

The Paradox of Governance

Woon-kwong Lam

Convenor of Executive Council, The Hong Kong SAR Government

(Following is the speech by the Convenor of Executive Council, Mr. Woon-kwong Lam, delivered at the AGM and Luncheon of the Hong Kong Public Administration Association, held in the Police Officers' Club on 7 June, 2013.)

President, Participants,

Thank you for inviting me.

Today, I am speaking in my individual capacity, not representing the Government, or the Executive Council, or any political interests. It will be one man's view, no more, no less.

And thank you for letting me choose my topic. What I am going to say would be neither ground breaking, nor insightful. It will be just common sense knowledge, knowledge derived from thousands of years of human civilization, instilled from the lessons we learned from centuries of governance, or more accurately, misgovernance.

Being common sense knowledge does not mean that it is not worth repeating. As public administrators in particular, we should remind ourselves regularly how modern concepts of governance came about. Otherwise, we risk missing the wisdom we have so painfully accumulated.

Let me begin with a quote from the late Robert Novak, a Conservative American political commentator: "*Always love your country, but never trust your government.*"

Is this statement not a paradox? To those of us who have been under the subconscious but not inconsiderable influence of Confucian authoritarianism, the statement indeed sounds surreal. Government is, after all, the real-life representative of the country. However, to a right wing American columnist who believes that "government is the problem", this statement makes perfect sense.

Indeed, all modern day liberal democracies have their constitutions modeled exactly along Novak's paradox: public powers are too tempting and will thus be abused; those in power cannot be trusted; hence their powers must be checked by strong, independent, and balancing institutions.

Yet modern societies are getting increasingly complex. People are now better educated, better informed and better empowered at staking their claims, often direct to the government rather than going through agencies such as political parties.

Too often, the claims of different stakeholders are in conflict with each other. To resolve the conflicts and to take policies forward, it requires skillful coordination on the part of government, and strong sense of collaboration on the part of stakeholders.

Trust, the single most important factor in making the balancing acts work, should be a pre-requisite. And yet most modern day governments choose to base their constitutional design on the principle of distrust.

There lies the paradox of governance in modern day governments.

This paradox did not come into existence for most part of the world until the last century. Before that, most countries were ruled, for centuries, by kings and emperors who claimed their right to rule through divine authority such as God or Heaven. Trust is assumed to be an inherent part of this metaphysical relationship because faith in God or any Heavenly being must not be subject to questioning.

The modern day notion that "*no man is good enough to govern another man without the other's consent*" may seem like a late comer to the concept of governance. Or is it so? If we look closely at how our great grand forefathers had lived, in the times of pre-history, this seemingly late-coming principle was actually adopted by probably all early primitive societies.

Leaders in early primitive societies were almost never by inheritance. This has been observed by anthropologists who studied small primitive human communities that still exist in scattered parts of the world. It is also evidenced in the many legends that portray how the old, pre-historic world functioned, both in the East and in the West.

Leaders in pre-historic societies were chosen from among those who are either most capable, or most experienced, or most respected, or with all these qualities combined. While these societies might not have left behind any record of formal election processes, broad consent from among their own members was the way for their leaders to gain collective acceptance. They were certainly not democracies in the modern sense of the word, but they were not family-run enterprises either.

Why should collective acceptance be important in human societies? To answer this question, let us go back to the basics. Humans sit at the top of the five billion year old evolution tree. We belong to the family of the great apes, our closest surviving relatives in the evolution path. We are alone among all the surviving biological species in being able to manipulate the natural environment and make amazing achievements.

But we are communal beings. Our survival and well-being are dependent on being part of a larger community. We willingly give up a considerable part of our freedom for the greater good of the community where we belong. In return, we expect trustful and productive bonds among communal members, plus mutual protection and support in difficult times and during crisis.

When a community reaches a certain size, we need organized governance, in the form of government. "*The legitimate object of any government is to do for their own community of people whatever they need to have done, but cannot do it at all, or cannot do it so well for themselves, in their separate and individual capacities.*" (*Abraham Lincoln*) The obvious examples are collective security and major public works such as dams and roads.

It is self-evident that government exists for the community of people it serves, not

the other way round. However, as communities grew bigger and governance became more complex, man's insatiable capacity for self-interest tempted many to monopolize their positions of power. Appealing to metaphysical sources that need no rational explanation, they claimed themselves and their dedicated successors to have divine and natural rights to rule in perpetuity.

