

CAN GOOD GOVERNANCE BE SIMPLIFIED FOR PAKISTAN?

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Abstract

Going by Rousseau's hypothesis, a state is formed through a [hypothetical] social contract between those who govern and the governed. In this contract, the governed voluntarily give up some inalienable rights to the state e.g. equality, self-defense, and the use of force and, in return the state underwrites the provision of these rights of its citizens as the sole duty of the state. And, to do so, the governed empower the state to use force on their behalf. In brief, therefore, governance is the function that ensures equal justice to all citizens. It is the failure of the state to fulfill this undertaking that initiates all ills in the state. This paper hypothesizes that the degree to which a state stands in performing, or failing, its sole duty is directly proportional to the quantity and quality of the justice it provides or fails to provide. And therefrom flows the extent of corruption and unrest that corruption produces.

Keywords: Good Governance, Global War on Terror, Hybrid War, Justice.

Introduction

The one fact all political scientists seem agreed upon is that all political systems of governance seek only one end i.e. good governance. They may or may not agree on how to get there but the end result all wish for is the same. Students, like the author, a very indifferent student, continue trying to understand all subjects that are interesting, including political science.

Jean Jacques Rousseau's "Social Contract"¹ is a good starting point. A wonderfully concise and brief treatise, wherein, Rousseau seems to aver that there is an [unwritten and theoretical] contract between the state and its peoples. This contract states that a) the peoples of every state voluntarily accept the curtailment

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of certain inalienable basic individual rights by the state and, that they do so for one end only i.e. that the state will guard their individual and collective rights for them; and b) to do so, the people accept that the state is the sole institute which is authorized to use force in order to secure its people's rights².

The American Declaration of Independence is a beautifully moving document which should be a "must-read" for all students, whatever their principle subject of study. It translates all aspects of political philosophy to explain why any peoples of any state can justify their search for independence from a ruler/government. A guideline for the circumstances under which the peoples can [justifiably] resort to all means, including the use of force, to liberate themselves from a state which has [repeatedly] failed to fulfil its contract to its peoples.

The significance of addressing the foregoing two in quick succession is to point out that peoples voluntarily accept governance by their state for an end that is common to all. However, if that common end is denied them by their state, their basic rights, being inalienable, the peoples can rescind the contract to reclaim the inalienable rights and, since the state is no longer fulfilling its contract, if they subsequently wish, bestow these rights on another state. Obviously, the foregoing implies that the people have resumed to themselves the right to use force against their former state.

For a long period of time, political philosophy led the study of politico-economic sciences and political economics adjusted to the foregoing study. However, as the concept of Socialism began to gather strength as an alternate to Capitalism, social philosophy registered a change. For the first time social studies were being led by economics and, both teachers and students realized that the identity of a state could be as much from its economic system, as from its political system.

Consequently, Communism emerged as the political system supporting the Socialist economic structure and Democracy as the alternate political structure supporting Capitalism. Interestingly, Rousseau's treatise³ can equally apply to both political structures and both economic structures of a state.

Nonetheless, during the Cold War period, the two combinations of political and economic structures became competitive and, in time, antagonistic. What is even more interesting is the fact that, with the end of the Soviet Union,

and the, albeit [maybe] temporary, emergence of a Unipolar World, another noteworthy development occurred. Following the demise of the Soviet Union, all Capitalist states have become increasingly Socialistic; adopting concepts of increasing state responsibilities for the welfare of its peoples e.g. health care, education, unemployment benefits etc. and vice versa i.e. socialist states became increasingly capitalistic. That isn't all. By delegating political power to grass roots level and creating townships and community level governments, democracies have become communistic; just as communist states have adopted democratic concepts of representative governments for their communes and states. This process of evolution is in deference to the realization that:

- The two duos of politico-economic systems seek the same end: good governance.
- Neither combination offers a perfect solution.
- There exists a hybrid form wherein maximum possible devolution of both political and economic empowerment is to the lowest possible levels and the state recognition of its responsibilities of safeguarding basic rights of its citizens, at each level of governance is inbuilt; is probably the best solution.

