, that *work* is a universal interest or basic need, as if the meaning of the term was unproblematic. That perception is reinforced by the Universal Declaration of Human Rights which expounds the principle: 'everyone has the right to work'.[78] But what does 'work' in the declaration mean? There is a diversity of meanings associated with the word. That is to say, there is a diversity of language games – different rules for deciding which kinds of activity can be called 'work' and which 'not work'. If work is to be upheld as a universal interest, the question must be, which language game associated with work could all agree *ought to* be adopted in future? See 4.3.10 for further discussion.

Considering the historical pedigree and the immense sacrifices endured to satisfy presumed needs such as the need to work and to belong to a group or culture, how can we come to know

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[73] Walzer (1983)

[74] Rubenstein (1990: 346)

[75] Nudler (1980: 143)

[76] Koestler (1979:14) wrote: '[f]or the vast majority of mankind throughout history, the system of beliefs which they accepted, for which they were prepared to live and die, was not of their own making or choice; it was shoved down their throats by the hazards of birth'.

[77] 'The identity constructed on the basis of racial bonds – or indeed, on the basis of any ideological commonality – requires increasingly costly defence against the hammer blows of social evolution. If needs theory is to be founded on human nature, it must transcend the purely subjective, egoistic, non-developmental view of humanity bequeathed us by the natural law philosophers.' (Rubenstein 1990: 351)

[78] 1948 Universal Declaration of Human Rights, Article 23 (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

whether they are not culturally induced satisfiers of more basic needs? Galtung's scepticism concerning what individuals *say* is their need, can also be applied to human collectivities. How do we know that the consciousness that has generally reigned on the planet until the end of the 20th century has not been false? Even if very large numbers of people undertook the verbal approach recommended by Galtung, there would be no assurance of the validity or reliability of the result.

Galtung's other verbal-oriented path requires inquirers to discuss concrete situations in which they are prepared to sacrifice something in order to meet their needs. Again, this is problematic, for it is not clear to what extent the sacrifices and perceived needs identified in such situations might arise from false consciousness. Consider, also, the problem posed by the global market, a sacrificial playing field, in which land, resources, goods and services are acquired through the exchange of sacrifices, in which every 'cost' is, in effect, a measured sacrifice. How might we distinguish, from the array of everyday costs, which of them could be attributed to basic needs and which to satisfiers? Would we need to look for the measurably greatest economic sacrifices to identify the most basic needs? In order to feed drug and gambling addictions, people have sacrificed their incomes, their health, their relations with family and friends, their morality, and resorted to crime. Could one not conclude, counter-intuitively, that drugs and gambling are therefore basic needs? Recognition by the addict that they have a serious problem is recognition that other needs are being sacrificed, but the sacrifice persists only because the addict cannot bear to live without the overwhelming 'pleasure' that the addiction provides. How is it to be decided whether the need for such pleasure is 'false' and not basic? The willingness of some today to sacrifice their lives for a holy cause such as the annihilation of infidels – be they Albanians, Israelis or Americans – provides further difficulties for Galtung's approach. Were inquirers from radically conflicting camps to engage in dialogue to find agreement on a list of basic needs, some of the above difficulties might be overcome.[79] But this is not the aim of Galtung's dialogical approach. Rather it is that people, not necessarily from different backgrounds, could help each other to deeply reflect on their own needs. If this could assist the drug addict to recognise and overcome her problem, perhaps it might also help the economist addicted to

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[79] Considering the need for theoretical grounding for conflict resolution, Mitchell (1990) views basic needs theory as offering a promising foundation.

market growth (ie, to the achievement of the greatest collective happiness as measured by the rising GDP) to awaken to the sacrifice of priorities that this addiction entails.[80]

The second approach – a non-verbal approach – mirrors the first; it requires researching, by observation of behaviour, two kinds of empirical situations. Path one requires identifying historical moments where people are deprived of their customary satisfiers to ask whether disintegration takes place. Galtung views a disintegration moment as 'on the one hand, the society that suffers from lack of participation, from apathy, withdrawal; on the other hand, the society that suffers from overactivity, mutiny, revolt'.[81] Path two requires observing concrete situations to ask 'what do people in fact sacrifice in order to meet a certain need'. Considerable learning may be gained through placing oneself in the shoes of others in radically different situations, to experience and empathise with their needs and deprivations. But some of the difficulties already discussed with the first approach present themselves again here. The slaying of young women by the Aztecs as sacrifice to the gods is a concrete historical situation offering an opportunity for valuable reflection on Galtung's two questions. Would detached study of such situations suffice? Or should we participate in dramatic, tension-arousing role-plays or sociodramas? Without some experiential immersion in a radically different form of cultural life, the self-referencing trap (see earlier discussion 3.2.2) may deceive us. But Galtung, unlike Connolly (see later), does not suggest we go as far as experiential immersion.

Unfortunately Galtung provides little detail for his suggested approach and leaves it open for future researchers to explore. He recognises that his approach is 'beset with problems' and warns that it should not be viewed as the only one.

3.4.2 Connolly's 'real interests' approach

What Galtung refers to as *basic needs*, Connolly views as not so basic; he distinguishes a more fundamental level of need which he refers to as *real interests*.[82] Appreciative of some of

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[80] Galtung (1990: 326) sees positive strength in a basic needs approach in its potential 'to set priorities' and direct social attention to the needs of the suffering and deprived.

[81] ibid.: 305)

[82] Connolly (1983: 62-72) distinguishes four meanings of the term interest as used in political discourse: (1) *interests as policy preference*; those which pressure groups (interest groups) bring to bear in a pluralist civic realm; (2) *utilitarian interests*: ie, the interests of a market, as expressed by market demand, and influenced by advertising interests, (3) *interests as needs fulfilment*: the kinds of needs which when unfulfilled can lead to observed pathological tendencies – the observations being of culturally conditioned populations; (4) *real*

the problems in Galtung's approach, Connolly theorises an approach that invokes greater cultural circumspection.

> Any view that anchors interest exclusively in felt behavioural tendencies runs the risk of celebrating uncritically those inclinations cultivated by dominant socialisation processes while deflecting conceptual attention from possible gratifying modes of existence bypassed by those same processes.[83]

A consistent relativist would have to deny the possibility that people could assert interests not constructed and defined by their socialisation, for that would threaten to puncture the different culture bubbles whose boundary-myths underscore the validity of relativism. Unlike Galtung, Connolly shows no interest in the conservation of cultural boundaries. Indeed he argues that a person, for example, a contented slave or blue collar worker (a wage slave?) may not recognise their real interest unless they were to experience a life choice that was alternative to their socialised framework. 'The happy slave is happy because alternative possibilities in his real interests are effectively screened from him.'[84] To acknowledge this prospect is to appreciate that a person may have a real interest not consciously or expressly desired, that they could pursue an interest antagonistic to their real interest. The dialogical questioning procedure proposed by Galtung may not succeed in bringing such real interest to the surface. To illustrate the problem by way of caricature, a monkey born and raised in a cage knows no other life prospect. In order to discover its innate interest to dwell in its natural habitat, no amount of chatter with other monkeys in the cage would awaken that real interest, nor would videos of natural habitats. The monkeys would need to gain an adequate experience of that lifestyle. Only upon having experienced an alternative could a choice be made as to which situation better provided for their real interests. Connolly thus proposes that:

> [p]olicy x is more in A's real interest than policy y if A, were he to experience the results of both x and y, would choose x as the result he would rather have for himself.[85]

Connolly emphasises that the choice is one to be made by the agent, not the researcher. But he raises the difficult proviso that the choice needs to be fully informed by the factors shaping the alternative experiences. Full awareness of real interests cannot be attained unless the agent's choice is informed by explicit awareness of (1) 'those *tacit beliefs and commitments*

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interests: most basic, fundamental, transcultural interests not apparent by simply researching the behaviour of a culture.

[83] ibid.:62

[84] ibid.:63

[85] ibid.:64

about persons that have entered into the relationships…' and (2) 'any *drives or inclinations basic to his nature* that somehow must be confronted (expressed, repressed, sublimated, deflected) in any social setting.'[86] The improbability that anyone might become so fully informed does not, according to Connolly, justify abandonment of the pursuit. On the contrary, the loftiness of the ideal – akin to the 'ideal speech situation' proposed by Habermas,[87] and they are procedurally related[88] – is a challenging Himalayan horizon against which to assess any claim that real interests have been identified.

Notwithstanding these difficulties, Connolly thinks a serious inquiry would need to involve one in 'vicarious and actual immersion in alternative modes of social life, in various lifestyles'. He suggests 'participant study of kibbutzim, various tribal forms, feudal communities, and alternative styles in industrial society'.[89] Connolly does not venture far in offering advice as to how such inquiry might practically proceed. While it may be in a worker's real interest to abandon his 40-hour-per-week assembly line for a more creative alternative, his family survival commitments may prevent him from even seriously considering, let alone experiencing, the possibility. There seems little possibility that the mass of those currently employed in the global economy would be willing and able to undertake such excursions in order to discover their real interest. Connolly appears to be aware of their 'cage' but offers few practical clues as to the means of their liberation.

In view of the obstacles to engaging the adult community in such learning challenges, it is argued in chapter 6 that they be addressed by all in their years of compulsory education. To enable learners to decide on constitutional norms and alternative civic arrangements, experience them, and redesign them, it is suggested that a network of diverse, experientially rich learning settings need to be created. These could entail real urban settings as well as role play/simulations, sociodrama settings and virtual world games. This could enable all to experience not only the alternatives suggested by Connolly, but also, and this extends his proposition considerably, the more horrendous lessons of history – tyranny, structural violence and cultural oppression.

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[86] ibid.:68

[87] Habermas (1973, 1984)

[88] They are procedurally related in so far as the process of attaining adequate common understanding about the beliefs and commitments in a relationship cannot avoid apprehension of the linguistic forms underpinning those commitments and the time-consuming difficulties involved in the negotiation of shared meanings.

[89] Connolly (1983: 71)

Ignatieff wrote that 'we learn what we need by suffering'.[90] After protracted warfare, bloodshed and destruction, parties surrender to the need for peace. Despite linguistic and cultural differences, they recognise a mutual interest, and the need to cooperate to ensure that the interest is reliably protected in future. The story has been repeated innumerable times, and continues to be played out today. The question is – will every future generation need to suffer recurrence of such stories in order to learn what they really need?

Milgram's famous 'electric shock' experiment[91] offers a paradigm example of an experiential learning possibility for the future, in which suffering can be deeply experienced by a learner, it may be argued, without *real* harm being caused. Milgram wished to discover whether comfortable, middle class American college students could be led to commit gross violence, as did the Germans under the Nazis, by virtue of their willingness to acquiesce to authority. Subjects were effectively tricked into believing that they were participating in an experiment to discover whether punishment improves learning. A bogus psychological authority in a white coat commanded the students to apply what appeared to be increasingly powerful electric shocks to the subject learner, an actor, when he answered questions wrongly. The actor performed appropriate convulsions and death acts. Despite reticence to conform, most applied voltages sufficient to kill. This proved a powerful learning experience for the students. Many subsequently refused to participate in the Vietnam War. Despite the positive learning outcome, some criticised the experiment on ethical grounds that some subjects suffered temporary anguish and distress during the experiment. It will need to be decided whether, following J. S. Mill, imposition of such psychological pressures can be justified if greater harm to real interests is thereby prevented.[92]

Learning settings (see 6.3.6) may be needed not only to enable learners to determine their real interests, as Connolly suggests, but also to experience, perhaps even suffer, living in accord with the norms and arrangements that they believe would ensure protection of those interests.

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[90] Ignatieff (1984:20)

[91] Milgram (1975)

[92] Mill (1861)

3.4.3 Max-Neef's 'fundamental needs' approach

Max-Neef[93] argues that in view of the global predicament there is crucial need for a shift from what has customarily been understood as 'economic development' to a transdisciplinary approach to development that focuses on improvement to quality of life. He is highly critical of much mainstream economic literature on the subject of needs in that it fails to recognise or explicitly make the crucial distinction between *fundamental needs* and the *satisfiers* of those needs. Quality of life, he argues, depends primarily on the satisfaction of fundamental human needs, while deprivation of those needs generates pathologies. He asks 'what are those fundamental human needs, and/or who decides what they are?'[94]

> First, [they] are finite, few and classifiable. Second: [they] are the same in all cultures and in all historical periods. What changes both over time and through cultures, is the way or the means by which the needs are satisfied…What is culturally determined are not the fundamental needs but the satisfiers of those needs.[95]

Max-Neef's view of *fundamental needs* appears close to Connolly's *real interests*. Max-Neef insists that all human needs should be understood as a system, as interrelated and interactive. Contrary to Maslow's theory of the hierarchy of needs,[96] Max-Neef claims, more through force of assertion than by demonstration, that excepting for subsistence needs, there are no hierarchies in the system. He thereupon has constructed a framework of interrelated fundamental needs that he believes would serve usefully as a learning instrument for use by any culture. Unlike Galtung and Connolly, who offer approaches to stimulate inquirers to autonomously identify a list of basic needs or real interests, Max-Neef provides a closed list of needs within an open matrix (see table over page).

> We have organised human needs into two categories: existential and axiological, which we have combined and displayed in a matrix. This allows us to demonstrate the interaction of, on the one hand, the needs of Being, Having, Doing and Interacting; and, on the other hand, the needs of Subsistence, Protection, Affection, Understanding, Participation, Idleness, Creation, Identity and Freedom.[97]

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[93] Max-Neef (1991)

[94] ibid.:16

[95] ibid.:18

[96] Maslow (1970)

[97] Max-Neef (1991:17)

	BEING	HAVING	DOING	INTERACTING
SUBSISTENCE	1. Physical health, mental health, equilibrium, sense of humour, adaptability	2. Food, shelter, work	3. Feed, procreate, rest, work	4.Living environment, social setting
PROTECTION	5.Care, adaptability, autonomy, equilibrium, solidarity	6.Insurance systems, savings, social security, health systems, rights, family, work	7.Cooperate, prevent, plan, take care of, cure, help	8.Living space, social environment, dwelling
AFFECTION	9.Self-esteem, respect, solidarity, tolerance, generosity, sensuality, receptiveness, passion, determination, sense of humour	10.Friendships, family, partnerships, relationships with nature	11.Make love, caress, express emotions, share, take care of, cultivate, appreciate	12.Privacy, intimacy, home, space of togetherness
UNDERSTANDING	13.Critical conscience, receptiveness curiosity, astonishment, discipline, intuition, rationality	14.Literature, teachers, method, education policies, communication policies	15. Investigate, study, experiment, educate, analyse, meditate	16. Settings of formative interaction, schools, universities, academies, groups, communities, family
PARTICIPATION	17.Adaptability, receptiveness, solidarity, willingness, determination, dedication, respect, passion, sense of humour	18.Rights, responsibilities, duties, privileges, work	19.Become affiliated, cooperate, propose, share, dissent, obey, interact, agree on, express opinions	20. Settings of participative interaction, parties, associations, churches, family communities, neighbourhoods,
IDLENESS	21.Curiosity, receptiveness, imagination, recklessness, sense of humour, tranquility, sensuality	22.Games, spectacles, clubs, parties, peace of mind	23. Daydream, brood, dream, recall old times, give way to fantasies, remember, relax, have fun, play	24. Privacy, intimacy, spaces of closeness, free time, surroundings, landscapes
CREATION	25.Passion, determination, Intuition, imagination, boldness, rationality, autonomy, curiosity inventiveness	26. Abilities, skills, method, work	27. Work, invent, build, design, compose, interpret	28. Productive and feedback settings, workshops, cultural groups, audiences, spaces for expression, temporal freedom
IDENTITY	29. Sense of belonging, consistency, differentiation, self-esteem, assertiveness	30. Symbols, language, religion, habits, customs, reference groups, sexuality, values, norms, historical memory, work	31. Commit oneself, integrate oneself, confront, decide on, get to know oneself, recognise oneself, actualise oneself, grow	32. Social rhythms, everyday settings, settings which one belongs to, maturation stages
FREEDOM	33. Autonomy, self-esteem, determination, passion, boldness, assertiveness, openmindedness, rebelliousness, tolerance	34. Equal rights	35. Dissent, choose, be different from, run risks, develop awareness, commit oneself, disobey	36.Temporal/ spatial plasticity

Table 1 Matrix of Human Needs and Satisfiers   Manfred Max-Neef (1991)

This list of needs has similarities with, but on the whole is quite different from, the lists proposed by others.[98] Max-Neef's matrix is designed to serve a number of learning uses, above all, to enable people at a grass-roots level to understand and improve their prevailing situation. His team organises community workshops and asks participants to work in groups to fill in the open boxes of the matrix.

The exercise involves two main stages. The first stage prompts the groups to identify and critically discuss the *current* system satisfiers that provide for their fundamental needs. Thus in the box under HAVING and adjacent to PROTECTION, they might enter 'insurance systems', legal system, police system, defence system, etc. The anticipated outcome of this stage is that participants become aware of deprivations and potentialities. The second stage – at least a month after the first is recommended – requires that the groups consider their futures by using the matrix to prompt them to identify alternative satisfiers that they believe would *fully* provide for their fundamental needs. While Max-Neef makes the disclaimer that his matrix is 'neither normative nor conclusive', when used as a tool it closes the deliberative agenda and inhibits those using the tool from seeking to understand their fundamental needs in different or additional ways. Were we to ask 'who decides what are the fundamental needs?' Max-Neef's implicit answer would be 'see our matrix'. Despite this difficulty, the approach does compel participants to begin to think outside of their cultural framework.

While Connolly's approach requires that one experience alternative cultural possibilities in order to discover one's real interests, the alternatives he suggests are already established historical alternatives. The merit of Max-Neef's approach is that it could lead to the generation of new and unprecedented economic and political conceptual models. Such arrangements would of course need to be implemented, or at least convincingly simulated and experienced by inquirers before it could be concluded, according to Connolly's 'choice' criterion, that their real interests were thereby identified.

Comparing the three approaches it appears that neither of them is alone sufficient. Yet each of them furnish valuable insights for further theoretical development. But theoretical advance will need to be augmented by considerable empirical experimentation, involving the creation of learning settings, as discussed.

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[98] See lists by Doyal & Gough (1991), Galtung (1990), Etzioni (1968).

3.5 FOR ALL TO INDENTIFY AND DECLARE UNIVERSAL INTERESTS?

Finally, it needs to be asked, why not leave processes of interest identification to social researchers? What benefit might be gained by involving everyone? While Galtung insists that everyone has a right to determine their basic needs, they may not be interested or motivated to do so. Is there a case to insist that people do so? Might there be an ethical responsibility involved here? The following arguments suggest that there is such a responsibility. It would be consistent with, and an important first step entailed in, the responsibility to participate in world constitutional deliberation, a responsibility discussed in chapter 5. Some of the arguments examined in chapter 5 could be viewed as augmenting the three outlined briefly here.

3.5.1 Political motivation

It goes without saying that most of us would not even begin to consider voluntary cooperation in schemes with total strangers unless we saw it in our common interest and unless the benefits substantially outweighed the costs and risks. If civic cooperation is to be sustained between a multitude of disparate strangers on the global scale and for the long term, the shared interests and benefits will need to be very clearly recognised and acknowledged by each actor. The need to protect certain common interests, particularly those that cannot be protected without cooperation, constitutes the primary political and personal motivator. This claim could be discussed at length in view of the burgeoning literature on social trust, social cohesion, and social psychology, but economy dictates that such inquiry be left in abeyance.

Suffice at this point to note Goodin's study on the problem of how to motivate political morality. He concludes that the public is perhaps best motivated by constitutional impositions instigated by 'a more morally enlightened elite'.[99] Modern constitutionalism and the coercive arm of the law have clearly produced civilising results. Yet, as Goodin recognised, such approach has serious risks, as indicated by the Third Reich phenomenon.

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[99] Goodin (1992:169)

How to constitutionally protect against such risks? My contention is that experiments with identification of universal interests ultimately need to succeed in processes that are universally instituted, enabling all people, at the earliest age, preferably in their years of primary education, to come to deeply understand and declare their real interests, and to do so without political manipulation. While this provision alone would possibly improve civic motivation, the full mutual security benefit might not be realisable without the further processes of constitution building suggested in the next chapters.

3.5.2 Assuring capability equality

Galtung's proposition for 'the right to define one's own needs' is itself founded on the presumed universal interest in protection from the abuse of authority. The dangers of misguided bureaucratic policy impositions as well as the deceptions and risks inherent in appeals to 'the national interest' as noted earlier and again in 5.3.2, lend great weight to Galtung's assertion. Were this right to gain recognition as a universal human right, a universal responsibility would logically fall to civics education to ensure that all are adequately capable of exercising the right. As pointed out by Sen,[100] and discussed further in chapters 5 and 6, the opportunity to exercise a political right is insufficient, if one lacks the capability. If the right is to be upheld, there must be a concomitant responsibility on the part of educational institutions to ensure that all have the capability, not only to identify their interests but also, as argued in the following, to declare their real interests.

3.5.3 For each to publicly declare constitutional interests

A scheme of constitutional protection in a pluralist civic domain can be *legitimately* constructed only on the assumption that there are certain universal interests to be protected. A constitution is, after all, a large-scale cooperative strategy conceived to reliably ensure the protection of the common interests of a multitude of strangers. We are faced with the practical question, how might the multitude of strangers in the world come to discover whether in fact they have interests in common? Even were such mutual awakening made possible, by utilising the Internet for example, it would not suffice to motivate civic cooperation. After all, it may be thought that cooperation with a vast scheme involving millions or billions of strangers is really not needed to fulfil *all* common interests. Some

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[100] Sen (1992)

interests, though common, could be fulfilled alone, or by joining a gang, tribe, church group, corporation or intentional community. We would need to know *which* of these interests, would clearly stand out for most people – after they weigh the issues – as requiring cooperative protection by a well constituted scheme. Such information could be discoverable by organising deliberative circles; it would not need the involvement of all. But clearly, such information would not suffice to motivate the public cooperation required. Most crucially, we would need to know *which* interests people in the world would be *committed* to cooperatively protecting, particularly were they to see that others were similarly committed. We would need to distinguish these interests as cooperative interests, or more precisely *constitutional interests*. Clearly, such interests could not be discovered without a public declaration process in which each announces to all – *for the purpose of protecting and fulfilling the following list of interests, I am willing to commit to deciding, revising and honoring cooperative arrangements with all in the world who declare likewise.*

Were individuals willing to stand up in public, as independents, not as delegates or representatives, and declare their constitutional interests, this would be an impressive indicator, that these strangers were sufficiently motivated to warrant their recognition as serious partners in a legitimate, constitutional scheme. Until such declaration process occurs, what governments do in the name of 'the public interest' or 'the national interest' is *de facto*, to put it mildly.

Whether we wish to newly establish a legitimate constitutional scheme, or maintain a such scheme over time, a public declaration process is needed for the world's newcomers as much as for the founders. Both the merit and legitimacy of the constitution would need to be reaffirmed in the declaration of cooperative interest by each newcomer, particularly if the sense of moral and political responsibility is to be maintained. In sum, each prospective cooperator would need to be encouraged and enabled to make an independent effort to (1) identify universal interests in accord with an approach such as discussed, (2) determine which interests require for their protection, a large-scale constitutional scheme, and (3) publicly declare their willingness to assume the cooperative responsibilities involved.

Finally, chapter 5 argues the case that all have a moral responsibility for mutual protection, a responsibility that, in the first instance, entails participation in determining the overriding, globally protective, constitutional norms and arrangements. The identification and public declaration of the constitutional interest is *logically* prior to, or even an essential primary part

of, constitution making. Hence, it is possible to conclude, solely on the basis of the arguments in chapter 5, that all have a moral (all protective) obligation to identify and declare their constitutional/cooperative interests.

3.6 CONCLUDING REMARKS: TOWARD A PROCEDURAL METACONSTITUTION

The call for an ethical and constitutional response to global problems shares with extant constitutionalism the supposition that in a world of cultural difference, there are certain universal interests that have a quasi-objective, unchanging existence, whether or not people are aware of them. We assume that these interests belong to infants and future generations, despite the fact that they cannot speak to confirm. Were we unable to sustain the assumption, we could no longer sensibly speak either about global problems, or about sustainability, or about ethics, or civic constitutionalism. While the assumption holds, it supports the move toward world constitutionalism and the development of global civic culture.

We critically examined three contemporary relativist views that could potentially subvert the assumption and found them to be insufficiently powerful. Nonetheless, there remain at least two problems. First and somewhat less challenging – how to sensibly communicate about and agree on universal interests given linguistic diversity? The chapter sidestepped this problem, leaving it to linguistic innovation, and turned attention to the more challenging second problem – how to enable the identification of universal interests? We examined three promising approaches and found that while they were significantly contributive, none alone appeared sufficient. Were they somehow integrated and augmented by appropriately designed learning settings, we would have a powerful approach meriting substantial experimental investment.

Finally it was argued that the process of identification of common interests is insufficient to motivate political cooperation on a large scale. Recognition of common interests would need to be augmented by a deliberative learning process resulting in a public declaration by individuals of their willingness to reliably cooperate to protect those interests.

A paper contract has no legitimate, binding force until there are two or more signatories who proclaim that they fully understand and will abide by its terms. In principle, a constitutional

document is a contract between individuals, but on a civic scale. It binds members (called 'citizens' or whatever) by oath to honour the mutually protective responsibilities in the document. A constitution without individual signatories, let alone a statement of cooperative interests, has no *legitimate* force over anyone. A legitimate contract must include a record of signed individual declarations by the cooperating partners. These declarations would constitute the semi-final grounds of appeal in a civic conflict. The final grounds of appeal would be the *meta-constitutional procedure* by which members were led, assisted, constrained (or manipulated) to identify cooperative interests and agree to constitutional norms. If each is to consider their cooperative interests, without political manipulation, a meta-constitutional procedure is required, to *permanently* ensure that all are adequately capable of so doing. The development of such capability would require a universal form of civics education written into and governed by a meta-constitutional procedure. This would arguably be based on discourse-ethical principles of deliberative democracy (see discussion 5.2.2). As the term meta-constitution implies, it would be upheld as having paramount status in constitutionalism, sitting 'above' and prior to all civic constitutions in the world.

Pursuit of this line of reasoning leads to a further glimpse of the intriguing new constitutionalism on the distant horizon. The next chapter moves a little closer to this horizon to explore an hypothetical possibility, a substantive world constitutional future. What world order prospect might be waiting on this horizon were individuals enabled first to identify and declare their cooperative interests and second, to learn to competently participate in world constitutional fora, as morally autonomous agents, to co-determine future norms and arrangements for the sustainable protection of those interests?

Chapter 4

THE PRIACTIVE CONSTITUTION

When the accumulation of wealth is no longer of high social importance, there will be great changes in the code of morals. We shall be able to rid ourselves of many of the pseudo-moral principles which have hag-ridden us for two hundred years, by which we have exalted some of the most distasteful of human qualities into the position of the highest virtues... All kinds of social customs and economic practices, affecting the distribution of wealth and of economic rewards and penalties, which we now maintain at all costs, however distasteful and unjust they may be in themselves, because they are tremendously useful in promoting the accumulation of capital, we shall then be free, at last, to discard. …The time for all this is not yet. For at least another hundred years we must pretend to ourselves that fair is foul and foul is fair; for foul is useful and fair is not.

John Maynard Keynes [1]

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[1] Keynes (1931)

4.1 INTRODUCTION

Our foremost challenge in response to global problems, according to the Commission on Global Governance, is to develop 'the vision of a better world' and commit to a global civic ethic – a set of globally protective responsibilities.[2] Presumably, the Commission's vision of a better world would be one in which the world's people would be reliably and habitually committed to such responsibilities. A central claim of the thesis is that a shift from a passive, rights-oriented culture to one based on active global responsibility would involve a quantum leap in world constitutional relations. This chapter is a future-oriented moral inquiry into the systemic implications. It is asked what should a world political and economic system look like, in constitutional terms, were it based on, and enabling of, universal compliance with an ethic of global responsibility?

The inquiry draws out a set of core principles that together constitute a model political economy. They logically derive from or are consistent with a single principle of global economic justice or fairness. The principle is referred to as the *priaction principle* (pri as in priority) to distinguish it from various other principles of fairness. As will be discussed, the principle is consonant with the 'responsibility for all life' ethic advanced by the Earth Charter[3], the UN Declaration on Responsibilities for the Future (1997) and accords with a key, global responsibility recommendation by the Commission on Global Governance.[4] The principle also motivates the globally responsive orientation of this thesis. The system model that is shown to derive from the principle is referred to as the *priactive system* or the *priactive economy*.

While, on the surface, the priaction principle appears fair and sensible, the implications of widespread and consistent compliance are radical. As will be argued, compliance with the priaction principle may well require abandoning familiar language terms such as *work*, *leisure* and *retirement* and the adoption of a new set of terms to suit. To be outlined here, for

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[2] Commission on Global Governance (1995)

[3] The idea for the Earth Charter arose at the Earth Summit in 1992. Under the auspices of the Earth Council, an Earth Charter Commission was formed in 1997 to oversee the drafting. It is being upheld as a 'people's charter' and involved 35 national Earth Charter committees who undertook various drafts in consultation with regions and people around the world. The final version was completed in 2000. See www.earthcharter.org (March 2000)

[4] Commission on Global Governance (1995: 353): 'the world need's leaders made strong by vision, sustained by ethics... infused with a sense of caring for others, a sense of responsibility for the global neighbourhood'.

consideration by an unencumbered world constitutional forum, is a new game with new words.

The chapter proceeds in two parts as follows. First, the priaction principle is clarified and three supportive moral arguments are outlined: (1) the sustainability argument; (2) the economic security argument, and (3) the agapic love argument. These separately and together indicate a reasonably strong case for adoption of the principle as a world constitutional norm. The second part of the chapter submits the principle to a universality test. It asks, what 'in principle' would universal compliance require? There is not the scope here to present a fully worked out systemic vision with all policy issues resolved. The aim was to undertake a first step, moral reasoning exercise, to identify, and grasp the basic logic of, some of the essential, 'in principle' requirements of a priactive economy. While no more than the barest skeletal core is conveyed, it suffices to indicate the potential workability of such a system, and what might be regarded as the normative framework of a *priactive constitution.*

4.2 THE PRIACTION PRINCIPLE AND ITS JUSTIFICATIONS

The priaction principle may be formally expressed thus:

*time and resource use should be managed so that universal interests (basic needs) of all beings are satisfied, globally, **prior** to the satisfaction of other interests (luxury needs).*

In the last decades, this principle, not defined as such, has begun to emerge in various arenas as a contender for consideration as a global norm. The human rights debate is one such arena. Few philosophers today accept that rights have an objective status independent of social resolve. If universal human rights – as ratified by most UN member nations – are to be securely protected, proponents will need to acknowledge the dependence of these rights on the universal, reliable enactment of reciprocal responsibilities. As Baier put it, rights are only 'the tip of the iceberg that collective and individual responsibilities support'.[5] On this understanding it is nonsensical to uphold economic security, for example, as a universal right, without a reciprocal emphasis on the responsibility of all to cooperate in priactively sustaining

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[5] Baier (1993: 165)

such right. We will return to this issue later. At a more fundamental level, Gewirth contended that if human rights are to serve in a pluralist world as a universal basis of morality, three conditions must be met.

> First, it must be shown that, amid and despite these diversities, there are also interests that all humans have severally in common. Second it must be shown that these commonly distributed interests are, in some relevant sense, prior to or more fundamental than the various diverse interests, so that the former have a normative priority over the latter.[6] (my emphasis)

A similar supposition underscores Rawls's theory of justice.[7] If justice in a scheme of civic cooperation characterised by pluralism is to extend to the 'worse off', a consensus regarding universal interests[8] is required for identifying those who are 'worse off'. Accepting that such consensus is possible, Nagel argued that an impartial morality – essential for the just conduct of civic institutions – would give 'preferential weight to improvements in the lives of the worse off as against adding to the advantages of the better off'.[9] To this proposition Braybrooke[10] conferred the title – *the Principle of Precedence*. This principle is similar to the priaction principle but differs in one crucial respect, made clear in our examination later of another variant of the principle promoted by The Natural Step. A global organisation dedicated to the achievement of ecological sustainability, The Natural Step, is upholding the principle as one of four that *must* be met if ecological sustainability is to be achieved.

From the viewpoint of Kantian ethics and the Golden Rule (see discussion 5.3.1), the validation of an ethical principle requires that it be submitted to the universalisability test. We need to ask, what would be the implications of universal compliance with the principle? What would a world economic order look like were the principle accepted in an unencumbered world constitutional forum, declared, and habitually enacted?

The explorative exercise undertaken in the latter part of the chapter reveals the implications to be radical. The world's constitutional order and the moral life of each would be fundamentally transformed. Consistent compliance with the principle would, quite obviously, see a drastic change in how each determines their time and project commitment priorities.

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[6] Gewirth (1993: 35)

[7] Rawls (1972)

[8] Rawls refers to universal interests as 'primary goods'.

[9] Nagel (1993: 12)

[10] Braybrooke's Principle of Precedence prescribes that 'the needs of a certain human population ... take priority over their preferences or anybody else's' (1987: 60).

Where current priorities are influenced by the market law of supply and demand, such influence would be replaced by its ethical converse, the *priactive law of supply and demand*. In face of the billions today living in abject poverty, the more familiar law of supply and demand absolves us of ethical responsibility. It tells us that it is lawful to neglect their demands while they cannot pay and make the sacrifices we demand of them. Conversely, the more ethically-oriented priactive law of supply and demand, one not conveyed in economics and business schools, is that supply of scarce resources should first go to fulfil the demands of the neediest, prior to the less needy. As will be shown, an ethical advance of this order will render obsolete much that is familiar in the current economic system.

What persuasive moral arguments might justify such drastic changes? Why *should* we be concerned about the basic needs of billions of strangers? Why *should* we order our time commitments so that priority is given to the fulfilment and protection of basic needs of all? A number of substantial arguments can be summoned in support of the priaction principle, but here is not the space to consider them all. The following three are among the more powerful.

4.2.1 The sustainability argument - The Natural Step

Apprehension of mounting environmental problems in the last decades of the 20th century has invoked a worldwide call for ecological sustainability. It is an undeniable truth that the basic health needs of all people and species are fundamentally dependent on the health of the ecosystem. This being so, ecological sustainability must itself be regarded as a basic need, a universal interest, one that should arguably be placed at the head of our list of universal interests. It follows that we ought to be priactively responsive in relation to the sustainability interest. In other words, our time and resources should be managed so that ecological sustainability is accorded preferential treatment. But how does ecological sustainability justify priactive responsiveness in relation to other basic human needs?

To address this question, we will turn to the propositions and arguments advanced by The Natural Step,[11] an influential organisation focussed on the achievement of sustainability. The organisation is promoting the adoption of a principle very similar to the priaction principle. While the differences between them are important, the argument put by The Natural Step in

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[11] The information presented here on The Natural Step is from the 'Intermediate Training Manual' (1998), an in-house document prepared by The Natural Step Environmental Institute of Australia. The author attended an introductory and an intermediate training workshop.

support of its principle also holds for the priaction principle. By considering the differences we will gain the benefit of a clearer understanding of the priaction principle.

The name 'The Natural Step' is both the name of an organisation and the *strategic approach* or *model* promoted by the organisation for realising sustainability. The brainchild of Karl-Hendrik Robert, a foremost cancer researcher in Sweden, The Natural Step was developed in the late 1980's with the assistance of leading scientists, businessmen and environmentalists. Today, Natural Step consultants are carrying its green message into executive suites around the world. It is gaining acceptance and compliance from governments and corporations around the world, including notables such as Electrolux, MacDonalds and Ikea. At the core of The Natural Step approach are four ethical principles – referred to as system conditions – conveyed as being essential for the achievement of sustainability. The first three are scientifically uncontentious and have readily gained consensus. To those familiar with the landmark 1972 report to the Club of Rome, *The Limits to Growth*[12], the basic idea is not new. Exponentially increasing extraction, transformation and dumping of material goods cannot be sustained beyond ecological carrying capacity limits. The Natural Step has articulated this understanding into three principles, as follows:[13]

> (1) Substances from the Earth's crust must not systematically increase in the atmosphere.
> (2) Substances produced by society must not systematically increase in the ecosphere.
> (3) The physical basis for the productivity and diversity of nature must not be systematically diminished.

It also advocates a fourth principle less amenable to scientific validation. Being proximate to the priaction principle it will provide the initial focus of our attention.

> (4) The use of energy and other resources must be fair and efficient with respect to meeting basic human needs.

Karl-Hendrik Robert clarifies this to mean that:

> [i]n the sustainable society, basic human needs must be met with the most resource–efficient methods possible, and their satisfaction must take precedence over luxury consumption'.[14]

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[12] Meadows et al (1972)

[13] Various versions of these principles exist. While this chapter was being written, the wording was undergoing a lengthy process of consultative review and change that they be conveyed with greater clarity. The early 'Stockholm' version cited here has been published in various journal articles and globally disseminated in brochures and teaching kits.

[14] Robert et al, (1997: 89)

This clarification qualifies the principle as priactive in two respects. First, the word *basic* is emphasised. Robert concurs with Max-Neef[15] who argues for the crucial importance of the distinction between 'basic needs' and 'satisfiers'. As discussed in the previous chapter, basic human needs are universal, bottom-line needs, the same in all cultures, while such notions as money, employment and taxation, are satisfiers, ways of fulfilling these needs.[16] While there is of course a grey area between what might be called basic and non-basic, the principle is nonetheless clear. Second, and most crucially, there is a priority overrider to the principle, which qualifies it as priactive. The satisfaction of basic needs '*must take precedence over luxury consumption*.' Though Robert does not make it explicit, the presumption is that *luxury consumption* necessarily includes *luxury production*. It is important to note that this emphasis on the *priority* fulfilment of *basic* needs distinguishes the principle from Marx's 'each according to their needs'.

The Natural Step's emphasis on *efficiency* warrants attention. Efficiency means doing more with less, to 'satisfy the needs of 10 people instead of one with the same resource input'.[17] The reduced impact on the ecosystem that such thinking would engender is clear. But efficiency thinking, on its own, untempered by ethical considerations can produce monstrous consequences. The human killing machine of the Third Reich, to use an extreme example, was highly efficient, greatly solving Germany's employment needs. Challenged solely by the efficiency principle, engineers may devise means of producing 10 Coca-cola bottles in the time formerly taken to produce 1, saving energy and creating more profit to meet shareholder needs. However, the *fairness* constraint of the Natural Step's principle provokes us to ask whether the materials and energy invested in manufacturing non-nutritious drinks in throw-away bottles should instead go, by way of priority, to fulfil the basic needs of the nutritionally deprived.

The priaction principle asks us to take a step further. It compels us to morally question not only use of the earth's material resources, but also the use of our own time and skills. Why invest our precious time in producing such things as Coca Cola, above all else? People may well love and demand junk drinks,[18] but there are demands for many things of greater need.

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[15] Max-Neef (1991)

[16] Refer to the preceding chapter for an examination of the distinction between needs and satisfiers.

[17] Broman et al (ND: 5)

[18] The Multinational Monitor (founded by consumer advocate, Ralph Nader) listed Coca-Cola as one of America's 10 worst companies of 1988 – 'for hooking America's kids on sugar and soda water. Today,

In view of the serious deprivations in the world, to choose to spend 40 – 50 hours a week producing or marketing Coca-cola or other such drink, above all else, seems a moral negligence. The investment of yet more time and energy to recycle the millions of fizz-drink bottles, even were it done with the greatest efficiency, arguably increases rather than decreases the negligence factor, both from a social and environmental perspective. An emphasis on the responsible investment of one's time marks a difference between the priaction principle and the Natural Step's fourth principle.

A second difference worth noting is that The Natural Step's fourth principle is *anthropocentric*. The focus is primarily on meeting basic *human* needs. While the third principle emphasises the need to use resources so as not to diminish biodiversity, it is human survival that is at stake, not the myriad voiceless species that also have a stake. Many would no doubt prefer that the priaction principle were extended to be more inclusive and biocentric, though this extension may not find sufficiently strong justification to convince all. The biocentric stance – such as advocated by the Earth Charter (to which growing numbers of government bodies are signatory) – requires the *prior* and *balanced* fulfilment of the basic needs of *all* beings, human *and* non-human.[19] The investment of time, energy and resources in the restoration of degraded natural habitats and the creation of protected wildlife corridors may not be viewed as serving basic human needs, but arguably has priority from the viewpoint of the needs of other species.[20]

Having clarified these points, we can move to examining the anthropocentric reasons offered by the Natural Step as to why we should adopt the fourth principle. Writing on behalf of The

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teenage boys and girls drink twice as much soda pop as milk, whereas 20 years ago they drank nearly twice as much milk as soda. http://www.essential.org/monitor/monitor.html   (accessed January 1999)

[19] The focus on the priority needs of non-human species differentiates the Priaction Principle also from the Principle of Precedence (Braybrooke 1987).

[20] From the viewpoint of 'deep ecology', The Natural Step's approach is 'shallow'. The theory of 'deep ecology', sometimes referred to as 'intrinsic value theory' or 'non-anthropological theory', was early championed by Naess (1973, 1984), Duvall and Sessions (1985) and Fox (1984). Godfrey-Smith (1979) is noted for developing a neat classification of the 'shallow ecological' arguments for preserving the non-human world. The arguments rely on nature being viewed useful to humans as a *Silo* (nature serves as a stockpile of genetic diversity), a *Laboratory* (for scientific research), a *Gymnasium* (for recreation), and a *Cathedral* (for aesthetic and spiritual inspiration). Deep ecology views nature as having intrinsic value, irrespective of the use-value attributed to it by humans, and needs to be protected for its own sake. According to Fox (1984: 200), it requires 'love and compassion' involving 'the enlargement of *one's sphere of identification*', wherein the individual self and the larger Self – the universe – are viewed as a unity. The deeper message is that we need to care about the harm to nature – not because it *affects* us, but because it *is* us.' The message of the Natural Step on the other hand is that we should be concerned about the ecological 'system' because humanity will suffer a shared tragic fate if the system breaks down, not necessarily because we deeply care for nature.

Natural Step, Broman et al. assert that 'in physical terms, it is enough to fulfil system conditions 1-3 in order to achieve ecological sustainability'. Why then is inclusion of the fourth principle necessary? They argue that

> if system condition 4 is not met at high enough degree, we cannot meet the first three conditions either. It is therefore logical to include it amongst the other system conditions...
>   We live in the same system, the ecosphere, without boundaries. Those who want to survive in the long run must support – not tear down – the total system on which we all depend. If the children starve, Dad slashes and burns the rainforest regardless of whether the rest of the world strives to meet the first system conditions. Thus, in practice, the first three system conditions cannot be met within the wealthy part of the world, while at the same time controlling the starving part of the world with weapons, so that system conditions 1-3 are met also here.[21]

This problem is no less an issue within wealthy countries. The battles to save the remaining old forests typically pit the vital interests of loggers concerned with losing jobs and income, against the interest to prevent permanent loss of natural habitat and species diversity.[22] Such examples highlight the importance of fulfilling universal interests as an interrelated *set* of priorities, economic security and ecological interests together, so that one interest is not satisfied at the expense of the other.[23]

If the Natural Step's approach to ecology can be characterised as 'shallow' (from the deep ecological viewpoint), so can its care for human beings. What is primarily important is sustainability of the human species, our collective survival. Caring for the basic needs of *distant* individuals is secondary. If we don't want a man to chop down what is left of the forest in Burma or Brazil to support his kids – the forests being vital for humans as oxygen and food source, carbon-dioxide sink, gene diversity pool, recycling plant, water purifier and so forth – then we must ensure that the basic needs of his family are otherwise fulfilled. Such caring is made necessary, not out of a genuine sense of care – indeed The Natural Step is

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[21] ibid. p.5

[22] In the year 2000, Brazil cleared over 2.2 million hectares of natural habitat, Indonesia 1.3 million, Sudan 0.9 million, Zambia 0.8. Relief of debt, caused largely by massive expenditure on military as well as administrative corruption, is largely responsible for the reluctance of these countries to reduce the clearing rate. In this year, Australia ranked among the greatest ravagers of habitat, with 0.5 million hectares cleared, the greatest proportion in Queensland and NSW. (UNFAO, 2001, Aust. Conservation Foundation, 2001).

[23] According to UNEP's Poverty Report (2000: 14), 'in countries where environmental degradation has a big impact on the poor, the ministry of environment is rarely represented on government coordinating committees for poverty reduction. So far, countries have kept poverty plans and environmental plans separate.'

explicit that altruism ought not be required[24] – but for the sake of the survival and health of the human species as a whole, of which one is a member. The appeal is to the self-centred individual. If I care for myself, as a member of the human species confronted by an unsustainable future, I must recognise that I have no option but to care for the basic needs of distant strangers, contrary to my prevailing economic inclinations.[25]

The achievement of sustainability, according to The Natural Step, crucially depends on convincing the business sector. It requires a pragmatism that cloaks the contradiction between the fairness requirement of the fourth principle and the fairness of commerce. Where persons or other species are in greatest need of attention but unable to offer anything of sufficient tradeable value, business cannot afford to attend to those needs, that is, in the normal course of business. That is the function of philanthropy to which after-business profits may be directed. Consistent direction of resources by way of priority to the fulfilment of basic needs globally would render most businesses non-viable. If priactive fairness and the fairness of the market tug in opposite directions, how could corporate executives uphold the priaction principle and act with integrity? If there resides a moral dilemma here for the business world, that dilemma and its possible resolution are scarcely considered in The Natural Step's literature. Company executives have sometimes bought the four Natural Step principles, as a package, sometimes for a substantial price, but, and possibly because, their attention has been directed mainly to the first three. The radical implications of the fourth, examined later in the chapter, appear to have been glossed over. Understandably, the principle has not been bought by all. Hawken, a founder of The Natural Step, US, has met considerable resistance.

