

Having It All – A Blueprint for Justice, Equality, Freedom and Happiness

Accepting We Want a State

In this paper we will discuss a number of items related to the state, and in fact we will define a state to some extent, with a particular effort to say something about happiness/welfare, justice, equality, and freedom or liberty. The first and seemingly most obvious item to consider is the reason for having a state in the first place. Hobbes and Mill suggest we tend to be at odds with each other all the time, and that the state helps reduce the harm we would do to one another without it. It has been argued that we in fact naturally desire a sovereign of some sort (which can be the state) to keep things in check. While this is probably true, it seems more attractive to consider the state as offering something more positive, such as collective action; it is how we can get big things done, like provision of roads, clean water, electric power, education, health care, exploration, entertainment, and the like.

In the process of trying to keep us from harming each other, the state will run into situations where harm in fact still gets done. In trying to account for harms that do get done, the state makes "adjustments" (compensation/penalties), which essentially deliver justice to the people, that might not happen without state intervention. Having the state, assuming it really is controlled by the people in common, can also lead to equalizing of resources and life situations that probably would not happen otherwise. One assumes these things, plus the collective action benefits noted, would also deliver happiness, or that having these things established would free one to pursue some non-state-related activity that would then in turn deliver on happiness and wellbeing. With regard to general freedom, many people might feel that the existence of the omnipresent state reduces freedom/liberty. However, as suggested above, leaving many things to the state to sort-out can in fact give one more freedom in life to pursue other activities. Of the many things to consider for the purpose of having a state, whether it delivers or hampers freedom does however seem like a debatable point. If you want to build your own roads and mount your own defence, then the state might seem to get in your way, reducing your freedom. However, if you want to focus on something in particular, or alternatively wander about exploring life, then the state delivery of organized sources of food, water, lodging, and learning, and of course security of person, would seem to enhance your freedom.

Getting In

The state should not have national borders where the state coercively denies potential immigrants entry. All people have the right to try to improve their situation, and it is not right that they should be denied entry to the state for that purpose. If we can allow people to freely move across provincial boundaries within a national state – you can do this among all provinces in Canada, for example, where each province has a strong government – then we can allow people to move into and out of the national state without much hindrance. The boundaries of the national state are then defined just like many provincial boundaries; there are incentives and disincentives provided by provincial governments, but no real hindrance. Furthermore, there would be little in the way of criteria for membership in the state. Perhaps strong evidence of continual criminal activity, and malicious intent could be reason to keep you out, but if one is of little criminal danger, then one should be allowed full membership into the national state. Physically getting into the state could be monitored and controlled, but if you pose no continual

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criminal danger, you should be allowed in. And of course you should be allowed to leave at any time for a short term, and forever if nothing substantial is owed (say financially or criminally).

Allowing people to enter and join more or less freely would seem only to increase the happiness and welfare of those who do. While some of those who are already members of the state may balk at such entry, that seems childish; they should learn to share; the world is more enjoyable on the whole when we share. This more or less free movement across national state boundaries would seem to facilitate justice and equality for those who move across the borders, however one can see how those already members might feel they have contributed substantially to the state, and will now unjustly have done more than the newcomers, however this is not much different than what we do for children. So, when the newcomers acclimatize, they too will contribute in their way, perhaps preparing the state for yet more newcomers. Finally, getting-in easily would seem to have enhanced the liberty of the newcomers, while only at great lengths of complex argument could one construe the situation as impinging on the freedom of those already in the state.

Keeping It Together

A constitution assumes we want to have a state, and we think it's good for us to maintain it in the future, and to do that, we need to make rules that we agree to follow now, and that we think our future selves and generations will recognize as useful to keep. A difficulty would now seem to be that in our relatively inclusive and diverse society, it will be difficult to create a constitution. In the past, a small group of apparently similar people (usually men it seems) would get together and decide would should go in the constitution. While it has undoubtedly been some work to get enough agreement to write articles down in those groups, today's collaborative environment would surely make that impossible. We often can't get governments to be elected by more than 50% of people. If we go to the people to write the constitution, we might never get a majority, let alone good consensus at say 60%, two-thirds, or of even say the 95% level that the technical consensus often strives for. So, we either don't bother to have a constitution codified, or allow it to evolve from something that starts as rather sparse. This last approach is what is suggested. We form a rather large group, propose ideas for articles, and then those that get say two-thirds approval will be kept and enforced. One of those articles should be something that allows us to eliminate or change articles, or add new ones. Even this process would seem to be potentially fraught with difficulty for establishing a required consensus for changes, but some modern states do seem to manage; an example is Israel, which uses laws rather than a formal constitution.

What should be in the constitution? Everything the group of constructors can think of. Important state morals of the present time, rights, obligations and privileges. The usual stuff really. Also, why not add things like life, liberty and happiness...they seem obvious, but still worthy of acknowledgement. Even the Canadian constitutional notions of "order and good government" can be included, but they are admittedly a little boring. This process could take some time, but given a lack of ability to achieve consensus, one would assume during the construction the development group would move-on when a vote does not achieve the say 2/3 level, and would just allow future legislators to make amends. This of course leads to perhaps the ultimate issue: Why would a future populace want to adhere to anything in a constitution written down by very old or dead people? This author suggests they might very well not, so they will use the mechanism for change that would be written into the constitution, and change it.