With this development in the principles of politico-economic governance systems, it would seem that states and its peoples have discovered a far greater liberty in selecting the right combination of governance systems that suit the genre and psyche of their peoples. Regretfully, other developments in the same period, have not been as appreciable.

Global War on Terrorism (GWOT)

The attack on US on 9/11 began another World War. Trillions have been spent all over the world over the past two decades or so and the war hasn't been won or concluded. Worst is that no end is in sight either. In fact, even major military powers have espoused Hybrid Wars wherein a combination of Fifth Generation (5G) wars have been initiated through proxy agents, directed at the soft power capabilities of opponents.

In 2000, another hitherto unseen phenomenon was emerging. Throughout history, world powers have grown, then waned and made place for others to replace them. However, at the end of WWII, a bipolar world emerged,

leading us to the Cold War era. In 1991, when the Soviet Union finally collapsed, a unipolar world reemerged.

But, while this was occurring, another competitive global power was already emerging: China. This is, perhaps the first time that the world is witnessing [what seems like] an inevitable transfer of power from a waning global power to a waxing one. The problem is that the waning power, if it continues to wane, will take a long time waning; just as the waxing one will take time to wax.

This, the foregoing fact, has resulted in a situation of global insecurity and uncertainty. All small or smaller powers of the globe know not who to ally with. This is no longer a situation where every state knew which side of the Iron Curtain it stood. And, not only is the US still a very formidable foe [or friend], it is still also influential and could cause irreparable damage to whom it chooses.

But, if China is the future power, it too will have a long memory of who stood with it and when. Consequently, the global strategic alignment is unclear and, frequently, kaleidoscopic in the frequency and speed of its changes.

At least for a decade or two, this uncertainty is likely prevail the world over, creating an overarching atmosphere of insecurity that threatens the entire globe through both hard and soft power.

But the event that caused it, and the GWOT that followed, resulted in another consequence, the dire results of which are ongoing. Led by the US, it created a parallel legal system for those referred to as terrorists. Worse, faced with a threat which media happily enlarged in magnitude and degree, peoples permitted the state to assume to itself extraordinary powers, at the expense of the citizens. Even the most basic of human rights; Habeas Corpus has been denied to peoples of most states.

While there is a very strong case in support of laws specific to terrorist activities, these laws should not be a product of immediate requirements, but should be well thought through. Framing these laws or reframing laws within the ambit of existing ones, should not be the military's task or even that of ordinary politicians. This is a task for jurists. Again, led by the US, many countries have legalized trials of terrorists by military courts. Such solutions are "band aid solutions" and serve merely to feed public hysteria.

Which is why not just individuals, even states have become schizophrenic. Most democracies seem to be headed towards autocracy or even dictatorship; and there is little protest from the people who are most affected.

In 1957, Amaury de Reincourt, a French historian authored his book “The Coming Caesars”⁴, which foretold the systemic deterioration that seeks a return to non-representative rule. He attempted to explain why this transformation would occur and why people would welcome a return to autocratic rule.

Reincourt bases his reasoning on the premise that mankind admires courage and fortitude in its leaders⁵. From that he infers that mankind, in its subconscious mind, yearns for a strong, decisive leadership. Therefore, if the prevalent perception is that the state is weak and vacillating, its people will seek a more decisive leader, even an autocratic one.

The students of political science are aware that if the state exists to protect the rights of its citizens, then certain individual rights will have to be ceded to the state, in total or part, for the state to perform its duties. For ease of reference, let us qualify those rights that each citizen retains under Rousseau’s Social Contract as “Individual Rights” and those he cedes to the state as “Collective Rights”.

Reincourt makes a comparative study of the ancient Greek Republic and the Roman Republic of old and notes that the Greek Republic lasted longer than the Roman Republic, excluding the Eastern Roman Empire or the Byzantine Empire, which lasted longer⁶. He reasons that the Greek Republic was stronger and therefore lasted longer.

Reincourt argues that the Greek Republic lasted longer since the state assumed greater rights to itself and, when citizens demanded back some of these rights, the Greek Republic ceded these rights back to its citizens very slowly. On the other hand, the Roman Republic began by empowering the people more than the Greeks had; and more willingly ceded back rights demanded by the peoples⁷.