> One of the most humorous aspects of teaching The Natural Step in corporations is when you come to the Fourth System Condition ... business people go ballistic. They think it is socialist, communist, the nose of the leftist camel slipping under the tent. Literally, some are repulsed by it.[26]

While one would be seriously mistaken to imagine that compliance with the priaction principle would return us to the horrendous experience of the communist experiment in the

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[24] The Natural Step's approach is pragmatic. It is argued that while commercial reality is problematic, we must work with it for it is unlikely to be transformed in the foreseeable future. If sustainability is to be practically achieved, commercial motivations must be tapped. Sustainability must be seen as profitable in commercial terms. Hence 'we should not expect individuals to behave altruistically' (Robert et al. 1997).

[25] In correspondence with K-H Robert, it was made clear that he and colleagues are motivated by 'deeper', more caring, altruistic impulses than is apparent from The Natural Step literature conveyed to the public.

[26] Hawken (1999)

20th century, it will have radical 'third way' implications for political economy. In view of the basic incompatibility between the principle of business and the fourth principle, the commercial world is unlikely to embrace the latter in a hurry. There is much that business can do, and has done, for the sake of sustainability by focusing on the *efficiency* of operations. But the sustainability argument, on its own, seems insufficiently powerful to persuade the commercial world to take the radical step implied by the fourth principle. Widespread enactment will require other kinds of arguments, but, above all, the establishment of a large-scale system of enabling institutions, providing individuals with practical and safe ways to leave the needs-negligent world of business behind. In this regard, the Natural Step may be on the right track in targeting business. For there is hope for sustainability in the prospect that companies attracted to The Natural Step approach will assume the required leadership role, establish the necessary alliances and together build the enabling priactive institutions and facilities. The argument for sustainability seems a strong one and has appeal for many, but perhaps other arguments appealing to other interests, are also needed to attract the numbers required to develop the priactive provisions in the first place. To these we now turn.

4.2.2 The economic security argument

The long-standing and more universally recognised interest in economic security presents a stronger foundation perhaps than ecological sustainability upon which to build moral support for the human-centred aspect of the priaction principle. Article 22 of the Universal Declaration of Human Rights asserts that 'everyone, as a member of society, has the right to social security...'.[27] This, of course, presupposes that there exists a universal interest in social (read economic) security.

But what is meant by 'social security' or 'economic security'? The Declaration does not spell this out. Of late, it has been argued that economic security should include ecological and political security, that they are inextricably intertwined. While this would appear undeniable, the argument here for the priactive principle derives from what the lay person typically and superficially understands as economic security – a sufficient and secure income stream. Deprive a person of that income stream, and we come closer to understanding the nature of economic *insecurity* as commonly felt. In the last chapter it was noted that monetary income

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[27] Article 22 of the Declaration states: 'Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international cooperation, and in accordance with the

is a cultural means of satisfying, in the first instance, needs that are culturally transcendent, such as nutritious food, unpolluted water and air, health services and secure protection from the vagaries of weather. These needs, in turn, satisfy the most basic, universal need – physical health. Regardless of their cultural background, when deprived of these basic needs, humans are at serious risk of harm to their physical health, and to the pain, suffering, even death that may result.[28] This may seem perfectly obvious. But to counter recent neo-relativist challenges to universalist ethics and hence to universal human rights, philosophers have laboured to clarify the seemingly obvious – the link between deprivation of (universal) basic needs and the notion of serious biological harm.[29] Such philosophical discourse would seem a pathetic distraction to those experiencing the stress and fear associated with economic insecurity – with the anticipation of basic needs deprivation, or the pain and suffering from actual deprivation. It is this view of economic (in)security from which the argument for the priaction principle derives.

Given that we are a single species comprising billions of diverse strangers who suffer similarly from deprivation of basic needs, what *should* and *can* we do individually and cooperatively to protect each and all against such deprivation? This is a primary question that cuts to the core of moral, economic and political philosophy. Nagel's answer exemplifies a priactive response:

> When we survey the actual world ... its sufferings press in on us. The alleviation of misery, ignorance and powerlessness, and the elevation of our fellow human beings to a minimally decent standard of existence, seem *overwhelmingly important*, and the *first* requirement of any social or political arrangement would seem its likelihood of contributing to this goal.[30] (my emphasis)

Nagel's response exemplifies priactivity in so far as it focuses on the 'overwhelmingly important' and 'the *first* requirement' in respect to the economic security of all. Sensible as such response may seem, a resistant reaction can be expected from those committed to the libertarian ethics of the market, expressed so influentially by exponents such as Rand, Nozick

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organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality'.

[28] Doyal and Gough (1991) refer to physical health as the *biomedical model* of basic need, perhaps the most readily objectified and universalised, the argument being that everyone can suffer, for example, from severe tuberculosis, as a result of basic needs deprivation, regardless of their cultural background.

[29] See, for example, Gewirth (1982), Wiggens (1987), Thomson (1987), Bay (1990), Doyal and Gough (1991).

[30] Nagel (1991: 15)

and Friedman.[31]   The overriding interest for these writers is the liberty-protective interest associated with laissez faire capitalism, the freedom to decide one's time and resource investment without regard to the deprivations of others. They do not dispute that all people have an abiding interest in economic security. The concern is whether it necessarily follows that the liberty to neglect should be overridden by a moral obligation to contribute to the economic security of all. Such concern is not necessarily callous. It is underscored by a security interest of a different kind, an interest to protect against tyranny, to prevent the danger that the coercive and violent instruments of the state could be unleashed to enforce such moral obligation, such as occurred in Communist Russia and China. The libertarian interest has a further nuance epitomised by the 'objectivist' ethics of Ayn Rand:

> man must live for his own sake, neither sacrificing himself to others nor sacrificing others to himself. To live for his sake means that the achievement of his own happiness is man's highest moral purpose.
>   The Objectivist ethics ... holds that the *rational* interests among men do not clash – that there is no conflict of interests among men who do not desire the unearned, who do not make sacrifices nor accept them, who deal with one another as *traders*, giving value for value.
>   The principle of trade is the only rational ethical principle for all human relationships, personal and social, private and public, spiritual and material. It is the principle of *justice*.[32]

We know, of course, that despite its reigning presence on the global stage, the trade principle is not the *only* principle of justice. Of interest at this point is whether the untested priaction principle would serve better – that is, more justly, efficiently and reliably – than the long established trade principle to fulfil the mutual interest in economic security. Because the priaction principle is untested, with no clear picture yet of how a priactive political economy might practically function, the task of presenting a convincing argument for the priaction principle is considerably handicapped. The trade principle on the other hand is burdened by centuries of testing, hindsight wisdom and damning critique that render its supporting moral arguments less than convincing.   The question as to whether we should stay with the precarious straw house we know or risk investing in the promise of a more secure brick house

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[31] While there is much written in defence of the morality of socialism, Rand (1964, 1966) stands alone in her almost messianic defence of capitalism as a *moral* system, rather than the familiar and well-worn instrumental defence of the system as efficient, pie-productive and operable without central planning dictates. Her influential work (Alan Greenspan's early writings are included in her book on capitalism) continues to be championed by the Ayn Rand Institute, see http://www.aynrand.org and associated websites. Nozick (1974), a far more competent philosopher than Rand, whose entertaining anarchistic defence of market justice and the injustice of coercive redistributive taxes has, considering the frequency of citations, been considerably influential on the Right. Friedman stands as another populariser, whose 'freedom to choose' TV campaigns no doubt significantly influenced the privatisation movement in the last two decades.

[32] Rand (1964: 13)

we don't know, cannot be answered with confidence. The uncertainty factors involved in the risk of commitment to either path appear immeasurable and incomparable. Paradoxically, each path to future economic security involves a gamble with security.

What is patently clear is that economic security cannot be achieved for all in a world where basic needs are systematically neglected by all. Regardless of how long and hard we all work, while each chooses their work without regard for the priority needs of other, economic security for all will be impossible. Market freedom certainly produces an immense pie, but if the pie's production does not benefit the worst off, even adds to their misery, while causing immense waste and environmental degradation, it is not in the security interest of the worse off to continue playing the market's game. Confirming the foresight of Marx and the Luddites before him, Martin and Schumann envision what they called a 20:80 society, where due to technological advances, 20% of the world's population will be needed to provide for the economic security of all.[33] Their business-as-usual scenario sees the remaining 80% employed, if at all, for low wages and precariously, in the trivial world of toy production, tourism and entertainment. If there were a free choice of economic game, we might with Nozick[34] choose the freedom to gamble, to risk one's economic security in the hope of becoming one of the lucky 20% by trading on one's talents and inheritances.[35] But there is no choice on offer; we are caught in what Martin and Schumann called 'the global trap'. No matter how earnestly we comply with the work ethic, the chances of winning life-long economic security such as enjoyed by the wealthy is, crudely applying their calculus, in the order of 1 in 5.

In view of familiar considerations such as these, there have been growing calls for the introduction of a basic income security scheme of one design or another.[36] Basic Income has been defined as 'an income unconditionally paid to all on an individual basis, without means

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[33] Martin and Schumann (1997)

[34] Nozick (1974)

[35] Barber (1984: 86) makes an interesting comparison between the gambler orientation of Rawls and Nozick. For Rawls in his *original position*, 'his fear of being least advantaged in any society he may belong to prompts him to forego the chance to be most advantaged. Robert Nozick on the other hand, is typically anarchist in his adventurous psychology of human nature. He is less interested in life insurance than in a free life. His natural man prefers to have an opportunity to maximise his gains, even if this choice diminishes his capacity to protect against loss. He is...a bargain hunter willing to be outwitted'.

[36] Various versions of tax-based basic income schemes have been proposed, for example by Douglas (Social Credit System, 1922), Rawls (1972), Friedman (1981), Robertson (1985, 1993), Jordan (1989), Walter (1989), Rifkin (1995) and Murray (1997). The concepts are actively discussed and promoted by a number of networks, such as BIEN (Basic Income Europe Network), BIRG (Basic Income Research Group), Universal Income Trust (New Zealand) and OASIS.

test or work requirement. It is a guaranteed income.'[37] The Basic Income concept is attractive because it promises security without the need for fundamental system change. It only requires the needs-negligent wild stallion of the market to be yoked to a heavier, more burdensome tax cart. While most variants of the concept rely on raising progressive income taxes, there are also schemes proposing taxes on land, or primary resources and energy.[38] A common feature of the schemes is that they unconditionally grant citizens a right to life-long economic security. No reciprocal responsibility is required. One is free to choose whether or not to enter the paid workforce, pursue a life plan, and undertake what Robertson[39] calls 'own work' without any obligation to contribute to society. It would be left to governments, that is, whoever chooses to work for governments, to distribute via taxation, the free lunch provided by technology and by those willing to remain in paid work.

Aside from the typical 'can't afford it' responses from government, such schemes are likely to meet with serious moral and practical concerns such as:

1. perceived unfairness or injustice of a society that abandons reciprocity altogether, in which individuals are free to choose not to contribute to society.[40]
2. resentment embodied in the perception of unequal sacrifice by the highly taxed taxpayer in respect to the freeriding non-taxpayer.
3. the possibility that abandonment of social reciprocity will weaken social trust and cohesion and possibly lead to long run breakdowns and crises.
4. the prospect that reduced incentive for high income earning and income-earning generally will undermine government revenue forcing continual tax rate increases, and a slippery slope to increasing tax avoidance, corruption and social breakdown. This problem may be allayed through use of resource consumption taxes rather than income taxes.
5. concern about international economic inequities and insecurities, were some nations to enjoy a guarantee scheme and others not, and the potentially great risks involved in overcoming this problem through vesting tax collection and distributive authority in coercive global institutions.

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[37] Clark and Kavanagh (1996: 399). This definition closely coincides with that promoted by BIEN.

[38] Robertson (1993, 1998), Smith (1998)

[39] Robertson (1993)

[40] According to Atkinson (1988), the reason why Basic Income schemes have not even got close to being introduced in Europe where the idea has been actively promoted, 'lies in the fact that it does not require any counterpart on the part of the recipient'.

If any economic income guarantee scheme is to live up to its guarantee, it requires responsible, trustworthy guaranteeing agents. Who are these to be if not the citizens? If every citizen is free to do their own thing, if they are not required to undertake a *one for all, all for one* social contract, to commit to doing whatever they believe is required to sustain the social guarantee, who will be the reliable and accountable agents of the guarantee? The government surely could not be relied upon. For its performance would depend on those same citizens, who are likely to resign or be retrenched when government revenue dwindles and salaries cannot be paid.

Considering such factors, the insecurity risk on this path would seem even greater than that on the current state-regulated market path. Inherent in the market is at least a weak form of reciprocity, an expectation of contribution, even if it is restricted to trading partners, even if the contributions amount to the gross pampering of the wealthy and the neglect of the deprived.

Each approach to global economic cooperation offers the world's people a promise of economic security. Each involves a gamble with security. The market with its weak norm of reciprocity provides everyone with perhaps a 1 in 5 chance of life-long economic security, a chance likely to diminish while the benefits of technological advances are tied to competitive forces. Market-based guaranteed income schemes – involving abandonment of the norm of reciprocity and expansion of coercive tax requirements – are high risk schemes whose guarantees of security for all need to be treated with considerable suspicion. For obvious reasons, I have not contemplated the security prospects of a return to the communisms experienced in USSR, China and North Korea. And there is not the space here to consider the range of interesting but lesser known alternative models offering economic security such as advanced by Morris, Bookchin, Gorz, Albert and Hahnel.[41] Suffice it to say that each of these models requires world civilisation to transform itself as a whole and by implication, rapidly. The authors have not advanced the possibility of prototype trialing and gradual transition. The models involve everyone or no one. As such these conceptions harbour totalitarian dispositions and the risk of high-insecurity transitions. Notwithstanding the lack of attention by authors to transition strategies, the way would appear open for those interested in such models to constitute cooperative alliances to reality test them.

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[41] Morris (1890), Bookchin (1971), Gorz (1982, 1985), Albert and Hahnel (1991)

The priaction model stands alongside these untested models as a model for choice, not to be imposed on an entire society, but trialed by those who so choose. By inserting the model into the world as an innovation for prototype development, the security risk to the world resulting from its introduction is minimised. Only those choosing to enact the model bear the risk. The libertarian interest in non-tyranny and non-sacrifice is thereby protected.

With the preceding considerations as background, we will now further the argument that compliance with the priaction principle offers the more promising path to life-long economic security for all.

The basic logic of the priaction principle becomes clear through an appreciation of a logical impossibility. Reliable, life-long economic security cannot be assured for *all* cooperators in a scheme involving multiple strangers where each decides their time commitments without prior regard to the basic needs of all cooperators. A scheme of economic cooperation could more credibly offer trustworthy, life-long economic security only if all cooperators are held equally responsible for that security. There is no escaping the reciprocal logic embodied in the Golden Rule – treat others as you wish to be treated (see 5.3.1). If one expects a right to life-long economic security from others, one must be prepared to commit to the reciprocal responsibility, to play a consistent, life-long and trustworthy part in maintaining that security for those same others. This form of reciprocity we might call whole system reciprocity. Referred to by Bowles and Gintis as *strong reciprocity,* it contrasts with the pair-wise reciprocity of the market, *weak reciprocity*, where responsibility for another is strictly limited to the terms of a trade contract.[42]

Recognition of the need for development of whole system or strong reciprocity – for a bond between human rights and human responsibility – is precisely the point arrived at by the Commission on Global Governance.[43] To resolve worsening global problems, it called for the adoption of a 'global civic ethic' – a new set of global responsibilities to ensure the fulfilment of the much accepted set of universal human rights. The Commission declared that '…the right of all people to a secure life', necessitates general recognition that, 'all people share a responsibility to contribute to the common good [and] consider the impact of their actions on the security and welfare of others.'[44] Recognition of the need for such responsibility was also

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[42] Bowles and Gintis (1998)

[43] Commission on Global Governance (1995)

[44] ibid.:336-7

reflected by those many who participated in the drafting of the Earth Charter. The opening words of the draft preamble read:

> In our diverse yet increasingly interdependent world, it is imperative that we, the people of Earth, declare our responsibility to one another, to the greater community of life, and to future generations.[45]

If such calls for global responsibility were to achieve the desired security outcome, the following features of the priaction principle would need to be understood:

(1) The exercise of responsibility for all entails responsiveness to basic needs ahead of luxury needs. There is no reliable security in a cooperative scheme that permits the luxury needs of some cooperators to be systematically satisfied while the basic needs of others are neglected. Security for all would require the habitual exercise by all of priactive competency – the ability to distinguish from the vast array of 'demands', that requiring prior response. It would require one's ranking of priorities to accord with Nagel's stratagem:

> If we ask ourselves, considering all the lives affected, what would be best, or how to determine which of several alternatives would be better, we are pulled toward the conclusion that what happens to anyone matters the same as if it happened to anyone else, that the elimination of the worst sufferings and deprivations matters most, that improvements at higher levels matter gradually less…[46]

(2) A commitment to responsibility for the security of all will have little reliability if cooperators exercise that responsibility only on condition of payment from the recipients of that exercise. My insecurity is maintained so long as the cooperative scheme makes it clear that the alleviation of my sufferings and deprivations depend on my capacity to pay. Security in such a situation can be improved – if one has the means – through life insurances, medical insurances and superannuation schemes. But even the security of the advantaged can rapidly dissipate in times of high inflation and stockmarket volatility.

Just as violence begets violence, insecurity begets insecurity. The market may be viewed as a 'charge and be charged' battleground whose production and consumption growth tendency is underscored by a necessary condition of insecurity. While we view humans as inherently

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[45] The Earth Charter, March 2000

[46] Nagel (1991: 13)

selfish, lazy, and inclined to free-ride,[47] we will distrust and eschew voluntary cooperative schemes that promise to achieve mutual economic security. If people cannot be relied upon, the message becomes *look after yourself, because others will not*. The message of course becomes self-fulfilling. Its enactment throughout history has produced a human nature story that appears as truth. Viewed in this light, the degree of progress towards economic security attained by modern capitalism is remarkable indeed. The question is whether a globalising market – if allowed to run its course – could eventually provide security for all, or whether a condition of absolute poverty for billions of people will remain the inevitable consequence.

The free-rider problem and the distrust associated with it are crucial obstacles on the path to universal security. The situation is unlikely to change until educative processes are instituted to develop individuals of integrity, who can be trusted to exercise responsibility for all, voluntarily, without expectation of equivalent payment. Perpetual peace and security for all may not be attainable without a cease-fire, as it were, without a spreading of the cease-charging logic of the priaction principle. Clearly, of course, were such responsibility to be undertaken by individuals, they would be more secure in doing so, gradually and carefully, in cooperation with others similarly disposed.

(3) The responsibility to ensure life-long security cannot be regarded as a part time, occasional, 'whenever one feels like it' responsibility, for there is no dependable security in such a deal. Such responsibility can only be a life-long and full-time one.

From the viewpoint of an individual having to struggle for economic security in today's world, the priaction principle appears an impossible ask. However the moral validity of the principle must be judged in view of the 'universalisability' test – from the viewpoint of the consequences of global compliance. From that viewpoint, priactive responsibility would not imply full-time active engagement in the provision of basic needs. Were the best of time-saving modern technology employed, a considerable degree of relaxation would be permitted, as foreseen by Keynes, in contrast to current, insecurity-driven, economic compulsions. Just as a sense of security is required to enable one's body to relax, so mutual economic security would allow a slow-down of economic activity. It would create the opportunity for more leisurely and artful engagement in the provision of housing, food, clothing and so forth,

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[47] Rawls (1972: 267) explained the free-riding problem thus: 'Where the public is large and includes many individuals, there is a temptation for each person to avoid doing his share. This is because whatever one man does, his action will not significantly affect the amount produced'.

largely blurring the distinction between work and leisure. Life's necessities could be fulfilled in a continuing mode of *productive leisure*, without retirement, without working weeks, weekends and holidays.

In such conditions, it seems unlikely that many people would bother to commit the bulk of their waking hours to the production of junk magazines, junk foods and drinks, junk videos, junk toys, nor the junk advertising needed to promote them. Much that now consumes the earth's resources for the sake of job-income growth would have nil priority, viewed as a waste of precious time and resources. Given a more secure and relaxed mental framework, it would allow one to be more alert and receptive to priority response calls, to be available to help out where help is needed. It might be argued that such security could breed free-riding sloth and unresponsiveness. Were this to occur, the situation might well regress to the 'get as much as you give' morality and insecurities of the market. Awareness of this potential and early warning signals among the priactively competent could of course invoke effective response strategies.

It would seem that the achievement of global economic security and a leisure age go hand in hand. The latter is highly unlikely to occur without the former. The realisation of both will remain an unrequited dream until the reciprocal logic of the priaction principle is realised[48] and practised.

4.2.3 The agape love argument

The argument here is that *if* one were committed to the principle of love, for whatever reason, it would follow that one would also be committed to the principle of priaction. The two go hand in hand. We are referring to a particular meaning of love, upheld by the world's major religions, and distinguished by the Greeks as agape love. We will not here attempt to provide a convincing rationale for such love. The aim rather is to show that it if one were committed to agape love, for religious or secular reasons, integrity would require that one consistently exercise the priaction principle.

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[48] That realisation appears to be dawning. In a keynote address to the Earth Charter National Forum in Australia, the Co-Chair of the Earth Charter Commission, Maurice Strong (1999: 7) concluded that: 'All people and nations have in the past been willing to accord the highest priority to the measures required for their own security. We must now give the same kind of priority to what I call 'civilisational security'. This will take a major shift in the current political mindset and the priorities... Necessity will compel such a shift eventually'.

This conclusion is reached through understanding what agape love means and implies. There are various meanings of love: erotic love, filial love, love of favourite persons and things, and so forth.[49] The Greek word agape connotes a loftier form of love having affinity with the Buddhist notion of compassion and with Christian love. In an important study on agape, Outka defined its characteristics thus:

> the neighbour ought to be cared about for his own sake; there ought to be active concern for what he may want or need, and not for the sake of benefits to the self… It is based neither on favouritism nor instinctive aversion… Its presence is somehow not determined by the other's actions…he need not know who I am…he may remain my enemy… Agape involves permanent stability. The loyalty enjoined is indefectible; neither partial nor fluctuating. No conditional demand for compensation is licit… It is a universal in that not a single person is excluded.[50]

Agape love, as Outka indicates, is clearly not dependent on the rise and fall of warm feelings. It does not require affection for, liking of, respect for, or even knowledge of the object of love. It seems a strictly mindful, even detached form of love. It implies a *strategic* orientation towards the world of others, an orientation that today would be regarded as not natural, certainly not a discipline one is born with, but rather an orientation that requires countering self-centred inclinations that many would argue are basic to human nature. Hence Fromm argues that such love is an art requiring understanding and practice.[51] Universal exercise of agape would clearly bring about greater conviviality in the world, and one can imagine that it might generate genuine warm feelings towards strangers, but the existence of those feelings are not to be regarded as a precondition for the exercise of love. The strategy requires continued exercise without expectation of a response in kind.

Within the context of the global market, agapic love invokes a seemingly formidable requirement. For as Fromm indicates, the principle of love, is fundamentally incompatible with the principle of the market.[52] Love cares without precondition, while the fundamental premise of the market is pre-conditional exchange. The principle of trade is 'I will give X to you, *only if* you promise to give me Y', (where X and Y are equal in value). Agape love requires that one attend responsively to the real need of others – human or non-human – whether or not the needy recipient is able to provide recompense. The strategy is to give without expectation of equivalent return. According to Fromm, '[t]here is no division of

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[49] See *The Four Loves* (Lewis 1960)

[50] Outka (1972: 9-11)

[51] Fromm (1957)

[52] Fromm (1957: 108)

labour between love for one's own and love for strangers'.[53] Considering our mutual entrapment in the global market, Christ's agapic command to *love thy neighbour as thyself*, is an 'ought' that seems without practical possibility. Thus writes Fromm, tt would seem that 'only a martyr or a mad person can love in the world of today... that all discussion of love is nothing but preaching'.[54]

Nonetheless, the preaching continues relentlessly. The ubiquitous and powerful undercurrent interest among the religious in love and its world family potentiality cannot be simply dismissed. To the believer in and lover of an omnipresent God (or Supreme Intelligence, Allah, Krishna, Nature), the rationale for agapism is more or less clear, even if the economic implications are not. If one loves this strange and mysterious God, then one's love must logically include all persons and beings, for He, She, It, is present in all. Like them or not, strangers are all manifestations of that divine omnipresence. To look into the eyes of the stranger is to look into the eyes of God, as a mirror of one's own Godliness.[55] To focus one's care and attention on God, on all that is, is to attend responsively to the child that cries and the world that cries. Such sentiments can be found expressed in the theological commentaries of the worlds major religious movements - Christian, Hindu, Muslim, Jewish, Buddhist, Baha'i, Satya Sai and others.

The impartial and inclusive, 'love all, serve all'[56] characteristics of agape love bring forth the question, how is it possible to love all people and beings at the same time? Arguing for an ethic of c*aring*, Noddings rejected the universalistic notion of agapism because she thought it unattainable. 'Painful as it is to give up romantic notions of loving everyone, we see that we must in order to care adequately for anyone.'[57] Clearly, in view of the above considerations, Noddings misses the mark in construing agapism as romantic. Agapic love would appear to be a rather tough, disciplined requirement, far from romantic. Yet she makes the important and inescapable point that one cannot attend to everyone and everything at once. One has no option but to decide on priorities. This is the fate of every person. The crucial issue is – *how* should one decide from the myriad possibilities, the most worthwhile thing to be doing, the

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[53] ibid.: 108

[54] ibid.: 108

[55] Levinas (1986)

[56] 'Love all, serve all', the priactive message and motto of the Indian Guru, Sai Baba, is strikingly exemplified major specialty hospitals constructed in India by his organisation in which the most modern medical facilities and surgical skills are provided for India's poorest without cost to them.

[57] Noddings (1984: 46)

'client' most worth serving, the environment or challenge most demanding of one's attention? An immense difference to the decision is made whether or not one operates from the globally inclusive, impartial and unconditional perspective of agapic love. Here the requirement of agape love and the priaction principle meet a precise convergence. The impossibility of simultaneous care for all in the world does not render the 'love all, serve all' ideal of agapism unattainable. On the contrary, the agapic strategy compels one to adopt the most comprehensive and impartial global perspective from which to survey the field of demands, to consider the most important priority needs and challenges, the mountain top from which to decide one's crucial time commitments.

4.3 FROM OUGHT TO CAN: CONSTITUTIONAL IMPLICATIONS OF THE PRIACTION PRINCIPLE

Even if one were entirely persuaded by one or more of the preceding arguments for the priaction principle, a range of barriers, key among them being the forces of the market, will severely inhibit one from consistent compliance. While it is possible to point to International organisations such as the Red Cross, the Salvation Army, Greenpeace, emergency service agencies and hospitals as quasi-priactive institutions, they largely depend for their viability on the taxing and/or charity of non-priactive commercial enterprises. Consistent enactment of the priaction principle by commercial companies would render them non-viable. As discussed, business viability requires direction of products and services towards customers and clients who can afford to pay. The implication is that people, environments and species in dire need of attention, but unable to pay, must be neglected. Profits, if gained, may be skimmed off and directed toward the most needy, but the day to day operation of business cannot afford to be priactively oriented. It would be misleading to conclude from this that business folk and their employees, as a class, are innately mean-spirited, or that human nature is, on the whole, greedy, selfish and uncaring. Given the premise that everyday human existence is largely socially constructed,[58] an equally credible explanation for the prevalence of priorities negligence is that it is structurally generated. We are, as Rousseau put it, 'everywhere in chains',[59] convicts of a long-standing economic game that not only condones

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[58] Berger and Luckman (1967)

[59] Rousseau (1762/1966: 240): 'Man is born free, and everywhere he is in chains.'

but promotes priorities negligence. We have no choice but to acquiesce, because it is the only game in town. How then to turn the priactive *ought* into *can*?

To enable people to exercise freedom of moral agency, to enact the priaction principle if they choose, a priactive economic system needs to be constituted and inserted into the world to compete with the prevailing one. Being an ethically generated option, we would expect that it not be politically imposed, but developed, trialed and demonstrated by those committed to the choice. In theory, pluralist, multicultural democracies should be able to respectfully accommodate such movement. How such accommodation would be constitutionally negotiated at the global level requires – as this thesis contends – the development of a democratic world constitutional forum with educational provisions as discussed in the next chapters. The need at this point is to convey a skeletal picture of the priactive economy to be placed on the constitutional negotiation table.

We now move to consider those core principles – an interrelated set of rights, responsibilities and in-principle provisions – that would comprise the constitutional framework of a priactive global economy, and of any priactive organisation which may be 'planted' for trialing in the world. It becomes clear that a shift to a priactive economy could not practically occur unless a shift is made toward each of these principles. View them as a connected gang of electrical switches, needing to be switched together, if the system is to function. In what follows, it will be shown how each principle logically derives from or is consistent with the priaction principle. Some key institutional requirements that flow from these principles are also indicated. While the principles appear quite radical in contrast to the status quo, as different as a house of bricks to one of straw, the question of public acceptability will not be addressed. What follows is a tentative exercise in moral validity testing – a submission of the priaction principle to a universalisability test. What are the universal 'in-principle' compliance implications?

4.3.1 Universally accessible priactive information and communication system

To enact the priaction principle, to be responsive to global priority needs, one would need access to a highly organised information environment without precedent. One would need information about the changing needs of local and distant persons and places, the planned responses by others to those needs, the resources available with which to respond, an adequate

means of communication by which to plan coordinated responses and so forth. One would also need access to such system in order to enter information about one's own needs and resources situation. Until universal access to a priactive information system is established, implying the development of requisite access skills, it seems that the world's people have little option but to be guided in their time and resource investment decisions by the pricing system of the market. The alternative option, conformity to the dictates of central planning bureaucracy that holds the monopoly on the information, seems unlikely to return to favour after the horrors of the Chinese and Russian experiments. Regardless of the strength of the arguments that could be summoned in support of the priactive principle, the lack of technological capacity poses an insurmountable barrier to widespread compliance. This practical obstacle between *ought* and *can* has therefore been placed first on our list of implications.

With the emergence of user-friendly Internet software in the 1990's what was formerly inconceivable has been rendered suddenly feasible. The rapid growth of the Internet could be viewed analogously to the formation of the neurone system in an advanced organism, linking functionally different parts into an interactive, mutually advantageous whole. From a technical viewpoint, there is little to stop the 'in principle' requirement for a priactive information system from being realised. Design prototyping and trialing of information environments suitable for a functioning priactive economy and its insertion into the world can potentially proceed among those already connected to the Internet.

4.3.2 Priorities indicator system

Given the overwhelming data on changing needs around the world, how to decide which or whose needs warrant one's priority response? It seems apparent that if a priactive economy is to function effectively, actors will require the services of an enabling system. In principle, such a system would need to comprise at least two key elements – (1) a network of competent agents on call who could assist one's priactive decision-making and (2) a priorities information system accessible to both agents and the public. The Internet would clearly be an ideal medium for such a system. Where financial investors today determine their (monetary) investment portfolios in response to changing stock-market prices and indices displayed on computer monitors, priactors may need to be dependent on priorities indicators to decide their 'time investment portfolios'.

Such indicator system might conceivably involve global, regional and local networks of monitors who would regularly conduct priority ranking assessments in view of sectoral information supplied by service agencies, manufacturers, social researchers and the like. Their rankings could be entered into a DELPHI polling system,[60] with the resultant indicators used to guide the public. There are various possible ways in which a priorities indicator system might practically function, but the goal here is not to elaborate them, but merely to indicate the possibility and emphasise the 'in-principle' need for such a system to enable compliance with the priactive principle.

4.3.3 System reciprocity: contractual relation between the right of life-long economic security and priactive responsibility

As discussed earlier, it is highly unlikely that the right to economic security, as declared in the UN declaration of Human Rights, could be sustained without a reciprocal commitment to priactive responsibility. Individuals will tend to think – *I won't commit to priactive responsibility unless I can trust that most others will be similarly committed*. No scheme of civic cooperation promising life-long economic security will be trusted unless a clear contractual relationship is established involving all cooperators whereby each voluntarily and publicly declares commitment to the priactive principle *after* having demonstrated understanding of the implications.

Such contract would require one to publicly 'trade in' one's right to engage in weak reciprocity with fellow contractors – that is, in pairwise trading that characterises market relations – for the life-long security guarantee associated with priactive responsibility. It will require sacrificing one freedom for another and one set of constraints for another. The market-based 'freedom' to neglect, exploit, and dispense, with its attendant risks and insecurities, would need to be sacrificed in order to gain the benefits of a more economically secure freedom, assured only through widespread reciprocal commitment to priactive responsibility.

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[60] As conceived by Osgood and Umpleby (1971), the idea of Delphi polling involved a learning 'game' in which players did not interact with each other but fed into a computer the results of private deliberations on 'expert' data provided to all, and changed their response in view of the deliberations of other players. The initial objective was to engage players to work toward a future they saw as desirable. The reiterative learning aspect of DELPHI has since been used to garner and weigh expert opinion on scientific issues, social trends, and outcome probabilities.

A priactive social contract that tied rights to responsibilities would enable contractors to consistently maintain priactive relations with each other. Such contract would not obligate contractors to respond priactively to people choosing to uphold contrary economic norms such as those of the market. The establishment of clear contractual boundaries would permit people to opt for the economic game of their choice and interact with the world of others on the basis of *each according to their ethics*.

4.3.4 Consistent voluntarism: implies an extensive trade-free zone

As discussed earlier, compliance with the priactive principle, and indeed with any civic responsibility, requires consistency of application. Such responsibility is not a 'whenever one feels like it' responsibility. It does not diminish when a needy recipient is unable to pay. Priactivity implies a responsiveness to basic needs – human and non-human – that is not conditional on the capacity of any potential recipient to barter or negotiate mutually favourable compensatory rewards. Priactive responsibility would need to be exercised independently of payment simply because were payment or bribes accepted, the danger would be that priorities will be distorted[61] and corrupted.

However, given the 'real' world as it is, unless one has a reliable supply of independent capital, one can not be consistently priactive – on one's own – without making a vow of poverty. One can cease charging only when diverse others – on whom one is dependent for one's economic security – also cease charging. Hence, as already discussed, the consistent exercise of priactivity requires an enabling system. And it would require a critical mass of contractors or subscribers to make such system viable, no less than required by a national telephone system. To enable priactivity to flourish, it will require no less than the development of a globally extensive trade-free zone.

Considering that every corporation and business is a trade-free zone, the proposition is not so radical. Everyday life in such zones is a taken for granted experience. While trade occurs between corporations, their internal environments are largely trade-free. Employees are paid *not* to trade with fellow employees. Be they total strangers, employees must interact *as if* good friends, and be reliably available when needed. One's own cash is not needed within the corporate sanctuary. It is needed only to acquire goods and services from 'outsiders'. Within

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[61] Priority distortion is an acknowledged negative characteristic of the market that makes the redistributive and compensatory powers of government necessary.

the 'work' hours of the corporate culture, one may be housed, furnished, costumed, air-conditioned and perhaps even fed – free of charge. Great efficiency gains are made by eliminating trade from the internal life of the corporation. If every internal request for help involved fee negotiation and account keeping, companies would be painfully inefficient. Trade-free zones are zones of efficiency. As such they are the unacknowledged engines of production in the market economy. Considering that everyday life for much of the population during work-hours is predominantly an experience of communal life in a trade-free zone, the step into a priactive economy will not be so unfamiliar. One would step from the more familiar uni-functional confines of a corporate building into diverse environments around the world in which a smorgasbord of skills, resources and accommodations would be freely available. That step, however, would require that one has self-organising competencies to contribute to the priactive economy in accord with one's own priactive judgement, and not be governed by the dictates of the company board or CEO.

4.3.5 Custodian title: cost-free property transfer

If compliance with the priaction principle requires a voluntarist orientation, that orientation is severely impeded by the highest bidder ethic – the current means of deciding transfer of property title. If the only way to gain access to the land and its resources is to be the highest bidder, one has no option but to compete on the market for monetary advantage, to serve clients and customers most able to pay, in preference to responding to the basic needs of humans and non-humans who cannot pay. To optimise one's priactivity, one therefore needs cost-free access to housing, buildings, tools and the earth's providence. A priactive economy would therefore require something like the *usufruct* title – a form of private property title providing private usage rights, control rights and modification rights, but to which we would add trade-free transfer rights and responsibilities. Such title would also need to incorporate certain 'duty of care' or custodial obligations, to ensure that resources within the title boundaries are managed in accord with the priaction principle. To be consistent, compliance with the priaction principle would require not only that one direct one's time to the prior fulfilment of basic needs globally, but also that resources under one's control be similarly directed. Such property title is here given the name *custodian title*.

4.3.6 Priaction principle incompatible with taxation principle

A trade free zone must logically be a tax free zone. Apart from the impossibility of imposing taxes where there is no trading and no income, the taxation principle is incompatible with the priaction principle for at least two reasons. First, where responsiveness to public need is dependent on the collection of tax revenue to pay public servants, the public is vulnerable. For in times of economic decline, tax revenue diminishes precisely when a greater level of priorities responsiveness is needed. With dwindling public funds, the pressure to dispense with public servants aggravates the situation. Increased job insecurity, anxiety, stress, morale breakdown, inter-staff competitiveness and tensions, and so forth, are familiar factors which diminish responsiveness of public servants to public need. Second, being a coercive institution, a much disliked 'necessary evil', the taxation system generates a resource-wasteful redistribution industry involving accountants, financial advisers and lawyers devoted to the production of tax minimisation and avoidance schemes. Such production requires an immensely counter-productive investment on the part of the taxation department to analyse complex and suspect tax returns, identify and close tax loopholes, and apprehend defaulters. From a priactive viewpoint, such redistribution effort represents a gross waste of human and material resources, an investment that public compliance with the priaction principle would render unnecessary.

4.3.7 Linguistic implications: a political economy that does not 'work'

A priactive economy could not be effectively discussed if the language terms used to signify its key elements were confined to that of the prevailing political economy. It would be like trying to describe golf using only the terms of football. Moreover, just as it would be a nonsense to score a golf game according to the rules of football, the statistics needed to monitor a market economy (jobs, unemployment, growth of GDP, etc) would make no sense in a priactive economy, and vice versa. We have already noted how terms such as 'property' poorly signify the radically different orientation to property required for compliance with the priactive principle. To overcome the linguistic problem in this case, a shift has been suggested from the notion of 'property title' to 'custodian title'. A corresponding shift may be needed from the term 'owner' to 'custodian'.

Compliance with the priaction principle arguably requires a linguistic shift also from the family of work/leisure terms associated with market-based discourse. The current norm that requires life's activities and mental functioning to be segregated into work and non-work/leisure zones is incongruent with the priaction principle. Priactivity implies a continuing state of mind, attentiveness, alertness, a responsibility to the world, that does not switch on and off. The term does not label the activity, but rather the framework of mind that decides the activity.

Priactivity, by definition, requires that one's time commitments must be one's own decision. It implies a self-organising orientation, each *one's own boss*, as it were. Optimal functionality in a priactive economy would require actors to do only what they regard as *most* worth doing, in view of the global priorities. To sacrifice one's decision-making capacity and priorities to the goal priorities of others – to employers or clients offering incentives or to central planning bureaus – would be to risk compromising one's responsiveness, and the responsiveness of the economy as a whole. As well demonstrated by market practice, application of external incentives, prizes and compensations manifests in priority distortion and neglect. In a priactive economy, communication would hence be severely confounded if language were confined to market terms, to such notions as *employer-employee* relations, or *employment*, or *unemployment*, or *retirement*. The looming headache confronting market economists – how to cope with the increasing proportion of aged retirees? – would be a non-problem in a priactive economy. In effect, priactivity involves an integration of *work* and *leisure*, and thereby cancels out the need for the both terms. They would be functionally meaningless in a priactive economy. As such it would make sense to speak of a priactive economy as *not working*.

That advocates for the priactive principle may seek in a world constitutional forum to legitimise such linguistic discontinuity will need to be anticipated in the design of such forum. Forum procedures will need to be established to assure mutually respectful linguistic negotiations to occur, such that the linguistic status quo does not dominate the proceedings. In the next chapter we will consider the right and responsibility to participate in constitutional deliberations without such encumbrances.

4.3.8 Non-segregative world order: impartiality and the right and responsibility not to belong to any nation

The priaction principle is, by definition, morally inclusive, a global ethic whose circle of moral concern embraces humanity, other species and the planetary commons. The principle is contradicted by the prevailing segregative political order whose viability demands partisan allegiance and the exercise of what Brown called 'territorial discrimination':

> the transfer of resources from rich to poor within national societies, but not among societies… [a practice based on the belief that] the poor on the other side of a national border are somehow less needful or less deserving than those inside the border.[62]

The principle that Americans should protect their own, and Australians their own, is incompatible with the priaction principle. Compliance with the priaction principle entails acting towards all humans as having certain universal interests that require fulfilment without racial, ethnic or territorial discrimination. It implies treating all people as 'one's own', and no one as a 'foreigner'. Compliance with the priaction principle demands a distancing from the ethics and perhaps even the language of the current segregative order. Priactive 'public servants' would view themselves as none other than 'world servants'. The requirement of integrity would compel priactive servants to assert the right and responsibility not to belong to any segregative and discriminatory political entity. If world servants are to be trusted, they must be seen to act with impartial integrity. A first demonstration of impartial integrity would entail public declaration of allegiance to the planet, and morally conflicting interests and allegiances, such as national citizenship, publicly relinquished.[63]

4.3.9 Conditional sovereignty and world custodianship

According to the UN Charter, 'No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State'. Supported by silent acquiescence, if not the consent, of the world's people, the principle of sovereignty may be regarded as the paramount world constitutional norm, to which all other prevailing international norms are subordinate. The principle permits UN member states to do what no individual is permitted – the right to do whatever they want on 'their' territory,

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[62] Brown (1973: 10)

[63] This need not deny one an official role in any administrative region, but one's responsibility would be of one who serves impartially, in regard to the needs of all beings, without conflict of interest and without territorial discrimination. This would serve to safeguard against the possibility that those in resource-rich regions will exploit local resources for their own advantage while neglecting the needs of those in resource poor regions.

without interference, destroy 'their' forests and subject 'their' people to every cruelty. The ethic of sovereignty prevents 'outsiders' from rescuing fellow humans trapped by and suffering under the dictatorial powers of a sovereign nation. One need only consider the plight of women under the rule of the Taliban, or the Tibetans under the Chinese, to concur with Shue[64] that the norm of sovereignty as it stands is morally unacceptable, that it should be subject to overriding conditions – comprising universal rights and responsibilities – whose violation will invoke intervention.

Universal compliance with the priaction principle would logically deny unlimited sovereignty. Individual and collective sovereignty would be subject to conditions, with priactivity itself upheld as a primary constitutional responsibility. A priactive world order would bestow custodial control over portions of the earth to individuals or groups on condition that they are managed in accord with the priactive guidelines or standards determined by the global community.

However, the concept of a sovereignty right that is conditional on priactive responsibility so alters the accepted meaning of the word 'sovereignty' that a new term may be required to denote the concept. The term suggested here for the purpose – consistent with our previous linguistic suggestion – is 'world custodianship' while the agent entitled to hold a world custodian title may be referred to as a world custodian. To ensure effective compliance with the priaction principle, custodial rights and responsibilities would arguably need to be bestowed to individuals, rather than to collectivities, perhaps according to specialised competency qualifications, for the management of regions, territories, reserves and estates. Where rights are seriously contravened, the most ham-fisted response – illustrated by the treatment of the Iraqi people under Saddam Hussein – is to seek to punish or impose sanctions on entire institutions or regions causing suffering to innocents. A far more incisive and ethical response is to target the responsible individuals.

Problems of corrective and retributive justice, involving issues of arrest, trial, conviction, imprisonment and rehabilitation need reconsideration from the priactive viewpoint, but such inquiry is beyond the scope of this exercise. Suffice to suggest that a functioning priactive economy (entailing the elements outlined here), in which the basic needs of all are secured by way of priority, is likely to generate far less of a criminal problem than an exploitative,

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[64] Shue (1995)

priorities negligent, *every man for himself* market economy. This inquiry must also leave in abeyance the crucial issue of political procedure, by which the terms and conditions of custodianship are to be determined, reviewed and administered on the global scale. There are many 'how' questions that must be left begging in our commitment at this point to indicate the 'in principle' constitutional starting points.

4.3.10 Global participatory democracy and the principle of equal participation

How to enable the world's people to determine at the outset and review 'the standard package' of universal basic needs that the priaction principle will serve to secure? It is difficult to imagine how such determinations could be undertaken without a more advanced, participatory and deliberative form of democracy than has hitherto been experienced. The potential for power abuse in the determination and administration of conditions for qualification, disqualification and redemption of custodial rights, also suggests the need for a considerable advance in democratic procedure. Most crucially, as argued in chapter 2, priactive responsiveness is required at the world constitutional making level. Universally accessible provisions are required – irrespective of the existence of a priactive economic system – to enable all to participate in political and constitutional decision-making, regardless of their geographical location. The important matter concerning the ethics of equal participation in world constitutional deliberation is discussed at length in the next chapter. The practical possibility latent in Internet technology to enable such participation to occur is illustrated in the Appendix (Design Brief for a Prototype Civic Website).