To close the constitutional discussion, we note that one assumes having a constitution that most people agree to follow is something good. It will probably decrease chaos, increase peace, and therefore increase happiness, for most people. Interestingly, there will be people who thrive on chaos/anarchy, and they might be less happy to adhere to a constitution; at this point we assume they are in a very

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small minority, so they will have to suffer with the agreement, or live on their own somehow. In terms of justice and equality, the constitution could deliver on those things. It might not, but it certainly could, and in an evolving constitution, one assumes it will be corrected as the society sees fit. In terms of general freedom, one can argue that a codified way to run the society reduces freedom. However, similar to the argument earlier above for having the state in the first place, one can say that having the constitution, or the general rules, frees the mind to pursue other interests, knowing what, in general, we all can expect of one another, and our government.

Running Things

The single-minded authoritarian (or benevolent overlord) model would be interesting to explore and try to justify, however we will take the more diverse and complicated, but seemingly still more obvious, democratic approach, for the proposed state. As technology develops it would also seem that the control and decision-making could be completely distributed, by using a direct form of democracy, where each individual votes on everything, via the internet say. While this too would be interesting to try, we will pull back a bit, and accept the idea of using representatives; the interest-level and workload still seem to be hurdles in doing legislative work, at least for this author. Therefore, we will use representatives in a legislature to create laws, and administer government, which all seems like what we already expect. However, at this point we will take a sharp turn from the standard model, and suggest that there will be no elections of the representatives, but they will be chosen by lottery. This lottocracy could follow that described by Alexander Guerrero in "Against Elections: The Lottocratic Alternative". Guerrero suggests a lottocracy would utilize what he calls Single-Issue Lottery-selected Legislatures (SILLs), where each of many SILLs would focus on a specific issue, and would use extensive consultation with experts. This approach may involve many more people in the highest levels of government than normally seen these days. Each member would be randomly selected from the populace, for a fixed term, and the refreshing of legislative members would happen annually, in a continual overlapping-wave fashion that maintains some continuity of knowledge of the work at hand. Given statistical probability, one's selection would still be unlikely in a given lifetime, and participation if selected would not be mandatory, but it would be honorable and well paid work that should not harm one's future prospects.

The proposed representative democracy would seem to be so similar to what most Western democracies are now that one might assume justice, equality, freedom and general happiness would be just as they are (or aren't) now. Exploring a little further, it is proposed that although the level of dispensing of justice might stay the same, the sense that justice is fairly being administered by one's peers might increase. Similarly, the sense (and actual fact) of general equality among the populace would surely increase, given how much more egalitarian the government participation would be compared to today. It is not clear that people would feel or actually be more free than they are now (in fact they might feel less free, given they might be asked to contribute at any time), however many might feel more satisfied (less disgruntled), and therefore generally more happy, when it comes to trying to understand what the government seems to be up to.

Behaving

This last section in the discussion is likely the most provocative. It is proposed that a new state should not really have punishment, and certainly not unpleasant prisons like those we have now. There will be crime, and there will need to be consequences, but we do not have moral grounds to punish. One can argue that it could be established that any punishment is not so much based on a moral duty to deliver

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punishment for being bad, but simply a utilitarian consequence to dissuade people from committing crimes within the society. Studies would seem to indicate that even having established punishments does not really dissuade people from committing crimes. Therefore, in this treatise, we propose that nobody has justification to punish another, but that there should be something that dissuades people from committing crimes, and that if committed, the offender must see consequences. The first part (dissuasion without punishment) does not seem easy to implement, but perhaps the training of children, and an ongoing public campaign (shaming?) can bring about sufficient crime prevention, at least near the levels achieved with the current approach of threatening with punishment. The second part, where the offender must be subjected to consequences, could be achieved with something like Restorative Justice, which seems to be gaining popularity. This new approach does away with striving for retribution, and drops prisons altogether. (If one is insanely dangerous to society, then perhaps confinement is necessary, until we figure out something better for that situation.) Restorative Justice tries to maintain the just balance that people seem to seek, through restitution by the offender, and promotion of a victim's well being.

In terms of justice, the proposed plan might not satisfy many initially. People might need to relearn or otherwise reset what justice is to them, such that personal feelings and society as a whole are satisfied by the re-balancing accomplished through restoration, rather than punishment. It is proposed that people should feel more equal with this new approach, especially those segments of societies that have suffered unusually high rates of incarceration for crime. The restorative approach would seem to bring the matter more up-front in society, involving more people, such that people who have fallen into a pattern of bringing suffering to others, and in suffering themselves in the criminal system, cannot simply be locked away, with no end in sight. People may feel more freedom in life in general, knowing that while they must deal with their criminal transgressions, they cannot have their freedom taken from them in the way that many punishments and prison would have done. For many, or most, this lack of freedom (being in prison) is no way to live, and this author suggests we should not impose it on anyone.

Finally, happiness might be the only real measure of success. The restorative idea for delivery of justice for crime, as well as all the other proposals for a state, from above, do indeed seem to make this author happy. Will they make a majority of potential citizens of the new state happy? That is unclear, but it seems doubtful at the moment. Ad hoc conversations with friends and colleagues of the author regarding the ideas presented here have shown most of the ideas are quite unpopular.

To friends and colleagues, please keep in mind this is only an exploration of a collection of ideas that are part of a free, on-line philosophy course; I still need to get-along in this society! Also, please forgive the grandiose title of the paper; it just felt good to complete the course with such a flourish.