It was due to the painful history of these outright and universal abuses of public power, which lasted for millenniums, that modern liberal democracies choose to anchor their governing institutions on the principle of separation of powers so they may check and balance against each other. The aim is to reduce the risk of power abuse and monopoly.

Seen from this light, the argument that liberal democracy is a form of governance only suited for the West is puzzling. The tendency for those in positions of power to abuse public powers is proven to be **universal** as well as **eternal**. Indeed, if we reflect on our own history dutifully and objectively, abuses by successive imperial governments against the well-being of the Chinese people took place on a much larger scale, simply because our empires were much bigger and our dynasties on average lasted much longer than those in the West.

Let us now come back to this trust-distrust dichotomy of liberal democracies. How can any government function under such a paradox, you may ask? The way it works is actually quite easy to understand: through constitutional design and through establishing the necessary supporting political culture, people gradually develop their trust in the governing institutions. And when they have sufficient faith in the ability of these institutions to check and balance against abuses and excesses in the system, they would grant their collective acceptance willingly. The dichotomy is thus turned into the two faces of the same coin which becomes trusted and usable currency.

Exercise of power by modern day government has to be based on collective acceptance by the people it governs. And collective acceptance is best realized through the majority, because it is most easily understood, and has the natural strength to make itself obeyed. Once the broad acceptance hurdle is overcome, government then owns the effective power of compliance. It can command acceptance of its policies considerably more effectively.

In a typical functioning democracy, though you may still not like certain acts that the government requires you to do, such as taxing you to reduce your wastes, or demanding that you go through the means test before qualifying for your old age allowance, the tendency for you to follow the rule of the game would be higher, because you consider the election valid and want to respect the majority will. Even if you one day become fed-up with what the government imposes on you, you still harbor the hope that you may vote it out at the next available opportunity.

Simply counting the majority is of course no panacea. Collective acceptance is never total. In any democracy, there will always be a percentage of "dissidents" who would defy any compliance measure imposed by the government.

John Kennedy, the popular American President of the 60s, once famously said,

"One-fifth of the people are against all things all the time." I don't know how he got the figure of one-fifth, but he was right to face up to the fact that even in a functioning democracy, you cannot please all people all the time. But government by majority at least runs less risk of being brought to a stand still by minority interests.

Some of you might now be crying foul: that what I had just said only exists in textbooks on politics, and elementary ones as such.

You might think I am turning a blind eye to what is happening in many liberal democracies now, after they had been hit by the worst financial crisis of the last half century.

Some of you might even be convinced that the liberal democratic form of governance is coming to an end, because voters are short-sighted, and popularly elected politicians have now run out of money in the public coffer to appease their voters. In other words, liberal democracies might have prospered in good times, but they would not survive the age of thrift.

No, I have not missed the point. But I judge that the current financial ice age would not mark the end of liberal democracies. It would instead be a catalyst towards upgrading the way these democracies work in the future: towards greater fiscal prudence; towards more use of civil societies and the private sector in the delivery of public service; and towards enhancing public participation in shaping and deciding on public policies.

I say this not out of blind faith. I witnessed how the Western world had come under bad, if not worse, fiscal and economic pressure in the 1970s and early 80s as a result of the over-blown welfare state. It hit the Nordic countries first, then the British Isles and Continental Europe. The depression resulting from the spending spree spread even across the Atlantic Ocean to hit the US badly in the early 80s.

Yet it did not bring the democracies to their knees. Instead, the self adjustment pendulum worked. From the US to the UK, voters turned right and voted in inspiring and strong leaders to bring their respective nations back on track.

In a less well known and more subtle way, the Nordic democracies quietly but determinedly turned back from the welfare front too. And they brought such fundamental changes to their own mode of governance that their economies remain remarkably resilient even after the recent financial turmoil. This particular experience of self adjustment well demonstrated the strength of mature democracies in overcoming major crisis and in defending themselves against high stake financial risks.

So have faith please.

Ladies and gentlemen, I end my talk today with a quote from an American theologian cum political commentator, Reinhold Niebuhr. He said, **"Man's capacity for evil makes democracy necessary, and man's capacity for good makes democracy possible."** It is yet another paradox which I would like to leave it to you to reflect on.

Thank you.