4.3.11 Educational qualification for world custodianship

We are not born with the attitudes and competencies required for managing our time and resources in accord with the priaction principle. A priactive, reciprocity contract involving a multitude of strangers is unlikely to be trusted without a learning system capable of effectively imparting the necessary understandings, attitudes, and competencies, such that each who enters into the contract can be trusted. The international drivers licence system indicates the potential for establishing worldwide trust. We are not born with driving skills and understanding of road rules, yet people are prepared to risk their lives on the world's roads among strangers, only because it is commonly understood that all must undergo driver *instruction, probation, qualification* and *registration*. These four mechanisms functioning as

an integrated system have a proven track record for ensuring a standard of competency sufficient to sustain trustworthiness among strangers on the highway.[65] Such trust is sustained despite the frequency of accidents. Arguably the same kinds of mechanisms will be needed to sustain trustworthiness, and hence mutual trust among world custodians. Just as driving licences are available to all people (of sufficiently sound mind and body) prepared to undertake the learning and the tests, so the passage to custodianship should, in principle, be similarly accessible to all. And such passage rite should not require immensely difficult academic hurdles so as to exclude the majority, for that would defeat the goal of achieving the responsiveness implied by the priaction principle.

4.3.12 Non-doctrinaire moral education

Given that the understandings and attitudes essential for the maintenance of priactive economic and political relations require education, there is a risk that such education will become morally doctrinaire.[66] From a priactive perspective, doctrinaire moral education is counterproductive. Priactivity implies responsiveness not only to the priority *material* needs and circumstances of humans and ecosystems, but also to the overarching structures of mutual protection – the civic norms and arrangements. In view of changing global circumstances and knowledge, the validity and adequacy of protective arrangements should never be taken for granted. Priactivity requires conscious moral agency, agents capable of critical reviewing the terms of social cooperation. This entails an exercised capacity to stand clear of the status quo, to think afresh, to exercise freedom of thought and moral autonomy. That capacity is enhanced by non-doctrinaire moral education and diminished by doctrinaire education.[67]

Indeed doctrinaire education applied by any political system should be regarded as counterproductive. As emphasised in later chapters (5.3.2.2 and 6.2.1.3), manipulative political education is potentially dangerous to the public interest. Suffice here to point to a key issue in political philosophy – the question of the criteria that determine political

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[65] Offe (1999)

[66] Maintenance of the current international order entails moral indoctrination. Refer to discussion in chapter 5.

[67] This raises an apparent paradox. If an education system is devised for the production of graduates to serve priactively as world custodians, how can such system claim to be non-doctrinaire, when the moral goal is predetermined? The paradox is overcome only to the extent that the moral goal is not 'priaction', nor 'custodianship', but the protection of mutual interests. With that broad goal in mind, learners first need to be enabled to clarify their mutual interests in a non-doctrinaire manner, as suggested in the previous chapter. Second, they must be encouraged and enabled to exercise freedom of thought and moral choice in regard to *how* they wish to protect those interests. In this respect, the priaction principle and its derivative principles such as indicated here need to be offered as merely one choice among possible others. Third, every encouragement and assistance must be given to learners to develop and trial alternative arrangements.

legitimacy. Fishkin contends that non-indoctrination must be a key criterion. A political culture is legitimated when its members are enabled to be 'self-reflective', when they 'are not indoctrinated to accept its practices [and] exposed to continuing, unmanipulated debate about them'.[68] This criterion would need to be non-negotiable to sustain the legitimacy of a priactive political culture.

The form of non-doctrinaire, integrity development education outlined in chapter 6, would be consistent with and indicative of the education requirement for a priactive economy.

4.4 CONCLUDING COMMENTS

My examination of the ethics of the priaction principle and my sketchy exploration of its world constitutional implications suggests that it merits serious consideration as a remedial constitutional response to global problems. The supportive arguments for the principle appear sufficiently robust to attract commitment, if not from everyone in the first instance, from a large and diverse pool of people, including advocates for ecological sustainability, social justice and economic security, and those multitudes with religious and philosophical commitment to agapic love.

Our universalising 'scan test' to examine the 'in-principle' implications of universal compliance indicates a radical prospect for global governance, citizenship, education and economic affairs generally. With the introduction of Internet technology, it appears now to be a prospect within the bounds of achievability. However, we are left with intriguing questions. Is it possible to conceive of a world that is divided into mutually respectful free trade and trade-free zones, analogously to multiple sports grounds that respectfully accommodate side by side games of tennis, football and cricket? How should actors committed to the priaction principle deal with those committed to market morality? Could one move from one economic game to another, as one might from one sport to another, without compromising integrity? While many such questions remain to be answered, sufficient ground has arguably been covered to illustrate the nature of the challenge that negotiators for a priactive constitution will bring to a democratic world constitutional forum.

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[68] Fishkin (1992: 128)

We cannot expect the doors of constitutional negotiation to be opened without considerable resistance. If a constitution is to serve as a dependable structure of mutual protection, we expect its walls to be solid, enduring and difficult to undermine. If a constitutional contender is to be taken seriously, it will need to be viewed as promising significantly better protection than the suspect 'straw house' that prevails. The catch is that in order to demonstrate the secure and sustainable properties of the proposed new structure, a realistic opportunity will need to be given for its construction and testing. Constitutional 'space' will need to be granted. To demonstrate the merits of a priactive economy, a priactive economic zone (a globally dispersed but connected zone) will need to be established that will provide the world's people with the opportunity and right to participate in its development.

The emergence of Internet technology opens the way for the development of a priactive economy. It also offers the possibility for a quantum leap in the conceptualisation of constitution-making procedure such as would be required to globally engage the large numbers that would need to be involved. A virtual world constitutional forum with non-doctrinaire civic education provisions could enable the world's people, finally, to participate in unconstrained world reconstitutional deliberation, and, moreover, publicly disclose their constitutional preferences. Clearly, until provisions for unconstrained deliberation and public disclosure are established, the level of public support for propositions such as the priactive constitution cannot be empirically determined.

Currently no such provisions exist. In the next chapter it is argued that the formal establishment of such provisions may require, in the first instance, explicit public acknowledgment that the world's people have a right, even a responsibility, to participate in unconstrained world constitutional deliberation.

Chapter 5

THE RIGHT AND RESPONSIBILITY

TO PARTICIPATE IN

WORLD CONSTITUTION MAKING

If democratic citizens are to value political liberty not merely as a means of pursuing their self interest or group interest, if they are to weigh the interests of others and to guide their actions by a sense of justice, then democratic societies must encourage the give and take of moral argument about the substance of controversial political issues... Forums for deliberation should abound... The lack of these forums in both theory and practice – the deliberative deficit it reveals – should be a matter of great concern to constitutional democrats. A. Gutmann and D. Thompson[1]

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[1] Gutmann and Thompson (1996: 37)

5.1 INTRODUCTION

It has been argued that adequate apprehension of global problems will require world reconstitutional response. However, the world's people typically presume that they have neither the right nor responsibility to participate in world constitution making, let alone the ability to do so freely and openly, unencumbered by the authority of the prevailing geopolitical framework. This state of mind is reflected and reinforced by the lack of any formal institutions and forums for this purpose and the complete absence of educational provisions to encourage and prepare people for such participation. In none of the various UN human rights declarations and conventions are statements expounding world constitution-building rights and responsibilities. Even leading thinkers on constitution-making procedure have consistently supposed that participatory rights and responsibilities of individuals are confined to the nation-state boundaries to which it is deemed they belong.[2]

The emergence of Internet technology has introduced an unprecedented opportunity – the possibility of constructing a globally accessible means of enabling the world's people to democratically participate in world constitution making. This chapter takes a moral reasoning path to consider whether in the light of mounting global problems such rights and responsibilities should be recognised and instituted, be it by UN convention or other means. Widespread acknowledgment of those rights and responsibilities may be needed in order to marshal the considerable resources required to develop a recognised system of enabling provisions – a world constitutional forum with information and education supports.

The current international system is de facto: it persists through systematic denial of democratic world constituting making rights, responsibilities and provisions. While the denial is not explicit or even deliberate, it is nonetheless effectively disempowering. There may be good historical reasons for the denial. The lack of technological capacity is surely one valid reason. But the principle of publicity has yet to be fully recognised by authorities;[3] those reasons are not public. While we may conjecture upon them, they do not constitute public facts which we can show our children and say: *these are the official reasons why you or I or*

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[2] See, for example, Elster (1998), Cohen (1998), Sunstein (1993), Ordeshook (1993), Elkin (1993), Soltan (1993), Rawls (1972, 1993), Ackerman (1991).

[3] The principle of publicity – the maxim that governance proposals (constitutional rights and procedures, laws or policies) should be accompanied by reasons that are publicly accessible for scrutiny and challenge – is viewed among theorists of deliberative democracy as a crucial democratic principle. The principle remains largely academic.

anyone is not required nor permitted to democratically engage in world constitution making.
The denial and the absence of public reasons for the denial – altogether an unreasonable silence – are crucial aspects of the unwritten world constitutional order that calls into serious question its legitimacy. But we will not here conjecture on the possible reasons for the denial. The intention is rather to examine what good reasons there may be for the world's individuals to assert and exercise the right and responsibility to participate – via the Internet – in determining their future world constitutional relationship, without the encumbrance of status quo authority.

The matter warrants priority attention in light of the report by the Commission on Global Governance (CGG) discussed in earlier chapters. To effectively apprehend the world's crisis tendencies, the report calls for a global civic ethic, the enaction by the world's people of a set of mutually protective responsibilities.[4] The report proposes a short, not exhaustive list. Of relevance here is this listed item: 'participation in governance at all levels'.[5] The responsibility of *active* participation is emphasised; 'democracy is more than just the right to vote in regular elections. And as within nations, so globally, the democratic principle must be ascendant'.[6] While the Commission's report does not explicitly assert that all have a right and responsibility to actively participate also in constitution making at the global level, the inference is nonetheless clear. The report is unequivocal in stressing the need for new globally protective institutions. Yet it clearly recognised, with Falk, Kim[7] and others, the difficulty, and indeed folly, of attempting to establish such institutions without the prior consensual determination of a set of world constitutional norms.

We must ask by what procedure could these institutions and, in the first instance, the underpinning world constitutional norms, be legitimately determined? That procedure and the establishment of enabling provisions crucially depend on how the three central questions of this chapter are answered: (1) Do the billions on this planet have a right to participate in the determination of these norms? (2) Do they have a responsibility to do so? (3) Should their participation be confined to, or independent of, the discourse framework of current international relations?

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[4] Commission on Global Governance (1995)

[5] ibid.: 336

[6] ibid.: 337

[7] Falk (1993b), Kim (1993)

Two obvious hurdles between *ought* and *can*, aside from those discussed in chapter 2, warrant consideration at this point. First, it is clear that without globally accessible provisions, the world's people cannot effectively participate. Without any practical means of participation, is it not nonsense to insist that they *should* participate? What is the point of discussing the matter? From a practical point of view, unless and until the right and responsibility is acknowledged, at least by a significant and influential minority in the first instance, the resources needed to establish recognised provisions will not be marshalled. From a political power perspective, the current lack does not justify a perpetual closure on development of the necessary means. And from a moral reasoning viewpoint, that there are currently no practical provisions for realisation of the principle does not deny the *validity* of the principle. As Rescher points out, while *ought* does imply *can*, 'an obligation is not automatically abrogated by the [immediate] impossibility of its accomplishment'.[8] Lacking radiotelephony, early ocean travellers were unable to call for medical help to save disease-stricken fellow travellers. Today, the moral obligation to render assistance in such situations compels the mandatory installation of radiotelephones on all ocean-going vessels. The introduction of new technology can render ideals 'realistic' that were long held as 'unrealistic'. While current circumstances prohibit exercise of the right and responsibility to participate in world constitutional deliberation, it is incumbent on those who concur with the principle, to seek and support technological innovations that will enable its realisation. But, clearly, settlement of the ethical question has logical priority over the technical question.

A second, seemingly insurmountable hurdle between *ought* and *can* will dissuade many from pursuing the matter further. If achieving consensus among six diverse people in a room were difficult, the prospect of finding normative agreement among six billion on the planet would seem utterly impossible. The postmodern focus on difference and fragmentation furnishes the prospect with a coffin. Add to this the grit of perpetual disagreement among philosophers,[9] and sceptics have what is needed to assure the prospect a fine burial. Efforts to raise the dead will likely be derided as futile, a waste of time and resources. The implication is that, like it or not, we have no choice but to remain bound to the world constitutional status quo.

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[8] Rescher (1987:1)

[9] Rorty (1993: 265) contends that we should abandon the idea that 'a single moral vocabulary and a single set of moral beliefs are appropriate for every human community everywhere'. In view of the radical incompatibility between the approaches to justice and rationality taken by Rawls and Nozick, MacIntyre wrote 'modern politics cannot be a matter of genuine moral consensus. And it is not. Modern politics is civil war carried on by other means'. (1984: 253) This point is further explored in MacIntyre (1988).

The postmodern focus on difference has, however, tended to obscure the indicators pointing to the prospects for a common morality. Gewirth argues that sufficient indication of that commonality is revealed by the growing worldwide acceptance of universal human rights.[10] This possibility is further supported by the considerations in chapter 3 which strongly indicated the existence of universal interests that all apparently want protected. But it will require no small leap from an acceptable platform of universal interests and rights to the achievement of reciprocal commitment by the world's people to a set of universal responsibilities. Such leap does not appear achievable in the foreseeable future, that is, in the next 50 years. However, were we to take a century long view, the prospect cannot be summarily dismissed. Nonetheless, without adequate provisions, and a sufficiently long period of cross-cultural experimentation, predictions about the outcome of a participatory constitution making process should be regarded with scepticism. Given the unseen developmental potential of the newborn Internet and the possibility of unprecedented constitutional experimentation ahead, a degree of optimism is warranted.

Finally it needs to be made clear that granting the right of unencumbered world constitution making does not necessarily imply the condoning of political coups. As the considerations in this chapter make clear, exercise of the right is unlikely to provoke violent revolutionary fervour and the smashing of the prevailing constitutional order. Exercise of the right entails a universal moral reasoning responsibility and capability, predicated on an all-protective, respectful orientation. Despite their failings, modern constitutional democracies and the UN system warrant respect for the significant evolutionary advances that they embody. As Holmes points out, they have provided citizens with substantially improved rights, liberties and protections, guaranteed only by virtue of enduring constitutional constraints.[11] Deliberants would find it hard to justify the summary demolition of these constraints, without something more substantial and agreeable in their place. We could agree with Jefferson's sentiment that each generation has 'a right to choose for itself the form of government it believes most promotive of its own happiness'.[12] But this need not imply acceptance of Jefferson's proposition that every generation, on a twenty-year basis, be given the opportunity to scrap the old constitution, and construct an entirely new one from the ground up. As Maddison pointed out, such practice would render governance 'too subject to the casualty and

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[10] Gewirth (1993)

[11] Holmes (1988: 228)

[12] Quoted by Holmes (1988: 205)

consequences of an interregnum'.[13] The right of world constitution making must accompany at least a responsibility to ensure that, where radical constitutional reforms are deemed necessary, they are introduced without violence, and phased in to ensure continuity of protection. While the current world constitutional framework may be a poor protector of human rights in various parts of the world, it nonetheless provides significant other parts with sufficient freedom of thought and speech such that the design, pilot trialing and orderly phasing in of evolutionary new constitutional frameworks may safely proceed. How this might be achieved is pointed to in what follows.

5.2 THE RIGHT TO UNENCUMBERED PARTICIPATION IN WORLD CONSTITUTION MAKING

5.2.1 Is the right implied by the democratic ideal?

Should we expect that supporters of democracy would also support the right to participate in world constitution making? Is the right logically implied by the democratic ideal? Through a study of various models of democracy, Held identified a set of common features that he referred to collectively as 'the democratic ideal'. Held concludes that despite even the fundamentally different democratic views, they share the following interests (in summary):

1. the maintenance of circumstances for all humans to develop and express their diverse qualities;
2. protection from arbitrary use of political power;
3. 'involvement of citizens in the determination of the conditions of their association (involving an assumption of respect for the authentic and reasoned nature of individuals' judgements)';
4. development of economic opportunity and resource availability.[14]

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[13] Quoted by Holmes (1988: 217)

[14] (Held 1987:270)

The third item (quoted in full) is relevant to our inquiry. I inquire here whether the democratic ideal as expressed in this item implies (1) a right of individual participation in constitutional deliberation at the *global* level, and (2) a right to do so, unencumbered by the authority of the current world constitutional 'reality'. I will not here re-examine the philosophical justifications underpinning the democratic ideal to test their foundational validity. That the ideal appears to enjoy a certain overlapping consensus among advocates of various models of democracy suggests that it is a sufficiently robust platform from which to pursue the questions posed.

It needs to be noted at the outset that Held identifies *citizens*, not *persons*, as being the determining agents in his third expression of the democratic ideal. This expression of the ideal suggests that involvement be confined to citizens, a particular category of persons who throughout history have been defined by their membership to nation-states. Held may have used the term 'citizen' loosely, but it raises an issue crucial to our inquiry. Held's expression of the democratic ideal suggests that while *all citizens* have an implied right of involvement in determining the conditions of their association, that right does not necessarily extend to *all persons*. Citizens, it would appear, are endowed with certain ideal characteristics not possessed by all people. Perhaps these characteristics involve certain understandings, attitudes, and competencies, or innate rationality, or biological endowments that are ideally required for participation in constitutional determinations. The ideal, as expressed, does not indicate what these characteristics might be. Since Aristotle's inquiry into citizenship[15], it has been understood that the precise features that distinguish citizens from the mass of persons, and exclude non-citizens from participation in democratic affairs, are implicitly or explicitly defined by the constitution of the political state. While today's variously constituted states define their citizens differently, there is one persistent feature of citizenship common to all. The citizen is an allegiance-bound, role-playing member of a state, a key role being to protect the state, its territories and its people from 'foreign' interventions.[16] Because this feature is common to all states, it can be understood as a constitutional aspect of the current world

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[15] In *The Politics* (Book 3, Ch. 1), Aristotle asks: 'Who is a citizen? What makes it right to call him one? He concludes: '...there is no unanimity, no agreement as to what constitutes a citizen; it often happens that one who is a citizen in a democracy is not a citizen in an oligarchy.' It appears that in the ancient era, no less than today, the precise distinguishing properties of the citizen are defined by a state's constitution. The term citizen serves a political function inextricably tied and confined to the boundaries of a state. Despite the marked differences between the city-states that he studied, Aristotle concluded that the citizen was typically distinguished by 'his participation in Judgement and Authority, that is, holding office, legal, political and administrative.' (c 340BC /1967)

[16] Heater (1990)

order. With the 'citizen' thus minimally defined, her right of involvement in determining conditions of association at the world constitutional level is far from clear.

Upholding the democratic ideal in his landmark *Theory of Justice* Rawls explicitly argues for the citizen's right to participate in constitutional determinations, while contending that such right should not necessarily extend to the global situation. He referred to it as the *principle of (equal) participation*.

> It requires that all citizens are to have an equal right to take part in, and to determine the outcome of, the constitutional process that establishes the laws with which they are to comply. Justice as fairness begins with the idea that where common principles are necessary and to everyone's advantage, they are to be worked out from the viewpoint of a suitably defined initial situation of equality in which each person is fairly represented. The principle of participation transfers this notion of the original position to the constitution as the highest-order system of social rules for making rules. If the state is to exercise a final and coercive authority over a certain territory and if it is in this way to affect permanently men's prospects in life, then the constitutional process should preserve the equal representation of the original position to the degree that this is feasible. [17]

Rawls has consistently maintained that the principle is not applicable to the world as a whole but to 'a certain territory', occupied by 'a well-ordered society', a society among societies, 'a self contained national community'.[18] Various critics[19] have pointed to a contradiction between this and his stipulation that a just society would have participants decide constitutional norms from an 'initial situation of equality', a suitably defined 'original position',[20] akin to Kant's position of moral autonomy. Rawls makes it clear that deliberants in this hypothetical original position have 'no specific information about themselves or their situation'.[21] If so, they cannot presume to know whether they are members of nations, nor even whether entities such as nations and citizens will continue to exist. Rawls insists, moreover, that deliberants in the original position must be constrained by the principle of *universality*, that is, they must choose principles that 'will hold for everyone ... in view of the consequences of everyone complying with them'.[22] This would logically require Rawls's participants to think globally and inclusively. Notwithstanding such considerations, Beitz argues that given the development of global economic interdependence and the growing

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[17] Rawls (1972: 221-2)

[18] ibid.: 457

[19] See for example: Barry (1973), Beitz (1985), Pogge (1989).

[20] Rawls (1972: 12)

[21] Rawls (1972: 131)

[22] ibid.: 132

poverty gap, a normatively-based concern to establish principles of justice cannot limit itself to a state-centred view of the world as held by Rawls; such view 'has lost its normative relevance'. In chorus with others, Beitz argues that 'principles of distributive justice must apply in the first instance to the world as a whole'.[23]

In terms of the *logic* of the democratic ideal – as expressed by Held and Rawls – the person who is a co-determiner of the conditions of political association is not one who is already 'locked in' to and defined by one or other established political association. He or she is logically prior to the formation of such association and perpetually in a position to revise its conditions, even fundamentally. Two centuries ago, Tom Paine expressed the logic thus:

> The constitution is a thing antecedent to a government, and a government is only the creature of a constitution. A constitution of a country is not the act of a government, but of the people constituting a government.

The ideal requires us to accept that prior to the notion 'citizen' – a creature already defined by a constitution – are 'people' who will determine the future of citizenship. Such determination may even include whether the historical term 'citizen' will have relevance as part of the lexicon of future constitutional arrangements. If we remain with Held's and Rawls's expression of the democratic ideal, bound as it is to the word citizen and its historic associations, we will be bogged in a semantic quandary. In order to extract ourselves from this bog, I propose that we give a new label to distinguish the crucial role of the constitutional deliberant, the term *protocitizen* (*proto* meaning originary, primitive, first).

Let us apply this label to the constitution-making agent of the democratic ideal, who, in the bracketed space of deliberation, seeks to transcend the political status quo to consider alternative futures, to determine not only the future of citizenship, but also the future fate of the word 'citizen'. One may have been labelled citizen, and wear that label acquiescently or by consent, but one puts on the protocitizen mantle, when one chooses to participate as a constitution building agent in our democratic ideal, and thus 'transforms [ones] contingency into destiny'.[24] It is a self-chosen role, distinguishing one from those who choose not to assume such responsibility. When playing this role, as advocate, agent and exemplar of the democratic ideal, one stands aside from everyday life, to exercise the right of freedom of thought and moral choice, to deliberate unencumbered by the conceptual boundaries that

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[23] Beitz (1985: 305)

[24] Heller (1991: 61)

constitute the geopolitical status quo, to 'freely choose what [one] did not choose in the first place'.[25] When protocitizens enter the arena of constitutional deliberation, they temporarily leave behind the citizen mantle (and any other title) conferred upon them by the political status quo, that is, they remove their American, Serbian, or Chinese hats. When they enter the constitution making arena, our agents of the democratic ideal are not segregated from other humans by any existing form of government. Being thus unencumbered, the protocitizen, serves as none other than a cosmopolitan thinker, a proto-world citizen. The protocitizen assumes and exercises the right to do so with other protocitizens – independently of existing forms of governance, and without requiring permission from such forms.

5.2.2 The dependence of political legitimacy on the right to unencumbered participation in constitution making

The problem of political legitimacy has been a central and persistent theme in the history of western political philosophy. It is a problem inseparable from that of the equally persistent theme – political obligation.[26] At core is the following question. Why should we – a multitude of diverse strangers having different beliefs – be morally obligated to conform to the dictates of a political order when we do not agree with the dictates, nor with the dictating authority, when we have played no part in determining the order and when we have no right or opportunity to fundamentally change the order? This leads us to ask: what conditions must prevail if – in the interest of social cohesion – we are to regard any political arrangement as having legitimate authority over us, such that we will feel obligated to cooperate even if we do not always agree with the dictates? These questions remain academic. They have scarcely touched the majority of citizens. Were they taken seriously by a critically reflective public, political practice could see fundamental changes. It seems commonly understood among political philosophers that modern political arrangements persist through political indifference and acquiescence rather than consent, and in view of the radical alternatives that have been proposed, certainly not by conscious choice. This has been regarded by some as a favourable state of affairs for two reasons at least. First, citizens have been viewed as typically hip-pocket driven and fickle, showing little understanding of complex political and economic issues, nor willingness to invest the time required to understand, and hence not to be relied upon to act in their best long-range interests. If it is true, as Schumpeter wrote, that 'the

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[25] Ibid.: 56

[26] Fishkin (1992)

electoral mass is incapable of action other than a stampede',[27] then political elites must be elected to deliberate and decide on their behalf. A second reason given is that an acquiescent public is necessary for political stability. Were the majority to become politically aware and active, the level of disputation would increase and the capacity of governments to rule with the consent of the governed would diminish.[28]

Where political and educative structures are constituted on this view of the body politic, the view is likely to be self-maintaining. Considering global problems and the need for improved public responsiveness, the view is a disturbing one. The pressing need for new globally protective structures calls for an 'awakening' of public attention to the issue of political legitimacy and to the intertwined matter of participatory rights, responsibilities and technical provisions. It also calls for considerable freeing and expansion of the theoretical discourse from its historical confines.[29] To date, the issue of political legitimacy and obligation has been addressed mainly within the context of 'society', implicitly a sovereign political state having a defence system to protect it from an 'outside' world of potentially dangerous 'foreign' states. This theoretical preoccupation persists as if the legitimacy of the international order is unproblematic. The presumption has been that the principles underpinning the international order – the principles of political sovereignty and non-interference expounded in the UN Charter – are sacrosanct and unquestionably legitimate. They may appear legitimate from an historical, explanatory viewpoint. But the force of history and tradition does not confer legitimacy from an *ethical* viewpoint. If the world's people have no right to reconsider the ethical merit of these principles, then why *should* they feel obligated to respect and consent to them?

In view of mounting global problems, the theoretical debate on political legitimacy and obligation needs to be renewed and expanded such that attention to the moral constitution of the largest political and economic order – the global order – is accorded logical priority.[30] It has logical priority precisely because it determines which political entities qualify as eligible

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[27] Schumpeter (1942: 283)

[28] Partridge (1971)

[29] Dryzek (2000)

[30] In a parallel vein three decades ago, Etzioni pressed for a similar shift of focus in social science. 'For a social scientist it should seem obvious, but it is not, that there is only one basis for a moral community – a global one... Tribes merge and split, but the community of man remains – the global community is the only one which embraces all social scientists *and* all of their subjects(1968: 607-8).

for formal recognition by the order,[31] and determines the conditions by which those entities may be constituted.[32] Whether or not a territory-claiming race, culture, nation, or any group with strong moral or religious convictions achieves a measure of constitutional independence depends largely on the constitution of the political order external to it. Hence the legitimacy of a political entity is as much a function of the external order as it is a function of the determinations of the people within the entity. The principle of national sovereignty is currently the supreme moral principle, 'the foundation stone' underpinning modern international society. Upon the soundness of its moral justifications depends the constitutional viability of the nations individually and collectively. The mounting critique of the sovereignty principle[33] therefore warrants priority attention by all. The call for conditions to be imposed on it to prevent recurrence of the horrors of Rwanda and former Yugoslavia has fundamental reconstitutional implications for all political territories. The determination and hence acceptance of those conditions will clearly depend on whether and how the world's people will be enabled to participate in determining such conditions.

How should the all-powerful global governing conditions be determined if we are to regard them as legitimate? Political philosophy has a challenging contribution to make to this question. New thinking is required, for little can be gained from application of the historic state-oriented theories of legitimacy. Were we to test the legitimacy of the current world order by applying the familiar original contract and consent theories, we would be hard pressed to find a positive result. Locke's theory of tacit consent[34] – that individuals consent if only by choosing to stay in the political territory rather than leave – is clearly absurd when applied to the world as a whole. Walzer's argument that a state's legitimacy rests on the 'fit' between its practices and the cultural norms of its citizen majority,[35] becomes a nonsense when applied to the world's political order, marked as it is by cultural difference. Rawls'

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[31] James (1986) usefully clarifies the distinction between a state's *existence* and the *legitimacy* of such existence as recognised by external powers. A state must come into existence; it must have the eligible attributes of a state, in order that it be seen and recognised. Hence existence is prior to legitimacy, that is, from an external perspective. But recognition of the existence of a political entity does not automatically lead to its formal recognition as a constitutionally independent member of the club. Whereas the State of Israel, formerly British dominated Palestine, was permitted to exist, indeed 'created', by vote of the UN assembly in 1948 – such formal recognition and legitimacy was not extended to pseudo-independent states such as Transkei established under the policy of racial segregation in South Africa.

[32] Eligibility for recognition by the international order requires compliance, at least, with the conditions set out in the UN Charter. This confers powers of military self-defence and the rights and obligations of non-intervention.

[33] See for example: Walker (1991), Falk (1995), Elliot (1995), Coady (1996), Archibugi, Held and Kohler (1998).

[34] Locke (1690)

[35] Walzer (1980, 1983)

theoretical propositions, today utterly counterfactual, could have significant application in the future if, as mentioned earlier, they were applied globally. His propositions prefigure the emerging discourse on deliberative democracy,[36] where, in my view, the most fertile new thinking in relation to democratic participation and legitimacy is to be found.

Significant inspiration for the unfolding concept of deliberative democracy could be attributed to J.S. Mill and his concern for the liberty and importance of public discussion,[37] to Kant for the moral autonomy and publicity principles, and his elaborators, more notably Rawls and Habermas. Deliberative democracy is broadly defined by Bohman and Rehg as 'the idea that legitimate lawmaking issues from the public deliberation of citizens'.[38] Such deliberation is democratic, and hence legitimate, Bohman contends, 'to the extent that it is based on a process of reaching reasoned agreement among free and equal citizens'.[39] Note again the use of the term citizen here, conveying the impression, as discussed earlier, that we must be steered towards considering an already constituted society, a state with members labelled 'citizens'. Dryzek notes, and laments, the degree to which the concept of deliberative democracy – understood in Habermasian terms as discursive political will-formation free of domination – has been domesticated by liberal constitutionalists into a statist dominated concept, even by Habermas in his *Facts and Norms*. Dryzek argues that the state-oriented version of deliberative democracy is ill equipped to deal with the global political challenges presented by ecological crisis and economic globalisation.[40] If we are to consider the applicability of the idea of deliberative democracy to world constitution-making a more open definition is needed. Michelman offers an appropriate starting point:

> The term names a system or practice whose combined organisational, motivational, discursive and constitutive attributes are such, we judge, as to qualify its legislative outputs as approvable in the right way by all who stand affected... a (broadly speaking) procedural ideal correlative to a bottom-line moral demand for political self-government by the people – where "by the people" is taken to mean "by everyone".[41]

By 'everyone', we could take to mean 'everyone in the world' who is minimally competent and willing to participate. Precisely what attributes a world deliberative system would require

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[36] According to Dryzek (2000), the term 'deliberative democracy' was first coined in 1980 by Joseph Bessette. The term seems to have captured the spotlight from the similar term 'discursive democracy' offered by Dryzek (1990).

[37] J. S. Mill (1859)

[38] Bohman and Rehg (1997: ix)

[39] Bohman (1997)

[40] Dryzek (2000)

[41] Michelman (1997: 149)

to pass the legitimacy test is a matter open for future theoretical and practical development. Such development would need to be motivated at the outset by the provisional in-principle acceptance of the idea that legitimacy of the world constitutional order, and hence of all political regimes, should be tested by the requirements of deliberative democracy. The paradox may be that until 'everyone in the world' concurs with this (or some other) view of legitimacy and willingly participates in accord with the particular requirements there can be no settlement on the legitimacy problem. Michelman points a sharp finger at the tricky problem of infinite regress here. According to what deliberative procedures can 'all the people' decide on the procedures for a deliberative democracy (or other system) such that all will regard it as legitimate? In other words how do we decide how to decide how we decide, and so on? It may be, that if deliberative democracy is to emerge and prevail constitutionally, it will need to rest on a foundation of rights whose determination by a deliberative process will be impossible if it requires the participation of everyone at the outset. Furthermore, whereas some advocates of the deliberative model of democracy argue that no procedural norm or rule should remain beyond the bounds of contestability, they acknowledge with Benhabib that 'some norm of individual autonomy and a sphere of personal liberty is a fundamental supposition…'.[42] Hence the 'elites' who initiate a deliberative democracy may have to live with the irony of being regarded as 'really just a sect of rights-foundationalists'.[43]

We cannot expect that six billion people will be spontaneously moved by a world constitution-making spirit to congregate somehow in order to determine participatory procedures that all will agree upon. If a global deliberative democracy is to be practically constituted, it must begin somewhere and be initiated by some individual or group. If not by six billion, how many would constitute a legitimate number in the first instance? There can be no authoritative answer to this. By the same token there is no tenable reason why such an undertaking could not be initiated by a small association – one of course that would be open to all persons interested. We could view it as a designers' association, one which sets out to create the technical means of enabling all to exercise the right to participate in constitution making. Just as we could not sensibly claim the right to fly prior to the existence of aircraft, it may also be premature to ask whether we have a right to participate in constitution making without the necessary enabling institutions, skills and facilities. However, as argued in the introduction, if resources are to be invested in creating the technical means, the participatory right would need to be recognised as *technologically conditional*.

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[42] Benhabib (1994: 45n)

[43] Michelman (1997: 167)

To make it possible for anyone to claim the right in question, a meta-constitutional design association will need to be formed. Such association should be expected to undertake or stimulate others to undertake at least the following five tasks:

1. identify and consult with those who have long deliberated on the issues with a view to finding agreement over a set of deliberative principles;

2. give practical shape to these principles in the form of an experimental prototype, a procedural framework for public participation in constitution making – a global meta-constitution. Perhaps we should expect a number of prototypes to be invented and presented for consideration to those interested;

3. subject the prototype(s) to extensive experimentation such that the technical 'bugs' are removed, and to allow the necessary procedural techniques and skills to be developed. Those skills would provide the basis for the association to undertake the fourth task;

4. develop a repertoire of educational and teacher training techniques and materials such as will be needed to prepare the public for participation;

5. develop a technically and economically feasible long-range strategy plan to marshal the resources required to institute the whole system of provisions to eventually enable people in all parts of the world to exercise the right of participation.

It may be asked – what right has such an association to take such initiative, one not authorised by the people or their national representatives? Where the people have had little or no say in its formation, where they or their elected representatives or delegates have not been able to participate as has been the custom in the more democratic constitution making events to date, how can the association claim any political legitimacy? The response must be that it has no right or legitimacy from an external viewpoint, no more than had the Wright brothers to produce their aircraft without the participation of stakeholders. The association's activities need not be subject to external political legitimacy tests simply because no political power is asserted, that is, beyond the confines of the experimenting network. While it would seek to influence, its normative underpinnings would constrain it from political imposition.

What about the internal legitimacy of the association? Were its constitutive principles established only by process-independent reason, by mere assertion of authority, without any process-regulated dialogue, it could well suffer under Michelman's accusation that it was a rights-foundationalist sect. While the association clearly could not be founded in accord with the procedural model to be developed by the association, its formation need not be process-independent. Contemporary best practice consultative procedures could produce an associational model that would deflect such accusation. Employment of a reiterative consultative process involving theoreticians active in the field would ensure that their life-long intellectual investment in deliberation and discourse on the issues involved would be brought to bear upon the association's formation. Moreover their engagement at the earliest stage would give credibility and legitimacy to the association both in the eyes of our political theoreticians and the public at large.

Were the association to consult with Joshua Cohen,[44] for example, it would need to consider his insistence that a formal conception of deliberative democracy should consist of five basic features. Consultation with others would produce a more extensive list. Cohen's list offers a useful starting point. In summary:

1. a deliberative democracy is 'an independent association' having a defined membership who expect it to continue indefinitely;

2. members share an understanding that their terms of association derive from a framework of deliberative procedures and institutions, in which 'free deliberation among equals' is held as the basis of legitimacy;

3. the association is pluralistic; members have diverse preferences;

4. the terms of association resulting from deliberations must be fully disclosed, with reasons, to all members. [Some would argue that such publicity extend to non-members, globally];

5. Members recognise each other as having certain deliberative competencies, and who therefore are committed to manifesting the outcomes of their deliberation.[45]

An association of two persons, as odd as it may seem, could satisfy all of these features such as to give birth to a legitimate infant that might grow, if well received, into a global deliberative democracy. Such an independent association would not need to gain its

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[44] Cohen (1997)

[45] ibid.: 72-3

legitimacy from other political forms, nor need it have any relation to the territorial boundaries maintained by those forms. In the absence of global consensus among political theorists generally as to what constitutes a legitimate procedural framework for world constitution making, the framework agreed upon by the association, and consented to by subsequent joiners, would be legitimate for them, even if non-associates had no input. But its legitimacy would pertain internally, to members only. The framework could not be imposed on non-members. Associates could not expect that their democratic procedures, or the economic and political norms agreed upon as an outcome of their exercise, would be recognised as legitimate by individuals and political entities external to the association. To remain 'free and open' as a global democracy, the association would need to be transcendent of current political boundaries. It could appear in the world as a dispersed, oceanic entity, a diasporic convention of protocitizens identified by mental location rather than geographic location, an amorphous polis connected through the Internet. To maintain legitimacy as a global democracy, the right to participate would need to be extended to the world's people without racial, religious, national or gender discrimination.

However, as intimated by the items listed by Cohen, that right could not be granted automatically; it would need to be earned. Not only would there need to be demonstration of familiarity with the deliberative concept and its procedural principles but also of competencies in their exercise. The right to drive with other vehicles on the road requires demonstration that one knows the rules and can drive satisfactorily. The legitimacy of our democratic world constitutional association would crucially depend on the provision of a well ordered system of instruction for new arrivals, and perhaps also for upgrading the competencies of associates. Without such educational provisions, recognised standards of competency, as per item 5, could not be sustained, nor by the same token, could the right of participation be extended to everyone.

In view of the preceding considerations, it is conceivable that an Internet-based association could be established to enable all to participate in world constitution making, where those who chose to do so would regard the outcome as legitimate. Such constitutional outcome would have no legitimate powers over non-subscribers, and would lose its legitimacy to the extent that powers over non-subscribers were asserted. However its introduction into the world – dominated today by a world constitutional order that has little consensual claim to legitimacy – is likely to remain a marginal and obscure event for some time. While our

theoretical association could offer the right of unencumbered participation, along with enabling provisions, we can surmise that few will be interested in exercising the right.

If such exercise is to become more than a marginal, insignificant affair, people would need to feel morally obligated and motivated to invest the considerable time needed to participate and acquire the necessary understandings and skills. *Should* they participate? Most people today would not think that they have any moral responsibility here. What moral arguments can be summoned to persuade people that they do?

5.3 THE RESPONSIBILITY OF MORALLY AUTONOMOUS PARTICIPATION IN WORLD CONSTITUTION MAKING

Consider again the foremost recommendation by the Commission on Global Governance that adequate response to global crisis tendencies will require a global civic ethic – the enaction by all of a set of global responsibilities. Among the short list of responsibilities recommended was *active* 'participation in governance at all levels',[46] including the global level. The report did not made clear the extent of the obligatory involvement. It did, however, strongly indicate the need for new global regulatory institutions. These require underpinning by agreed world constitutional norms. This requirement infers a need, in the first instance, for democratic involvement in appraisal of current world constitutional norms and negotiation of preferred norms. In the last section it was shown that there is a reasonable case supporting the right of all to participate in such negotiations, without encumbrances or manipulation by prevailing authority. However, the existence of such right on paper will not suffice to motivate people to participate in what may well be a protracted, time consuming, learning journey. Were we to somehow marshal the resources required for globally accessible facilities to enable universal exercise of such right, this would not be sufficient to attract the world's people, en masse, to invest their time in such exercise. Not only would a sense of civic responsibility need to be induced, the understandings, attitudes and skills required for competent participation would need to be acquired. This would require considerable cooperation from educational

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[46] Commission on Global Governance (1995: 336)

institutions and teacher-training institutions in particular. Their cooperation will greatly depend on their acceptance of the Commission's recommendation for a civic ethic and its foremost implication. If the global responsibilities are to be enacted by all – without coercion or indoctrination – the *highest order responsibility* of each is to self-determine the other civic responsibilities that they should adopt and reliably enact, that is, to engage in world constitutional deliberation. Moreover, educational leadership would need to recognise that they have a leading exemplary role. But why *should* we and educators, in the first instance, affirm and act on the Commission's recommendations? Why *should* the world's people act on this highest order responsibility? In the following, I present at least three reasonable arguments in support of the case. The first argument is that the obligation logically flows from acceptance of the Golden Rule. The second, and more complex argument, is based on a rationalisation of the widely accepted defence responsibility of citizenship.   The third argument gains its leverage from the inescapable responsibility of each for their imposition of global norms and structures on all, and the harm that may be caused by these structures.

5.3.1 The Golden Rule's world constitution making imperative

This argument bases itself on prior acceptance of the Golden Rule. If one espouses the Golden Rule, one can be led inexorably on a path of reasoning to accept responsibility to participate in world constitutional deliberation.

The argument applies what Goodin calls a 'ratcheting up' strategy, one which he recommends as a persuasive means of motivating political morality in others.[47] The strategy gains its leverage from bedrock intuitions that people already firmly hold by showing how those intuitions logically entail more expansive moral obligations. Goodin illustrates how one might proceed from the belief that we have a duty to protect our own children to conclude that we have an obligation to 'protecting the vulnerable' throughout the world.[48] We could extend this argument to show that in seeking to protect the vulnerable we also have an obligation to ensure that the global structures of protection are adequate. Goodin's argument also presupposes the logic of the Golden Rule.

The Rule has been cast in a variety of formulations. A familiar version of the rule: *act toward others as you would have them act toward you*, is typically counterposed with its

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[47] Goodin (1992: 151-4)

[48] Goodin (1985)

constraining version: *do not act toward others as you would not wish them to act toward you.* Christ's central message: *love thy neighbour as thyself*, may be viewed as another version. Whether or not the Golden Rule is widely upheld, or has the potential to be upheld by the world's people, remains to be empirically tested. Clearly, for those involved in endless and bloody eye-for-eye retaliatory warfare, the simple logic of the Golden Rule has yet to make sense. And despite its espousal by many, the practical implications have yet to be appreciated, let alone activated. Widespread acceptance of the Golden Rule is indicated by its inclusion in the Declaration 'Toward a Global Ethic' authored by Hans Kung. The declaration was signed and proclaimed by most of the nearly two hundred delegates of the world's religions who attended the 'Parliament of the World's Religions' in Chicago, 1993.[49]

> For an authentically human attitude we especially call to mind that Golden Rule which is found and has been maintained in many religions and ethical traditions for thousands of years: What you do not wish done to yourself, do not do to others. Or positively: What you wish done to yourself, do to others! *This should be the irrevocable, unconditional norm for all areas of life, for family and communities, for races, nations and religions.* (my emphasis).

Some have scoffed at the Golden Rule, thinking it to be empty, that it commits us to very little. It clearly contains no substantive moral guidelines. But the fact that it is minimalist and empty is no criticism. The Rule is a procedural one, not substantive. Being a procedural rule it cannot lead one on a series of logical steps to discover a comprehensive ethical theory, or theory of economic justice that will be applicable in perpetuity. The Rule serves only as a guide and constraint on the moral reasoning process, useful as a validity tester on moral propositions and arguments. It is a thinking tool whose use demands considerable exercise and discipline of mind to apply consistently and well.

Lacking that discipline, the Rule may appear on cursory inspection as inadequate. The positive version may be read as justifying aggression. 'Do unto others' may be interpreted as 'impose on others'. The case of the masochist – *I should hurt others, because I like to be hurt* – is cited to show how the Golden Rule is flawed and hence unworthy as moral guide. The person who enjoys arguing is another case. *I love arguing; I love it when others argue with me, therefore I should pick arguments with everyone.* What one can fail to recognise in such cases, is that the Rule infers consistency of application. One does not adopt the Rule to use it only when it suits. The Rule functions for 24 hours, 7 days per week. The masochist is unlikely to relish being bashed indiscriminately, at any time of day or while asleep, with any

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[49] See http://astro.temple.edu/~dialogue/Center/kung.htm, accessed, August 2001

weapon, without prior consultation. Even a masochist would prefer that prior arrangements were made on the methods and time for torture. The same would apply to the person who enjoys argument. Were one committed to exercise the Golden Rule consistently, as a governing discipline, rather than apply it in discreet, disconnected cases, it would lead one to adopt a range of principles, including the basic civilising principles of consultation, appointment-making and non-coercive agreement making.

Were the Golden Rule followed unconditionally and irrevocably as recommended by the Parliament of World Religions, dogmatic religious institutions could well have trouble surviving. Religious people insist on the right and freedom to practice their religion. But the perpetuation of that freedom largely depends on denying that freedom to those born into their custody. Were religious persons to unconditionally uphold the Golden Rule, freedom of thought and religious choice would need to be extended to all others, including children, and including 'their own'. But the long-term survival of religious dogma depends on strategic manipulation of the minds of the young. Such manipulation could be consistent with the Golden Rule only by excluding children from the category of human 'others', that is, as not quite human, as sub-human, or pre-human.[50]

In sum, it seems that the weaknesses attributed to the Golden Rule are attributable rather to weaknesses of reasoning and poor discipline in its application. Critics have typically failed to consider the implications of its consistent exercise over time. Or they have condoned the categorisation of certain human beings as, in some way, sub-human – as Hitler did in regard to Jews,[51] or Aristotle in respect to slaves,[52] and parents in relation to children. I find that the Golden Rule stands up very well to the familiar criticisms and is deserving of far greater attention and discipline in its exercise. If my assessment of the soundness of the Golden Rule is correct, its disciplined application will have immense ramifications for global governance and in particular, as will now be further argued, for our responsibilities in relation to world constitutional deliberation.

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[50] Recognition that children are not sub-human, that they demand to be treated (in accord with the Golden Rule) as having most of the rights of adults, underpins the 1989 Convention on Rights of the Child. The principles of freedom of thought and religion underscore the case commonly argued by educational philosophers that the development of autonomy should be maintained as a key aim of compulsory education (see next chapter).

[51] Hare (1963) chap. 9, reveals at great length the weakness in the argument that the Golden Rule allows the moral fanatic such a Hitler to slip through its net.

[52] 'For he that can by his intelligence foresee things needed is by nature ruler and master, while he whose bodily strength enables him to perform them, is by nature a slave.' (Aristotle, c 340BC/1967: 26)

The Golden Rule is a powerful procedural rule. Embedded within its logic are principles of moral reasoning that may not be obvious on first appearance. These procedural principles function as a coherent set. They could be viewed as steps on a logical pathway, one that leads upward to a challenging platform elegantly and succinctly encapsulated by Kant in his categorical imperative.[53]

> 'Act only on the maxim [principle] through which you can at the same time will that it should become universal law'.[54]

Commitment to this imperative cannot be refused without abandoning commitment to the logic of the Golden Rule. That is, once one accepts the soundness of the logic, the following step by step implications (not necessarily in the sequence shown) lead inexorably to Kant's imperative.[55]

Step one invokes the *universality principle*. This step requires close attention to what is meant by 'others'. It implies *all* human others in the world, not only those in one's immediate neighbourhood, not favoured or 'chosen' others, nor only those in the world who belong to one's race, religion, culture, nation or society. The Rule infers that we show equal regard for all others, including different and strange others on the other side of socially constructed boundaries.

Step two, closely related to the first, invokes the *impartiality principle*. Rawls attempted to articulate this principle in his 'veil of ignorance' requirement.[56] When asking how, in principle, we should act or not act towards others, we should imagine or pretend that we are ignorant of our present and future circumstances, and consider how we would prefer to be treated if our misfortune was such that we were among the most disadvantaged. Goodin proposes a reasoning model that he contends would have greater 'motivational grip' than the veil of ignorance.[57] He argues that we need not *pretend* that we are ignorant of future circumstances. In a world of continuous change, we *actually cannot know* what our situation

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[53] Like the Golden Rule, the categorical imperative provides no indication of *which* substantive norms should be adopted. Thus it can be viewed, as did Hegel, as an 'empty formalism'. Hegel viewed this as weakness only because he failed to distinguish procedural rules from substantive rules, and the essential priority of the former. The imperative serves as a meta-procedural principle in that it provides constraints on the procedure for determining which substantive moral principles to adopt.

[54] Kant (1785: 88)

[55] Kant (1785: 97n) explicitly distanced himself from the Golden Rule, claiming it to be 'trivial', unable to serve as a standard or principle, and moreover, 'merely derivative' from the categorical imperative. Our interpretation of the Golden Rule shows, conversely, how it logically generates the categorical imperative.

[56] Rawls (1972)

[57] Goodin (1992: 45)

will be. Unpredictable natural calamities, wars, stockmarket collapses, economic depressions, bus crashes and so forth can turn advantage to disadvantage overnight. This uncertainty, Goodin argues, should motivate us to reason with impartiality.

Step three, closely related to the second, invokes the *reversibility principle*. The Golden Rule suggests that we trade places, vicariously or actually, with diverse others to experience and appreciate how it *feels* to be subjected to the different treatments, mistreatments and neglect of others. In the absence of such appreciation we will be insufficiently aware of situations we want to avoid or prevent and unaware of the impacts of our actions on the situations of others.[58] This step is consistent with that suggested by Connolly (3.4) for the identification of universal interests.

Step four invokes the *moral autonomy principle*. The Rule implies that one should not merely act as others act, nor how custom or tradition demands that one act, nor tit-for-tat or eye for an eye, but rather act according to how one would *prefer* that others act or not act toward oneself.

Step five invokes the notion of *principled action*. The Golden Rule's call to act or not act implies consistency of action, not whenever we feel like it. The Rule implies that one's actions should be, and seen to be, reliable, habitual, patterned, principled or law-like.[59] It invokes the highest priority imperative that one should, as a matter of primary self education and life-long learning, invest effort to decide and revise which principles one would prefer others to enact reliably, so as to determine the principles that in everyday life will govern one's own treatment of others.

Step six invokes the *unconditionality principle*. The Rule requires that we treat others in a principled manner, as in step four, irrespective of a person's capacity to reward or pay us for such treatment.

Step seven invokes the *publicity principle*. This step serves to provide a safety check on the action commitments one might take toward others. People affected by one's actions may want justification, even to be consulted prior to one's undertaking the actions. The principles

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[58] Benhabib (1991: 8) argues that reversibility, the capacity to trade places, is needed to maintain 'the ties of reciprocity which bind communities together'.

[59] Any mutual protection afforded by adoption of the Golden Rule would be rendered ineffective, indeed a nonsense, were one to act, and to be seen acting, haphazardly, unpredictably, without apparent pattern or principle, such as to send the message that others may act similarly to oneself.

and reasons underpinning one's actions therefore should not be kept secret; one must be prepared to publicly expose them for scrutiny and challenge by those potentially affected.

These steps lead inexorably to a platform of commitment, encapsulated by Kant's categorical imperative. Clearly one cannot practically comply with the imperative *until* one has determined the maxims or principles that one wishes to see established as 'universal law'. Once one accepts the logic of the Golden Rule, and the derived categorical imperative, a logical priority next step, a major commitment, necessarily follows. One's next act must be to undertake the challenging learning journey to determine *which* maxims or principles one will adopt to guide one's actions. The imperative may be understood as a base camp, a commitment station, from where one is bound to undertake the mentally testing and strengthening equivalent of an Himalayan mountain climbing trek. On the mountain, one gains a 360-degree global overview and a crucial detachment from the everyday preoccupations of the world below. Here one reflects on the past and considers the future. Here one deliberates on and autonomously determines the enduring globally protective responsibilities that will henceforth guide one's actions.[60]

Such mountain climbing exercise is clearly invoked by the 'foremost challenge' upheld by the Commission on Global Governance that we develop the vision of a better world and commit to a global civic ethic. The challenge demands activation of the categorical imperative, that it be lifted from its two-century confinement as artefact of philosophical curiosity, and upheld as a meta-principle of global, organisational and personal governance.[61]

The learning responsibility implied by the categorical imperative can appear overwhelming. To Sartre, whose existentialist view embraced the imperative, the challenge places onerous, yet inescapable demands on us.

> The existentialist frankly states that man is in anguish – when a man commits himself to anything, fully realising that he is not only choosing what he will be, but is thereby at the same time a legislator deciding for the whole of mankind – in such a moment a man cannot escape from the sense of complete and profound responsibility.[62]

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[60] Kant viewed the principle of autonomy as 'the supreme principle of morality'. In determining which principles should be enacted as universal law, one's reasoning must 'manifest its own sovereign authority as the supreme maker of moral law'. (1785: 108)

[61] The challenge posed by the categorical imperative has so far been left in the too-hard basket. Rarely has it appeared in school curricula, let alone guided curriculum planning. It has been presented to those who enrol in university philosophy courses as an object to be *studied*, a mentally provocative play thing to be kicked around, one philosophy among alternatives, but not as having *imperative* force to be taken seriously as a fundamental regulator of personal and constitutional decision making. If Kant's imperative is a defining feature of what has been called 'the Age of Reason and Enlightenment', we must wait for such age to occur.

[62] Sartre (1946: 351)

It appears unlikely that the majority of individuals would be able, without assistance, to undertake a solo climb to the mountain top, survey the global predicament in all its complexity, and determine appropriate world constitutional norms to safeguard the interests of all. We are not all gifted with the mental capacity of a philosophy professor to undertake such rigorous mental exercises on our own. We need to acknowledge our limited intelligence, knowledge, reasoning deficiencies, and limited sympathies. We also need to recognise with Warnock that because of these limitations 'things are liable to go very badly'.[63] If we want to protect against things going badly, the difficult quest for 'the good life for man' is unavoidable.[64] Despite acceptance of the Golden Rule, the inclination to avoid the implicit responsibility is likely to be great, particularly if the principle of autonomous deliberation is interpreted to mean that each must be left entirely to their own resources, to climb the mountain 'independently'.

But this interpretation of the autonomy requirement is arguably misconstrued (see 6.3.2 for further discussion). Autonomy is not necessarily compromised when the deliberative responsibility is undertaken as a dialogical team effort. Were it cooperatively undertaken, the responsibility would not only be made less daunting, it would also, as Habermas has resolutely argued, be productive of a more competent and valid outcome. Guided by well-conceived 'discursive designs'[65], we should expect the synergic benefit to be such that the competency level will be greater than the sum of separate participants.[66] The burden of the responsibility would be further lightened and competency increased if appropriate enabling technology and information were provided. It hardly needs saying that we would regard team determinations based on all-things-considered viewpoints as more valid and trustworthy than outcomes based on cursory pooling of ignorance and ill-considered opinion. The provision of advanced survey maps, telescopes and climbing equipment do not compromise the independence of mountain climbing teams. The task of autonomous deliberation would only be enhanced were dialogue teams provided with access to a global civic information resource where the developing views, propositions and arguments by past and present teams were

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[63] Quoted in Mackie (1979: 107)

[64] MacIntyre (1984:219). An advocate of traditional communitarian conservatism, Macintyre reveals universalist dispositions by arguing that the self does not have to accept the moral limitations of particular communities. 'It is in moving forward from such particularity that the search for the good, the universal, consists.'(p.221)

[65] Dryzek (1990)

[66] Webler (1995)

collated, comprehensively mapped and shared for consideration by all. For illustration, see the Appendix for a design brief for a prototype civic website to suit the purpose.

While there are clear advantages to be gained from deliberating on world constitutional norms dialogically rather than monologically, it can be argued, on appeal to the Golden Rule, that we have a *responsibility* to do so dialogically. The Golden Rule and the implied principles of universality, reversibility and publicity invoke that responsibility. As Habermas has argued, in so far as one is prepared to commit to acting on principles that one claims are universally acceptable – at least to persons having competently deliberated on the same considerations – it obliges one to disclose and test one's claim among those persons. It is not appropriate that each undertake solo reflection and caste a vote in a secret ballot. What is needed, he argues 'is a "real" process of argumentation in which individuals concerned cooperate'.[67] One must be held publicly responsible for one's constitutional determinations, for, in an interdependent world, everyone is affected. Moreover, as argued later, each contributes, by acquiescence or consent, to the imposition of constitutional norms on all others. One's impositional preferences therefore need to be publicly disclosed in order to be challengeable by all. And one should be prepared to meet that challenge through agreement-seeking dialogue.

Furthermore, as Habermas has argued, the achievement of agreement among diverse participants will give them 'the knowledge that they have collectively become convinced of something'.[68] This is crucial to the motivation of political morality, to what Habermas calls *political will formation*. The need to feel firmly convinced of the validity of self-chosen constitutional norms is clearly important if one is to feel committed to enacting them, reliably, with integrity. Moreover, were one to publicly declare normative commitments that one monologically determined without testing, a sceptical public is likely to be unconvinced of their all-protective merit, let alone of one's motivation to honour them. One's declarations might be seen as more genuine, if it were also clear that one's determinations were wrought in the heat of agreement making dialogue. In view of such considerations, Habermas reformulated the categorical imperative thus:

> Rather than ascribing as valid to all others any maxim that I can will to be a universal law, I must submit my maxim to all others for purposes of discursively testing its claim to universality.[69]

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[67] Habermas (1992: 67)

[68] ibid.:67

[69] ibid.:67

The question arises as to *how* to practically submit one's maxims to the world's people for discursive testing. Does not *ought* imply *can*? If the practical means to exercise the responsibility do not exist, does the responsibility still pertain? One answer to this is that one should seek ways to bring about those means. But what if one cannot find ways? At some point, one must resort to the impossibility clause. A poverty-stricken villager in the Sub-Sahara who is without the technical means, or the 'capability equality',[70] to participate in world constitutional deliberations cannot disclose her preferences. While it may well be in her interest to do so, it cannot be readily asserted that she has a responsibility to do so.

Awareness and acceptance of the imperative does, however, oblige one to explore technological means to enable exercise of the responsibility. And it obliges those who are fortunate to be the first endowed with the technological capabilities to contribute to ensuring that such capability is universalised. (The civic website design brief, see Appendix, illustrates the potential of the Internet for this purpose.)

In view of that potential, we can more firmly conclude the argument of this section, that those who accept the Golden Rule, have an implicit responsibility to dialogically participate in the determination of world constitutional norms, and ensure that all are enabled to exercise that responsibility. If this argument does not convince, the following argument may be found more convincing. It again applies Goodin's 'ratcheting up' strategy, this time by leveraging against the worldwide belief in the national defence responsibility of the citizen.

5.3.2 Reconsidering the defence responsibility of the citizen

Most adults in the world are caste in the role of national citizen.[71] Whether each understands the responsibility that this role implies, or its moral rationale, or whether they have consciously chosen to perform the role, are moot points that are largely irrelevant to the following argument. The fact is that, by acquiescence or consent, humans everywhere quietly don the costume and the label. They act as if they belong as citizens of their respective nations. They act as if they consent, as if they fully approve of the moral principles that underpin the role, as if those principles constitute their integrity. Hare argued:

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[70] Bohman (1997)

[71] Alastair Davidson argues that while the term *citizen* does not have direct translation in all languages, every society has a tradition of civic commitment. (UNRISD International Conference on *Globalisation and Citizenship*, Geneva, 1997)

> If we were to ask of a person 'What are his moral principles?' the way in which we could be most sure of a true answer would be by studying what he did.[72]

There are several moral principles that are habitually enacted by citizens worldwide. Functioning as world constitutional norms they underpin their national defence responsibility. In the following, it will be argued at length that these norms cannot be adequately defended from a moral point of view. The contention is that these 'defence weaknesses' amount to moral negligence and irrationality on a massive and potentially dangerous scale. The exercise of moral responsibility and rationality demands that those who enact constitutional norms should be required to defend those norms with reason, prior to defending them with weapons. It is argued that the first defence responsibility ought to be to participate in unencumbered world constitutional deliberation, to determine and defend the moral principles that constitute one's civic integrity.

Before we proceed with the argument, it warrants briefly locating it in relation to the growing academic interest in citizenship. Research in citizenship, civics education and civil society[73] has expanded considerably in the last decade. Much of the interest appears motivated by the moral potential presumed to be inherent in citizenship. Theory holds that citizenship is not merely a status that confers rights and privileges upon members of a political state. The contention, if not altogether appreciated by all who are called citizens, is that citizenship is also a role entailing responsibilities, virtues, and moral character for which citizen education is required. This theoretical potential offers scope for moral leveraging, to shift people from being 'me-thinkers' to 'we thinkers', as Barber put it,[74] to become more cooperatively responsive to the needs of the local and global community. While the bulk of the responsibility-oriented literature focuses attention on the 'activation' of citizenship within the state and within local communities, a significant and growing literature is calling for the development of citizenship responsibility that extends beyond borders.[75] A small, but

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[72] Hare (1964: 1)

[73] Kohler (1998: 248n) explains that the notion, 'civil society', initially explicated by Hegel, is taken by liberal and realist theorists to mean an autonomous public sphere, free from state influence, and characterised by market relations, while critical theorists tend to view it as the domain of public discourse that generates political opinions and goals. Misztal (2001) argues that the term has been defined in so many ways that it has lost much meaning. In addition to the above, it has been viewed as a cloud of hope over the ground of reality, as a problem domain for the building of social trust or 'social capital', as a realm of shared norms and as the space beyond the illusion of the public-private dichotomy. With others, Misztal concludes that the concept has almost become 'an empty shell' concept.

[74] Barber (1984)

[75] Ward and Dubos(1972), Heater (1990), Weale (1991), Christoff (1996), Thompson (1997, 1998), Linklater (1998)

growing proportion of citizens are already involved in trans-border service and political activity as indicated by the proliferation of international non-government organisations such as Amnesty, Red Cross and Greenpeace. One can also point to global 'counter-cultural' movements based on feminism, spirituality, the environment, liberation theology, gay liberation, peace, New Age and so forth,[76] although it could be argued that such movements are sometimes subversive to national citizen virtues. Such examples signify the development of what has come to be called global civil society and the cosmopolitan public sphere.[77] This is associated with growing interest in 'world citizenship' reflected in and fuelled by a flourishing of world citizen networks that are actively promulgating world citizenship education.[78]

A norm advocated by some proponents of world citizenship is that people should be both world citizens and national citizens, belong to one or another country, and also to the planet and all humanity. This raises immense dilemmas for global governance, particularly in respect to issues of sovereignty, allegiance, legal and judicial authority, democratic participation, taxation and economic boundary protection. Similar difficulties confront the watered down version of World Federalism – cosmopolitan democracy – whose advocates argue for new global political institutions, including a global parliament, to coexist with states, yet having overriding powers. It is difficult to imagine how such arrangements could be democratically agreed upon and instituted, let alone seriously considered by the world's people without a global reconstitutional process, requiring accessible forums and educational provisions to enable people everywhere to adequately participate. In view of the general resignation to the 'reality' of the current international order, stimulation of citizen interest in such discourse may require substantial provocation and media controversy. Such controversy could be stirred by a media savvy cosmopolitan campaign (let us call it the Diogenes Project) demanding that the Universal Declaration of Human Rights be amended to include the moral right of individuals to act impartially toward all humans with the corollary *right not to belong* to any nation.[79]

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[76] See Köhler (1988), Camilleri and Falk (1992), Offe (1984) for discussions on the growth of transboundary social/political alliances, movements and organisations.

[77] Köhler (1998)

[78] World citizen organisations include the World Citizens Association, Planetary Citizens, Bahai International, Soka Gakkai International, World Citizen Foundation, World Federalist Movement, World Constitution and Parliament Association, and the United Planetary Foundation.

[79] While the Universal Declaration of Human Rights (article 20) asserts that no one may be compelled to belong to an association, the right to choose 'not to belong' to any nation has no mandate.

The issue regarding whether one *should* belong or not belong to a segregative political state is ultimately a moral one and cannot be contested and decided within the world's current political framework. It requires an independent and democratic world constitution-making forum, not a UN restricted peoples assembly.[80] We should expect that advocates of world citizenship and new global institutions, on either side of the 'belonging' question, will be among the first to support the establishment of such forum along with enabling provisions. It remains to be seen whether they would also support a convention that required participants to enter into unencumbered deliberations, to momentarily step out of their national citizen costumes and serve as protocitizens.

That each of us has a moral responsibility to do so, is the proposition to which we will now return. In short, the proposition is that, if we accept the national defence role of citizenship, we should be willing to undertake 'defence' training of a different kind, to acquire mental defence skills and powers in various respects analogous to the attributes required for warfare.[81]

5.3.2.1 The current defence responsibility of the citizen

The proposition gains its leverage from the apparent acceptance by most citizens of the protective responsibility that arises for them when faced by threats from hostile foreign forces. While it may not be clear to all citizens what citizenship responsibility fully entails, there is little debate as to what is expected in time of war. Whereas it may be acceptable for citizens to engage in ruthless economic competition during peace, it is well understood that protection from serious external hostility requires a dramatic shift toward altruistic cooperation.[82] Calls to battle highlight the responsiveness expected of the citizen role, a role whose military foundation has scarcely changed since the constitution of the early city-states. The citizen is allegiance bound, to protect the realm, to meet violence with violence, and to be

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[80] A protracted campaign has been conducted by world citizen associations to establish a global 'peoples assembly' to serve in parallel to the UN assembly, and gradually, in the long run, to serve as the paramount global authority. The concept of a global people's assembly is to be distinguished from the proposition here for an unencumbered world constitution building process.

[81] Training for unencumbered constitutional deliberation may be viewed as preparation for a battle of a different sort, in effect, a personal confrontation between positivist and normative morality, between *is* and *ought*, between the immense inertial force of socialised habituations and the force of one's moral reasoning capacity.

[82] Koestler wote (1979: 14) 'individual crimes committed for selfish motives play a quite insignificant part in the human tragedy, compared to the numbers massacred in unselfish loyalty to one's tribe, nation, dynasty... The emphasis is on unselfish. Homicide for unselfish reasons, at the risk of one's own life, is the dominant phenomenon in history'.

well prepared in advance, by contributing to assure the best possible military technology and training. A citizen is a soldier in waiting. The role entails an obligation not only to contribute through tax payments to the development of the state's military defences, but also, for young males in particular, to be available for conscription, to be prepared to leave work and home, to learn to kill, and ultimately to lay down their life for the country.[83] The role is ubiquitously valorised, honoured with medals, and memorialised on plaques, statues and gravestones. It exists at once as an inner-constitution, a built-in aspect of each citizen's honour and integrity, and universalised, in effect, as a key aspect of the world constitutional order. The rationale for the order has not, however, been made publicly explicit for the benefit of those whose lives are at stake. If there is a rationale, it seems to derive from a tribal past; if one wants protection from marauding gangs and tribes, best join one, a more powerful one.[84] Now that the world's territory has been completely occupied by gangs writ large, the default rationale appears to be that the world's people are best protected when each defends 'their own' territory.

The citizen's defence obligation entails further responsibilities, universally taken for granted and practised.   The responsibility befalls to all citizens, as parents, to enact three constitutional norms. They are obliged to ensure that the world's young are (1) politically segregated, (2) identity branded – made to believe that they belong to the 'home' country and its stories, and (3) allegiance bound – made to believe that they should not act with moral impartiality, but give moral preference to protecting the nations interests over and above the interests of 'foreigners', and defend the nation with their lives when called.[85]

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[83] The constitutions of most countries fail to spell out the duties expected of citizens. Following from the American Constitution, countries typically incorporate a Bill of Rights, and fail to include a reciprocal Bill of Responsibilities. The national defence responsibility of the citizen, more or less understood by all, is typically unwritten. An exception is found in the Constitution of India. Article 51-A states that 'It shall be the duty of every citizen... to defend the country and render national service when called upon to do so'. All countries, except Costa Rica, have a military defence budget, to which citizens are expected to contribute by way of taxation; such contribution is never a matter of voluntary donation.

[84] In the absence of a formal, definitive rationale for the current world constitutional order, Schmookler's (1986) 'parable of the tribes' is as convincing an account as any. '*No one is free to choose peace, but anyone can impose on all the necessity for power...* successful defence against a power-maximising aggressor requires a society to become more like the society that threatens it.' (p.31)

[85] In an attempt to counter the 'nationalist baptism at birth' imposed by parents and states on the newly born, the World Service Authority, a world citizen initiative under the direction of Garry Davis, has been issuing World Birth Certificates.   see http://www.worldcitizen.org (accessed July 1999)

A powerful vestige of tribalism, the universal exercise of this threefold norm is essential for the perpetuation of sovereign statehood and the current international order.[86] Clearly, without a continuing supply of youngsters who believe that they belong to a sovereign country, the military defence of national sovereignty cannot be sustained. That the world's youngsters are segregated and identity branded according to state of birth, is assured by tacit consent and consensus of governments and citizens everywhere.[87] The reaction and controversy that can be expected from public questioning of these norms would clearly illuminate its world constitutional status. However, as will be argued in the following, these norms constitute serious defence weaknesses. They may be defended militarily, but cannot be strongly defended with reasonable argument. While persons believe that their responsibility as citizens is to defend the nation with their lives, it can be argued that their first responsibility is to engage in constitutional dialogue to defend that belief with reason.

5.3.2.2 Citizen defence weaknesses

5.3.2.2.1 *Political identity construction: the illusion problem*

The newly born has no knowledge of its political identity. Can an infant have a political identity while not being aware of it? Can it be an Australian, for example, before being able to say the word Australia, before it has heard an Australian story, before it has any understanding of the political complex that the word Australia represents? The belief that it is Australian, that it belongs to Australia and not to the world as a whole, must somehow be induced. Without nationally differentiated identity induction, the sense of belonging required to reproduce persons willing to sacrifice themselves in the national interest, cannot be maintained. In order for Drongolia to persist as a defensible, self-perpetuating sovereign state, a steady supply of Drongos is needed. Drongos must continue to believe that they are

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[86] The threefold practice identified here is not referred to as such in the literature. Closely related critical discussion may be found in the debates over identity politics and international theory, and in particular, the morality of nationalism and the logic of national sovereignty. See for example Koestler (1979), Beitz (1985), Walker (1990, 1993), Elliot (1995). The critique is not new. It flows from a cosmopolitan tradition that extends back to the Greek Cynic, Diogenes, who denounced political boundaries, statist culture and citizenship and proposed an enlightened cosmopolitan culture without geographical limits.

[87] Castles (1997: 19n) explains that citizenship has typically been conferred on the basis of a combination of three principles, with changing biases to one or the other in different countries: (1) *ius sanguinis* (law of the blood) – the principle that one may be automatically considered a citizen of the country if one is born to a citizen of the country. Born to an Italian citizen, one is an Italian, regardless of where one is born; (2) *ius soli* (law of the soil) – the principle that one may be automatically considered a citizen if one is born in the country. This is particularly useful for colonisation purposes, for integrating immigrants and people of diverse nationalities into a political state; (3) *ius domicilus* (law of residence). This principle is becoming ascendant, particularly in countries faced with large migrating workforce populations.

Drongos, even while watching 'American' television, or eating 'Chinese' food. Infants born to Drongos must be socialised to believe that they too are Drongos, that they have no choice in the matter, that when one is born and raised in Drongolia, one *is* a Drongo. But how to non-deceptively ground such political identity production?[88]

A world order dependent on the political segregation and identity-branding of persons requires all to accept and conform to a symbolic convention that contradicts empirically observed facts and events. The convention that all A's are A's and different than B's may have linguistic utility, but the transposition of a linguistic convention upon the organically changing world is fundamentally delusional.[89] While it may well be perfectly sensible for A in April to be the same A as in August, we deceive ourselves and others when we permit such linguistic convention to be used for the political differentiation and identity branding of changing, learning, mobile persons. Thus the world order orders us to overlook the issue, to play a let's pretend game, to *say* that one is A when one is not A, to *imagine* that an Australian is unchangingly an Australian and stereotypically the same, in some *fixed* way, with every other Australian, and stereotypically different, in some *fixed* way, from a Bulgarian. The surface of everyday political discourse merely needs to be scratched to reveal the identity puzzle. Not so easy to find are the crucial *fixed* anchoring points so necessary for political identity to be self-perpetuating fact.

The contestation over Israeli identity is illuminating. The State of Israel, formed after the Nazi Holocaust, is a political refuge state, guaranteeing Israeli citizenship to anyone in the world that identifies as a Jew. If a liberal case can be found for the legitimacy of Nation States, this case appears among the stronger.[90] However, a debate has long raged in Israel concerning who is a Jew and what legitimately makes one Jewish. Hitler tried to distinguish Jews from non-Jews by physical attributes – head shape, nose size, etc – and was spectacularly unsuccessful. Jews do not constitute a race. One finds Jews of all colours – in

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[88] The question of political identity needs to be distinguished from the age-long philosophical inquiry on the question of personal identity, that is, on what constitutes the *I* that continues over time, that is able to survive, make promises, and be the same entity who yesterday committed a crime. If there are philosophical difficulties with self-identity, these are trifling compared to the difficulties of pinning down the precise features that constitute political identity, one's identification with a multitude of strangers in an ethnically diverse political society.

[89] I am indebted to the unpublished work of Rudy Foster (1966) for this insight.

[90] Arguing the case for Defensive Nationalism, Nathanson (1997: 197) quotes the argument by Amos Oz, who while greatly despising nationalism with all its emblematic and military accoutrements, argued strongly for the existence of the State of Israel only 'because existence without the tools of statehood is a matter of mortal danger'.

India, China, Ethiopia and Yemen. Israeli immigration policy has long been based on the *sui sanguinis* (law of the blood) presumption that one is Jewish if one can show evidence that one's mother is Jewish. Interestingly, the first Jew, according to biblical mythology was Abraham, who being the first, did not have, could not have had, a Jewish mother. He differentiated himself from his neighbours – multiple god worshipers – by professing belief in one God. This belief alone continues to suffice to gain him recognition as the father of all Jews. To differentiate his boys from neighbouring boys, so the bible story tells, Abraham instigated the practice of circumcision, which persists today as a somewhat gruesome identifier. Were one caught without identifying papers in Nazi Germany, the circumcision factor alone could determine one's identity and horrible fate. However, both monotheism and the practice of circumcision, having spread beyond Judaism, no longer suffice as qualification for citizenship in the state of Israel. The disturbing irony is that the defence of the Jewish State of Israel requires the universal conscription and military training of teenagers, male and female, whose Jewish identity remains uncertain and weakly defended in the face of epistemological attack. The shakiness of the Israeli identity construct is compounded by the existence of a significant population of Arab citizens who, as Ichilov points out, cannot identify with the Jewish-oriented symbols of the State – the Star of David on the flag, the national anthem with its references to Jewish homeland yearnings, and the national emblem being the Menorah of the Jewish Temple.[91] While being citizens, but non-Jewish, Arabs are not required, nor permitted, to serve in the military to defend 'their' state.

Divide people into groups, randomly, or on the basis of trivial difference – as Jane Elliott famously did with her primary school students on the basis of blue eyes and brown eyes[92] – and we find that the groups quickly develop a discriminatory bias in favour of 'their own'. Drawing on this familiar human 'failing', sports-minded schools habitually segregate students into 'house colours' in order to engender a spirit of competition. To witness a group cheering for its own colour and jeering the rival colour is to recognise some of the symptoms of what psychologists, after Janis, have referred to as the *group-think* syndrome.[93] When segregative

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[91] Ichilov (1999)

[92] Jane Elliott's award winning work with her primary school students (Riceville, Iowa), and subsequently with adults, raising awareness of the problem of arbitrary segregation and racial discrimination, has been video recorded and repeatedly broadcast on public television in the West. See 'A Class Divided' and 'Eye of the Storm'. See also Peters (1987).

[93] Janis and Mann (1977) identified eight symptoms of group syndrome. (1) The group has an illusion of invulnerability and optimism; (2) it tends to rationalise away threats from other groups; (3) it believes in the morality of its own decisions; (4) out-groups are stereotyped as inferior; (5) it applies conformity pressures on its members; (6) members censor themselves to indicate loyalty; (7) silent consent is indicated as unanimity; (8) mind-guards or censors emerge to protect the group from threatening information.

practices persist over generations as with the current world political order, the symptoms of group-think – notably stereotyping, prejudicing and discrimination – risk becoming personally deceptive and politically dangerous. We are led to wonder how civilised individuals can behave compassionately towards their own but cruelly toward outgroup members, particularly when the stereotypical elements are insufficiently negative to explain the cruelty.[94] While it may be interesting at this point to examine the extensive studies undertaken by stereotype researchers to explain the origins and negative outcomes of stereotyping, there is neither the scope nor the necessity to do so here.[95] The spotlight here is on the illusory ontology of the stereotyped identity.

The manufacture of political identity requires credulity. As a suggestive infant, I can easily be led by a storyteller to believe that I am related to his or her story, that the story belongs to me and I to the story, that the storyteller, the story and I are connected in an unbroken, identifiable line. Thus the story of America creates the faithful young American,[96] just as the Koran creates the Muslim and the Old Testament creates the modern Jew. The stories of ancient battle lines recreate the battle lines in the present. Ironically, the political struggle over control of the 'City of Peace' – Jerusalem – threatens to engulf our indoctrinated young Semitic look-alikes in recurring savagery. Creation myths serve poorly as explanations of ultimate origins but dangerously well as creators of feuding identities. Their deceptive power can lead many with MacIntyre to think that the question 'what am I to do' cannot be decided without *knowing* of 'what story or stories do I find myself a part'.[97] The persistent notion that there are permanent categories of people called Hutus, Tutsis, Jews and Arabs, Bosnians and Serbs presupposes that individuals are without choice, that they cannot escape the histories and stories of which it is presumed they are 'a part', whether or not the stories are fictions. Credulity rather than truth underpins the *knowing*, and the confusion of communitarians,[98] that one is inextricably chained to a particular extract from the world's vast catalogue of interwoven stories, that one belongs to *this* story, *this* interpretation of *this* story, and not to

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[94] Schwartz and Struch (1989)

[95] For a good overview of research conducted in stereotyping and prejudice, see Stroebe and Insko (1989).

[96] Spivak comments that the US department of Immigration and Naturalisation Services (INS) administers a test for aspiring new citizens in American history and civilisation 'which establishes that, from now on, the history of the racially dominant in the United States is the migrant's own'. (1997: 476)

[97] MacIntyre (1984: 216)

[98] See Taylor (1994), Sandel (1984). 'Sandel and Taylor systematically confuse social influences which form a personality with the social relations which a person values or identifies with... She may have very good reasons for repudiating her community of origin... The communitarian conception of identity is faulty and needs to be replaced with one that is empirically and morally more adequate.' (Thompson, 1998: 190)

the story of one's neighbour. What attaches one to a specific parade of strangers, to certain lives and events prior to one's birth or awareness, appears more related to the tribalistic 'bloodline' story than to the biological fluid. Moreover, it requires not merely a remembering of a particular story, but as notably highlighted by the construction South African nationalism, it requires 'a combination of forgetting and retrospective mythologising'.[99] MacIntyre's faith could surely lead one to become a 'lost soul' on a protracted, self-paralysing search for one's chimerical roots. How far back in time, before one's birth, should one's trace one's own story? At what arbitrary cut off point should one complete one's search? What if the root ends cannot be found, or are inextricably entangled with the roots of all the world's stories? But 'we do not have roots, we have legs' insisted Buckminster Fuller,[100] or as Wark contended: 'we do not have roots, we have aerials'.[101] The recognition that, in truth, we belong to no stories, or circumspectly to every story we hear, can be felt as liberating, but for some, disorienting. In Kristeva's psychoanalytical view,

> very often when we have trouble being, we try to compensate for this identity problem by belonging. I *am* not, but I am *one of them*, I belong. And this is true for individuals as it is true for nations. [102]

From the postmodern viewpoint, the precarious social construction of identity[103] can only become increasingly destabilised by the boundary-ignoring interpenetrations of telecommunications technology, global trade and tourism.[104] Attempts to preserve the identity illusion can only become more deluded, futile, and desperate. The attempt in Australia – a political state created by a short story of conquest – to define who or what is 'Australian' is an interesting case in point. Despite the settlement of people from hundreds of different ethnic and religious backgrounds on the Australian continent – it is indeed a cosmopolitan island state – there prevails an obsession that an Australian identity must be perpetuated. But the elusive identity has not been so easily defined, or discovered, or conjured into existence.[105]

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[99] Enslin (1999: 106). Enslin points out further that 'while the retrospective mythologising of Afrikaner nationalism has lost its political influence, creating a myth of the nation for post-apartheid South Africa appears also to require a retrospective mythologising in which truth is secondary to the myth, in this case a myth which must offer an illusion in which past division is concealed (105)'.

[100] 'Man with very short legs and a very big earth came to confuse himself with the botanicals and pretended to himself that he had roots and that he owned the favourable pieces of the earth.' (Fuller 1969: 341)

[101] Wark (1994)

[102] Kristeva (1998) The quoted text was reproduced on the ABC's, Radio National Website. http://www.abc.net.au/rn/arts/radioeye/transcripts/stories/s57870.htm (accessed June 00)

[103] Berger and Luckman (1967)

[104] Kellner (1993)

[105] In an Australia Day celebration speech at the Sydney Opera House, 1988, the Prime Minister, Mr. Hawke, said 'we have been a nation of immigrants... [with] this vast continent as homeland... There is one vital factor

There is little to be found that is 'truly Australian' that could upon seeing, hearing, touching, tasting, swallowing, render one 'truly Australian'. Some have attempted to identify distinctively Australian art and architecture, but in a world where artists and architects are bombarded by influences from around the world, such attempts are clearly deluded. Koala Bears and Kangaroos, being uniquely indigenous to the land mass called Australia have therefore been appropriated as enduring identifying symbols. But how might proximity with Koalas, or pictures of Koalas, render one non-deceptively an Australian? What kind of sustained proximity is required? Would persistent staring at an African tiger in an Australian zoo risk rendering one somewhat African? In the face of such problems, attempts to create new national flags and anthems persist. While committees can select new designs, the formidable problem remains – how to create an enduring emotional connection between such designs and all citizens? Australia's colonisers, the English, the product of a long story of cultural amalgams, are suffering a similar identity-perpetuation crisis due, ironically, to England's colonisation by immigrants from its old worldwide empire – the Commonwealth.[106]

How to maintain the national identity illusion? Provocatively, Foucault suggested:

> Maybe the target nowadays is not to discover what we are, but to refuse what we are. We have to imagine and to build up what we could be to get rid of ... the simultaneous individualisation and totalisation of modern power structures ... We have to promote new forms of subjectivity through the refusal of this kind of individuality which has been imposed on us for centuries.[107]

The ethical question which civic educators must eventually confront is whether youngsters should be encouraged to exercise freedom of thought and choice to the extent recommended by Foucault. Arguably one should be free to call oneself Australian, English, Serbian, Israeli, or whatever, just as one should be free to perform a role of one's choice on a theatrical stage. But, it needs to be recognised that the choice involves deciding whether or not to perform an imaginary role, to represent a deluded stereotype, to play a caricature without foundation in truth. While great passion may be invested in the role, it is vulnerable to epistemological

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in the answer to the question: Who is an Australian? And that factor is: A commitment to Australia and its future. The commitment is all. The commitment to Australia is the one thing needful to be a true Australian.' His speech left in abeyance the question as to what precisely it is about the notion 'Australia' that a person should be committed to, that is, other than to the word 'Australia' itself.

[106] Hall reports that identifying the English identity has become an increasingly elusive task. 'Huge ideological work has to go on every day to produce this mouse that people can recognise as English. You have to look at... the Englishness of English art, at what is truly English poetry, and you have to rescue that from all the other things that are not English. Everywhere the question of Englishness is in contention.' (1997: 178)

[107] Foucault (1982:216)

exposure. With a smile, the Buddhist sits patiently to lift the veil of illusion and suggest: you are not, in truth, who you *say* you are; nor are you who others *say* you are.[108]

Various arguments have been summoned for the preservation of the nation state and the international order, but I will not weigh them here.[109] For the point here is that all the arguments stand or fall on the continued acceptance of the norm that the world's children *should* be, by world order, differentiated and identity branded in accord with deceptive linguistic and story-telling customs. 'Let's pretend' identity games may be entertaining in theatre, but far less so when the world orders one to play them, when one cannot refuse to play them, and diabolical when they are defended, not with reason, but with weapons of mass destruction. As argued in the following, maintenance of the national identity illusion is but one dimension of a program of political indoctrination that must be maintained and defended by the citizen.

5.3.2.2.2 The indoctrination problem

To sustainably defend their borders, sovereign political states require, as noted, a continuing and sufficient supply of citizen defenders. They require 'citizen factories',[110] settings, techniques and skills of moral-linguistic conversion, the ability to turn persons into bricks who are embedded in their political territory, who believe that they belong to the territory, and not to the whole planet below their feet. The diverse strangers that comprise the citizens of the modern state, the membership that Anderson calls the 'imagined community',[111] are not members by nature; they must be 'naturalised'. Sustaining the segregative norm requires that 'brainwashing starts in the cradle'.[112] One must be induced to identify with and belong to several hundred million strangers called 'Americans', or 'Indians', or 'Chinese' and not the

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[108] Buddhist philosophies emphasise one certainty, that of continuous change, the ceaseless movement of atoms, planets, and the mind, the shifting of perception and interpretation, generating difference and what Derrida (1976) called différance. It implies that there can be no fixed, self-perpetuating identity situated within the changing self. The self is a nested bundle of changing energy and thought impulses that produce the illusion of stability. Humans may play roles in social games, but are deceived to believe that there is an essential rootedness, or genetic bloodline, that attaches the player to the game.

[109] Lichtenburg (1997) classified the main arguments in defence of sovereign statehood as - the flourishing argument, the self-determination argument, the reparations argument, the pluralism argument and the intrinsic value argument.

[110] Luykx (1999) used the term 'the citizen factory' to describe the less than successful teacher training strategies and processes applied in Bolivia to 'nationalise' the indigenous rural populations.

[111] Anderson (1983)

[112] Koestler (1979: 13)

world's billions.[113] While appeal to transcendent spiritual authority has not been necessary to induce a belief in national belonging, a repertoire of affective techniques similar to that used by religions has been applied. Training youngsters to acquire the language of the linguistic community to which it is deemed they belong is a crucial first step, whether it is the language of the Vedas, the Bible, the Koran, or the official state language, such as Bahasa in Indonesia, or Spanish in Argentina. With one's infant mind colonised by a symbolically rich language, one can be readily influenced, through selective storytelling, to believe that one also belongs to the linguistic community, to all the strangers who have learned the same language, dialect and symbols. Most illuminating is Anderson's exposition of the power of print language combined with the power of colonising administrations to induce disparate tribes to acquire the language of the coloniser and to come to believe that they belong to the political state so forged.

It is undeniable that acquisition of language technique is necessary to enable mutual intelligibility among strangers. It could be claimed that language literacy unavoidably entails doctrinal transmission, but the case is not clear-cut and will not be discussed here. However when learners are induced to believe that acquisition of a language identifies them as belonging to the political community that practices and teaches the language, the charge of indoctrination can be more clearly upheld. Such misleading and deceptive belief need not be transmitted consciously and deliberately, it need not occur in a schoolroom, monastery or temple for it to be recognised as an article of indoctrination.[114] While it may be claimed that one is, to a large extent, the product of techniques acquired, one is misrepresented and imposed upon when one is branded as belonging to the political entity that practices those techniques.   Though one may use a telephone to communicate, one's identity is not necessarily that *of* the technology, nor *of* 'a telephonist', nor *of* the telephone company, nor by the same token, *of* the particular language one is using. That the large majority of the world's people have come to link their language with their political identity testifies to the power of cultural and political indoctrination.

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[113] Lichtenberg (1997: 161) rebuts the 'flourishing argument' for nationalism by questioning the underpinning psychological claim, difficult to verify, that people need to belong to a particular large group of strangers beyond immediate family. How many strangers? If millions, as in a nation, why not billions?

[114] The debate in the 1960's over the meaning of the term 'indoctrination' seems to have petered out. In a useful compendium, Snook (1972) gathered a representative array of the arguments. They concern questions of *method, content* and *intention*. The position taken here focuses on *content* and *method*, and accords with those who argue that indoctrination can be attributed to the transmission of doubtful or false beliefs.

Political indoctrination techniques are largely but not wholly attributable to teachers performing to captive audiences in classrooms. As Anderson observes, when shared language is linked to emotion-charged nationalistic poetry and songs, and to national anthems that obligate all to sing in unison on national holidays and formal occasions, an almost religious power of conversion renders reason a mute slave to passion.

> No matter how banal the words and mediocre the tunes, there is in this singing an experience of simultaneity. At precisely such moments, people wholly unknown to each other utter the same verses to the same melody... Singing the Marsellaise, Waltzing Matilda, and Indonesia Raya provide occasions for unisonality, for the echoed physical realisation of the imagined community. How selfless this unisonance feels! ... Nothing connects us all but imagined sound.[115]

The 'sound that connects' has evidently served well as a manipulative tool. While it has been used to maintain the boundaries of a group, it has also been used, as effectively, to dissolve those boundaries, and unify former rivals.

The battle of the sounds must ultimately find its victors in the parents, who will stand at the frontier, always first, to welcome the new generation. When the parent says to the unsuspecting child, *you are Albanian and your good friend, across the road, is a Serb, be careful now*, the front-line mission of political indoctrination is simply accomplished. As Johnson emphasises, the objective of actors 'is to exploit symbolic force... to establish as authoritative a particular and partial conception of world... that will induce expectations... and lead others to act in ways advantageous to the actors themselves'.[116]

The success of such identity-branding practice depends, however, on the extent to which the surrounding neighbourhood and world accepts the practice, and undertake such practices themselves. Modernity is clearly characterised by such practice. Parents everywhere take for granted that they *should* differentiate, categorise, stereotype, and label not only their own children as required, but also respect and accept the similar acts performed by all other parents. Whenever we speak of a child as *American*, *Indonesian* or *Italian*, we reveal our complicity in a global practice of indoctrination. Such (mis)representation of the other is a serious political act, contends Friedman, since

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Regarding such beliefs as true, transmitters cannot be charged with *intentional* indoctrination. But they could be charged with uncritical, unreflective methods of inculcation. See the next chapter for further discussion.

[115] Anderson (1983: 132-3)

[116] Johnson (2000: 412-13)

it identifies the Other for us... it becomes, by hook or by crook, the latter's own identity... By speaking of him, or for him, we ultimately force him to speak through our categories'.[117]

Such act is not harmless. It provides the necessary foundation for the next stage mission of moral indoctrination – political allegiance formation – the narrowing of the circle of moral concern. A self-perpetuating sovereign state requires a guaranteed supply of allegiance-bound citizens, youngsters to replace aging members, to serve as soldiers in the nation's interests. Such moral persuasion is more likely to succeed among the converts, among those who have been induced, by parents and the surrounding world, to believe that they belong. The mission is most readily accomplished by parent-citizens, by family members who remember the last war, who lost loved ones, who carry horror stories, grievances, insecurities and lessons in relation to the 'foreigners' on the other side of the border. The mission is assisted by national war memorials and museums, memorial holidays, war hero movies, and 'lest we forget' parades. The mission, begun by citizen parents, can be finally and thoroughly accomplished, by submitting youngsters during their compulsory years of schooling to doctrinaire citizen education curricula.

Germany was perhaps the first country to institute a universal system of compulsory education in accord with the ideals of Fichte and Hegel. They argued that the key function of the German government was to carry out education in the state's interests, to overcome humanity's irrational and appetitive propensities, to develop a more noble, cultivated, rational and free individual who would also (paradoxically) be politically subordinate and law-abiding. Through compulsory education the seeds of the German citizen's conformity, sense of superiority and subsequent belligerence were thus sown. The contradiction between Hegel's abiding interest in freedom and his distinctively antidemocratic, doctrinaire views earned him some criticism. Some regard him as 'the intellectual grandfather of the type of totalitarian State that emerged in Germany a hundred years after his death'.[118] Karl Popper castigated Hegel as an enemy of the 'open society' in view of assertions such as: '*The State is the Divine Idea as it exists on Earth... We must therefore worship the state as the manifestation of the Divine.*'[119] While such sentiments might make many liberals shudder, they have nonetheless regarded the nation state and the international order as sacrosanct. Germany's doctrinaire approach to national citizen education has today been effectively

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[117] Friedman (1993: 332)

[118] Singer (1983: 40)

[119] Popper (1966: 31)

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universalised, if not in *all* respects, certainly in the enshrinement of the civic doctrine of 'the public good', where the good is a vague set of interests and qualities, viewed as unique to those who belong to the state.[120]

A doctrinaire approach to citizen education presupposes that classroom students have already been identity branded, that they 'naturally' belong to the country, that they will serve as citizens when older and be allegiance bound.[121] It takes for granted that the history of *their* country, is *their own history*, that they belong by some invisible cord to the stories of *their* country and not to the stories of other countries.[122] Such education presumes that the political and economic constitution of the country is *their own,* one that they must accept, understand, internalise, so that they may 'democratically' participate in it. Students may be encouraged to exercise critical judgement in matters of detail, but not to question the 'truth' of their belonging. Doctrinaire citizen education may encourage students to 'think globally', to understand the effects of globalisation on 'their' country. But it does not enable students to learn to take responsibility for the world constitutional order, to exercise independent thought, to deliberate and decide on the kinds of world protective norms and political arrangements they would regard as appropriate. Doctrinaire citizen education focuses student attention on past and present 'realities', and fails to empower students to creatively consider alternative system possibilities, to exercise choice and defend their choice with reason. It compels students to see a singular political future, a vision in which they inevitably will be 'national citizens', prepared for the ultimate sacrifice, to defend a political system in a world order not of their choice. Despite the strong trend away from doctrinaire pedagogy, such 'ideology transmission'[123] in civics education is more the case than the exception.[124]

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[120] Conveyed as an exemplary 'framework for civic education', a product involving scores of educators and scholars and leaders of over ninety civic organisations, the American Civic Education Resource Manual (Quigley, Buchanan and Bahmueller, 1991: 361) stipulates the following key educational objective. 'The citizen should be able to explain the idea of 'the public good', its importance and how it might be identified.' In a republican spirit, the manual instructs, with ample historical reinforcements, that 'The Public Good' – the 'General Welfare', the 'Public Interest', the 'Public Happiness' – is to be explained, not in terms of universalist, global ethics, but in the exclusive terms of the political state, in this case America. Despite emphasising the need for critical thinking, the manual offers no hint that its partial notion of the good is a matter of moral contestation, let alone moral choice.

[121] Hoepper (1996)

[122] In a review paper recommending pedagogic approaches for the Civic and Citizenship School Curriculum Materials Project in Australia, Fearnley-Sander and Sprod (1996) argue for critical, creative, and independent thinking, yet, along with various contributors to the project, fail to recognise their inherent doctrinal presuppositions. They write for example: 'In educating for democracy, the problem of investing *young Australians* with *their* histories and cultures can be resolved by pursuing historical knowledge interpretatively...'(my emphases).

[123] Alexander and Prideaux (1984)

Keostler, among others, viewed such indoctrination as a central cause of the human predicament.

> For the vast majority of mankind throughout history, the system of beliefs which they accepted, for which they were prepared to live and to die, was not of their own making or choice; it was shoved down their throats by the hazards of birth... The continuous disasters in man's history are mainly due to his excessive capacity and urge to become identified with a tribe, nation, church or cause, and to espouse its credo uncritically and enthusiastically.[125]

Liberal educators have been highly critical of the forms of doctrinaire education applied by religious groups, theocratic and undemocratic governments. But the reasons that underpin such criticism apply no less to the liberal use of doctrinaire citizen education in 'democratic' countries. The exercise of freedom and independence of thought – the hallmark of liberal education – is subverted by the inculcation of nationalistic mythology in schools. With an eye on South Africa, Enslin insists that '[w]e must be alarmed at the idea that the educated individual should embrace certain myths manufactured about their 'nation'...'.[126] A liberal education 'requires abandoning the idea that schools are legitimately places where persons are told who they are'.[127] But could the liberal democratic state be sustained with a truly liberal education? A clear weakness in the military defence of the liberal state is that it must sustain an essential contradiction: illiberal education is required as a primary defence system.

Political indoctrination also de-legitimises the practices of the state. As Fishkin argues, maintaining political legitimacy requires obliging members to support political practices only if they are *reasonably* acceptable.

> ... at least within ideal theory, it is reasonable to accept only political practices that have passed a certain test of rationality – of self critical re-examination. That test is that the consensus about them must survive the self-reflective scrutiny of... unmanipulated debate. Once the debate is manipulated, then the political practices protected by such manipulation are suspect in their rationality. If the practices are suspect, then it is no longer reasonable in the same way for us to accept them.[128]

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[124] This was clearly indicated by the IEA Civic Education Project which examined civic education practice in twenty four countries (Torney-Purta, Schwille and Amadeo, 1999).

[125] Koestler (1979: 14

[126] Enslin (1999: 104)

[127] ibid.: 109

[128] Fishkin (1992: 159

Widespread recognition of the need to protect children from the harm entailed by doctrinaire education compelled the UN General Assembly in 1989 to adopt the Convention on the Rights of the Child. Article 14: 1 reads: *States Parties shall respect the right of the child to freedom of thought, conscience and religion.* Clearly, respect alone is insufficient. Thus Article 13: 1 states: *The Child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers... through any media of the child's choice.* Compliance with this convention would permit and enable students to adopt a universal moral point of view, among others, and question the prevailing nationalist doctrine that 'the good life... can only occur within particularistic communities'.[129] A liberal education would enable youngsters to interrogate the global norms of segregation, identity branding and allegiance binding imposed on them by parents and citizen educators. It would enable them to consider Foucault's contention, noted earlier, that we ought to 'refuse what we are... imagine and to build up what we could be...'. The problem is that such education would highlight the weakness in the current defence role of citizenship.

5.3.2.2.3 The citizen as defender and victim of irrationality

When E. Cohen wrote that 'all or almost all young men should serve',[130] he was not referring to the universal 'all', but only to those young men who, by hazard of birth, have been segregated, identity branded and stereotyped as 'Americans'. By the term 'serve', Cohen referred to a form of coerced altruism – conscription. He argued for 'Universal Military Training', as has been the policy in smaller countries like Switzerland, Israel, Singapore, Cuba and Taiwan.

Why *should* all young men serve? Why should they be obligated to a State to train to kill, to submit to military authority, and be prepared to sacrifice their lives? We are asking them to learn to defend the state with skill and weaponry. But should they not also be required and capable, in the first instance, to defend the rationale that demands they serve?

How might that rationale be defended? A legal defence will begin by appealing to the world constitutional norm embedded in the UN Charter. Sovereign states have the right to defend their sovereignty, to prevent unwanted intervention from external states. This norm demands

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[129] Walker (1993: 64)

[130] E. Cohen (1985: 186)

that the world's young men be segregated and made to feel obliged to defend that right with weapons and their lives. The right to defend state sovereignty is a paramount global norm having hierarchical status over all other norms. It can transcend and trump the right to life principle and the individual liberty principle. It tramples on the norm of non-violent defence exemplified by Ghandi. It contradicts the 'turn the other cheek' ethic of Christianity, and the harmlessness teachings of Hinduism and Buddhism. And it contradicts what all states internally regard as morally and legally rational. It remains to be seen how this contradiction can be rationalised, other than by appealing to the power of tradition, and the tradition of imperialist power, as political realists are wont to do.

There is an obvious rationale why States prohibit gangs, sects, or ethnic groups from defending themselves against rival groups with tanks, missiles and fighter aircraft. That prohibition holds regardless of the moral convictions of such groups, or their antiquity or their self-determination claims. But those same harm-preventative reasons are dismissed by national governments as inapplicable at the international level. While mediators or the police and the courts deal with feuding neighbours, 'feuding states are everything at once: prosecutors, perpetrators, judges and executioners'.[131] The norm of political sovereignty invokes a closure on moral and legal reasoning at the border.

Marshall Cohen observes a 'deeply ingrained belief among those who regard themselves as politically sophisticated that "power" politics and its "balance of power" considerations inevitably take precedence over ethical requirements'.[132] Still pertinent is Kant's observation two centuries ago that 'all the plans which theory lays for political, international or cosmopolitan right dissolve into impractical ideals'.[133] Ethical ideals may appear impractical in the face of a politically powerful reality, but they do not thereby lose their rationality or validity. As the old saying goes, *might does not equal right*.

In view of these considerations, it appears that the citizen is a defender not of moral right, but of might, of a paramount global norm that escapes moral reason, whose moral reasoning can neither be attacked or defended, because there is none. For our young men whose lives are at stake, there is no rationale accompanying the UN charter to convince them of its moral

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[131] Beck (1998: 144)

[132] M. Cohen (1985: 21)

[133] Kant (1795: 117) See: 'On the Disagreement between Morals and Politics in relation to Perpetual Peace'.

validity. Political theorists offer rich and abundant historical reasons, but little in the way of ethical rationality.

'Individuals should be protected from policies that would conscript their bodies for transplants and experiments', argue Gutmann and Thompson.[134] Why should they not also be protected from military conscription? They argue that conscription is a paradigmatically different case. 'National security is a collective good... [but, understandably] citizens have no incentive to volunteer for it. Conscription is necessary if anyone is to benefit at all.'[135] Gutmann and Thompson's collective good is not a universal good. The presumption is that what is militarily good for a big gang, is good, irrespective of what all other gangs and persons think is good, irrespective of what innocent bystanders might think, and irrespective of what conscripted young men might think. They argue that exceptions must be made for conscientious objectors – personal integrity must be respected and protected. This is an intriguing argument. On further inspection it highlights the weakness, or absence, of the moral rationality underpinning the current world order. The viability of conscription depends on limiting the numbers of those with non-violent integrity. Clearly were large numbers to develop such integrity and refuse to conform, the youthful resources available for military conscription would be seriously diminished. Hence it would be contrary to a military state's interests to support, let alone invest in, education programs that promoted the development of non-violent integrity. Indeed it would be in a sovereign state's interests to ensure that such education did not occur. Not only would integrity-based education deplete potential military reserves, it would run the risk of exposing the moral vacuum that underpins the world constitutional order.

Failing to consider such matters, E. Cohen contended that a program of universal military training 'must have a clear military rationale'.[136] What would a clear military rationale entail? In terms of Weber's sociological framework, military rationality is formal, calculative, concerned with the efficiency of resource use toward the achievement of successful military outcomes, what sociologists today refer to as *instrumental* rationality. Weber contrasted it with a rationality having prior status – *substantive* rationality, a rationalised system of ethical and evaluative standards by which a society judges the appropriateness of the instrumental

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[134] Gutmann and Thompson (1996: 204)

[135] ibid.: 204

[136] E. Cohen (1985 :186

ends and the means.[137]   The instrumentalism of military rationale presupposes an implicit consensus among people as to the underpinning substantive rational.   On the surface it appears that such consensus exists.

With young men's lives at stake, they, and we, should be interested in the question of how that substantive consensus is rationally established, reviewed and tested.   The norms of national segregation, identity branding and allegiance formation may be well grounded in historical explanation, but the force of historical explanation offers poor defence against the force of moral reasoning.   *Was* does not equal *ought*.   While this understanding has long been taken for granted among moral philosophers, it has yet to 'trickle down' to influence the practice of constitutional decision-making.   Habermas is notable for his insistence that this understanding, and its application by communicatively competent discursants, should be central to an ethically rational process of political will formation.[138]   As has been argued, a crucial aspect of an *ethical* constitution-making procedure, and of the democratic ideal, is that actors seriously affected by constitutional decisions, have the right to participate in their determination, without domination.   However, the world constitutional order is such that our segregated young men, whose lives are at stake, have been effectively excluded from the supposed consensus-making process that sustains the order.   Of course there is no such process; the consensus is de facto.   Its authority is sustained by mutual and perpetual exclusion from any such process, by the 'power of the powerless'.[139]   Perpetuated by a decree of non-negotiability imposed by an anonymous authority carried forward from a tribalistic past, the threefold norm has considerable claim to men's passion, but minimal claim to rationality.

In contrast to the theoretical *ideal* citizen, the extant allegiance-bound citizen, our everyday soldier-in-waiting, who regularly contributes to the national military budget, is locked in to a constitutional cage, a cage in a world of cages, that does not, and cannot, allow him (in principle) to consider abandoning his defence obligation. For he may be called a 'traitor'. He may be put in jail.[140]   In some countries he may be executed.   What prevents the citizen from exercising communicative rationality with those in other cages for the purpose of together

[137] Weber (1947: 184-6)

[138] Habermas (1984, 1992, 1987)

[139] Havel (1985)

[140] Warranting mention here is the case of Rob Burrows, a peace activist, who was jailed in the late 1980's for refusing to contribute his taxable income to the Australian military budget, determining instead to spend the monetary equivalent on shovels for aid-needy countries.

reviewing the order and authority that perpetuates the cages, is not necessarily the lack of a right to do so, for, as discussed earlier, such right can be readily asserted. Rousseau's famous observation that 'man is born free, and everywhere is in chains'[141] remains pertinent. To understand the human problem, we would perhaps need to defer to social psychologists, to theories of social coercion, social integration, mass hypnotism, moral development and akrasia.[142]

But the goal here is not to understand the psychology of the caged victims, it is to point to the irrationality that underscores their plight. It is to point to the weakness of the moral defence that underpins the defence role of citizenship. In view of mounting global risks, the pointing will need to be more public, to stir our young defenders to develop the mental ability and courage to stand in a global forum, erect as soldiers, and using the weapons of reason, communicatively defend their moral position in the face of challenge.

5.3.2.3 Overcoming defence weaknesses: Maintaining constitutional defence exercise

The preceding considerations cast the defence role of citizenship in a negative light. But those considerations also reveal some positive potentialities. That youngsters can be persuaded to train to kill and sacrifice their lives to protect a multitude of strangers who presumably belong to 'their own' country, indicates a protective, altruistic propensity that has the potential to be extended. Required are strategies that could accentuate the positive and eliminate the negative. The contention here is that with Goodin's ratcheting tool in the hands of skilled applicators, our altruistic, self-sacrificing 'defenders of the realm' could be catapulted into a less brutish, more inclusive protective role.

If the prospect of continued violence is to be avoided, the silence of our identity-branded citizens will need to be viewed as no longer acceptable, indeed a danger to themselves and to all. Disarming the citizens, through exposure of the defence weaknesses discussed, may well be a prerequisite to disarming the nations. Mental disarmament would be indicated when citizens publicly declare willingness to give up the norms of the old Westphalian order –

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[141] Rousseau (1762: 240)

[142] The term akrasia refers to a form of irrationality or self-deception that is variously understood and attributed to 'weakness of will', incontinence, lack of self control. A substantial body of literature has developed on this subject in recent decades.

national segregation, identity-branding and allegiance formation – and commit to the equally altruistic but more morally defensible strategy of global protection.

Clearly such prospect would be fiercely contended, were it raised superficially for public debate. A more promising, gradualist approach would see intellectual, educational, political and media leadership raise public awareness of and debate over the global responsibility calls such as by the Commission on Global Governance, the Earth Charter and the Parliament of World Religions. Ultimately, such debate will need to move toward requiring citizens to take responsibility for autonomous deliberation on the matter, and defend their determinations with reason. This will require educational authorities to take the lead to ensure that all are capable of doing so. Once acceptance is gained for non-doctrinaire civic education such that the strengths and weaknesses of world constitutional norms can be rationally debated, the mental and military disarmament process can begin.

For this purpose, some of the language and lessons of military defence, which citizens understand and approve of, could be usefully appropriated. Citizens might be encouraged to move to the front line, 'stand up' and defend their constitutional positions, not with bullets and bombs, but with accurately targeted reasons. One could imagine how a well-planned global 'offensive' could succeed, 'captivating' poorly defended citizens (without being really offensive). Campaigns and manoeuvres could be undertaken with the support of an Internet-based global 'intelligence' system, trained in detection and communication skills of a different kind, one centred on moral intelligence. Citizens would be challenged to defend their altruistic readiness to fund national military budgets, support military conscription, lay down their lives for the nation, and prepare their children for the same. Such education-led offensive would challenge our young soldiers-in-waiting to reconsider the protective *raison d'etre* of citizenship, its essentially altruistic purpose. It would challenge them to reconsider the nature of 'the realm', the world, that today demands their protective attention. By leveraging against the accepted, defence responsibility of national citizenship, and pointing out the defence weaknesses, it can be shown that greater protection for all is maintained, if the first order defence responsibility entailed participation in world constitutional deliberation.

5.3.3 Responsibility to determine and defend constitutional impositions

Some people may have no firm, guiding, moral beliefs; neither the Golden Rule, nor citizenship have a strong purchase on their public interactions. If we are to defend the proposition that all have a responsibility to participate in world constitutional deliberation, arguments are needed that do not require resort to Goodin's ratcheting strategy. The following argument, perhaps the strongest of the three presented here, does not require building upon an already accepted firm moral belief. It requires our acknowledgement of a basic, inescapable responsibility, one that has been universally neglected. The argument follows from Pogge's inescapable contention that whether we consent or acquiesce to a constitutional structure we contribute to its imposition on others.[143] We cannot escape responsibility for that imposition. If the structure causes violence and suffering, we are implicated, and must be held partly accountable.

Sensational media presentations of global problems – deprivation, exploitation, torture, corruption, environmental degradation, malnourishment, ethnic cleansing, mass flight of refugees and so forth, can be so simply switched off. Typically, citizens have felt no responsibility for the suffering of remote others. They may believe themselves to be honest, good and tolerant people and they may act with great benevolence toward strangers with whom they meet face to face. But argues Trainer, they need to become aware of their contribution to the 'massively immoral forces... at work in the world's political and economic systems',[144] of their complicity in what Galtung called 'structural violence'.[145]

> When someone is assaulted we have actor generated violence. But how do we categorise the situation of those whose lives are deprived and miserable without there being a discernible actor causing the misery and no discernible other who actually intends the misery? ... Harm and damage, while perhaps unintended, is still being done to human beings. It is structure generated, not actor generated.[146]

In Walker's view, we are 'enshrined in the most powerful structures of violence the world has ever known'.[147] But structural violence is not so visibly discernible as are fighter planes, battle cruisers and missile launchers. While, the technology of killing may be out of everyday

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[143] Pogge (1989)

[144] Trainer (1982: 224)

[145] Galtung (1969)

[146] Weber (1993 :110)

[147] Walker (1990: 23)

sight and mind, those occasions when states organise spectacular weaponry parades – to induce a sense of security among citizens and terror among foreign states – we gain a glimpse of the diabolical side of citizenship. But the massive global investment – approximately \$1 trillion/per year (2001) – in military defences is but a manifestation of the global structure whose continued existence depends on citizen consent or acquiescence. Though citizens support the structure, are part of it, it is largely invisible to them, an abstraction. It exists, as an institutionalised set of rules and resources, only in language, in signs, symbols and names. We tend to speak about its complexity through architectural metaphor.[148] While the term 'structure' is prominently used by social and political theorists there are no visual images, plans or blueprints for inspection that enable us to comprehend our structural enshrinement. It is as if we are imprisoned in Franz Kafka's castle, unable to see the edifice in its superstructural complexity, let alone the underpinning substructure. We are left to wonder whether the structure is a vulnerable one of straw, or a complex of cages, or more like a labyrinthine pyramid of bricks. Regardless of the metaphorical picture, we can at least appreciate that the individual is an essential fixed element in the structure, a straw, bar, or brick. The structure remains in place, only while the citizens, its elements and its potential sacrificial victims, remain unconscious of their place in it, or remain silently acquiescent, embedded like bricks, and fear to 'come out' to proclaim themselves branded bricks-no-more.

The world constitutional norms of national sovereignty, segregation, identity branding and allegiance formation are clearly key linchpins in the world's structure of violence. Like memes – self-replicating thought viruses – passing from parent to child, these linchpins become embedded in the inner-constitutions of the 'citizens'.

The maintenance of a firmly locked-in relation between the outer and inner constitution is vital for world order and global security, no matter what arrangement is determined. Constitutional norms demand to be enduring and difficult to change. This raises a paradox. What to do when the norms are suspected as no longer appropriate, when they are shown to be contributive to violence and suffering? Considering the record of horrific battles since the signing of the UN Charter, and the incapacity of the UN security structure to prevent them, we need to face the uncomfortable prospect that our outer-inner world constitutional norms

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[148] Cognisant of the complexity and obscurity of the metaphorical notion of *structure*, Giddens wrote: 'I use the concept of 'structures' to get at relations of transformation and mediation which are the 'circuit switches' underlying observed conditions of system reproduction... Structure, as recursively organised sets of rules and resources, is out of time and space, save in its instantiations and co-ordinations as memory traces, and is marked by *an absence of the subject*' (1984: 24).

may be faulty. The great promise of the UN Charter 'to maintain international peace and security' has proven tragically disappointing. Who is to be held accountable?

World constitutional norms taken for granted as unquestionably sound, now demand the critical attention of all. We will need to accept that our conformity with these norms renders each of us morally responsible for the bloodshed in Rwanda and the Balkans, for the plight of refugees, and the continuing battles fought today by young men who we allowed to be segregated, identity branded and allegiance bound. The structure that failed to protect the humans branded as Rwandans can equally fail to protect the interests of those branded otherwise when the winds of political power change direction. While each remains a silent brick in the structure, each is both vulnerable to and responsible for the violence it can cause. As Pogge argued:

> A global institutional scheme is imposed by all of us on each of us. It is imposed on us in that we cannot simply drop out and renounce participation. This fact is most significant in the case of the scheme's most disadvantaged participants, who are literally being forced, ultimately with resort to violence, to abide by the going ground rules... Such institutions are "up to us", collectively, and we therefore have a collective *causal* responsibility for existing institutions... this causal responsibility gives rise to a moral responsibility, which is a collective responsibility for our collective role in imposing existing institutions upon, in particular, the most disadvantaged (and involuntary) participants... We have a negative duty to desist: we ought to use our more advantaged political and economic position to work for global institutional reforms.[149]

If the global structure of violence is to be arrested, its citizen bricks, its identity-branders and soldiers in waiting, must somehow be captured or captivated, made to publicly acknowledge their responsibility for that structure and defend the rationality of their practice. Whether they would choose to conserve the status quo, or disregard it or reform it, the fact that they cannot escape imposing on all, demands not only that they provide a convincing rationale for their position, but do so with a view to being challenged and influenced by those affected.[150] There are a number of potentially dangerous relations of power, which may not be safeguarded other than by insisting that those who consent to political impositions rationally justify their impositions to the different parties affected. Such relations include (1) the powerful parent-child relation, (2) power relations between disparate political and ethnic groups, and (3) relations between the powerful citizenship collective and youth.

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[149] Pogge (1989: 276-7)

[150] Przeworski wrote: 'In a democracy we want to persuade others because we know that they may vote on a decision that will bind us. We want to influence other people's views because these views will affect us'. (1998: 140)

1. *Parent to child defence responsibility*: Considering their socialisation, most citizens today would likely defend the right to nationally segregate and identity-brand the children in their custody. The role of the parent as citizen manufacturer has clearly been powerful. If that power is to be checked, it will need to be insisted that parents be capable of rationally defending their constitutional choices and impositions to the child. Moreover, if the Convention on the Rights of the Child is to be upheld and respected, parents will need to be held responsible to ensure that their children, from the earliest age, are exposed not only to their own views on the matter, but to all perspectives. Needless to say, the world's parents today are barely equipped, on the whole, to provide such rational defence, let alone assist their children consider alternative views. Clearly, the first responsibility falls to educational leadership to ensure that prospective parents are aware of their structural complicity and capable of critical examination and defence of their position, for their own sake, and their children's.

2. *Multilateral, cross-border communication responsibility*: Until they publicly declare otherwise, it can be presumed that citizens, as soldiers-in-waiting and contributors to national military budgets, implicitly support the global norms of segregation, identity branding and allegiance binding. This renders unsuspecting young persons, of conscriptable age, particularly vulnerable. It is in the interests of these youngsters, whose lives are at stake, that they are constitutionally protected against indoctrination,[151] that they are enabled to autonomously deliberate on questions of national belonging and allegiance, prior to political identity branding. Most importantly, potential combatants must be given the opportunity and means to enter into cross-border, deliberative dialogue on these questions in view of alternative, mutually protective, constitutional arrangements and practices.

3. *reciprocal defence responsibility*: While citizens support military conscription – demanding for their security that youngsters submit to military training and sacrifice their lives – a reciprocal form of conscription could also be justified, subjecting citizens to a less brutal, but equally rigorous moral defence education. Citizens should be held

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[151] Nagel (1991:150-1) wrote: 'Even democratic states can perpetrate horrible crimes; in any case, the problem is very real when democracy is overturned... Much of the structure of a state remains in place in such circumstances, and the general habit of obedience does not disappear... a policy of terror itself relies on conformity... (Hence) the issue here is not that of constitutional limits on state power, but rather that of built-in psychological limits on the reach of political authority'.

personally accountable for supporting a world constitutional structure which requires young men to train to kill on their behalf. It should be expected that after defence training, each will be capable of rationally defending their constitutional impositions in the face of challenges and alternatives. Citizens should demand that defence expenditure be allocated primarily to ensuring that all obtain such education, worldwide. With lives at stake, youth associations around the world would be more than justified to call for a reciprocal defence contract with citizens. *If you want us to train to kill and sacrifice our lives for your benefit, we insist that you be conscripted to learn to reason independently and defend your impositional demand with moral reasons that will convince us. Moreover, we insist on the right to challenge and influence your views.*

5.4 CONCLUDING REMARKS

Ushering in the new millennium, a conference held by the International Association of Educators for World Peace urged that '[i]n the national budgets of every country, defence and education must change places'.[152] The views of these educators and the world's current political leadership could not, it appears, be more contrary. Political leaders, in democratic and non-democratic countries, tend to reflect the attitudes of populations who by and large have not examined the kinds of views considered in this chapter. The responsibility of educational leadership to open the deliberative and defence agenda in the ways here indicated represents an immense challenge. Unless and until the world's people are enabled to independently deliberate on world constitutional norms and publicly convey their thinking on the matter, it seems highly unlikely that the urging of the Peace Educators for drastic reductions in military budgets will be taken seriously.

However, if people are to be enabled to exercise autonomous deliberation on world constitutional norms, educators will need show leadership by first undertaking the exercise themselves. This may require considerable persuasive effort. The arguments raised in this chapter could contribute to that effort.

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[152] International Association of Educators for World Peace-UK, World Peace Conference 2000 briefing notes. http://members.tripod.com/~IAEWP_UK/IAEWP_UK.html (accessed June 2000)

The arguments are admittedly one-sided. Little debate and argumentation on the issue of world constitution making rights and responsibilities was found with which to engage. Sadly, the issue has been barely considered in the literature. The territory appears silent, underdeveloped, as if unthinkable. No doubt many would prefer that the deliberative agenda remain firmly closed for fear of invoking a dystopian hell, an Orwellian world government, an oppressive state bureaucracy writ large. These fears are not well founded, for they cannot be adequately addressed while the deliberative agenda is closed and alternative constitutional conceptions are screened from public view.[153] It seems to me that we cannot speak of democratic global governance while this closure remains. Given the growing appreciation of the undemocratic nature of the Bretton Woods institutions, and the growing call for new global regulatory institutions, theoretical debate over how these might be democratically constituted is remarkable for its absence. Equally remarkable is the absence of debate over the prior question addressed by this chapter. Do the world's people have a right and responsibility to participate in their constitutional formation, without domination by status quo authorities? In the absence of debate, this chapter has sought to establish the case for the affirmative. The effort represents a somewhat tentative marking out of argumentative pathways in underdeveloped territory.

In sum, it has been shown that the right of the world's people to participate in world constitution making can be justified on at least two firm grounds, on the largely accepted ideal of democracy and on the consideration of the requirements for political legitimacy. These arguments indicate the nature of the right to be such that it could be invoked, with or without current government support, by a movement of protocitizens using the Internet, who could take the initiative to establish a legitimate world constitution making process with educational provisions to enable universal participation. However, even were universal participatory rights ratified by the UN, and forum provisions made universally accessible, it is likely that most people will unwilling to voluntarily invest the deliberative time required. If the responsibility call by the Commission on Global Governance is to be met, world leaders, and educational leaders in particular, will need to publicly declare that the world's people not only have a right to participate unencumbered in world constitutional deliberations, they have responsibility to participate. To this end, three arguments were staked out, the first based on

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[153] See, for example, the initiative undertaken by the World Constitution and Parliament Association, which independently of the UN, has been developing a world constitution through the organisation of a number of constituent assemblies, the first in 1968 in Switzerland. While many hundreds of NGO's worldwide have ratified the draft constitution, the initiative receives little attention, neither from the media, nor educational institutions, nor in the political discourse, neither mainstream or marginal.

the commonly supported Golden Rule and its Kantian extensions, the second on the defence obligation of citizenship, and the third on the responsibility of each for their structural impositions on others, and the harms caused thereby.

To the extent that these arguments hold, the foremost obligation rests with educators to create the educational provisions to ensure that all are well practised in exercising the claimed right and responsibility. Ostensibly, educational leaders will be recognised as those who actually take the lead, by being the first to undertake the unencumbered deliberative exercise themselves, in association with peers, develop their moral defence skills, and publicly disclose their world constitutional commitments along with rationale.

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The next chapter considers ethical issues concerned with whether, for the protection of all, universal compulsory education can be invoked to ensure that everyone, from the earliest possible age, is adequately able to exercise moral autonomy and participate in world constitutional deliberation.

Chapter 6

JUSTIFYING COMPULSORY EDUCATION:

to protect all – civic integrity development

By putting oneself here and the system over there, one can continue a dualistic view of the world in which responsibility is much less pronounced. Adopting the unified field [gestalt] perspective entails individuals recognising that they... constitute the systems they are in; they are part of the system's existence as the system is of theirs.

Malcolm Parlett [1]

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[1] Parlett (1997)

6.1 INTRODUCTION: CAPTURING ATTENTION

In view of global crisis tendencies, the Commission on Global Governance (CGG) called for a global civic ethic, the reliable enaction by all of a set of globally protective responsibilities. How in a world of cultural diversity are these global responsibilities to be (1) determined, and (2) induced? The last chapter outlined arguments for the assertion that all people have a moral right and obligation to participate in determining these responsibilities, and to do so without encumbrance and manipulation by prevailing authorities. If these arguments hold, it follows that worldwide educational provisions will be needed to ensure that all are capable of exercising these rights and responsibilities. However, the proclamation of these rights and responsibilities combined with the provision of universally accessible education may well prove insufficient to entice the world's adults to voluntarily sacrifice the substantial learning time required for their exercise. To meet the Commissions challenge, we will need to consider the possibility and ethics of worldwide educational intervention. This chapter argues the case for a globally protective, *meta-constitutional* proposition: that the world's youth undertake, in their years of compulsory education, a kind of civic rite of passage and submit to what is here called the *civic integrity development imperative*. The proposition requires teacher educators and trainee teachers to take the lead, by first submitting themselves to the learning journey involved.

What is the *civic integrity development imperative*? In brief, it is the first order procedural imperative implied by Kant's categorical imperative: '*act only on the maxim that you can at the same time will that it becomes universal law*'.[2] Logically derivable from the 'Golden Rule', as shown in the last chapter (5.3.1), the imperative serves as *a meta-principle* for global governance. Were its autonomy and universality constraints universally understood and competently complied with, it would serve as a powerful self-regulating governor against the dangers of indoctrination by, and conformity to, dubious and manipulative authorities. *If* one accepts the Golden Rule and the imperative that follows, and one aspires to act with integrity, one has little option but to submit to the logical next step self-development imperative. One's first priority responsibility must be to figure out the set of maxims or principles one wishes were universally complied with, that one will commit to integrity, and decide them

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[2] Kant (1785: 80)

autonomously without permitting customary authority to dominate one's thinking. The *imperative* calls one to proceed without hesitation.

Entailed is a rigorous and time consuming mental strength-building exercise, akin to a mountain-climbing trek, which focuses attention on the global overview, on world constitutional norms and on the world system ramifications. One is called to apprehend the global predicament and the threats to universal interests, to become aware of one's contribution to the global structures and the problems they generate. One must consider alternative strategies and models for mutual protection and the personal and organisational compliance implications. Entailed is an intensely personal learning journey in which attention is focused on one's inner-constitution, on the norms that will constitute one's integrity in future. The integrity development imperative is, at the same time, a world constitution making imperative. It invokes the reconstitution of both one's inner and outer worlds. Encapsulated in this paragraph is the essence of the new constitutionalism on the horizon pointed to by this thesis – the ethical key to mutually protective, global governance in future.

The imperative is unlikely to gain the sustained attention it needs without a civic culture and education system that encourages, challenges and enables youngsters to attend to it. Such civic practice and culture has yet to be created. On the whole people have tended to act largely as custom and law has dictated, on principles decided by others that they have not chosen. One may be a good, law-abiding citizen, but arguably, until one submits to the imperative, one remains a conformist, ethically adolescent, without independent responsibility. As Heller wrote, 'those who never choose but let others choose for them, can hardly be approached as responsible moral agents'.[3] While strong ethical justifications can be summoned to support the imperative to undertake the learning journey invoked by moral agency, justifications do not easily lead to motivation. Were comprehensive educational provisions offered freely worldwide, the likelihood is that most people, preoccupied as they are with employment, family and sporting priorities, would not be prepared to voluntarily commit the time required. As noted in chapter 2, despite labour-saving technologies, it seems that people are working harder and longer, too busy to invest the time to comprehend the structural and normative generators of their predicament, let alone to deliberate and decide on alternative forms of world constitutional protection. Such impediments could lead us to

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[3] Heller (1991:61)

conclude that there is little prospect that the 'foremost challenge' of the CGG will meet with an adequate response.

Could we ethically justify imposing on all adults the requirement that they compulsorily undertake a civic integrity development process? According to J. S. Mill,[4] the harm associated with coercive interventions on individual liberty can be justified when greater harm to others can be prevented thereby. Considering the complicity of all in structure-generated violence, as discussed in the last chapter, there is some justification for educational intervention. Realistically, of course, such proposition would likely be dismissed as draconian and not win votes for its political advocates. Most adults today would refuse to be treated as their children are treated in compulsory school. Compulsory education is viewed as appropriate for youngsters only.

Given the practical barriers against requiring adults to submit to the integrity development implications of the CGG's global ethics challenge, could we justify imposing the requirement on the young as a core part of their compulsory education? The subjection of children to compulsory education is now a universal, taken-for-granted practice. While there are ethical problems associated with compulsory education, as were surfaced in the anti-schooling sentiments of the 1960's and 70's, and discussed on the margins among educational philosophers,[5] these have been largely ignored. Compulsory education has become constitutionalised as a permanent edifice of modernity. We have a captive worldwide audience that has no choice but to expend a number of years attending to the curriculum priorities of educators. If integrity development is to gain a prominent foothold in already overcrowded curricula, it will need to displace or enfold other subjects currently deemed important. It will need to be acknowledged and upheld as having greater priority. The issue of how priorities are determined in a compulsory education context is, therefore, of vital concern from both an ethical and political perspective.

In view of global problems, how should curriculum priorities be determined? If the constitutionally fixed practice of detaining and corralling youngsters from diverse backgrounds is to be *ethically* justified, the determination of curriculum priorities cannot be left to the arbitrary discretion of schools and classroom teachers. Arbitrary detention is inadmissible. If society is to coercively detain me for certain learning purposes, I am entitled

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[4] Mill (1859)

[5] See Goodman (1962), Illich (1971), Foucault (1982), Wringe (1984), Giroux (1989), Aviram (1990).

to sound ethical justification. Moreover, I want to know that all others, regardless of their religious or ethnic background, will be subject to the same learning requirements for the same reasons. We must presuppose reasonable consensus on curriculum priorities in order to justify compulsory education in a pluralist polity. Lamentably, despite the fact that what children are taught and not taught in the world's schools affects us all, debate on the priorities issue among stakeholders is remarkable for its absence. If the foremost challenge of the CGG is to gain recognition as a foremost curriculum priority in the world of compulsory education, the determination of curriculum priorities will need to become a matter of public policy debate nationally and internationally. This will require the development of an unprecedented global forum facility, and moreover, as discussed in this chapter, the development of moral reasoning and deliberative capabilities. Clearly we are looking at a long-term proposition.

This chapter opens with a critical overview of the range of contending arguments in the literature used to justify different aims for compulsory education. This manoeuvre highlights the already accepted grounds that could be used to support the final proposition of the chapter and the thesis that civic integrity development be universally adopted as curriculum priority. The chapter moves to apprehend the issue of how priorities should be politically decided. It addresses a constitutional anomaly in the fact that while compulsory education has become embedded in many parts of the world as a permanent, constitutional aspect of civic culture, there is considerable disagreement and lack of public debate over compulsory curriculum priorities. This not only diminishes the political legitimacy of compulsory education, it raises the concern that youngsters can be submitted to arbitrary and unjustifiable detention, to compulsory miseducation, from which they, and the world's people, have little constitutional protection. Of greatest concern is the potential for inducing ignorance and unresponsiveness in the face of global crisis tendencies. This leads me to argue that the moral reasoning and deliberative capabilities entailed in civic integrity development are needed not only to enable all to competently participate in constitutional deliberation over this matter, but also so that educators can morally justify the priorities to detainees. The final part of the chapter argues the case directly that civic integrity development should be established permanently, *meta-constitutionally*, as curriculum priority for compulsory education, and concludes with an indication of the kind of learning setting that might be appropriate.

6.2 JUSTIFYING COMPULSORY EDUCATION AND ITS CURRICULUM PRIORITIES

How is the compulsory education of youngsters justified? Given that humans naturally are life-long learners, why not simply allow their learning to occur through play, natural curiosity, serendipitous experiencing, question asking, and the emulation of elders, as was the case in tribal societies? Most nations now take for granted that compulsory education for minors is good, right, and essential. It has been thought that the child's liberty must be sacrificed to the direction of trained strangers who, presumably, are more capable of distinguishing from the global field of learning opportunities that which warrants priority attention. Considering the serious global situation, and the typical neglect of global priorities, this presumption requires critical scrutiny. Not only has compulsory education denied children rights which adults take for granted, and submitted them to a model of tyranny that most adults today would refuse as good for themselves, it has also failed to engender adequately protective civic attitudes and capabilities. The detention of youngsters is a coercive political act requiring the consent of most parents, but neither their universal consent, nor the fact that some children may not resent their detention,[6] suffices to *ethically* justify the act.[7] In the 6th century BC, the reorganisation of the Spartan State required parents to consent to compulsory education of a military form. Boys were sent to military training at the age of seven and lived away from home in barracks until the age of thirty.[8] Today we would find such compulsory education ethically unjustifiable. How then do we ethically justify subjection of children to the compulsory curriculum priorities of today?

The literature presents a variety of aims and theoretical justifications for compulsory education. But there appears to be no ethical consensus, nor any democratic deliberative forum to establish such consensus. As a consequence, national, state and municipal governments, schools and teacher education institutions decide curriculum priorities with unclear regard to the ethical imperative associated with compulsory education. Despite the influence that schooling has on the young and hence on the future welfare of all, there is little attempt to publicly justify the priorities, nor is there much political call for such justification.

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[6] Hobson (1983: 137)

[7] As Habermas has unremittingly insisted, 'the "existence" or social currency of norms says nothing about whether the norms are valid. We must distinguish between the social fact that a norm is intersubjectively recognised and its worthiness to be recognised'. (1992: 61)

[8] Moe (1970)

Having taken for granted the captivity of the young audience, schools and teachers cram the curriculum with whatever they believe is culturally worthwhile – literature, drama, music, sport, national history, religious instruction – and lose sight of their ethical accountability both to the captive audience and the world at large.

I should note the distinction that is made between compulsory *education* and compulsory *schooling*.[9] The question of what constitutes an appropriate learning environment for compulsory education is an ethically important one, but subordinate and secondary to the question of compulsory curriculum priorities. Needless to say, learning settings need to be designed to suit the priorities. Until we are clearer about the priorities, we cannot decide whether 'school' as an isolating environment, likened by Foucault to prison,[10] is appropriate. The familiar paradigm entails segregating children from the everyday world of work, planning their day to day activities, keeping them under supervision in classrooms, requiring them to wear uniforms, submitting them to competitive testing and assessment, and grading them in accord with competency scales, and so forth. Having surveyed the arguments for and against compulsory schooling, Kleinig concluded:

> we have not found any really persuasive argument for compulsory attendance, at least so far as we have in mind schooling of the familiar kind. On the other hand, there are no obvious alternatives within the existing social formation.[11]

A number of paradigmatically different learning environments are, however, *conceivable* for compulsory education that are alternative to school.[12] At the end of the chapter an alternative is briefly sketched that would appropriately cater for the curriculum priority proposed.

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[9] See for example, Kleinig (1981)

[10] Foucault (1979)

[11] Kleinig (1981: 201)

[12] Whether the school, as an isolating environment, should be maintained for compulsory education in future is a crucial moral question, one that is an appropriate subject for critical reflection by detainees. When secondary school students, in a futures studies course conducted by the author in 1986, were presented with a range of alternative learning environment choices, they largely rejected the current paradigmatic choice, in favour of others. Realisation of their choices required shifts in the societal constitution. But the freedom to continue to pursue their choices was denied them. The school's curriculum priorities could not be upset. Here died the possibility of a constitutional deliberation exercise (see Mochelle 1990:75) whereby learners could critically reflect on the rationale for their detention, apprehend their common interests in view of the global predicament, and develop normative responses to the priority challenges they saw confronting them.

6.2.1 Aims and justifications for compulsory education: an overview of the current arguments

6.2.1.1 The all protection argument: J. S. Mill

Liberal justifications for compulsory education have typically appealed to the argument by J. S. Mill in his famous essay *On Liberty*.

> The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.[13]

Mill's argument presupposes, along with constitutionalism and law, that there are universal interests that all humankind want protected. Leaving aside the issue, discussed in chapter 3, as to how a list of such interests is to be determined by humankind, we would need to concur that the protection of the universal interests on the list, and only those on the list, justifies coercive intervention. If we exclude sport from the universal interest list, because not all enjoy it, then we remove the grounds for coercing any individual, anywhere, to play. While humanity is without such a list, all kinds of arbitrary coercive interventions are possible. The ubiquitous pressure placed on children to play competitive sport within compulsory education settings is a case in point. Hence, it is in the real interest of children everywhere that such list is prepared, and, as will be later argued, with their participation. Mill's argument implies, moreover, that coercive interventions should be justified by the test of harm. Those who conspire to contravene the liberty of others should be obligated to show how their actions, or non-actions, are causing or will potentially cause significant harm to universal interests on the list, and show furthermore, how their intervention will effectively prevent such harm.

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[13] Mill (1859: 135). Does the term 'self-protection' refer to the self-protection of humankind or to the protection of all its individual selves, or to both? If read out of context, the ambiguity is not readily resolved. The second sentence clarifies the point. Mill is referring to the protection of 'others', all others, without exception, not only those of 'our nation', he means all humankind. Perhaps we could include other species here also, though it may not have been Mill's intention. Mill has been accused of taking a too extreme position against paternalism in some cases. His advocacy against restrictions on drugs for example, on the basis that drug taking harms no one other than the taker, would certainly reduce theft and related crimes, but overlooks the harmful consequences to family dependents and to the community that is burdened by having to support non-contributing drug dependants. For discussion on this, see, for example, Hart (1963). Mill's argument is more forcefully applicable to parents and schools, who believing that competitive sport is so good, compel children to participate. This constitutes an unjustifiable contravention of individual liberty, for it cannot be shown that harm is done to the child or society by their non-participation.

Mill's argument provides prima facie justification for the compulsory education of all people, not only youngsters. Its logic trumps the sovereignty principle. It justifies overruling the claim of sovereignty by anyone, including national leaders, religious groups and parents who might be inclined to resist corrective education when their ignorance and tyrannical behaviour threatens to harm or actually harms these universal interests. The question begging point, however, is whether such intervention can be justified while agreement on universal interests has not been determined, and whether assent by everyone to the list is required *prior* to the intervention. To date, as far as I have been able to discern, no such list has been formally established. However, widespread consent to such list seems likely considering the extent of international agreement with universal rights declarations and conventions.

In view of the practical difficulties associated with consistent universal application of Mill's argument, as rational as it might seem, the tendency has been to impose liberty-limiting interventions without an agreed list of universal interests to justify them, upon those least able to resist, the younger generation. This requires establishing clear lines of age discrimination and segregation, easily accomplished by parental exercise of their dominance power. But *might* does not equal *right*. How to *ethically* justify segregation of the ages? To this question we now move.

6.2.1.2 Segregating the classes: the immaturity arguments: J. S. Mill

Mill asserted that the doctrine of individual liberty 'is meant to apply only to human beings in the maturity of their faculties',[14] not to children. This sharp demarcation of rights followed closely upon Bentham's declaration that 'Human creatures, considered with respect to the maturity of their faculties, are either in an *adult*, or in a *non-adult* state.[15] Arguing for a government imposed system of compulsory education for the immature, Mill wrote:

> There are certain primary elements and means of knowledge, which it is in the highest degree desirable that all human beings born into the community should acquire during childhood ... It is therefore an allowable exercise of government, to impose on parents the legal obligation of giving elementary instruction to children.[16]

Mill's argument appears to remain the dominant justification for the worldwide custom of adult/child differentiation and segregation. However, human liberty rights claimed by adults

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[14] ibid.:135

[15] Remarked upon and quoted by Kim (1990:241)

[16] Mill (1848:319)

can be denied to children only by demonstrating that children, as an homogenous class, are somehow less than human, consistently immature, an inferior class, in some respects as slaves were regarded by Aristotle. Mill's justification for imposing on children in contrast to adults appears weakly articulated[17] and ambivalent.[18] According to Kim, Mill's notion of maturity 'was nothing more than a landmark dividing the territories of power and powerlessness.'[19] Gardner contends furthermore that the division is chronologically arbitrary and discriminatory. After all, he asks, 'why value the freedom of, say, a 16 year old but not the freedom of a 15 year old?'.[20] Aviram is another who has been trenchantly critical of the discriminatory practice:

> rationality develops gradually in children; it is never a simple case of either/or; in every child there is some element of rationality... there are some children whose cognitive development is very rapid and who reach a level higher than that of the average adult at a relatively early age.[21]

Mill asserted that '(c)hildren below a certain age *cannot* judge or act for themselves'.[22] He did not indicate the age. Considering the mayhem and violence committed by males in Rwanda and former Yugoslavia, we could set the age of 'children' – that is, those who we believe lack judgement – at 50 or 60. There is clearly a problem here with the classification of people by age group. School age children clearly do have the capacity to judge. If they did not, learning and moral development (as distinct from brainwashing) would be impossible. What Mill seemed to be arguing is that children are incompetent to judge what is in their real interests let alone in the common interest, and hence require compulsory education to assure the protection of these interests. Considering the global predicament and the failure of mutually protective responsiveness, even the failure (as noted in chapter 3) to articulate a set of common interests, the same charge of incompetence could be directed at adults. The notion that the capacity to 'act for oneself' distinguishes adulthood from childhood is also problematic. Children as young as four have learned how to beg on the streets of India, and

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[17] Schrag (1980: 170) argued that unless the defender of the child/adult distinction can clearly articulate the nature of the distinction, 'it is not clear how he can defend his radically divergent attitude towards human children and adults'.

[18] Kim (1990: 238) notes that Mill's writings indicated ambivalence in regard to the meaning of maturity, as reflected in his early and later work. Earlier writings viewed maturity in purely intellectual terms, while later writings included aesthetic sensibilities – a taste for the noble, refined pleasures of art, music and poetry over the merely animal, sexual pleasures. This contrast continues to underpin the debate about what should be included in the compulsory curriculum.

[19] Kim (1990: 243)

[20] Gardner (1987) makes this accusation against John P. White (1982).

[21] Aviram (1990: 217)

[22] ibid.:324 (original emphasis)

when abandoned on refuse dumps, do act for themselves, scrounge and survive. If this misinterprets what Mill meant, one's freedom from compulsory education could depend on the 'correct' interpretation. Heller would interpret the notion of 'acting for oneself' in Kantian terms as choosing for oneself,[23] as acting on moral principles autonomously derived, an attainment achieved by a tiny minority of the world's people. Had most of the Rwandan's 'acted for themselves', as Heller would have us interpret the phrase, the bloodshed would have surely been avoided.

If we believe that the acquisition of certain understandings and skills are so essential for our mutual protection that mandatory education is needed to ensure their acquisition, we should, to be ethically consistent, be prepared to submit any adult lacking such acquisitions to appropriate remedial learning. If Mill's argument is to be consistently applied, those 'certain primary elements' would need to be acquired by anyone, anywhere, of any age a) who has not acquired them, and b) who demonstrates lack of judgement or inability to act for themselves. Mill's argument could be considerably strengthened were it simply reconstructed thus: *There are certain primary elements which it is in the highest degree desirable that all human beings should acquire for their mutual protection **at the earliest possible age***. This rephrasing of the principle removes the arbitrary ageist discrimination associated with child/adult and mature/immature demarcations, and thereby the potential for arbitrary use and abuse of power by the dominant.

The principle would, however, need to be tempered by a non-tyranny proviso to ensure that such education was not imposed on persons in such a way as to deprive them or their families of basic needs. Gutmann argues that illiterate adults, who suffer immense disadvantages through their illiteracy, should not, in principle, be subject to compulsory education, because they would suffer greater humiliation than they already suffer.[24] She suggests that instead they should be encouraged by promotional campaigns and enticed with a living wage to undertake a literacy program. But Gutmann also falls into the trap of too sharply demarking children from adults. Many illiterate children in third world countries are in the same financial predicament as adults, have the same needs, and suffer the same kinds of humiliations. Considering the preceding discussion, there seems insufficient reason to treat children, as a class, differently than adults. Good government would ensure that all persons, regardless of their age, whose livelihood may be threatened by the time-consuming

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[23] Heller (1991)

[24] Gutmann (1987:280)

requirement to acquire the requisite knowledge and skills for the protection of all, would at the same time have their interests also adequately protected. Considering the costs of remedying adult illiteracy, not only in matters linguistic, but also in political, economic and environmental ethics, and considering the mutual risks arising from their illiteracy, Gutmann may be right to emphasise 'the importance of educating citizens adequately the first time round'.[25] I would simply qualify this with an emphasis on adequate education at the earliest possible age, while making flexible provision for the fact that some will take longer to learn than others.

If we are to accept the 'in principle' reconstruction of Mill's principle, conditioned by the ethical proviso above, we will need to come to an ethically grounded determination as to which 'primary elements' should be the universal, priority focus of attention by our captive audiences. At least, so we must reason if consistency with the universalising logic of the categorical imperative is to be maintained.

6.2.1.3 The religious/cultural/national induction argument

Kleinig refers to this as the Ideological Uniformity Argument. The argument is applied to ensure the preservation and reproduction of particularist social formations. In order for Aboriginal culture, Catholicism, Chassidicism, the Kibbutz Federation, Communist Cuba, or the Labour Market to persist as formations, a continuing supply of fresh members are needed to replace the aged and dying. Youngsters need to be persuaded that they 'naturally' belong to these formations by members who are already persuaded. Parents who belong must conspire to ensure, by means of overt and covert education, that the young in their custody are effectively differentiated from the world of others and identity-branded. This is most effectively undertaken through an organised program of compulsory schooling involving the training of teachers. This argument permits the branding of youngsters born in Northern Sudan as *Muslims* and their enforced attendance at schools where the Islamic constitution, the Qur'an text, must be entirely memorised. Similarly, youngsters born to Chassidic parents are branded as Jews and compelled to commit to memory the Judaic constitution, the Torah. Youngsters born in Australia are 'baptised' as Australian at birth, by birth certificate, and required in their years of compulsory education to gain 'a thorough knowledge and

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[25] ibid.: 281

understanding of Australia's political heritage and processes',[26] in order to become responsible, allegiance bound Australian citizens

Can such compulsory education be ethically justified? The fact that parents worldwide conspire to submit young humans in their midst to such education does not, in itself, confer ethical validity to their practices. To make this point, Mozi (Mo Tzu: ca. 490-403 BC, regarded as China's first true philosopher), tells a story of a tribe that customarily killed and ate their first born sons. Surely, he argues, we cannot accept this tradition as ethical or good merely because all in the tribe acquiesce.[27] Two millennia prior to Kant, Mozi's argument compels us to give equal moral concern to all persons, regardless of their cultural background, and to find universal moral guidelines and virtues that can apply to all. The logic of the Golden Rule appears perennial: don't treat others (ie, all others) as you would not wish to be treated by them. Were children to be accorded equal regard as 'others', we would be constrained from imposing cultural values on them, just as we would insist that the values of others not be imposed on us. This ethical constraint might be inapplicable to youngsters only if it could be shown conclusively that youngsters are an inferior class of human being, and ought not to be treated with equal regard. We saw earlier that such a case is difficult to make.

6.2.1.4 The self-survival argument

This argument springs from the not unrealistic view that the commercial world is ruthlessly competitive, a mutually exploitative, Darwinian 'survival of the fittest' domain. If one wants to compete and survive in the market place, one requires marketable knowledge and skills. As struggling participants in the game, parents typically want their children to be maximally advantaged, 'winners' rather than 'losers'.

Commercial pressures in recent decades have increased the force of this argument such as to steer school curriculum priorities toward the attainment of vocational and career advantage for students and provide employable candidates for the competitive world of business.[28] This has been fuelled by increasing application of business theory to school management, and

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[26] Australian Curriculum Priorities, Board of Studies, Department of Employment, Education and Training, Victorian Website, http://www.sofweb.vic.edu.au/regions/emr/civics/civics.htm, accessed Feb 2001.

[27] Hansen (1989)

[28] In policy advice to US President Bush, Rees (2001), a Senior Education Policy Analyst of The Heritage Foundation, a rightwing think tank, wrote: 'Business leaders understand accountability... They are also the entities that will later hire the students who are currently moving through the school system. Thus, they have a stake in the business of education. They should be consulted both to shape and then to implement reforms'.

pressure on principals, particularly of private and self-managing schools, to see themselves as 'CEO's' and 'entrepreneurs' and promote their schools as competitive suppliers of educational services to the parents, the choice-making paying customers.[29] Consequently the all-protective, humanitarian and civic aims of education risk becoming back seat passengers in a parent-consumer driven race aimed at ensuring best future job opportunities, economic status and competitive survival prospects for their offspring. Many believe that the school principal should exercise a visionary, educational and moral leadership role, and view the sacrifice of this role to market forces as a crisis.[30]

The question is whether compulsory subjection of all the young to the competitive survival dictates of the market can be ethically justified. Arguably, the market is devoid of ethical content, as is the so-called *work ethic*. It is an 'each for self' game whose precepts seem no more ethical than the rules of football. As discussed in chapter 4, players are absolved of responsibility for the priority needs of others. From this viewpoint, it could be argued that it is not merely amoral but also an immoral game, neglectful, exploitative and harmful, one that requires the imposition of coercive government to ameliorate and compensate for its harmful effects. We cannot ethically justify forcing children to learn to play competitive games like cricket or wrestling. By the same token, there is no greater justification to force all children to learn to compete in the market place. That a majority of parents may conspire to subject their children to such compulsions is not a sufficient ethical justification. While children may be disadvantaged without marketable skills, the acquisition of such skills provides no guarantee that they will find jobs, let alone find jobs in which they will not be thoroughly exploited, as has been the case in third world cities. Appeal to self-survival as an argument for universal compulsory education might be more ethically tenable were students encouraged and enabled to autonomously consider, say through a Rawlsian 'veil of ignorance',[31] how to cooperatively avoid their economic exploitation in view of alternatives to the competitive market.

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[29] Rees (2001) concluded her policy advice to the President thus: 'The new Administration should... put education consumers - students and their parents - at the top of their priority list, end the education monopoly that puts a stranglehold on innovation [referring to the research community of academics], and demand results in terms of academic achievement... make the case for parental choice and involve creative entrepreneurs in education reform...'

[30] See for example: Fullan (1992), Sullivan (1998), Land (1998)

[31] Elaborating on Kant's principle of autonomy, Rawls (1972) contended that the justice of a scheme of societal cooperation is validated only when cooperators have chosen such scheme through deliberation behind 'a veil of ignorance', that screens them from knowledge of their future position in the world. The inference is that from a purely selfish point of view, one would not choose a scheme that generated extremes of wealth and poverty, if it were likely that one would be born among the most disadvantaged in the world.

6.2.1.5 The parental rights argument

The parental rights argument cuts two ways – for and against compulsory education. On the one hand parents argue that they have the right to submit their children to compulsory education, and the right to choose its form – a private or public school, a boarding school, home schooling, or whatever – and the right to choose the content. The same right is appealed to by parents who believe that apart from themselves, no one, not even the state should have the power to compulsory educate 'their' children.[32]

Claims to parental rights have been based on a number of questionable assumptions. The most prevalent assumption is that children are 'owned' by their biological producer, the parent, who has 'a right to the exclusive disposal of what he or she have produced by their own exertions'.[33] This is not generally taken to infer that children may be treated as natural slaves or saleable commodities, although many parents in poorer regions act as if this were the case. It is viewed as a property right in so far as it is claimed that the child's biological producer has a natural, prior and sovereign right to govern the child and determine the disciplinary influences to which it will be subject. It is a moot point however as to whether humans, who have little idea of or control over their biological production, can truly be regarded as 'producers'. Indeed it would seem just as valid to view them as unwitting agents or instruments of a super intelligent biological process that has its own productive purposes.

A second assumption is related to the primary responsibility that parents shoulder for raising a child. It is assumed that while the state does not exercise such responsibility, greater authority of governance over children should reside with the parent. It is of course questionable whether primary responsibility of care for the young translates into an automatic right of a parent to control, manipulate and indoctrinate the young. Moreover, as Kleinig notes, 'being a parent is no guarantee that the associated responsibilities of parenthood will be fulfilled... some parents ignore those responsibilities... [some] are ignorant of the means'.[34]

Another assumption arises from the religious beliefs held by parents that their authority over children is divinely ordained, bestowing upon them the right and responsibility to instruct their children in accord with sacred doctrine, and to protect them from the contaminations and

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[32] See, for example, Gatto (1992, 1997), DeMitchell (1997).

[33] Mill (1848: 368)

[34] Kleinig (1981: 200)

wayward teachings of non-believers. The unwillingness of the Old Order Amish to submit their children to the school curricula determined by the state of Wisconsin (*Wisconsin v. Yoder*) is a case in point.[35] Religious belief, particularly of the fundamentalist kind, presents a serious challenge to the educational interventionist concerned with improving civic relations between those upholding rival doctrines of the good. The bitter historic enmity between the Serbs and Albanians or the Israeli Jews and Palestinians is likely to be perpetuated for generations to come while children raised in their midst remain victim to the presumed sovereign right of the parent to indoctrinate. The persistent belief by parents in that right remains a dominant, potentially dangerous force in the world. Clearly, if military conflict and brutality is to be prevented, tolerance for religious teaching practices must have its limits. While we should expect a liberal political arrangement to respect religious diversity and freedom, that freedom should be extended equally and fairly, to both parents and children. The limits of tolerance are reached, in my view, when children are deprived by parents of the same freedom to choose that they, the parents, politically demand from others.[36] While this seems ethically reasonable and in accord with the Golden Rule that is upheld by most faiths, the prospect of intervention in the sanctuary of the family home raises ethical difficulties that may be not be easily surmountable.

Contemporary philosophers tend to concur with MacIntyre that rights have no natural or essential existence independent of human thought and agreement.[37] The parental rights claim, as for all rights claims, largely depends for its tenability on the political power of the parenthood. Children are given no say in the matter. A political arrangement, be it dictatorial or democratic, can bestow parents with unconditional sovereign control over children. It can also impose conditions on those rights, or counter them with child rights. Parents, in their households, and as political collectives, have the upper hand.

In view of the considerable power abuse of children by many parents, an enlightened minority of parents succeeded in 1989 to persuade the UN assembly to adopt the Convention on the Rights of the Child. Article 14 declares that the child shall have the right to 'freedom of thought, conscience and religion'. Article 13 declares the right of the child 'to seek, receive

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[35] For recent discussion on the *Yoder* case, see Arneson and Shapiro (1996) and Burtt (1996).

[36] White (1982) reached a similar conclusion, arguing that the responsibilities of parents do not confer moral rights over their children. Parents have no right to submit children to their own religious faith, no right to indoctrinate them, and accordingly, no right to send them to religious schools.

[37] MacIntyre (1984: 69) wrote, 'there are no such [natural] rights, and belief in them is one with belief in witches and unicorns'.

and impart information and ideas of all kinds, regardless of frontiers'. The convention has had little impact in most countries. Presumed parental rights continue to trump child rights. The child's right to freedom of thought and religion is universally abused even in western democracies, where freedom of religion is upheld in a discriminatory fashion against the children. This affirms the familiar argument that rights are not recognised unless afflicted parties can demand a right. Little fish cannot demand the right not to be eaten by bigger fish. If laws are to be enacted to protect the children from their parents, it may require giving children the opportunity to consider and assert their rights, even to vote on such laws. But it is difficult to foresee a time when parents on the whole would relinquish their assumed dominance and offer suffrage without age discrimination. It is possible that sooner or later the Convention on the Rights of the Child will invoke stronger interventionist moves by liberal-minded parents.

Clearly, wholesale removal of children from doctrinal households cannot be countenanced. But the provision of politically regulated alternative learning environments for the children has long been an acceptable proposition. As Dewey argued, the school environment 'must see to it that each individual gets an opportunity to escape from the limits of the social group in which he was born'.[38] Debate over compulsory education in nineteenth century England, in which Mill played an influential part, was conducted against a Dickensian backdrop of child abuse and exploitation that evoked interventionist sentiments. Protection of the interests of the child compelled the State, not to remove children from their families, but to provide alternative compulsory learning.[39] The Convention on the Rights of the Child invokes a similar justifiable intervention.

However state-endorsed compulsory institutions can prove to be a worse evil. In various respects the anti-schooling critiques of such notables as Holt, Goodman and Illich still have relevancy.[40] The need to safeguard the rights of children, as set out in the Convention, against the dangers of their submission to parental indoctrination and arbitrary curriculum priorities assented to by parents, demands constitutional protections such as are discussed later.

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[38] Dewey (1916: 20)

[39] Kleinig (1981)

[40] See Holt (1972), Illich (1971, 1973), P. Goodman (1964).

6.2.1.6 The autonomy argument(s)

The nineteenth century *protective argument* is no longer so influential. But an expanded version of the argument warrants attention, for the interests of all are at stake. We are all victims of the deceptive, divisive, xenophobic, homophobic and aggressive teachings that parents, individually and collectively, have conveyed, and continue to convey, in the sanctuary of their homes. J. S. Mill unremittingly advocated compulsory education to break the chain of misleading and potentially harmful doctrinal authority in the household, to provide the young with a safe space whereby they might exercise some freedom of thought and reflect on the doctrines of their socialisation in view of alternative opinions. [41] Mill was equally concerned with the potential danger of state indoctrination and insists that the state must be prevented from exercising 'an improper influence over opinion'.[42] With this in view, Mill upheld autonomy as crucial, above all, for the creation of a 'free people' – a critical and informed citizenship habituated to act from public motives – without which 'a free constitution can be neither worked nor preserved'.[43] In this regard Mill foreshadowed the arguments of a continuing stream of writers who have viewed education for autonomy as vital for the conduct of democracy.

But like the words *freedom, independence*, and *individuality*, the term *autonomy* admits no easy definition. Competing for attention are different meanings and nuances that invoke significantly different approaches to compulsory education. What they have in common is the presupposition that the desired autonomy is not a human characteristic that an infant possesses when it is born. As Haworth makes clear, autonomy is *acquired* as a developmental competency. Competency is its foundation; its achievement involves struggle, and its development requires nurturing conditions.[44]

Where proponents for compulsory education justify their imposition primarily on the ground of autonomy, we should expect curriculum priorities to be oriented towards overcoming or bypassing the autonomy-inhibiting features of prevailing institutions and creating the nurturing conditions for development of the requisite competencies. Provision of these nurturing conditions requires cooperation among parents, and entails certain agreement and understanding among them as to the kind of autonomy desired. Here resides a crucial

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[41] Garforth (1980)

[42] Mill (1859: 241)

[43] ibid.: 244

[44] Haworth (1986: 8). For this insight, Haworth acknowledges debt to the work of the psychologist R.W. White.

difficulty and potential conflict, for people have tended to fear that the encouragement of too much autonomy will risk destabilising cherished institutions. For example, reflecting on the horrors of the French Revolution, the influential conservative thinker, Edmund Burke, argued that individuals should not be free to create their own political society, to impose their ideas of freedom on existing communities and dissolve them into an 'unsocial, uncivil, unconnected chaos'.[45] But it is not a question of greater or lesser amounts of autonomy. Autonomy, as has been discussed in the literature, is not uni-dimensional. To view it like the contents of a bottle of spirits to be imbibed for the freeing up of inhibitions, preferably in moderate amounts lest one become drunk and disorderly, is to fail to appreciate the differing meanings associated with autonomy.

A common tendency among writers on this subject has been to differentiate autonomy into two camps or levels. Haworth, for example, refers to 'minimal autonomy' and a higher level 'normal autonomy'.[46] Winch distinguishes 'weak autonomy' from 'strong autonomy'.[47] Rawls distinguishes 'rational autonomy' from 'full autonomy'.[48] In view of the extensive literature on the subject, I would favour a more differentiated developmental model. The following is a somewhat crude sketch whose elaboration is beyond the scope of this thesis. The model includes only those orientations to autonomy that have been used, or could in future be used, to justify compulsory education.

(1) ***minimal autonomy***: basic survival skills, sufficient basic reading, writing, and arithmetic abilities to enable one to find and keep a job, earn a living, buy and sell, pay accounts, and raise a family. This autonomy argument is consistent with the self-survival argument discussed, and underscores the vocational orientation to curriculum – currently the most dominant orientation in the world's schools.

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[45] Quoted by I. Kramnick in his encyclopaedic entry on Edmund Burke in Audi (1995).

[46] According to Haworth (1986: 18), 'minimal autonomy involves self control in respect to the means by which ends are pursued, whereas the autonomy associated with a normal adult involves self control in the further sense of control affected by critical reflection on the ends which these means serve'.

[47] The distinction between weak and strong autonomy, as C. Winch (1999) elaborates it, seems to pivot on how much questioning of the status quo is permissible before social cohesion is put at risk. Advocates for strong autonomy are apt to push the boundaries too far, thinks Winch.

[48] Rawls (1993: 72 -80) attributes rational autonomy to the constructive moral agents who are both willing and able to exercise capacities of constitutional deliberation from the original position. Full autonomy is demonstrated when people honour and live their lives according to the terms of cooperation devised by them as rationally autonomous agents.

(2) *entrepreneurial autonomy*: the capacity to be 'one's own boss', free from 'wage slavery', free to enterprise, free to manage one's own business, as an independent, competitive player on the market's playing field. This involves skills in entrepreneurship, financial planning, accounting, marketing, customer relations and so forth.

(3) *citizen autonomy*: the knowledge of legal rights and societal political decision-making structures plus the competency to participate in political affairs and public debate, to be 'empowered', to be able to influence law, policy and planning decisions, to protect one's rights or advantage one's interests and life plans. Advocates for a liberal, progressive orientation in schools locate themselves around this flag, as do proponents for national citizenship education in schools.

(4) *socially critical, activist autonomy*: critical understanding of the societal givens – the suppositions, beliefs, norms, and language that underpin societal structures – plus a capacity through collaborative action learning to change those structures. Advocates of the socially-critical curriculum argue that this capacity needs to be exercised within schools if it is to be adequately exercised afterwards, if social arrangements are to be seen as legitimate, free and just, and wealth disparities are to be humanely overcome.[49]

(5) *Rawlsian rational autonomy*: the capacity to equally participate as a moral agent in societal constitution making, most crucially, from a position of genuine equality, a hypothetical 'original position' (an elaboration of Kant's principle of autonomy), but confined within an already established political constituency, ie, a nation-state. The capacity to reason, monologically, from an original position, by no means easy, some argue impossible, distinguishes this level of autonomy from (4) above. It should be noted however, that Rawls' advocacy of a 'politically liberal' approach to education has greater affinity with (3). He advocates against state-imposed schooling that fosters such autonomous thinking capacity in children,[50] contrary to Wren.[51]

(6) *Habermasian dialogical autonomy*: the competency of *proto-citizenship* to engage in communicative action regulated by discourse-ethics. As discussed in the previous chapter, it entails an important move from a *monological* deliberative process inferred by Kant and Rawls to a *dialogical*, agreement-building deliberative process, an advance

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[49] Kemmis, Cole & Suggett (1983)

[50] Rawls(1993)

[51] Wren (1984)

that has stimulated the recent theoretical development of deliberative and discursive democracy. It entails a competency to address moral questions from a universal 'moral point of view', where 'humanity or a presupposed republic of world citizens constitutes the reference system for justifying regulations that lie in the equal interest of all'.[52]

In offering recommendations on the aims of education, philosophers of education have tended to align themselves with one or more of the above autonomy arguments. Some advocate a progressive, developmental approach. Hirst, for example, suggests that students progress from immersion in basic cultural practices, autonomy level 1, through to level 3 and perhaps to level 4, while dismissing the possibility of advance to higher levels.[53]

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The range of arguments marshalled in this section constitutes a potentially useful framework by which to survey current attitudes among philosophers, policy makers, school principles and teachers, to test for congruency of alignment. Until such survey is conducted worldwide, it would be difficult to make any overview conclusions about the diversity or congruity of curriculum aims and priorities to which children are subjected, and to what extent the recommendations of philosophers are being followed in classrooms. What currently transpires behind the closed doors of schools occurs out of sight and mind. Despite the fact that what children are taught critically affects everyone, there appear to be no public accountability mechanisms, let alone open communication channels and forums whereby the curriculum priorities and the justifications in one part of the world can be scrutinised and challenged by those affected in other parts. In view of the global predicament, the situation could be viewed as a serious global problem in itself.

We turn now to consider the future. Should educators and parents wishing to maintain institutions of compulsory education be obliged to determine and publicly declare an ethically justifiable and globally accountable set of curriculum priorities?

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[52] Habermas (1997: 08)

[53] Hirst (1992)

6.2.2 Justifying compulsory curriculum priorities from a constitutional perspective

We have surveyed a range of proposed aims and arguments for compulsory education. Each leads to the determination of different curriculum priorities. We noted that while compulsory education presupposes that there are certain universal interests shared by all children and adults in a civic domain, irrespective of their cultural backgrounds, such universal interests have not been publicly determined. Without widespread agreement on these matters, the political and moral legitimacy of the institution of compulsory education must be called into serious question. The legitimacy problem is compounded by the situation observed by Pearl and Knight:

> No [democratic] case is even attempted to establish the importance for what is taught in schools... [there is an] absence of serious debate about important knowledge... Commissions and committees are created to issue pronouncements of needed change.[54]

The lack of public debate and agreement building is mirrored in the classroom: 'the key actors in the educational process are never included in the discussion; 'students are given *no* voice'.[55]

The situation appears tantamount to arbitrary detention against which children, and the world public – who will be affected by what children are taught – have little or no constitutional protection. Compulsory education has become a taken for granted institution in most countries, so much so, that explicitly stated or not, it is an intrinsic component of their constitutional frameworks, beyond the scope of elected political parties to abolish. This has created a permanent captive class, segregated arbitrarily, that can be fed all manner of undemocratically determined curricula, out of the public's sight and mind, in accord with the inclinations of principals and teachers and increasingly, as we have noted, parent-consumers.

Where compulsory education is constitutionalised in a pluralist society, the public and detainees are entitled, in accord with the publicity principle,[56] to know the arguments – the constitutional rationale. To qualify as politically legitimate, such rationale should:

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[54] Pearl and Knight (1999:3)

[55] ibid.:3

[56] The Kantian publicity principle, that justificatory reasons for laws and policies should be publicly disclosed, has come to be regarded, in theory if not yet fully in practice, as a fundamental principle of legitimate democracy. As Kant put it: 'All actions affecting the rights of other human beings are wrong if their maxim is not compatible with their being made public'. (1795: 126)

(1)   be the product of public deliberation and consensus-building, not the legislative or policy platform of an elected political party;

(2)   not be an arbitrary 'pick and choose' rationale from an array of arguments, such as presented earlier;

(3)   be publicly accessible, and in comprehensible lay language, to ensure that detainees, parents and teachers are able to understand and challenge the accepted reasons for the learning priorities;

(4)   show how educational aims and priorities serve the protection of publicly affirmed universal interests;

(5)   indicate the means by which universal interests were identified and publicly affirmed;

(6)   emphasise the rule of universal law, that whatever competencies are deemed compulsory for *all* minors to acquire are what *all* adults *should* be expected to acquire;

(7)   indicate the educational and economic provisions required to enable adults without the requisite learnings to undertake remedial education;

(8)   assert that where a learning goal or task is not deemed universally necessary there is no ethical and political justification for imposing it on a few.

It may be objected that this would render priority-making inflexible. Such inflexibility is precisely what is needed so long as the institution of compulsory education is not policy negotiable. The 'hard to change' requirement is arguably necessary to prevent the exercise of arbitrary and discretionary powers by partisan policy makers, school wardens, parental pressure groups and fanatical sects. At stake is the constitutional protection of the young and suggestible, and ultimately the interests of all.

In the first instance, it is likely that agreement over curriculum priorities could be readily achieved in relation to acquisition of language literacy. Most will concur that this is essential for civic communication and the conduct of democratic affairs, that its acquisition should be a mandatory first step curriculum priority, and non-negotiable. Immediate agreement is less likely to be achieved on the priority focus of the content of the reading and writing material. Some will argue: Why should the content of reading material in a compulsory context not be

fantasy and myth-oriented? Why should we not convey stories of our nation's heroes? Why should it only be oriented to common civic and ethical concerns? Considering the lack of deliberative civic culture and ethical reasoning skills, the achievement of unanimity over curriculum priorities will prove difficult in the foreseeable future.

As Gutmann makes clear, difference and disagreement in the world at large and in the classroom points to the need for the development of a deliberative culture wherein the attainment of deliberative skills emerges as warranting overriding priority.[57] Such education would entail the development of skills such as critical and moral reasoning, and the kinds of discourse-ethical, communicative competencies that Habermas, most notably, has drawn to our attention.[58] These skills would need to be attained in the first instance by teachers, for as Mill understood, 'they cannot make their scholars what they themselves are not'.[59]

If arbitrary detention is inadmissible, if youngsters are to be constitutionally compelled to attend to certain learning priorities, then by the same token, educators should be constitutionally compelled, and qualified with the mandatory competencies, to ethically justify these priorities to their detainees, at the earliest possible age. But they should be required to do so in a way that invites challenge, that treats the youngsters with no less respect than accorded to adults, as having the capacity to critically consider what is in their interests.[60] As argued in the previous chapter, it cannot be assumed that children would choose to be citizens of one or other preordained political arrangement. It is crucial therefore that the constitutional justification for their detention should be undertaken in a non-doctrinaire manner. If deliberative competency is to be required of citizens, they need to be enabled to deliberate on such choice, in order to maintain the legitimacy of a constitution. The youngster needs to be treated as a protocitizen (see last chapter), as prior to the constitution, as a newcomer who has not been party to prevailing social agreements, who has a right to equal participation in constitutional review, as a real, not merely potential, world constitutional deliberator. At the earliest appropriate age, integral with literacy development, youngsters ought to be enabled to examine the range of arguments for and against their detention, such as presented earlier in this chapter. As Pearl and Knight argue, democratic deliberation over

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[57] Gutmann (1987)

[58] See, in particular, Habermas (1992, 1993).

[59] J.S. Mill, from Later Letters (1849-1873), quoted by Garforth (1980:114)

[60] As Macedo (1990: 67) wrote, '[o]nly when arguments are advanced and defended openly does the search for widely accessible reasons express respect for the reasonableness of ordinary citizens'.

what constitutes 'important knowledge' is required both outside and inside the classroom and 'should continue until agreement reached is near enough to consensus to bring a shared sense of legitimacy to classroom activity'.[61] The universal interests that underpin the arguments for compulsory curriculum priorities also need to be fully surfaced as part of the justification. Detainees need to be enabled to undertake free and independent inquiry into what they regard as universal interests, as discussed in chapter 3, and to do so in view of the threats to those interests posed by global predicament. Above all, detainees should be encouraged to form into dialogical groups (call them constitutional assemblies) in which to rehearse and exercise participation in constitutional deliberation such that the necessary competencies can be acquired. Clearly, we are discussing the competencies required for a civic culture that is not yet, for a world governed by deliberative democratic practices that have only begun to emerge from the theoretical distillery.[62]

While there is growing theoretical interest in deliberative democratic culture, that interest remains far removed from everyday political life. If education for deliberative culture is to achieve greater prominence in curriculum planning, it will need to contend in a world where, as Gutmann puts it 'reasonable people disagree over what forms of freedom are worth cultivating, and therefore over what constitutes the best education'.[63] Reasonable people they may be, but they have no access to deliberative forums where priorities for compulsory education can be democratically negotiated and determined. Moreover, most parental stakeholders have been insufficiently exercised with the communicative and moral reasoning competencies to adequately participate.

Were these skills acquired by the population, what hope might there be of attaining agreement, when philosophers, skilled as they are in reasoning, continue to disagree on matters of crucial political importance? Sterba argues that philosophers are *not* skilled in agreement building, on the contrary they model an adversarial culture:

> Too often doing philosophy is modelled after fighting a battle or making war. Arguments are attacked, shot down (like a plane) or sunk (like a ship). Theses are defended, defeated, or demolished... ideas are killed or destroyed... There is a peacemaking alternative.[64]

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[61] Pearl and Knight (1999:6)

[62] See Renn, Webler & Wiedelmann (1995) for a critical survey of a range of deliberative models trialed, particularly in relation to environmental policy.

[63] Gutmann (1987: 9)

[64] Sterba (1998: 1)

The capacity to deliberate together, respectfully, without domination, to consider all the arguments with the aim of finding agreement on the strongest argument, has neither been encouraged nor cultivated. As among philosophers, so among politicians. The skills of conflict resolution and discourse-ethical negotiation, that require exercise of the universality autonomy rules among others, have scarcely found a home in the curriculum debate among theoreticians and policy makers, let alone among the stakeholders, teacher trainers, teachers, school principals, parents and detainees. Yet the ethical determination and justification of compulsory curriculum priorities is clearly dependent on acquisition of these deliberative and moral reasoning competencies.

Where to begin? We are confronted by a chicken and egg dilemma. Should we, for the sake of upholding child rights, instigate major public forums and debates on the issue, or first gradually cultivate the deliberative competencies among small groups of teacher educators and philosophers through having them negotiate agreement on curriculum priorities? Perhaps both strategies, and others, need to be undertaken. But, as mentioned, my primary focus is not on practical implementation strategies, it is on the normative arguments.

The preceding line of argumentation leads in the next section to the main proposition of the thesis. How to ensure that all newcomers to the world acquire the all-protective responsibilities and capabilities such as to meet the foremost challenge raised by the Commission on Global Governance? How to ensure that they can participate unencumbered, in world (re)constitutional deliberation, such as to determine for themselves the global responsibilities required to protect their common interests? How might they be enabled to serve as the forefathers of their own constitutional future? The thesis answers these questions with a proposition for a globally protective meta-constitution, a procedural 'mirror' constitution, to govern both compulsory education priorities and world constitutional norm building.

6.3 CONSTITUTING CIVIC INTEGRITY DEVELOPMENT AS COMPULSORY CURRICULUM PRIORITY

I will argue that civic integrity development (as defined in the introduction to this chapter) should not only be universally adopted as a curriculum priority for compulsory education, it should be established *meta-constitutionally* as:

(1) a *non-doctrinaire* form of global civic responsibility education;

(2) a *mirror* of democratic world constitution making procedure to ensure that all are sufficiently competent to exercise the right and responsibility to participate;

(3) a permanent front line of global security and mutual protection;

(4) the paramount and integrative focus of compulsory curriculum, not as another subject, nor subordinate to other curriculum subjects, and

(5) the primary focus of teacher training for compulsory education.

The proposition is built upon layers of suppositions. Each layer was considered sequentially by the previous chapters:

(1) the world's people live together in an inescapable condition of ecological and economic interdependence. This condition can give rise to problems that threaten the interests of all, to problems that may be regarded as 'global', that can exist whether or not all people are aware of them. Chapter 2 considered certain philosophical difficulties with the presumptive existence of global problems and found them insubstantial;

(2) concern about global problems and sustainability presumes the existence of certain universal interests that are threatened by global problems. The presumption is that it is possible to identify culturally transcendent interests, such as economic, political and ecological security, which presumably will be shared by future generations, and which everyone, on reflection, would prefer to be reliably protected. Chapter 3 found that the assumption stands up reasonably well in view of neo-relativist and postmodern challenges;

(3) considering the magnitude of global problems, it is unlikely that these universal interests will be reliably protected unless most people cooperate to play a responsible, trustworthy

part in their protection. Universal rights may be declared, but cannot be practically fulfilled without the universal exercise of reciprocal responsibility, without the reliable enaction by all of global civic responsibilities. A key assumption of chapter 4 is that the priority needs of most people cannot be securely met while they pursue life plans without responsibility for the priority needs of others, that is, while they disregard the *priaction principle*;

(4) the protection of universal interests is best served when, as discussed in chapter 5, each takes responsibility for the overarching structure of world constitutional norms and practices – the most powerful and potentially violent – whose effectiveness depends on universal compliance. Because global norms and institutions are imposed by each upon all, each needs to be held accountable for that imposition, and should be required to publicly defend their imposition with reason, prior to defending it with weapons. The capacity of each to morally justify their imposition implies capable exercise of autonomous moral deliberation to safeguard against the dangers of unthinking conformity and susceptibility to indoctrination and manipulation.

Realisation of the meta-constitutional goal will entail the development of curriculum provisions and teaching competencies capable of effectively focusing all, in the first instance, on the above suppositions, preferably in a rational, stepwise and reiterative order. The compulsory curriculum should be non-doctrinaire to the extent of enabling youngsters to work through, critically scrutinise and challenge the above assumptions – these being the main justificatory grounds for their detention. Where acceptance of these justifications is gained among detainees, adequate provision must be made for each to learn to exercise their right and responsibility to deliberate on world constitutional norms and structures, such that the chosen norms become effectively in-built, constitutive of their integrity. This in brief encapsulates the requirements of a civic integrity development curriculum. The contentious proposition is that it be upheld as a permanent priority of universal compulsory education, no less permanent, that is, than the institution of compulsory education itself.

The catch is, in order for stakeholders to independently and competently weigh this proposition against competing curriculum priority claims, they will need to have considered the arguments highlighted above. It could be argued that is tantamount to the claim that 'if only you considered all the issues I have considered, you would end up agreeing with me'. Advocates of all other curriculum priorities would make this same claim. The disagreement might only be resolved, if at all, in a democratic setting aimed at reaching agreement, in

which all the issues and arguments of all contenders are put on the table for the autonomous consideration of all, and where parties are sufficiently exercised in moral reasoning and discourse-ethical communication. In effect, parties would need to undertake and experience a civic integrity development journey such as proposed in order to recognise the virtue of the claim in comparison to other claims. Gutmann's theory of deliberative democracy – which requires political education to play an essential and primary part – suffers the same problem:

> a democratic theory faces up to the fact of difference in our moral ideals of education by looking toward democratic deliberations not only as a means of reconciling those differences, but also as an important part of democratic education.[65]

The proposition to meta-constitutionally embed global civic integrity development as a universal curriculum priority competes with other contenders for the attention of the captive audience, and looks to democratic deliberation to resolve the competition. The proposition is clearly aligned in part with J.S. Mill's all-protective argument for compulsory education as well as with the argument for autonomy development, in particular, for *Habermasian dialogical autonomy*, which we distinguished earlier. While these arguments substantially support the proposition, they are insufficient. Considering the various aspects of this thesis proposition, a more comprehensive and substantial case needs to be made. This is attempted in the following and final pages of the thesis presentation.

6.3.1 The all protective purpose and priority of compulsory education

The all protective purpose and priority of compulsory education is invoked by the *Earth Charter* 2000, the *Universal Declaration of Responsibilities*[66] and the 1997 UN *Declaration on the Responsibilities of the Present Generations Toward Future Generations*. The opening statement of the Earth Charter proclaims:

> In our diverse yet increasingly interdependent world, it is imperative that we, the people of Earth, declare our responsibility to one another, to the greater community of life, and to future generations.[67]

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[65] Gutmann (1987: 11)

[66] The Declaration is proposed by the Interaction Council, an international body of mainly ex-prime ministers and presidents including Jimmy Carter (US), John Major (UK) and Mikhael Gorbachev (Russia) and presided over by the ex Prime Minister of Australia, Malcolm Fraser. http://www.asiawide.or.jp/iac/UDHR/EngDecl1.htm (accessed Aug. 2001).

[67] Refer www.earthcharter.org (accessed March 2000).

Similarly, Article 1 of the 1997 UN Declaration reads: 'The present generations have the responsibility of ensuring that the needs and interests of present and future generations are fully safeguarded'.

As the CGG recognised, the protection of universal interests clearly depends on all being responsible for that protection. The responsibilities entailed need to be reliably enacted – as a matter of habit and integrity – if mutual security and trust is to develop. But we are not born with the understandings, attitudes and skills required to habitually exercise these responsibilities with integrity. This must be the task of civic integrity education, not merely to focus attention on these responsibilities and their compliance implications, but to ensure their competent and reliable exercise. If mutual protection is to be sustained over generations, the development of basic civic competencies cannot be a matter of choice; it must remain a permanent and paramount focus of civic attention.

I concur with J.S. Mill's liberty argument, in so far as he would argue that deprivation of individual liberty by a politically imposed scheme of universal compulsory education can be ethically justified only to protect presumptively universal interests. As will later be expanded upon, this purpose demands that *priority attention* be directed to the overarching structure of protection and its normative underpinnings. The argument places a strict obligation on teaching institutions (and parents) to ensure that proposed curriculum content is regulated and filtered such that learners are not compelled to undertake activities not relevant to the mutually protective purpose. From this perspective, the proposition that children be compulsorily submitted to activities such as sport, art, music, algebra and literature is without strong moral justification. These activities would need to be ranked as low priority and hence displaceable, or treated as extra-curricular options, outside of the domain of compulsory education. Sharp focus on the all-protective purpose would see history treated not as a separate subject, but introduced only to stimulate effective learning *from* history's more painful lessons, and ideally via an experiential pedagogy to ensure that normative correctives are considered and internalised. The same protective criterion would also govern the planning of geography and social studies content. Whatever is proposed for compulsory priority attention would need to be justified on the basis that all people should attend to the same matters for the sake of mutual protection. Special knowledge for the protection of local areas need not be ignored. Ability to care for the local environment is clearly crucial. However, in view of the human propensity to travel and produce far-reaching environmental impacts, the

development of protective competencies needs to be undertaken within a global constitutional framework of all-protective guidelines and standards.

6.3.2 Moral autonomy: an all-protective necessity

The term 'moral autonomy' is to be distinguished from 'autonomy'. Autonomy, on its own, can mean freedom to do whatever, to pursue one's life plans without regard for the needs of others. Moral autonomy is 'other regarding', where the freedom consists in the independent, responsible choice of all protective guiding principles. That freedom is not easily acquired; it requires moral reasoning capability and, as I will later argue, the ability to reach beyond one's limited life experiences, an ability requiring educative provisions.

This capability should be developed, by way of priority, for the following mutually protective reasons:

1. as discussed in chapter 5, global security interests are more likely to be protected when all citizens can defend their positions and impositions with convincing reasons before they are equipped to defend them with military weapons; the development of this capability needs to be viewed as a frontline global security system, to substitute for or considerably reduce the need for military defences;

2. the world population needs to be immunised against the well-demonstrated dangers of credulity, political manipulation, indoctrination, and unthinking conformity;

3. if the CGG's call for the adoption by all of global protective responsibilities is to be met, the cooperation of the world's educators will more likely be gained where the recommended approach is non-doctrinaire, enables exercise of freedom of thought, and aims to ensure that the responsibilities are self chosen and self-motivated. Any suggestion of a worldwide program of *doctrinaire* moral education is likely to meet with resistance, most obstinately no doubt from groups exercising moral inculcation in accord with their own religious, cultural or nationalist beliefs;

4. Given that what is taught and not taught in compulsory schools affects us all, we have reason to insist that curriculum priorities be ethically determined and justified.[68] The

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[68] C. Winch (1999: 83) argues that 'if we all have interests in society, then the behaviour of others, including the way they educate their children, is going to affect those interests... we have rights to enter some form of negotiation with parents who wish to educate their children independently, as to what aims they may choose for their children's education'.

capacity of policy makers, school principals, teachers and parents to do so requires prerequisite development of moral reasoning skills. As noted earlier, this presents a chicken and egg paradox.

While philosophers since Socrates and Mo Tsu have argued for the development of moral autonomy, there remain doubts as to whether such competency is possible. We are not able, argues Rorty, 'to step outside our skins and... escape from the finitude of one's time and place'.[69] The ability to free the mind of all historical contingency is evidently not easily acquired. Reputable philosophers have failed to demonstrate the competency even while espousing it. Rawls, for example, after taking pains in his celebrated *Theory of Justice* to elaborate a procedure for the exercise of moral autonomy – with his 'original position' and 'veil of ignorance' – illustrated a remarkable inability to model his recommendations.[70] As Pogge pointed out, Rawls blatantly contravened the universality rule of moral reasoning by confining himself, as citizen deliberator in the original position, to an already existing society (read nation state), and failed to begin his reasoning from a global perspective.[71] By ignoring global background justice, argues Pogge, 'we fail to address how our society affects foreigners and disregard the (negative) externalities a national social contract may impose upon those who are *not* parties to it.'[72] Moreover, we may fail to become aware of and question the problematic global norms discussed in the last chapter – those of national segregation, identity branding and allegiance formation.[73] Sandel, in *Political Theory,* demonstrates a similar inability to reason autonomously. Noting the encumbrances that beset

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[69] Rorty (1982: 6)

[70] Rawls (1972, 1992)

[71] Pogge (1989)

[72] ibid.: 256

[73] Rawls (1972) also failed to demonstrate autonomous detachment from the moral culture of the marketplace, even while arguing for fraternity and non-desert, whose universal compliance would arguably manifest in a non-market economy. He contended that desert claims – that one deserves more than another – presupposes a cooperative scheme or game. For example, our football team deserves a goal, because the ball was kicked through the posts in accord with the game rules. Prior to cooperative arrangements, there are no natural rights to desert. Rawls argues against the contention that people with natural endowments *deserve* those endowments. 'No one deserves his place in the distribution of native endowments any more than one deserves one's initial starting place in society (p. 104).' If, in the original position, we are to consider a cooperative scheme to permit us to claim deserts that we cannot naturally claim, we might not necessarily choose a market economy with redistributive mechanisms such as Rawls advocates. We might, to remain logically consistent with Rawls' contention, expect more from those with greater natural endowments without necessarily giving them a greater share of the distribution of the benefits of our cooperation. Being dependent on our cooperation to receive those benefits, they would have no option but to accept the condition as a rule of the game. Such scheme necessarily would be other than a market and perhaps more like the priaction model outlined in chapter 4.

Rawls, Sandel asserts that unencumbered, independent moral thought is impossible.[74] Much of the argument concerning the possibility of moral autonomy has tended to construe it not as an ideal goal, but as an absolute either/or matter. Either one is fully and absolutely detached, or one is not detached at all. If moral autonomy is defined in such absolute terms then it may well remain unattainable for most people. For as Gadamer pointed out, we are linguistically bound to history in so far as our inherited language largely governs the limits of what is cooperatively possible.[75] However, while we may not be able to entirely break with linguistic tradition, it does not mean that we cannot exercise considerable autonomy; we can radically detach from the culture in which we were born even while importing into the new, the old linguistic tools.[76] Such exercise could be further assisted were we to feel free to invent new linguistic tools by which to conceptualise alternative paradigms. This is illustrated in Chapter 4, where a single new word and principle – *priaction* – is used to generate a world constitutional alternative to the prevailing economic and political culture, even while inherited language is retained. The sudden emergence of new religious cultures such as Islam and their missionary conversion strategies abundantly testify to the general mental capacity for exercising radical detachment. Persons undergoing conversion are torn between cultures and must exercise considerable autonomy if they are to break from one to move to the other.

Sandel doubted the possibility of achieving moral autonomy because it requires the capacity to reach beyond one's personal experience. Yet it is ubiquitously achieved, for example, whenever historical events are conveyed via stories and films to children in school. We are clearly capable of vicarious experience, be it reconstructed from historical narrative, or through imaginative science fiction tales, or utopian or dystopian constructs, and more so when they are 'brought to life' through theatre and film. Constructivists argue that we all possess the ability to construct our experiences by virtue of the way that the mind organises its memories and meanings; 'meaning is imposed on the world by us, rather than existing in the world independent of us'.[77] This constructive ability is required, and arguably developed,

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[74] Having asserted that autonomous moral thought is impossible, Sandel does, however, leave a window open for escape. 'As a self-interpreting being, I am able to reflect on my history and in this sense to distance myself from it, but the distance is always precarious and provisional, the point of reflection never finally secured outside the history itself' (1984: 24). Of course, one's attachment to a particular societal history is no less precarious and provisional.

[75] Gadamer (1989)

[76] I would venture to suggest that this conclusion might be supported by both Habermas and Gadamer whose contrasting positions in relation to the issue generated considerable debate in the 1980's. See Alan How (1995) for an accessible account of this highly nuanced and complex debate, which he views as among the most important for the humanities and social sciences in the last quarter of the 20th century.

[77] Hudson (1997: 13). See Hudson for a useful and brief overview of constructivist theories.

when we undertake to explore the compliance implications of moral principles that reach outside prevailing practice. Such autonomous exploration may be enabled through the provision of multiple choice scenarios constructed and imaginatively presented in multimedia format by pioneer explorers. Writers have articulated a wealth of alternative system possibilities about which the public on the whole remain ignorant. Were these brought together, imaginatively presented and made globally accessible on the Internet, through catalogues and directories, with links to moral principles and arguments, the potential for 'beyond-experience' travel and moral comparison could be considerably enhanced.[78] For an illustration of the potential, refer to Appendix (Design Brief for Prototype Website; the ASCAD system). And as many educators understand, beyond-experience exploration is enabled through participation in simulations, role-plays and games. Moreover, as will later be discussed, such participation can assist with the development of moral empathy and character, particularly when participants are enabled to critically reflect on their experience.

In conclusion, despite the poor demonstration of moral autonomy by even reputable philosophers, there is reason to believe that, learning from their mistakes, considerable general improvement of competency in moral reasoning is achievable, with exercise, good mentoring, and the assistance of provisions as mentioned. If the challenge of the integrity development imperative and its requirement of moral autonomy can be met, it *ought* to be met for the mutually protective reasons outlined above. And for those reasons, it should be met globally, as a non-negotiable compulsory curriculum priority, by teachers who are themselves well exercised in autonomous reasoning in order to serve as competent mentors.[79]

We have argued with Habermas that the exercise of moral autonomy should not be undertaken solely as a monological exercise. The last chapter emphasised that while autonomous deliberation on civic norms is crucially important, equally important is the need for public disclosure of one's preferred norms for the purposes of validity testing and public dialogue. We should be prepared to negotiate respectfully with people who have chosen civic norms that conflict with one's own, in order to find agreement. But we will be disinclined to

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[78] Numbers of writers concerned with the development of moral autonomy have stressed the need to present students with alternative comprehensive moral systems, constitutional possibilities, and lifestyle choices as part of their political education. See for example, Giddens (1986), Tarrant (1989), J. Beck (1998). The necessity is taken for granted among advocates of futures studies.

[79] Gutmann (1989: 62) contends that schools have largely failed in teaching moral autonomy; 'we cannot assume that moral autonomy is best taught by lessons that are planned to develop autonomy by those who teach them'. A large part of the problem is clearly that few teachers themselves have developed moral autonomy. This remains a challenge for teacher education.

do so with people who lack the deliberative competencies, who are unable to provide well reasoned justifications for their preferred norms, who dominate the dialogue with appeals to tradition and status quo authority, and are not committed to the ideal of moral autonomy. If serious collisions on the public deliberative domain are to be avoided, a sustainably cohesive civic culture will need to ensure that all abide by the meta-constitutional 'driving' rules and acquire the communicative skills.

6.3.3 Dispute resolution skills and the priority of world constitutional deliberation

As history teaches, inability to deal with ideological disagreement on an interpersonal or political level can lead to escalating conflict and the danger of uncontrollable violence. It needs only a few disgruntled individuals without the cultivated attitude and skills required for non-violent dispute resolution, to cause mayhem and suffering for large numbers. The potential for danger magnifies when such individuals move to occupy positions of political power. It is therefore clearly in the protective interests of all to ensure that everyone acquires basic conflict resolution skills, at the earliest age. Conflict resolution skills such as listening, separating the people from the problem, interests identification, and win-win principled negotiation, should, I contend, be added to literacy as part of a general civic communication skills repertoire, a basic primary stage of an integrity development curriculum.

This basic repertoire of understanding and skill is required for the more advanced-stage exercise of democratic deliberation. In effect, deliberative democracy is the system-focusing equivalent of dispute resolution. Whereas dispute resolution strategy focuses on disputes between actors within a given social structure, the strategy of deliberative democracy focuses on the structure itself, on disagreement over constitutional norms, law, policy and institutions. The structure, imposed on all by all, can be both a preventer of problems and a generator of disputes. As discussed in the previous chapter, political and economic structures can produce deprivation, violence and suffering without the deliberate intention of individuals; merely their passive acquiescence is required. We might recall Edmund Burke's dictum, 'for evil to triumph, is for good men to do nothing'. Unlike representative democracy, deliberative democracy requires citizens to be accountable for the constitution of the system and its harmful effects; 'citizens deliberate with the aim of justifying their collective decisions to one

another as best they can'.[80] Deliberative democracy requires citizens to stand as equal moral agents in governance, rather than as subordinate, rights demanding subjects of government. This is required above all to ensure that when the weather gets rough, we are protected against the rise of tyrannical powers, a danger well-demonstrated in history where politically and morally illiterate voters can give the upper hand to populist leaders with violent recipes.

Deliberative democracy does not promise an end to all moral disagreement; it remains to be seen whether deliberative dialogue between advocates on either side of the abortion and euthanasia debate, for example, will find a happy consensus. However, as Gutmann and Thompson argue:

> By making democracy more deliberative, citizens stand a better chance of resolving some of their moral disagreements, and living with those that will inevitably persist, on terms that all can accept.[81]

The logical and temporal priority for deliberative attention is the overarching structure of protection – the world constitution – comprising those paramount global civic norms that all should be expected to enact reliably and habitually if mutual interests are to be securely protected. For it is the 'hard to alter', dependable constitutional structure (be it written or unwritten) to which everyday law and policy must conform.[82] The world constitution is the protective structure that overarches all structures, and renders them subordinate. Being head of the logical hierarchy of protective institutions, the world constitution and its implicit and explicit structure of norms therefore warrant the priority attention of all people.

According to what meta-constitutional procedures should these world constitutional norms be decided? The categorical imperative stands as a supreme principle of meta-governance. Derivable from the Golden Rule (as shown in chapter 5), it serves as a universal testing tool, to assess the moral validity of all civic norms and law, constitutional and domestic, including the procedures by which civic determinations are agreed upon. As a meta-regulator, the imperative compels us to ask whether we can will that a civic norm or law should be upheld

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[80] Gutmann and Thompson (1996: 27)

[81] Gutmann and Thompson (1996: 51)

[82] Suber (1988:357) conveys the priority of constitutionalism thus: 'statutes cannot affect constitutional rules, but the latter can affect the former. This is an important difference in logical priority. When a conflict exists between rules of different types, the constitutional rules always prevail. The logical difference is matched by a political difference: the logically prior (constitutional) rules are more difficult to amend than the logically posterior (statutory) rules ... Our purpose of making some rules more difficult to change than others is to prevent a brief wave of fanaticism from undoing decades or centuries of refined structure. It is self paternalism, our chosen insurance against our anticipated weaker moments'.

for universal compliance.[83] If it cannot pass the test, if it is deemed that only *some* in the world need submit to a proposed norm or law, we are entitled to ask, why should *we* be subjected to it, if certain 'others' need not be subjected?

This meta-governing imperative demands that the idea of the 'rule of law' be extended beyond the confines of the state to that which governs the interface between states; it requires that we ask about the lawfulness of the sovereign state itself. From this viewpoint, Kant concluded that the principle of national sovereignty and non-intervention is *morally* untenable.[84] But it requires each, without their 'citizen' hat, to take the responsibility to assess this matter for himself or herself. It requires each, in effect, to serve as meta-governor, as a world constitution maker, as moral judge and jury member, to develop the capacity for this responsibility, and assist others to develop the capacity.

The next propositional step is crucial to global governance. The proposition is that this deliberative imperative should be *mirrored* as a curriculum priority in compulsory education. Because world constitutional norms serve as paramount strategies of global protection, and because they require universal compliance, deliberation on these should be regarded as a priority focus of all new arrivals to the planet. If the justification for compulsory education is mutual protection, it follows that the curriculum priority most consistent with this justification is one that focuses deliberative attention of learners on the logical hierarchy of protections, and first and foremost on the head of the hierarchy. Without this logical and temporal basis for establishing protective priorities, the institution of compulsory education loses coherent ethical justification. This procedural mirror would also serve to legitimate the institution from the viewpoint of detainees, particularly if, as discussed earlier, they are enabled to critically scrutinise the constitutional rationale for their detention. It would thereby be clear to each new generation and each young person, that they are being treated with equal regard, as having equal 'higher order interests',[85] and an equal claim to develop the capacities required for autonomous participation in world constitutional deliberation. The proposition does not imply providing all with unbridled revolutionary freedom, as Burke warned against, such that some could, at their pleasure, tear down social structures and cause civil chaos. On the

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[83] See Habermas (1993) for an extended discussion on this point.

[84] As Kant viewed the international situation, then bound by the Westphalian order, as today, 'politics and morality are *not in agreement*... politics and morality can only be in agreement within a federal union' (1795: 129).

[85] Rawls (1972) argued that moral personalities (those concerned with civic protections) have as their *highest order interest*, the need to participate in deciding and revising terms of civic cooperation (ie, constitutional norms and arrangements).

contrary, deliberative democracy calls us to morally and publicly justify our preferred political impositions and engage in mutually respectful, agreement building dialogue with those who might disagree with our preferences.

This deliberative responsibility invokes the corollary obligation that all contribute to provisions required to ensure that all, at the youngest age, are enabled to fully exercise their deliberative rights, as a primary part of their civic integrity development, such that what Bohman calls 'capability equality', can be sustained in perpetuity. Following Sen's argument in *Inequality Reexamined*,[86] Bohman contends that equality of access to, and opportunity to participate in, deliberative forums is not sufficient. Deliberative decision making 'requires equal capacities for active citizenship, and the lack of such capacities for citizenship makes it less likely that the outcomes of deliberation are either just or legitimate'.[87] We have measurable 'political poverty', argues Bohman, where citizens are unable to participate effectively, where they lack the competence to express their concerns and initiate public deliberation. Political poverty not only undermines political legitimacy; it can lead to the economic poverty of those incapable of drawing public attention to their concerns. Invoked here is a crucial protective responsibility for compulsory education, which demands to be constitutionally entrenched. Bohman concludes:

> We can say at the very least that educative institutions must achieve one minimal goal: that it is possible for each and every generation to participate in and thus to perpetuate democratic life. Capability equality gives us distinct responsibilities to the future.[88]

This educative responsibility clearly extends to ensuring capable participation not only in local and national policy formulation, but above all, in world constitutional deliberation, for reasons discussed in chapter 5. If such capability right is to be sustained as a permanent, non-negotiable condition of our civic world, it needs to be enshrined meta-constitutionally such that the corresponding educative responsibility is upheld universally, as a compulsory curriculum priority.

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[86] Sen (1992)

[87] Bohman (1997: 326)

[88] ibid.: 332)

6.3.4 Redefining constitutionalism as civic integrity development (with education in lead role)

The CGG's call for the adoption by all of a set of global responsibilities, foreshadowed by Kant's categorical imperative, challenges us to focus more attention on the crucial but neglected relationship between world constitutionalism and education. Attention to this relationship in the literature on educational philosophy and constitutional procedure is remarkable for its absence. The disciplines scarcely overlap. Constitutional scholars rarely address education, and educational scholars largely ignore the issue of participation in constitutional deliberation, particularly at the global level. As discussed in the previous chapter, there appears a tacit consensus among scholars and educators that the world's people have neither right nor responsibility to participate in world constitutional deliberations. Where focus on constitutionalism is recommended in recent advocacy for civics and citizen education, the focus is almost invariably confined to national constitutional documents, the argument being that citizens should know what governs them and 'their own' country.[89] Some leading advocates of civics education are now urging inquiry beyond national boundaries, arguing that students compare 'their' nation's constitutions with those of other democracies.[90] I found little in the civics education literature that focuses critical attention on the world constitutional norms discussed in chapter 5, nor to the acquiescent part each plays in maintaining these norms, let alone to the calls for global civic responsibilities.[91]

World constitutional norms are not simply 'out there'; they are also embedded in the habitual, taken-for-granted practices of the world's individuals. As we saw in the previous chapter,

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[89] In a ministerial statement launching the Australian civics education program *Discovering Democracy*, the Minister for Education, David Kemp stated: 'Our young people, the future leaders of our nation, need a thorough understanding of the fundamentals of our political and legal systems and institutions and how these relate to those of other nations... Students should be able to identify and explain the essential characteristics of representative democracy and the nature, role and purpose of the Australian Constitution'. (Ministerial Statement, May 1997, http://www.curriculum.edu.au/democracy/about/project/kemp.htm). Similar sentiments are echoed worldwide, as revealed by the 1990's study of civics education in 30 countries by Torney et al (1999).

[90] The stimulus for comparative constitutional study in civics education appears to have originated in a paper by Hall (1993). The idea emerges with Patrick (1997), Director of the ERIC Clearinghouse for Social Studies Education, and Charles Quigley of the Center for Civic Education. In an address to Indonesian educators, Quigley (2000: 4) asserted that such study would 'deepen students' understanding of their own democratic institutions while expanding their knowledge of democratic principles'.

[91] During the year 2000, the St. James Ethics Centre in Australia conducted 11 different focus groups, including teachers, principals, parents, students and teacher educators, drawn from a wide cross section of backgrounds, to gauge responses to three questions: What is a good society? Why do we educate? How and what should we be teaching in order to achieve a good society? The discussion paper that resulted indicated a strongly nationalist orientation. Despite the growing influence of Global Education very few viewed 'society' as global. The sense that we should be responsible for global normative structures was entirely absent. The paper was posted on the Web at http://www.ethics.org.au/ (accessed March 2001).

global norms, such as national segregation, identity branding and allegiance formation, have become a deeply entrenched part of what constitutes the identity and integrity of the world's people. To suggest that there may be fault with these norms is to point a finger at the integrity of the people. It is to contemplate the discomforting prospect of shifting the most difficult to change, habitual patterns of thought and behaviour. We expect integrity to be solid and dependable. We trust a person of integrity because we are confident that the principles that constitute their integrity will not be easily dislodged with bribes and social pressures.[92] Hence we should expect that the civic norms that *constitute* a person's integrity, once developed, would be difficult to change, as difficult to change as a civic constitutional document. It is to be expected that the difficulty of integrity reconstitution will be far greater in adults than for children whose civic constitutions are undeveloped. This appreciation invokes the familiar conclusion that the hope for the future resides with the young.

When one internalises world constitutional norms one integrates them into one's integrity. One's 'inner-constitution', one's *civic integrity*, is a developed, constructed feature of the self. Without such development, the 'outer' constitution – the paramount instrument of political, economic and environmental protection, a constitutional document – is powerless paper. It requires dependable people to serve as protectors. A constitutional document can be a wonderful, noble piece of writing, and expound every possible human right, yet be utterly lame if citizens have not been effectively socialised, or not participated in constitutional deliberation, and are unaware of, or non-approving of, and uncommitted to, the personal responsibilities entailed. It needs to be remembered that at the height of the great purges in Stalinist Russia in 1936, the country had one of the world's best Bills of Rights. Dependable world constitutional protection clearly relies on the inner constitution of the millions of diverse strangers in the global civic domain, more precisely on the *congruity* of their espoused and practiced civic norms, and the norms expounded in constitutional documents (such as the UN charter).

In this view, a constitution is an enduring, overriding framework of protective responsibilities exercised by a populus to sustain a mutually secure relationship. This relational view invokes a quantum shift in the customary approach to constitutionalism and constitutional formation. It is a protective relationship in which universal *responsibility* has primacy over universal

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[92] 'We commend someone for acting with integrity, typically when the person has been exposed to an enticement or temptation to act contrary to principle – and has resisted. Both the temptation to violate principle and the

rights, the latter being dependent on exercise of the former.[93] Arguably, this relationship should be expressed in constitutional documentation. Given that people are at different stages of integrity development, and that new civic responsibilities will continually be proposed for public deliberation, the slowly shifting level of consensus commitment to these responsibilities needs to be conveyed by the constitutional record. Such record would require citizens to publicly disclose the constitutional norms to which they, in all integrity, are committed. And it would require a civic information system, such as could be facilitated by the Internet, to enable such disclosures to be posted, compiled and presented. We will return to this matter. This approach to constitutionalism demands a constitution-making procedure that is *primarily* focussed on civic integrity development and secondarily on the drawing up or amending of a document by an expert elite and its ratification by a referendum majority.[94] The record of public disclosures would serve as a primary source of appeal for constitutional disputes. It would not be left to constitutional lawyers and judges, as has been the custom, to interpret the authority of constitutional texts or the intentions of long-deceased constitution writers, or intuit the current, undeveloped attitude of the public in relation to constitutional matters.[95] Because such quantum shift in constitutionalism will depend on the gradual integrity development of individuals, there cannot be an overnight constitutional revolution.[96]

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resistance to doing so are crucial. A person of integrity stands firm in the face of pressures and opportunities to do otherwise.' (Winston, 1999)

[93] 'The concept of responsibility, of being properly responsive to our fellow cooperators, is the more fundamental one... Rights are the tip of the iceberg that collective and individual responsibilities support.' Baier (1993: 165)

[94] While arguing for an expert approach to constitutional document making, McWhinney acknowledges that '[f]or its most effective operation, a constituent assembly would seem to require to be elected against a backdrop of an already existing, and continuing, societal consensus as to the nature and desired direction of fundamental political, social and economic - and hence constitutional change. Either that, or the constituent assembly must itself be conceded enough time, within the definition of its mandate, to wait for such a societal consensus to develop or *to get out itself and try to build it*. Normally, of course, one does not have time'. (1981:33, my emphasis) If there is not the time, the question must be raised about the legitimacy and effectiveness of the constitution.

[95] The extensive and vigorous debate on constitutional interpretation presupposes the validity of a constitutional paradigm that sees the constitutional text, prepared by 'the forefathers' and amended by politically manipulated referenda, as the paramount political document, and the judiciary as the overriding protector and interpreter of the text and its norms. See R. Nagel (1989) for an incisive, critical examination of this paradigm and the problems, ironies and paradoxes entailed by judicial review.

[96] Falk (1993: 33) warns against 'mindless affirmations of global constitutional solutions and blueprints of global governance system'. He asserts that 'it is as important as ever that drastic images of global reform be concerned with process as well as plan'. Similarly, two decades earlier, Mazrui (1975: 4) asserted that 'to have new values accepted is, by definition, a problem of mobilising consensus... To convince another person of a new idea requires a common universe of discourse... the transmission of ideas and their *internalisation* are more relevant for world reform than the establishment of formal institutions for external control' (my emphasis).

A relational constitutionalism based on integrity development would need to be education led. The priority of such education would be to ensure the development of the civic integrities of all people and the public disclosure of the global responsibilities to which they are committed. In this view, constitutional formation and civic integrity development become one and the same process, in which the teacher educator must be meta-constitutionally upheld as having the lead role. With an education-led approach to constitutionalism, the classroom setting is progressively transformed into a world civic forum for protocitizens, a globally connected deliberative learning space for beginners, a mirror of the adult world constitutional forum. In this approach to constitutionalism, the meta-constitution serves as a very hard to change procedural framework for constitutional deliberation, to ensure that young and old are treated with equal regard and that the same deliberative rules apply to all. Such meta-constitution would establish integrity development as the curriculum priority of universal compulsory education.

6.3.5 Public disclosure as a civic integrity and trust imperative

Scholars of deliberative democracy have typically supported the ethical ideal of Kant's publicity principle, that where normative, legislative or policy propositions are likely to affect others, including those beyond one's community boundaries, there should be full and open public disclosure of those intentions along with moral reasons. According to Gutmann and Thompson, the principle should be established as a constitutive principle of deliberative democracy.[97] The publicity principle should be applied above all in forums for constitutional deliberation. The principle thus warrants meta-constitutional status. By the same token, it demands to be established as a requirement of compulsory civic education. That is to say, in the interest of global protection, the young should be required not only to develop moral autonomy and communicative competency, but also to publicly disclose their preferred global norms along with moral reasons. Furthermore, as noted earlier, such disclosure by all will be necessary to convey the developing world constitutional picture, the real constitutional record. If Kant's publicity ideal has been impractical to date, it will become increasingly less so with the expansion of the Internet. For illustration of an Internet based system for public disclosure, see Appendix (Design Brief for Prototype Website; Integrity Disclosure System).

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[97] Gutmann and Thompson (1996)

Gutmann and Thompson view the principle as applying primarily to public officials; 'the forums in which we conduct our political discussion should be designed so as to encourage officials to justify their actions with moral reasons, and to give other officials, as well as citizens the opportunity to criticise those reasons'.[98] However, where each has a right and responsibility to participate in constitutional deliberation, there is no demarcation between officials and the public. But regardless of whether they participate, each contributes to imposing a system of norms on all, and hence must be held accountable. Each adult and parent needs to be treated as a responsible moral agent, in effect, a world politician, and should be capable of disclosing their 'political platform', along with moral reasons, at least to their children, as well as to the world public.

The public disclosure of one's autonomously determined civic norms will significantly indicate the status of one's civic integrity. We distrust politicians who fail to reveal their policy platforms and the moral reasons for them. We should no more trust fellow citizens whose civic norms are undisclosed, whose secret votes reveal no evidence that they have deliberated on behalf of mutual interests, who silently acquiesce to global structures of violence, and whose gambling on stock and currency markets undermine the economic security of all. The development of social trust, a crucial component of what Putnam called social capital, is unlikely to occur on a large scale without the development of civic trustworthiness.[99]

I would suggest that civic trustworthiness and trust on the global scale could be significantly improved by civic integrity development that sought public disclosure as a main outcome. Disclosure would indicate to the public that actors are trustworthy in so far as they (1) are willing to expose their norms for global challenge; (2) are prepared to have their integrity monitored by the public and to be accountable for self-declared commitments; (3) have undertaken the considerable effort to exercise moral autonomy and reason, and hence render themselves more resistant to morally misleading conformity pressures; (4) have considered the interests of all from a universal, moral point of view, indicating empathy for the situations of diverse others; (5) have examined alternative system perspectives, and hence reduced or overcome the potential dangers of bounded rationality; (6) have examined the global

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[98] ibid.: 91

[99] As Putnam (1993) showed, social trust and social capital may be developed in small-scale civic communities or associations where there are ongoing social relations between a recognisable membership. The challenge we face is how to develop a trustworthy global civic culture. To this end Putnam provides scarce clues.

consequences of their choices; (7) have submitted their norms to validity testing within a communicatively competent dialogical setting, indicating a developed capability for democratic deliberation, and (8) have as a result of submitting themselves to the development process, considerably advanced their moral and intellectual strengths for the protection of mutual interests.

Such public disclosure by actors would provide significant assurance to the world public that he or she is ready to be trusted for public office. By the term public office, I mean something other than the customary view. To be consistent with the idea of an education-led approach to constitution making, the first and foremost public office role should be that of educator. A major part of this role is played by parents, be they aware of it or not. In view of the influential role of parenting and the far reaching consequences of power abuse and indoctrination in the household, compulsory education needs to ensure that, at the earliest age, everyone demonstrate adequate completion of integrity development education through an act of civic integrity disclosure. I would contend that qualification by civic integrity disclosure should be phased in to augment, even substitute for the familiar forms of subject examination, assessment and grading which students typically have endured in compulsory school. Arguably, such qualification should become increasingly a prerequisite for public office (and leadership positions in the first instance), to serve as a constitutional check against the potential for power abuse by those with authority, and a measure of the trustworthiness of global governance to which everyone contributes.

Finally, one of the most important mutually protective benefits of public self-disclosure is the motivational effect on public behaviour. We will discuss this matter as part of the following and final argument for integrity development education, that techniques are needed to ensure that moral reasoning, deliberation and public declarations of responsibility will indeed translate into habitual, dependable behaviour.

6.3.6 How to improve dependability of political motivation? The problem of internalisation and civic character development

The learned capability for autonomous moral reasoning, democratic deliberation, world constitutional thinking and public disclosure are all crucial aspects of civic integrity development, but there remains a missing element. These capacities may not suffice to motivate and assure reliable compliance. Straughan emphasises the need to clearly

distinguish between moral justification and motivation: 'Reasons can justify and they can motivate. These two functions are logically separate, though they may combine in practice.'[100]

> Working out answers to moral problems and dilemmas in a purely theoretical way, as one solves a crossword clue, is not enough to qualify as 'being moral' if there is no consequent attempt made to act in accord with one's conclusions.[101]

Straughan is critical of Kohlberg's work in this regard, in that the emphasis is placed on methodologies to advance moral reasoning – mainly through consideration of moral dilemmas – and far less upon moral behaviour.[102] Placed in different contexts one can have reasons for not doing what one believes one ought to do. One typical reason is related to the familiar ought-can problem. One may not have the requisite technologies or capabilities to do it. Without suitable forums, for example, advocates for deliberative democracy cannot participate as they think all should. We might ask, what prevents them from taking the moral initiative to establish such forums? This requires organisational skills that, as academics, they may feel they lack. Moral weakness may be a major or minor factor. Gutmann wrote:

> People adept at logical reasoning who lack moral character are sophists of the worst sort; they use moral arguments to serve whatever ends they happen to choose for themselves... But people who possess sturdy moral character without a developed capacity for reasoning are ruled only by habit and authority, and are incapable of constituting a society of sovereign citizens. Education in character and in moral reasoning are therefore both necessary, neither sufficient, for creating democratic citizens.[103]

History tells a sad tale of genocidal acts by devout Christians, Jews and Muslims who upheld as sacred the 10 commandments with its 'thou shall not kill' command. While conformity to the commands of authority, or to organisational codes may be viewed as demonstration of integrity, it can equally exemplify failure of integrity. The Nazi phenomenon provides one demonstration among many, as to how pressure to conform to the authority of surrounding culture can overpower one's capacity to honour espoused, even sacred, personal values. As Nagel views the problem:

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[100] Straughan (1989: 50)

[101] ibid.:46

[102] See Kohlberg (1984), who following from Piaget's work in moral development, conducted extensive experiments in schools to show with some success that people advance in their capacity to think morally when presented with moral dilemmas, and that they advance, with little regress, through a stepwise hierarchy of 6 stages.

[103] Gutmann (1987: 51)

> The generally valuable tendency to conform, not to break ranks conspicuously... and to do one's job and obey official instructions without substituting one's personal judgement can be put to the service of monstrous ends, and can maintain in power the most appalling regimes... The issue here is not that of constitutional limits on state power, but rather that of built-in psychological limits on the reach of political authority through the conformity and docility of individuals who occupy social roles.[104]

How could education develop these psychological limits? Philosophers have long been concerned with the problem of moral weakness, of akrasia (moral incontinence), with our inability to act in accord with espoused moral principles.[105] Writers from Aristotle onwards have recommended the inculcation of civic virtues such as affection, sympathy, friendship, honesty, tolerance, modesty, courage, and so forth, but are generally vague about how these virtues are to be successfully internalised so as to become reliable habits. Aside from this problem, much of the talk about civic virtues, as Dahl observed, tends to focus on interpersonal, face to face relations, neighbourhood relations, possibly even on the citizens of one's nation, but not on responsibility for, and responsiveness to the desperate plight of distant and 'foreign' strangers.[106] A similar criticism led the Hellenic philosopher, Epicurus, to distance himself from the academic world of Aristotle, arguing that it was ethically empty, uncommitted to the relief of human suffering.[107] His formula for the building of good character was to create a therapeutic community set in the countryside, a stress-free environment in which philosophical deliberation and mutually responsible relations could be lived as an integral lifestyle. Acting in accordance with what he espoused, Epicurus established and lived in what came to be known as the 'Garden of Epicurus', of which a number were created. The integrity of this approach for education has much to commend it. However, what remains with such an approach is the challenge of how to motivate for responsibility that extends to vast aggregations of strangers beyond the boundaries of face-to-face, geographically confined community.

One contemporary form of culture that provides a partial answer to this question is transnational corporate culture. While there is much to criticise about the exploitative

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[104] Nagel (1991: 150-1)

[105] Amelie Rorty identifies three 'attractive strategies of akrasia' that 'often augment and supplement each other' (quoted by Mele, 1987: 86-7). One could be attracted to act contrary to one's espoused or preferred principles through (1) *focus of attention*: the temptation can fill the visual field (eg. Lewinski's breasts); (2) *Habituation* – for example to drugs, alcohol and tobacco – can considerably weaken resolve to act with integrity; (3) *Social Pressure*: captivation by and conformity to the authority of say a political party or religious leader.

[106] Dahl (1982)

[107] Nussbaum (1994)

behaviour of some corporations, their ethical orientations vary considerably.[108] Not all should be judged by the actions of the worst. What is abundantly evident about transnational corporate culture is its capacity to enable trustworthy cooperation between strangers around the world. Prompted by the often faddish, psychological hype of organisation consultants and leadership coaches, corporations submit executives and employees to in-house training and outdoor adventures to enhance the quality of care for each other and toward customers.[109] Driven by pursuit of 'excellence' and 'quality service', disarmingly friendly *have a nice day* behaviour is being rehearsed worldwide and delivered to total strangers, regardless of their cultural or national background. Some of the largest companies, employing city size populations of 100,000 or more in different branches around the world, demonstrate the capacity of strangers to interact cooperatively, civilly and dependably, without the need for extensive personal introduction and friendship building. We can appreciate this positive, habit-forming contribution of corporate culture without getting sidetracked by suspicions about profit seeking motives. Yet, understanding that dishonest and unscrupulous behaviour can be delivered impeccably with friendly smiles and elegant manners – by company directors no less than car salesmen – we clearly need more than trustworthy appearances.

In respect to what education can do to develop moral motivation, Straughan emphasises the need to combine moral reasoning with situational contexts. We require 'situational experience of problems and dilemmas, and participation in activities which can be previously or subsequently discussed, examined, interpreted, explained, criticised and evaluated'.[110] In recognition of children's developmental stages, he advocates a sequential program of habit-forming. Habit formation is crucial, he argues, in that it serves to cut short the need for deliberation in every situation, and activates '*before* the allure of counter inclinations becomes too great'.[111] Echoing Epicurus, Straughan argues that habit formation is enhanced where there is congruity of experience outside the formal educational setting. Achieving such congruity is of course impossible where a culture of smiling *have a nice day* neglect and corruption pervades, and where schools, as imprisoning enclaves, look nothing like the

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[108] Donaldson (2000) reports: 'Most of the 500 largest corporations in the U.S. now boast a code of ethics, and the proportion among a broader collection of U.S. companies has risen to 80%'.

[109] One of the latest organisational and leadership enhancement approaches is centred on the idea of 'emotional intelligence' popularised by Goleman (1995). A modern day elaboration of the Aristotelian virtues approach to ethics, it has spawned a number of frameworks with different ingredients (Carnegie 2000).

[110] ibid.: 68

[111] ibid.: 70

sprawling, energy consumptive, ecologically unsustainable environments in which the bulk of the world's population live and work.

What can education do when the pressure to conform to an impersonal social structure that is disrespected, is greater than the motivation to resist for integrity's sake? If character strength building requires extensive social pressure-resisting exercise and experience, then the world already offers a world class situational context. As Milgram showed with his famous electric shock experiment, people are not born with the capacity to resist social pressures.[112] Obedience to authority can lead good people of weakly developed character to commit dreadful evil. But his experiment also indicated that such situational learning experiences can also dramatically strengthen individual resolve to resist the pressure to conform contrary to moral conscience. There remains much for education to explore in this direction.[113] Meanwhile, as discussed in chapter 5, we are faced with a global classroom situation in which good people are acquiescing en masse to structures of violence, supporting continuing arms development, pursuing an ecologically destructive growth-for-jobs agenda and constructing sprawling urban environments that are ecologically unsustainable. Given the situation, what learning environments might we expect educational leaders to recommend?

In view of the preceding considerations, we do not need more or better schools; exemplary new living-learning environments are needed. Here is not the scope to fully consider the possibilities. Suffice to suggest that an appropriate model can be conceived by synthesising the contextual insight of Epicurus with some of the potentiality offered by global corporate culture. This conjures forth the conception of a worldwide constellation of Internet connected, civic learning towns. Situate them in a diversity of ecologically rich, rural settings. Construct them anew, or reconstruct dying rural towns, to serve as ecologically sustainable, demonstration, living-learning environments. Let them be substantially managed by world-connected learners and let them learn to be responsible for producing much of their food, energy, textiles, furnishings, and so forth, while taking account of ecological footprint

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[112] Milgram (1975) detailed the now classic experiments designed to test whether average, educated middle class college students in the US could conform to authority as did the Germans under the Third Reich. Under the guise of a learning experiment, students demonstrated disturbing conformity to the authority of a stooge learning psychologist who commanded them to apply lethal electric charges to a learner (an actor) who failed learning tests, on the premise that punishment improves learning. Emotionally rattled by the experience, students subsequently became conscientious objectors and refused to be conscripted for the Vietnam War.

[113] Concerns have been expressed in regard to the ethics of Milgram's experiment, but I do not wish to engage in the debate here, other than to apply Mill's principle to contend that the harm that may be temporarily caused in such learning experiences could be far outweighed by the potential harm prevented.

constraints. Reconstruct existing primary schools to serve as junior civic forums to prepare youngsters for their town learning experience. Such conception may be far removed from current reality, yet not infeasible, if viewed as a long-range, horizon goal to steer towards. We need not fix on one model. Long range foresight and strong moral leadership is needed rather to fix on the goal, to compel the worldwide construction of rich life-learning settings with sufficient congruity of social and physical environment adequate for civic integrity development.

Self-integrity disclosure, as discussed earlier, will of course allow such leaders to more readily identify each other and collaborate on the basis of shared civic norms. The literature on character development does not mention the possible influence of integrity disclosure on moral motivation. Theoretically, the influence could be twofold. The first arises from the fact that public disclosure of preferred civic norms (and reasons) places oneself in a large field of resistance and challenge. The persistent effort to find a justifiable, principled position that can stand dependably in the face of public challenge and resistance not only develops one's mental 'muscles', it would likely motivate one to find the strongest positions and arguments available. Principles thus attained are less likely to be easily sacrificed in the face of temptation or social pressure. Second, a strong motivational effect can be expected to flow from the abiding concern of most with public reputation. It hardly needs to be said that integrity reputation is important for sustaining trustworthy cooperation, for gaining and keeping trusted positions of responsibility, and the respect and trust of peers. Appreciating that one's behaviour is subject to the gaze of millions of strangers, public disclosure of one's preferred civic norms may be a risky move for one's reputation. Under such gaze, akin to a watching omnipresent God, one is more likely to honour one's espoused norms, even when under pressure. Of course we have evidence to be suspicious of this. Prophets and Presidents have publicly declared their principles with great sincerity and have proved to be absolutely corruptible when put to the test under the temptations of privilege and power. On the other hand we typically have not had prophets and presidents who have submitted themselves to the integrity development imperative and the discipline of autonomous moral reasoning, dialogical deliberation and disclosure such as proposed here.

The motivational possibilities of civic integrity development remain to be seen. Were the discursive and contextual approaches, such as have been discussed, integrated into a new

education 'system', the motivational possibilities would appear to be promising. Of course, the alchemy cannot be tested until the ingredients are actually put together on the ground.

6.4 CONCLUDING REMARKS

The CGG's global responsibility challenge has immense implications for compulsory education and for constitutionalism. A key implication is that these two domains can no longer be regarded as separate. Serving as crucial strategies of civic protection, they need to be integrated into a new constitutionalism with civic integrity education – comprising the ingredients discussed – as its all-protective core. Sustaining such inner/outer world constitutional focus will require a continuing world civic forum – a senior forum mirrored by a learner's forum – governed by a common set of discourse ethical rules, a meta-constitutional procedure, and facilitated by a world civic information system. A design brief for a prototype Internet based system is illustrated in the Appendix.

While the inclusive protection offered by civic integrity development ethically justifies its worldwide adoption as a compulsory curriculum priority, it cannot be simply imposed on today's adult world. And anyhow there are not yet the educators to competently serve as guides. The Commission's challenge should see teachers being among the first to undertake the integrity-based learning journey implied, so as better to guide their student captives. Unfortunately, classroom teachers are not in a position to take the considerable time away from teaching duties, as would be required for the learning journey.[114] We should then look to teacher training colleges, which, in effect, serve as the world's educational leaders. Were they to concur with the CGG's challenge, we would expect them to adopt it as educational priority and undertake the learning journey with teacher trainees as a core activity of college life. Considering the current vocation-focusing constraints of university life and the established teaching and research domains of staff, it remains to be seen whether more than a handful of traditional teaching institutions could be enlisted in the short term. It is more likely that the initiative will come from outside the established institutions. An independent

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[114] To allow teachers to take leave from the classroom for in-service training, schools must find and fund appropriate replacement teachers. Aside from unwillingness to disrupt course progress, few schools have sufficient funds to afford more than token days off. As Penney and Fox (1998:106) report on their study of England, Wales and Australia, the 'high pressure teaching climate' is 'far from conducive to critical

pioneering association or network of educational leaders will need to emerge to engage in the world constitutional and civic integrity development journey and thereby create the educational and forum provisions required. Techniques will need to be trialed and skills developed. A long period of experimental development needs to be anticipated.

Given the global reach of the Internet, many informational provisions could be available to classrooms and homes within a few years. However, as discussed, effective learning requires experientially rich situational settings that will require more funds and time to provide, at least on a scale that will have sufficient impact for the gaining of widespread interest and acceptance.

At the beginning of the 21st century, we appear to be facing an intractable and worsening global security problem, despite and partly because of the massive investment in military weapons development. Aside from the complex of problems identified by the Commission on Global Governance, the global security interest is cause alone to take very seriously the need to finally activate Kant's integrity imperative as the governing, all protective imperative of compulsory education priorities worldwide. By obligating all, at the earliest age, to develop global civic responsibility, through learning to autonomously determine and defend their integrity, might we finally be able to divert towards social and ecological restoration, the \$1 trillion/year now expended on violently defending the morally indefensible.

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reflection and development on the part of teachers... with the time, support, and increasingly the incentive for undertaking such activity all too scarce'.

Chapter 7

CONCLUSIONS, REFLECTIONS AND
FUTURE DIRECTIONS

Without a global revolution in the sphere of human consciousness, nothing will change for the better in our being as humans, and the catastrophe toward which our world is headed... will be unavoidable… We are still incapable of understanding that the only genuine backbone of all our actions – if they are to be moral – is responsibility: responsibility to something higher than my family, my country, my firm, my success, responsibility to the order of being where all our actions are indelibly recorded and where, and only where, they will be properly judged.
Vaclav Havel[1]

Leadership must bring the world to that higher consciousness of which Vaclav Havel spoke.
Commission on Global Governance[2]

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[1] Address by Vaclav Havel to the US Congress, 1990. Quoted in Commission on Global Governance (1995: 353-4).

[2] Commission on Global Governance (1995: 354).

7.1 REFLECTION ON THESIS PROBLEM:
A CRISIS OF CONSTITUTIONAL RESPONSE

Sociologists, systems theorists and social psychologists have variously conveyed the understanding that individuals 'constitute the systems they are in; they are part of the system's existence as the system is of theirs'.[3] However, systems can fail to protect. They can generate problems that may be unresolvable within their terms. Threatening the presumed universal interests of this and future generations is a disturbing complex of global problems against which prevailing world constitutional protections are inadequate. The constitution of the world's political and economic system and the constitution of the world's individuals appear to be a major, intractable part of the problem. Most disturbing is that there is no provision for world constitutional responsiveness, and, as chapter 5 noted, no recognition of individual right or responsibility to engage in world reconstitutional deliberation. National, educational and media leadership gives little indication of the priority need for world constitutional responsiveness. The foremost challenge raised by the Commission on Global Governance (CGG) has failed to elicit significant response. The global system demands priority attention, yet it is without capable citizenship to take the responsibility, nor provisions to exercise such responsibility and enable development of the capabilities required. The starting point for the thesis and the reality conclusion is that we face a crisis of constitutional (un)responsiveness, a conclusion made more starkly apparent through our examination, in chapter 2 and throughout the thesis, of the overwhelming range of obstacles impeding the required response.

What should and can be done? The thesis inquiry took as its response starting point, the 'foremost challenge' upheld by the Commission. On the one hand, the Commission calls for a mobilisation of the world's people to have them participate in developing the vision of a better world. On the other it calls for the development of a global civic ethic – a set of global responsibilities. The thesis asked, what does this challenge imply? What are the assumptions? What has been done to meet the challenge? What are the response impediments? What might be the world constitutional and personal consequences of compliance? What kinds of resources in principle should be provided to enable the world's people to respond to the Commission's call? What should leaders and educators agree to do?

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[3] Parlett (1997)

This concluding chapter will reflect on the key conclusions and suggest strategic directions for the future.

7.2 CONCLUSIONS AND REFLECTIONS

Considering the market-based, rights-oriented habits of prevailing civic culture, the call for adoption by all of globally protective responsibilities implies a substantial developmental advance, indeed a transformational leap, in personal integrity and world constitutional relations. The prospect of such advance occurring in the foreseeable future may appear slim from today's standpoint. But crystal ball gazing was not of interest to the inquiry. The persistent focus was on the ethical imperative – what *ought* to be done to achieve an effective response to the Commission's call?

Despite the serious impediments considered in chapter 2 and throughout the inquiry, the thesis concludes in chapter 6 that the challenge *can* be met if the world's educational leaders could be persuaded to take the moral lead. They would need to lead by example, by cooperating to establish, and engage in, a new, education-centred constitutionalism. The key protective feature of the new constitutionalism would be the development of reliable global responsibility in each individual, through their participation, at the earliest possible age, in world constitutional deliberation. Such 'civic integrity development' would be *meta-constitutionally* maintained, in the new constitutionalism, as a worldwide, compulsory curriculum priority.

This would contrast markedly with the rights-oriented, nation defending expectations of prevailing constitutionalism and its citizens – expectations that, as argued in chapter 5, are politically constructed through morally indefensible, doctrinaire educational practices. Such practices could be regarded as intolerable from the perspective alone of the Convention on Rights of the Child. But there is more urgently today a mutually protective reason to constitutionally guard against such practices. The devastating attack on the World Trade Centre and the conduct of biological terrorism through the postal service, have made it clear that doctrinaire and divisive education in any classroom in the world can dangerously affect all. The thesis concludes that if the world is to be protected against the dangers of indoctrination, what Kant called 'the supreme principle of morality' – the categorical

imperative – will require activation as the overarching principle of personal and global governance in homes, classrooms, organisations and parliaments.

The experiment to undertake a 'future-oriented normative inquiry' and discipline the inquiry with the uncompromising requirement of moral autonomy, offered freedom to travel beyond the confines of prevailing discourses in constitutional, democratic, economic and education theory. The risk with such inquiry is that the conclusions will be dismissed as 'unrealistic', too far removed from current realities, 'in the clouds'. It needs to be kept in mind that what is developed 'in the clouds' can provide welcome refreshment in times of drought. The benefit of such approach is that promising, far-sighted steering directions may be found that could not be arrived at by the hindsight-oriented methods of critical theory and empirical social research. It allows one to step 'out of the box', as it were, to focus on what generally is not being focused on. While freeing it might be, the approach does not imply a freedom to explore fantasy futures and science fiction utopias. It requires finding, following and staying close to paths of moral reasoning – regardless of whether they lead beyond status quo realities – with the goal of discovering viable and dependable strategies to protect common real interests in the face of recurrent global threats.

The thesis takes a number of paths that progress from the fundamental grounding assumption underpinning all secular moral inquiry, civic norms, constitutionalism and law. The assumption, reconsidered by chapter 3, is that there exist among multiple culturally diverse strangers certain quasi-objective universal interests. Without this assumption, we cannot speak sensibly either of the mutual threat of global problems or of cooperative civic strategies for mutual protection. Chapter 3 asks whether this assumption could be sustained in the face of neo-relativist claims. Are the linguistic, ontological and rationality differences between cultures so radical as to negate universalising thought? Critical consideration of key relativist claims finds the conclusion that they are insufficiently substantial or threatening. The assumption of universal interests offers reasonably firm theoretical ground for civic cooperation and constitutionalism. If the assumption is correct, it invalidates claims of difference between the so-called 'national interests' of multicultural countries while providing robust support for the new, globally protective constitutionalism proposed by the thesis. However, we are left with the difficult issue of how universal interests are to be identified. Consideration of several transcultural approaches offered in the literature indicate considerable promise but await substantial empirical testing before a definitive list of universal interests can be conclusively agreed upon and upheld as world constitutional

interests. Chapter 3 concludes with the proposition that, for mutually protective reasons outlined, universal interests identification should not be left solely to social researchers, but should be undertaken by all newcomers to the Earth as part of their primary education.

A moral inquiry is incomplete without consideration of the consequences of its moral propositions. This appreciation takes us in chapter 4 on a 'what if' pathway. What would a future world look like if most people, if not absolutely everyone, behaved habitually and fairly dependably in accord with an ethic of responsibility for all humanity and all life? What would this imply for the constitution of world political economy? The first implication, it is argued, is that the *priaction principle* – the principle of global priority responsiveness – would be invoked. A number of arguments are outlined to indicate the robust validity of this principle. Exploration of system implications found us traversing somewhat new territory to derive an interrelated set of priactive constitutional norms, a framework for a paradigmatically new global economic game with new words – a *priactive* economy – a model largely dependent on the development and global accessibility of Internet technology.

Were people to discipline their moral reasoning with the constraints of the categorical imperative, would they be logically compelled along the path of argumentation that I pursued? Would they adopt the priactive constitution? This remains to be seen. My tentative experiments with small group constitutional deliberation (see later) indicate that a significant majority would agree with the priaction principle. It raises interesting prospects for negotiants in a future world constitutional forum were it governed by the autonomy constraints of the categorical imperative.

Without such world constitutional forum we cannot deliberate on such matters, nor publicly disclose the results. To marshal the resources required for the establishment of such forum, it may be necessary first to formally establish the right of all to participate without domination by status quo authority. To date, it appears to have been taken for granted that the world's people have no such right. Chapter 5 sets out to ask whether such right can be upheld. The chapter concludes that a clear right flows from acceptance of the ideals of democracy and political legitimacy. It proceeds further to show that we also have a responsibility to participate. This is seen to follow from three different argumentative paths: (1) acceptance of the Golden Rule and the logical implications of the categorical imperative; (2) reconsideration of the defence responsibilities of citizenship, and (3) recognition of the responsibility of each

for the world constitutional structure, its imposition by each upon all, and for the problems and suffering it generates.

Chapter 6 concerns itself with the ethics of compulsory education. In view of the substantial impediments against committing today's adults to the learning involved in meeting the global responsibility challenge, what ethical justification might there be for requiring their mandatory involvement? It is suggested that while there might be ethical justification, politically such agenda would not be accepted. The more politically and ethically acceptable prospect – perhaps the only prospect of meeting the Commission's challenge – is to look at the already ubiquitously accepted domain of compulsory education. Here sits a captive worldwide audience of youngsters who are being subjected to ethically questionable curriculum priorities and indoctrinations, against which they, and the world's people, have little or no constitutional protection. The thesis concludes that global responsibility can be cultivated, and protection against the dangers of compulsory miseducation assured, only while *civic integrity development* is constitutionally maintained as the curriculum priority, and while the categorical imperative, with its universalising and autonomy constraints, is upheld as meta-constitutional governor. Supported by a number of arguments that largely derive from or are consistent with the imperative, this conclusion encapsulates the new constitutionalism, and takes us to an experientially rich educational horizon beyond 'schooling' as we have known it.

The thesis does not attempt to predict whether the world's people – who market theorists presume are rational choosers – could learn to rationally choose and act as morally autonomous global agents in accord with the imperative. As discussed (6.3.2), some theorists have argued that autonomous reasoning and choice is impossible. While the thesis acknowledges the difficulties, the proof of the impossibility theorem is predicated on considerable empirical testing. Such testing could not be undertaken by the thesis. Clearly, we are not born with the competency to reason autonomously. It requires acquisition of understandings, exercise and skill development. It may well require, as chapter 5 suggests, the mental training equivalent to military defence training. Such training effort was clearly beyond the scope of the thesis. Were 'autonomy ability' tests applied to today's unexercised population, conclusive results could not be expected. The conclusion of the thesis that all, in their compulsory school years, should acquire the competencies entailed by the categorical imperative is based on moral necessity in the face of global problems, not on any evidence that such competencies could be cultivated successfully on a large scale. The history of large-

scale religious, cultural and political conversions, as discussed in chapters 2 and 6, does however offer significant indication that people en masse can let go of traditional beliefs and practices in favour of preferred replacements. The efforts of Gestalt and cognitive therapists to release their clients from the troublesome shackles of internalised and unexamined moral dictates also indicate considerable promise. Research in psychology, social psychology and psychoanalysis could no doubt add substantially to the thesis, but aside from a few references, full account of the literature could not be taken.

Much of the thesis is predicated on the new technological possibilities that have become apparent since the emergence of the Internet. In 1994, while undertaking research for a Masters thesis on world citizenship education, I began to develop sketches for a virtual world constitutional forum, an electronic parliament, with accompanying civic educational provisions. These early design explorations provided the key stimulus for the thesis inquiry. While undertaking this thesis, I continued to develop the designs as a parallel project. Now referred to as the Librecom Project it has attracted in 2001 the collaboration of an information technology company to undertake prototype engineering and website construction. Because of the crucial importance of such technological provisions to the claims made in the thesis, I have included the work-in-progress design brief in the Appendix. It illustrates, in broad outline, an education-centred, world constitutional facility, a model comprehensively conceived as a 'one-stop shop' institution of global governance, serving multiple functions including the information needs for a priactive economy. Not included in the thesis because of scope limitations is a body of theoretical work undertaken to generate and provide explanation for the system design features such as the constitutional forum structure and logigraphic system. These notes remain to be conveyed in forthcoming work.

The thesis also gained considerably during its writing from my experience with organising and facilitating world constitutional deliberation groups. The undertaking was not planned at the inception of the thesis, but was initiated to seize the opportunity that arose in 1998 when (as discussed in 2.4.2) Robert Theobald toured Australia to stimulate communities to engage in dialogue for fundamental system change. Garnering the interest generated by the tour, I conducted several follow-up daylong workshops in Brisbane and on the Sunshine Coast (north of Brisbane). The poster invitation, entitled 'Global Ethics and Self Integrity', and the workshops introduced participants to the Commission's challenge, to a model of deliberative democracy, comprising multiple deliberative learning circles called CARTs (Communicative Action Research Teams), and to the Librecom website project. The conception entails the

linking of multiple local area CARTs around the world to the website. It is being developed to enable the sharing of ideas, information and arguments, and public disclosure of the results of deliberations. Workshop participants were introduced to the ideas of communicative action and to the deliberative rules – prominent among them being *autonomy* and *universality*. Towards the end of the workshop, participants were given an accelerated experience of the deliberative process. Formed into 'beginners CARTs' they were given half an hour to propose and find agreement on some global responsibilities which, if universally complied with, would provide reliable protection against global problems of concern to them. At the end of the workshop interested participants formed into CARTs with people who lived nearby with a view to continuing their deliberations. A rough draft manual was distributed to aid assimilation of the ideas conveyed in the workshop and to serve as a self-help facilitation guide. Participants were invited to assist with its improvement. By the end of 1999, there were six deliberative groups typically meeting once a month. This proved to be a hopelessly inadequate time commitment considering the amount of territory to be traversed. I sat in on many of the meetings as observer, process consultant and occasional provocateur. A year later, the interest had dwindled away. Post evaluations remain to be conducted. Some scattered results remain, but no coherent declarations of agreement were produced.

This brief exposition of the experience clearly demands more attention than has been accorded here; indeed an entire research thesis is perhaps warranted. Suffice to say that the experience contributed significantly to the working out and clarification of the thesis ideas. The experience reinforced one of the main contentions of the thesis that if the Commission's 'foremost challenge' is to be met, today's adult lay community cannot be relied upon to meet it. Not even those who express initial enthusiasm can be counted on to voluntarily commit the substantial learning time implied. The experience also highlighted the lack of political literacy, moral reasoning skill and communicative competency among participants who typically were life-experienced, thoughtful, world-concerned and tertiary educated. It demonstrated the importance of preparatory instruction and exercise for participants to ensure that they could 'drive' their CARTs with an adequate degree of deliberative competency. The experiment offered no preparatory provisions in this regard aside from the introductory, one-day workshop.

The experience supported the key conclusion of the thesis that if the Commission's civic integrity challenge is to gain effective worldwide response, there is no option but to constitutionally require that all address the challenge in their years of compulsory education.

If the challenge is to be met, a universally accessible system of civic education and information provisions must be offered. If people are to be enabled to exercise the right and responsibility to participate in world constitutional deliberation, without political encumbrance and manipulation, educational leaders and teacher trainers should be among the first to participate, to serve as exemplars and effective guides. Can this be 'realistically' expected of them? Again, the likelihood of this occurring in the foreseeable future was not of interest. The ethical focus of the inquiry invokes the conclusion that they *ought* to.

7.3 STRATEGIC DIRECTIONS FOR THE FUTURE

A new, global civic association is clearly needed to undertake the educational and world constitutional initiative advocated by the thesis. Such association would be well advised to govern itself in accord with the basic conditions recommended by Joshua Cohen (5.2.2) and, above all, by a procedural meta-constitution based on the categorical imperative. It should be an association of individuals, of equals, committed to, and actively engaged in, the deliberative learning challenge.

The first task of such association would be to formalise a deliberative meta-constitution. To maximise legitimacy, this would need to be developed through consultation and agreement with theorists of deliberative democracy, constitutionalism, discourse ethics and those indicating familiarity with and/or material interest in the subject. Participants in the consultation process would need to register willingness to:

(1) become members of such association;
(2) develop the deliberative competencies entailed by the meta-constitution;
(3) fully participate in the world/self constitutional deliberations with associates;
(4) to manifest the outcomes of the association's deliberations, and
(5) promote the goals of global responsibility such as called for by the Commission, the Earth Charter and other initiatives.

Members would need to subject the meta-constitutional prototype(s) to extensive cross-cultural dialogue trials with a view to improving deliberative efficiency, overcoming technical 'bugs', and determining educational support requirements. This would need to be undertaken in conjunction with the development of a prototype civic website such as illustrated in the

Appendix. Some years of experimentation may be needed to allow the necessary procedural techniques, competencies and educational materials to be developed for subsequent teacher training and to enable school and public involvement.

An early strategic goal of the association should be to develop a network of associates in the world's universities. University leadership will need to be encouraged to respond to the Commission's challenge by adopting policy for the employment of key persons in each university to operate within and across relevant faculties, research centres and institutes. These persons would on one hand be involved in constitutional deliberations as members of the association and on the other serve within the university to activate responsiveness to the Commission's challenge, by organising seminars, in-service training, pilot courses and recommending curriculum changes.

Early collaboration could be expected from Centres and Institutes of Citizenship, Futures Studies, Peace and Conflict Studies, Democracy, Governance, Ethics, Environmental Sustainability, International Politics, Curriculum Development, Global Education and so forth.

A parallel strategy should seek to establish a network of active associates among social and political educators in secondary schools, such that pilot programs to engage students in identification of universal interests, global ethics deliberation and integrity development can be conducted within and between classrooms. The strategy should also seek to establish further rings of associates within the NGO and INGO sector, among the world's political parties, the media and the interfaith sector.[4]

The association should aim to initiate and facilitate world public debate and dialogue on the ethical problem raised in chapter 6 concerning the justification of curriculum priorities in compulsory schooling. Considerable strategic impact could be achieved were the association to organise a global Delphi Survey on the Internet targeting education policy makers, teacher

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[4] The Commission on Global Governance emphasised the need for leadership to effect its recommendations: 'the effectiveness of our proposals – indeed, their very realisation – depends on leadership of a high order at all levels within societies and beyond them... By leadership we do not mean only people at the highest national and international levels. We mean enlightenment at every level – local and national groups, in parliaments and in the professions, among scientists and writers, in small community groups and large national NGO's, in international bodies of every description, in the religious community and among teachers, in political parties and citizens' movements, in the private sector and among the large transnational corporations, and particularly in the media.' (1995: 353-5)

trainers, school principals and the media, with a view to gaining, comparing and publicising their responses to the CGG's challenge and their opinions on curriculum priority implications. This would provide the side-benefit of raising the public profile of the association and hopefully swell the ranks of deliberative participants.

The association should seek to establish partnerships with key bodies that have called for the adoption of global civic responsibilities such as the Commission on Global Governance, the Earth Council, the Interaction Council, UNESCO and the World Parliament of Religions.

The association should also initiate a major environmental design and development project with the goal of creating new kinds of experientially rich learning settings for the development of civic integrity, such as suggested in the last chapter.

Perhaps finally, I need to indicate my continuing interest in research and development pursuant to the thesis. It is to assist with the formation of an association such as outlined above, continue to organise and participate in civic deliberation groups, help building teacher training teams, press ahead with the Librecom website development project, and further develop the ideas in chapter 4 on the priactive constitution.
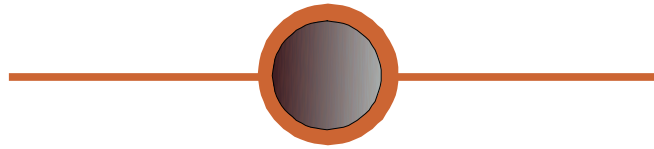
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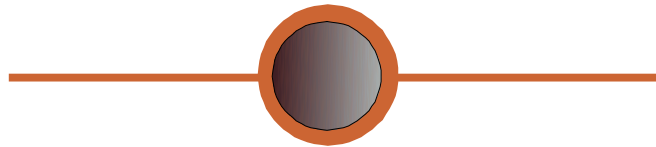
LIBRECOM

World Constitutional Forum, Civic Integrity Education & Information System

development work in progress, 2001

commenced by author before, and undertaken in parallel with, thesis development

Technical design brief for website prototype
with
Introduction to the Librecom Project

version 3.1

Richard Mochelle
2001

Contents

1 Librecom Project: introduction

(libre, as in liberty, library, libration)

The **Librecom Project** is a long term undertaking to assist the building of global civic culture through the design and development of a new Internet-based prototype institution of global governance.

The institution will have a range of interrelated functions. At core is a plan to construct and maintain an Internet-based world constitutional forum to enable the world's people to participate in democratic deliberations independent of status quo authority. Linked to the forum will be a system of education and information provisions to help people acquire the understandings, responsibilities and communicative competencies required for forum participation. The institution will also provide a global database to enable mutually protective, global economic cooperation among participants.

The institution design challenge

The world's people are confronted by intractable global problems threatening their shared ecological, economic and political security interests. They are problems involving degradation and suffering on a massive scale. They are problems that cannot be adequately addressed by governments acting alone and are proving to be beyond the remedial capacities of the UN system. We need to be open to the possibility that the problems may not be resolvable within the current framework of world constitutional norms and arrangements.

In view of these problems, the report by the Commission on Global Governance entitled 'Our Global Neighbourhood' (1995) concluded with a Call to Action, the foremost call being for:

'a global civic ethic and leadership infused with that ethic''

The Commission's challenge has immense implications for the future of education and world constitutionalism. Called for, in effect, is a quantum leap from a rights-based national civic culture to one based on the habitual and reliable enaction by all of a set of global responsibilities. Implied is a major civic integrity development advance, requiring education to take a leading role.

How are these responsibilities to be determined in a pluralistic world? What implications will there be for world constitutional arrangements? How are the responsibilities to be given motivational effect? How to get millions of busy people interested, let alone prepared to undertake the learning journey involved? How to coordinate the dialogue, and collate and publicly present the results of the deliberations?

Clearly, a new institution of global governance is needed, that is independent of UN and national authority, that can enable the world's people to reconsider their civic relationship and agree on mutually protective responsibilities and constitutional arrangements without domination by the current framework. The strategy of the **Librecom Project** entails a long term program of institutional design prototyping and experimentation that will require the worldwide collaboration of universities, teacher education colleges, schools and non-governmental organisations.
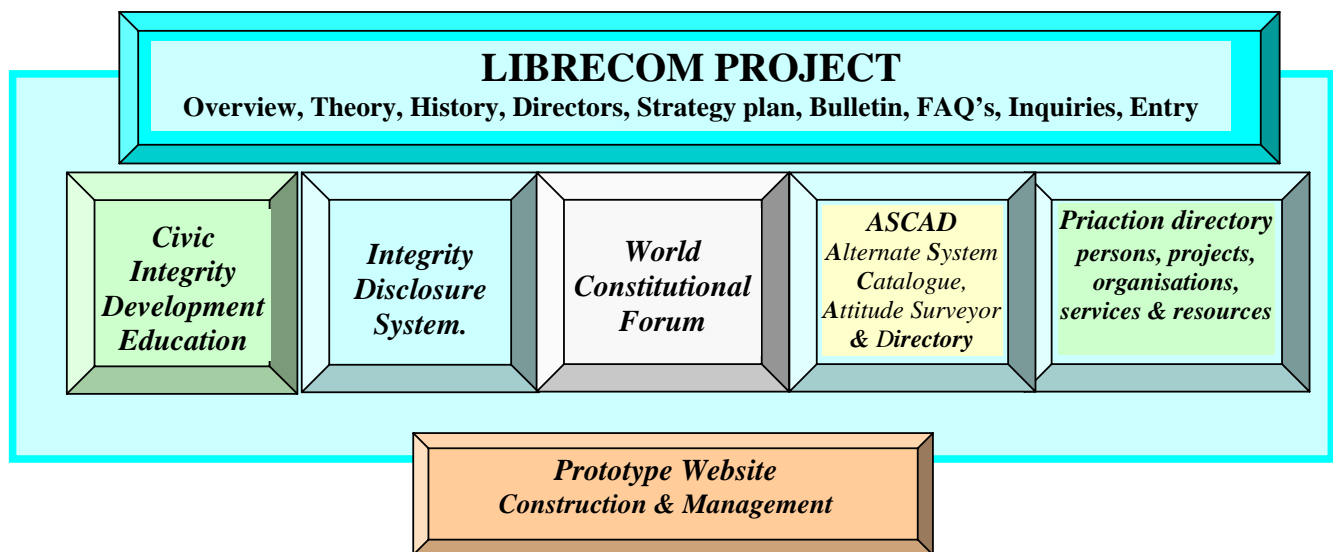
Librecom is the name of an experimental prototype architecture, a virtual, multi-functional 'world civic centre', being developed to serve as a key, global governance facility. Its location will be found at the Librecom website. At core are five main interrelated functions:

1. **Civic Integrity Development Education**;

2. **Civic Integrity Disclosure System** – for those having completed an Integrity Development course to publicly disclose their self-determined global ethics and those of their organisations;

3. **World Constitutional Forum** - where qualification for participatory rights – potentially available to all – requires Integrity Development Education entailing development of democratic, deliberative competencies;

4. **ASCAD** – An Alternative Systems Catalogue, Attitude-surveyor and Directory. A world civic information system to service the other functions, and

5. **Priaction Directory** – a world service directory linking people, services and resources. (***Pri***action = action that is responsive to global ***pri***orities).

The website may be envisioned as a civic centre, featuring prominently, above all, a cluster of 5 large constructions, that will house the five main functions.

Given the complexity of the project, its unprecedented status, and the lack of experience with it, a substantial period of prototype experimentation and skill development will be required before it can be made available for general public use.

It needs to be emphasised that the Librecom facility will not be imposed on the world. It will offer itself as a system of choice, serving to fulfil and protect the interests of those who subscribe.

LIBRECOM PROJECT
Overview, Theory, History, Directors, Strategy plan, Bulletin, FAQ's, Inquiries, Entry

| *Civic Integrity Development Education* | *Integrity Disclosure System.* | *World Constitutional Forum* | *ASCAD Alternate System Catalogue, Attitude Surveyor & Directory* | *Priaction directory persons, projects, organisations, services & resources* |

Prototype Website Construction & Management

2.1 Civic Integrity Development Education

The Librecom Project is overseen by CIVIDA – Civic Integrity Development Association. CIVIDA aims to cultivate global civic responsibilities and practices among associates, and in turn among others, with a view to effecting improved responsiveness to global problems and opportunities.

CIVIDA is an action response to the Commission's call for the development of *a global civic ethic*, the Earth Charter's call that we '*declare our responsibility to one another, to the greater community of life, and to future generations*', and growing number of such calls in international conferences and declarations.

CIVIDA will develop Web-based courses and materials for the Librecom site to suit different ages and levels, for home-based learning, schools, and universities, and build a global network of qualified educators and mentors. Librecom participants will be asked to commit to the integrity development goals of the project.

Civic Integrity Development Goals of Project

- to understand and commit to the compliance implications of the 'responsibility to all' ethic expounded in the Earth Charter.

- to develop post-conventional integrity, whereby the ethical norms that constitute one's integrity are determined (1) autonomously, without domination by status quo authority, (2) in consideration of global problems and preferred world protective norms, and (3) in deliberative dialogue with others.

- to develop democratic attitudes and communicative skills for participation in world constitutional deliberations. The deliberative learning circle procedure (embodied in a draft meta-constitution) being developed and trialed by CIVIDA will mirror the procedure to apply in Librecom's **World Constitutional Forum**.

- to publicly disclose the self-determined global ethics that will constitute one's integrity together with reasons, and with the norms and projects of the organisations one is associated with, (see **Integrity Disclosure Sys**).

- to seek to constitute, develop and participate in exemplary organisation(s) whose global ethics and integrity are congruent with and demonstrative of one's own.

The first stage of the project will require the development of deliberative learning circles in association with CIVIDA. En route, associates will develop (by testing on themselves and others) educational techniques, materials and experiential settings with a view to subsequent engagement of the world' educators and schools.

2.2 ASCAD: Alternate System Catalogue, Attitude-surveyor and Directory

The ASCAD system will provide a key service for democratic education and deliberation. It will bring together, and make publicly accessible, alternative system ideas with linkages to rationales, commentaries, idea developers and implementers. It will give a public voice to thinkers with creative alternative directions for the future. It will serve as a key information provision for **Integrity Development Education** and the **World Constitutional Forum**. The system comprises 3 main parts:

2.2.1 Alternate System Catalogue

This will provide information on status quo constitutions, constitutional norms and rationales, alongside coherent concept proposals for alternative economic systems, political decision-making systems, and constitutional reforms.

By means of a **Logigraphic System** (see description later), users will be able to zoom in and out of system concept maps, see outlines and detailed descriptions and clarifications. The text will be hyperlinked to Librecom's **Language Glossary**, justificatory arguments, critical arguments and commentaries.

Users will be able to inspect the list of constitutional principles on which a system is based, and investigate the rationales of a selected principles, ie, examine the 'Reason Trees', to view main branches and all leaves.

Users will be able to explore alternate system design implications of compliance with particular principles of interest.

Users will be able to view alternative system design propositions for particular global problems and dilemmas of concern.

Via an **editorial system**, subscribers will be able to add new system concepts to the Catalogue, add system variations, add supporting reasons, objections, refutations, questions of clarification or answers to questions.

2.2.2 Attitude Surveyor

has a range of functions enabling continuing on-line attitude polling and surveying of experts, project subscribers and the general public, to (1) whole system concepts, (2) alternate constitutional norms, (3) legislation and policy (4) specific arguments. The Surveyor will be a key facility serving the **World Constitutional Forum.**

2.2.3 Directory

will link people wishing to study or help develop the alternative system conceptions, or form alliances, networks or organisations with a view to trialing, demonstrating and living out their preferred ethics or systems. The Directory is to be linked to the **Integrity Disclosure System**.

2.3 Civic Integrity Disclosure System

This facility is to enable individuals to publicly declare their:

- *constitutional interests*, a declaration of commitment to serve to protect the interests of, at least, those similarly committed (entailing a commitment to participate in world constitutional deliberation, and enable others to do so.)
- *constitutional ethics*, alongside the ethical codes of the organisations in which they may be involved.

The facility will enable one to 'come out', and declare their 'public platform', as an independent, responsible political participant in world affairs.

This system meshes with the **ASCAD system** and **Priaction Directory** to provide an integrity-based resource information service, enabling acquisition of goods and services where ethics congruency and trustworthiness is important, and to find appropriate persons to serve as:

- management committee and governing board members;
- educators, coaches and mentors for self, staff, one's children;
- employers or employees – government, non-government and corporate;
- marriage and parenting partners;
- consulting services;
- project partners.

The system will maintain a public register of CIVIDA associates and protocitizens engaged in Librecom's **Constitutional Forum**. Current thinking is that qualification for forum participation will need to be gained through **Integrity Development Education**, where civic integrity disclosure will be a qualification prerequisite.

2.4 Librecom World Constitutional Forum

This is a democratic forum open to all prepared to complete Librecom's Integrity Development Education. This 'driver' qualification is required to ensure that users are familiar with and well exercised in the participatory procedures. Hence the basically simple procedure used in Constitutional Forum is experientially mirrored in Librecom's education. Both engage participants in a global consortium of deliberative circles – Communicative-Action-Research Teams (CARTs) – each a face-to-face, mini-constitutional assembly, linked to and informed by the Librecom web-site. CARTs are governed by process 'driving rules', a 'meta-constitution', based on principles of deliberative democracy and discourse ethics.

The forum comprises a set of connected 'domains', to inform and facilitate dialogue on (1) shared realities, (2) common interests, (3) constitutional norms, (4) constitutional language, (5) global standards, (6) institutions, and (7) procedures – constitution and law making.

2.5 Priaction Directory

An on-line directory for subscribers to CIVIDA's and Librecom's integrity development goals. Analogous to the telephone system's 'yellow pages', the directory will provide lists and location maps of individual and organisational subscribers, services, projects, accommodations, equipment and resources.

3 Website design briefing notes

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3.1 Architectural S*tyle*

- Elegant, dignified, modest, refined style, over the whole site.

- Minimalist graphics, no photographs. Keep in mind the need for accessibility by 3rd world countries with slow technology.

- While keeping design consistency across whole site- perhaps with common Librecom iconography or underlay - a differently designed 'frame' is to display each of the five main functions, the seven domains, the **Logigraphic** system (3.3), Librecom's general information section (3.5), and the 3 educational levels (the primary education module may be more playfully presented).

- A small easily amendable site map, graphic or 3D pic. is to be shown on each page, showing current location in relation to whole site.

3.2 Architectural Framework: 7 Domains

A key design challenge of the Librecom Project is to create a standard cataloguing system or framework – for information storage, ease of access, cross-referencing and system comparison – to serve the library needs of four of the five main functions of the Librecom System, ie:

- Integrity Development Education;
- Integrity Disclosure system;
- World Constitutional Forum;
- ASCAD.

The standard architectural template need not be hexagonal as shown. Required to serve Librecom's main functions is a 'library' complex comprising 7 '**domains**' – 4 *primary domains* and 3 *secondary domains*. (Perhaps they could be configured as a menu system with icons.)

Each domain contains a set of 'rooms' containing catalogues. Catalogues list items that are multiple-code-linked to items in other domains.

interests   standards

Realities

ethics   world views   institutions

language   procedures
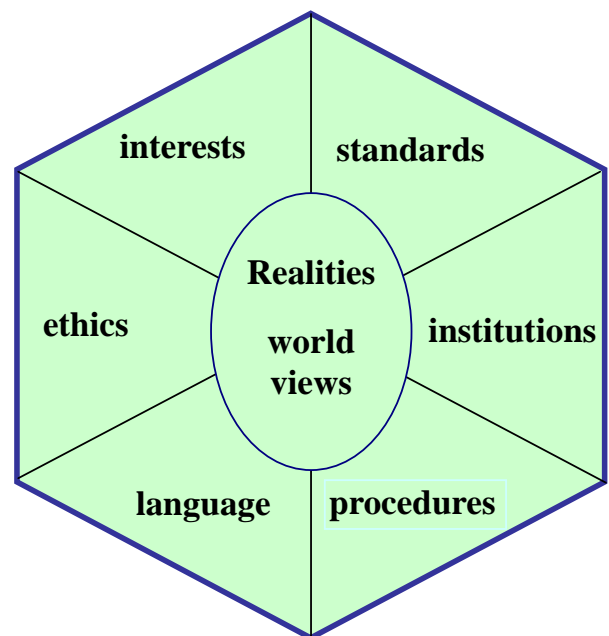
primary domains

3.2.1 **Realities** domain, (*Shared global realities*) 'our world, our home' *current* and *historical*.

Provision of the Realities domain will involve a substantial undertaking of encyclopaedic proportions. However, its content will be limited to ***items of relevance to global civic concerns and the need for mutual interest protection***. The large scale of the undertaking, the information traffic flow, and its management will need to be anticipated at the earliest stage in design prototyping.

As for each of the domains, the Realities domain is to be constructed for access by different educational levels. Suggest a three tiered system, a primary or beginners level, a secondary level (public journalism standard) and tertiary (academic standard).

The Realities domain is to convey (1) the perceived current status quo reality in so far as there appears concurrence among scholars; (2) a time-lined presentation of status quo realities through history – in so far as their is a degree of concurrence among historians. Links to dissenting commentaries are to be provided.

The Realities domain will comprise 3 sections as follows:

(1) Ontological reality

Overarching or foundational truth claims eg. ecological limits to growth, continuous change, interdependence, etc.
Scientific 'facts' (ecological, biological, physical, cosmological, etc.)
Catalogues of theoretical concepts, eg concepts of God, human nature, nature-nurture, the universe, etc.

(2) Socially Constructed Reality

Economic and political status quo, global, regional, and local. Organised 'horizontally' (geographically) and vertically, in layers, from constitutional status quo to legal statutes to policy, indicating normative underpinnings and rationale, ontological assumptions, with links to key debates and commentaries.

(3) Global Problems

Surface – lists and maps multi-linked to descriptions and debates, statistical 'realities', risk/threat assessments, futures projections and scenarios.

Subsurface – structure and agent-centred causes: lists, mental maps, layered analyses.

3.2.2 **Interests** domain (universal interests)

Grounds for global civic cooperation: Civic, constitutional, transcultural interests, purposes or ends, serving as primary basis of civic commitment by individuals.

This domain is to provide a catalogue of optional answers to the question 'why cooperate with a multitude of diverse strangers?'   What enduring interests (if any) do all people share? What shared interests do all want globally protected in view of recurrent global problems? Provide **multi-coded linkages** (See 3.3) from each listed item to items in other domains.

Here will be established a publicly accessible archive containing public declarations by individuals committing them to protect the listed interests cooperatively with committed others, and to ongoing constitutional forum participation. A prerequisite for engagement in Constitutional Forum

3.2.3 **ethics** domain**,** *principles of global civic behaviour to protect universal interests*

This domain comprises a catalogue of proposed ethical principles – globally protective responsibilities and rights – which if complied with by the world's people, might prevent recurring global problems (listed in **Realities**), and protect shared interests (listed in **Interests**).

All items in the catalogue are to be multi-linked to items in other domains and the ASCAD system. Via the **Logigraphic System (**See 3.3) each principle will be linked to justifying rationale and commentaries. Users will also be able to explore compliance implications of each item in personal, organisational and system terms, as per the ASCAD system.

By means of ASCAD's attitude surveyor and the **Logigraphic system**, users will be able to submit an agreement rating on a principle, and view its global and regional popularity

3.2.4 **language** domain**:** *world constitutional language glossary*

A key goal of the project is to cultivate the competencies required to exercise the principles of deliberative democracy and discourse ethics. A principle of discourse ethics (as proposed by Jurgen Habermas) is that people committed to finding agreement over mutually binding norms, should not use the same word with different meanings.

Meaning-consistency is crucial when abstract terms are used repeatedly within a constitutional document, given that it is relied upon as a record, reminder and educator of agreed mutually protective responsibilities. The need for linguistic coordination and consistency is equally crucial in a constitution making process where multiple groups worldwide are involved in asynchronous deliberations. The Librecom Project aims to facilitate this requirement with a world constitutional glossary.

How might a constitutional glossary overcome the problem of linguistic ambiguity? Some (eg deconstructionists) argue that because our inherited words have multiple meanings, linguistic ambiguity cannot be avoided.   This can render the task of constitutional interpretation absurd. How to judge the meanings intended by constitutional founders? Librecom's constitutional glossary aims to overcome this difficulty by:

- providing extended keyword definitions. For example the word 'soccer' is precisely understood worldwide despite the difference in speech cultures because the word is associated with a clear set of game rules that all comprehend. If the terms in the glossary are to be understood with minimal distortion, they will need to be defined, like soccer, as *language games*, with an extensive set of distinguishing rules or criteria. (Hence the glossary will be quite unlike a dictionary)

- hot-linking all key words, wherever they appear on Librecom's civic website, to the constitutional glossary.

- requiring people entering text onto the website (eg. Integrity disclosures, propositions, arguments, ASCAD contributions or whatever) to ensure that the meaning of any key word used in their text accords with the meaning in the glossary.

- requiring those engaged in world civic discourse via the Librecom system to only use word meanings as listed in the constitutional glossary.

- requiring prospective Librecom subscribers to develop global civic literacy – ie, to understand and practice using the words and meanings in the constitutional glossary – as a primary part of their integrity development education.

Where the meaning of a word has yet to be defined, or where a crucial distinction has yet to be accorded a word in the constitutional glossary, Librecom subscribers may submit a draft proposal for discussion. Where key words not yet in the glossary have multiple meanings, making deliberation ambiguous and dysfunctional, the **Language** domain invites subscribers to invent and assign new words for each of the meanings so that distinctions are clear.

How draft definitions will gain final assent and inscription on the constitutional glossary, and how revisions will be managed, remains to be given theoretical, technical and site management consideration.

Librecom's world constitutional language glossary will entail five parts.

1. *An alphabetically ordered list of terms*, accompanied by a brief succinct introduction to the meaning of the term, not to be taken as The Definition. Each term is to be linked to:
2. *The Formal Definition*, written as *language game*, comprising an extensive set of rules or criteria for distinguishing the term, with distinct phrases of the text linked to clarifying statements appearing as touch sensitive scroll downs.
3. *History of the term*.
4. *Tutorial*: Introduction to the extended *language game* definition associated with each term, for young and not so young beginners, to assist with the development of civic literacy and communication ability. The tutorial connected to the primary education module of Librecom's Integrity Development Education is to be expressed in simple language, illustrated with pictures, stories, video clips, etc, showing correct and incorrect use of the terms.
5. *Translations* of the above into different languages.

Up to date versions of the glossary, with amendments will need to be available on the Librecom and CIVIDA websites, and perhaps also on CD's.

Eventual integration into word processing software will also need to be considered.

secondary domains

The content of the secondary domains will largely depend on what transpires in the primary domains. This militates against detailed predetermination of the website accommodations for the secondary domains. However, provisional allowance for the following needs to be made.

3.2.5 **Standards** domain

Gaining worldwide agreement to enact responsibilities to protect universal interests (identified and declared in the **Interests** domain) may well depend on gaining prior agreement to civic standards. For example, if it were agreed that 'shelter' or 'housing' is an interest to be universally fulfilled, would plastic sheets suffice as shelter? What minimal (and perhaps maximum) standard of housing may be acceptable to all in view of ecosystem limits and differences in climate and culture? The *purpose* of the standards domain is to bring together and catalogue *current* and *proposed* standards (in some cases regionally specific) and to link them to corresponding items in the **Interests** domain.

Current global standards are to be differentiated from the catalogue of *proposed* standards.

Links from items in **Standards** are to direct users to the **Attitude Surveyor** via the **Logigraphic System**, (see later), also to ASCAD's **Directory System** to enable people to identify and contact advocates or critics of proposed standards, and to the **World Constitutional Forum** for reportage on the negotiation status of the proposal.

3.2.6 **Institutions** domain

Purpose of domain. To provide a catalogue of institutional models that have been embodied, and proposed for embodiment, in constitutional formations. To include alternative economic and political institutions, world peace plans, as listed in the **ASCAD** system etc. Model presentations are to indicate goals and highlight the underpinning **Ethics** and **Realities** assumptions.

Presentations may comprise legislative, administrative, judicial, conflict-resolving and educational institutions, their functions and powers, the relation between them, official roles and their decision-making powers, prerequisite qualifications, checks and balances, and so forth. Procedures for constitutional amendment, deciding on officers, their qualifications, their dismissal, etc, are to be presented in the **Procedures** domain.

Institutional models are to be accompanied by justifying rationale for the various parts, commentaries, critiques, and links to associated items in **Ethics**, **Interests** and **Realities**. See **Logigraphic System**.

This domain shall also present constitutional models throughout history, and as far as possible, show justifying rationale, highlighting the changes over time, and reasons offered by commentators for the changes.

3.2.7 **Procedures** domain

This domain shall provide information on two distinct levels of constitutional procedure.

1. **Meta-constitutional procedure** – the procedure by which the world's people may participate in world constitutional deliberation and institution building. Here, alongside alternative procedural models, *past*, *current* and *proposed*, is to be found Librecom's CART procedure that integrates world constitution-making with integrity development education. Links are to be provided to the **procedural ethics** listings in the **Ethics Domain**.

   (Note: this section of the procedures domain does not strictly fall into either the primary and secondary domain categories. With its focus on meta-procedure (meta = above or beyond), it transcends and logically precedes both. The meta-constitutional model determines how and who of 'the people' can participate in world and regional constitution making and amending. The legitimacy of a political constitution rests on consent to the meta-constitution.)

2. **Constitutional procedure** Here are found alternative models, *past, current* and *proposed*, for what has traditionally been packaged into a political constitution - procedures for selecting and dismissing key political decision makers, procedures for drafting, debating and establishing legislature and policy, for instigating and determining constitutional amendments, for resolving constitutional conflicts, for determining the qualifications and participatory expectations of citizens in political decision-making, and so forth.

Links are to reveal the procedural principles and arguments (listed in **Ethics)** that underpin the models. Links from status quo constitutions are to reveal the procedures by which they were determined, ie, the **meta-constitutional procedure**.

3.3 **Logigraphic system**: A forest of 'Reason Trees'

(Logigraphic, a new term coined for the project, from the Greek *logos*: word, reason, account.)

How to grasp the complex relationship between common interests, global realities, proposed ethics, justifying arguments and compliance implications. Can the complexity be conveyed in a clear, visually accessible way?

Design Challenge: *to create a flexible hyper-text mapping system, with zoom capacity, to assist understanding and attitude surveying of current and proposed global ethics, their justifying arguments and their compliance implications.*

The Tree offers itself as an appropriate visual metaphor. View a selected ethical principle as the trunk of a tree, its main branches as the key arguments and the twigs as sub-arguments (pro and con). A multi-trunked tree could represent a set of interdependent principles, ie, where the functionality of a principle crucially depends on compliance with one or more other principles. Where universal interests and global problems provide the *primary* motivational justifications for a proposed global ethic, we might view them as main branches on the ethic's Reason Tree.

3.3.1 Operational Capabilities of Logigraphic System:

- Enable viewing of logigraphic maps of historical, current or proposed systems in **ASCAD**.

- Enable zooming – out, to overview a system in terms of its basic institutional elements, or its core ethical principles, or zoom-in to view specific institutional design details.

- Select a principle in the **Ethics** catalogue, view its rationale, and/or a map of compliance implications in terms of 'in principle' civic responsibilities and alternative institutional models designed to enable universal compliance (as catalogued in the **ASCAD system**).

- Offer logigraphic expositions for the **Integrity Disclosure System**, showing a user's principles and justifying arguments, along with organisational and project commitments;

- Provide a logigraphic tutorial and blank template, to assist learners to construct their own maps. A click and drag facility to enable one to move selected items from domain catalogues onto a blank logigraphic template.

- Provide option to transform the logigraphic map so that, for example, certain global problems are the main trunks, and alternate sets of ethical remedies are the branches.

3.3.2 Multi-coded Linkage System:

This system is needed to link listed items in one domain with various items in other domains.

- A labelling and coding system will need to be devised to represent each discreet item on the branches and twigs of a Reason Tree. The various kinds of links attached to each item may also require a coded, visual-identification system.

- Item labels are to be fitted with touch-sensitive scroll downs displaying the definitive, succinct statement pertaining to the item, with hot links to explanatory texts (for primary, secondary and tertiary education levels), further links to commentaries, debates and references, and key words hot linked to the constitutional glossary (in **Language)**.

- A management system will need to be devised so that new information to be catalogued and plugged onto an ASCAD logigraphic map can be (1) edited, (2) labelled, (3) coded, (4) positioned, (5) linked.

3.3.3 Attitude Surveyor System

Alongside the explanatory scroll-downs attached to items on the Reason Trees is to be another scroll-down provision to enable attitude surveying and polling.

Attitudes are to be indicated on a –2 to +2 scale (-2 strong disagreement; -1 weak disagreement; 0 uncertain, abstain; +1 weak agreement; +2 strong agreement).

The system is to enable attitudes entered by a user on the various twigs of a Reason Tree to be automatically aggregated upon completion of the exercise to reveal a total figure, –ve or

+ve, indicating their level of agreement or disagreement with the main proposition under consideration. This capacity will be useful, particularly where an argument field is a complex one, involving issues with multiple pros and cons.

- CIVIDA associates, school students and the general public are to have the option of using the system software as a learning tool for *private* deliberation, with opinions entered remaining confidential. The consistency checking system (see 6) is to aid the learning process.

- Serving as a *public* attitude surveyor, the system is to enable graduates to publicly disclose their attitudes logigraphically on the **Integrity Disclosure System.**

- Aggregations of public attitude disclosures by individuals are to be presented on a real-time basis, showing the numbers participating, with periodic shifts graphed and statistical data made available on scroll-downs for all items on logigraphic maps.

- If possible, a colour-coded system is to be used to represent polling results on the Reason Trees, thereby facilitating quick picturing of public attitudes to catalogue items as well as to whole system propositions. Both colour and intensity might be used on branches and twigs to highlight extent of positive and negative weightings.

- The system is to be designed to survey two deliberation groups, Librecom graduates and undergraduates. Undergraduate survey results are to be confined to the subscriber network, while graduate results are to be entirely public.

3.3.4 Consistency Checking System

The logigraphic system is to be designed to enable attitude entries made by an individual on a Reason Tree to be automatically crosschecked with their entries on other Trees. Users are to have the option (similarly to spell-checkers) to have contradictions highlighted with pop-up notices advising of the need to adjust entries for consistency.

One may, for example, decide to enter a +2 attitude toward 'claim X' on a Reason Tree, a claim that counters, say, the principle of 'universal compulsory education'. Users are to have the option of requesting that wherever 'claim X' is used to support or counter other principles, the logigraphic system will automatically register a +2 alongside it.

3.4 Editorial & Information Management

An editorial and information management system is needed to handle the flow of user contributions to:

- Integrity Development Education System (curriculum materials, techniques, texts);
- domain catalogues (propositions, arguments, commentaries;
- ASCAD system (editing, labelling, coding, filing, etc.),
- ASCAD directory;
- Interest Register (see below);
- Priaction Directory;
- Integrity Disclosure system;
- General information (see below).

3.5 Librecom - General Information

The homepage should lead to the following General Information sites:

- **Overview** (Introductory text and orientation maps, linked to detailed explanations, theory and tutors)

- **History** (Librecom Project)

- **Theory** – articles explaining and commenting on philosophical underpinnings of the Librecom system, an e-journal, and discussion groups.

- **Directors & Advisors**

- **Affiliates & Sponsors**

- **CIVIDA – Association website link**

- **Librecom Management Staff and Editorial Network** (background information and contacts)

- **Strategy Plan** – long and short range project plans with current stage of development.

- **Bulletin** – a general newsletter (perhaps later branching into specialist journals related to Librecom's various components).

- **Inquiries & FAQ's**

- **Entry Ways** – 'how to get involved' information, including an e-registry system and global data base/directory of registrants. Registration of Interest here will enable contact with registered others to discuss further involvement, find potential CART partners, mentors and facilitators in one's locality, and proceed with trial engagement in a deliberative learning circle.

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