Consequently, the Romans saw the Senate perpetually squabbling among themselves and unable to reach decisions. In the midst of this indecision, when the epitome of the Roman strongman emerged in Caesar, they willingly made him dictatorial Emperor, and would have kept him for life. In the case of the US, as

early as the 1950s, Reincoart drew a comparison between the democracies of Europe and the US. He likened the US to the Roman Empire and Europe to the Greek Empire, predicting that the US would “render itself to Caesar” more quickly than Europe⁸.

Reincoart would be uncannily gifted in foresight if his prediction comes true. Admittedly, the events of 9/11 and the resultant fear, demand for vengeance, and war hysteria which was willingly espoused and blown out of proportion by the media, hugely contributed to the willingness of the people to make the state more powerful.

Reincoart’s thesis and foresight is fascinating, not only because the US was heading towards dictatorial systems even before 9/11 and, 9/11 merely accelerated the process. But also, because, despite the primitive means of public address, Romans too created a similar environment which precipitated the Coming of their Caesar; just as US’ mass hysteria returned itself unto Georg W. Bush. As an aside, Julius was surely a better choice for Caesar than George W. Bush.

Meantime, Globalization was another Utopian dream that caught the world’s imagination. In theory, it wanted to liken the globe to a state in terms of applying the concepts of Rousseau’s Social Contract. It sought to develop systems that would make all citizens of all states equal and provide equal opportunities over the globe. Not only did this venture ignore the genre and psyche of different peoples all over the globe, it also ignored the truism that, just as mankind is born greedy and seeks to exploit others, states too seek to do the same.

And, in time, as globalization emerged as being equally exploitative, its glamour began to fade. Despite the great opportunities offered by the ever-increasingly rapid evolution of politico-economic thought during this period, for some inexplicable reason the quality of political leadership all over the globe began to deteriorate. Today, with the exception of a few countries, political leadership seems to lack vision, statesmanship and, in some cases, even common sense.

It is in this state of global uncertainty and politico-economic indecisive vacillation that Indian PM Modhi, has found space to rescind portions of Article 370 of the Indian Constitution, which grants special status to Jammu and Kashmir

and simultaneously, up the politico-diplomatic-military rhetoric against Pakistan. This paper will not dilate on this subject since it cannot do justice to it here. But this is a part of the environment that we have to live in.

Effects of Corruption-Terrorism?

As far back as history can go, evil has existed and, more often than good, has prevailed. Obviously, within the foregoing thesis, wherever the opportunity has arisen, mankind has succumbed to the wiles of corruption. However, as corruption spreads, the more it spreads, the more it ravages morality and ethics. And, resultantly, it is increasingly licentious. The tales of Sodom and Gomorrah are essentially, tales of the final degree of corruption.

Sarah Chayes, an American radio reporter who also served as advisor on corruption in Afghanistan, wrote a book in 2015, titled, "Thieves of State"⁹. Her book is an expose of her experiences and is quite clear in indicting the former president of Afghanistan, Hamid Karzai and his family, for being primarily responsible for the existing thriving corruption in Afghanistan.

Chayes' book reads like a case study and her thesis is essentially that corruption breeds terrorism, and vice versa; and, she is absolutely right. Not just that, it is some form of corruption that gives birth to terrorism¹⁰. The people of any state continue to suffer under bad and cruel governance. They groan and complain but continue suffering until, finally, it becomes unbearable. Only at the stage when the state continuously fails to fulfill its duties to the people that some people resort to the use of force to seek redress for their complaints. And, the more the state seeks to suppress this protest, the more speedily it grows to [and in] terrorism.

Corruption and terrorism are endemic to each other. But, with the passage of time, terrorism has also grown into an economic enterprise leading to political empowerment. Let us examine how.

When the peoples of a state are approaching the stage where the state, whether deliberately or otherwise, is found failing to fulfill its duties under the Social Contract, they realize that they will have to resort to the use of force. To use force against trained state security organs, they need funds. Funds, not only for weapons and munitions, but to exist and to expand. After all, those dedicating themselves to this cause still need food and clothing for themselves and families.

There are always some elements that benefit from unrest and insecurity within the state. Either neighboring enemies or enemies within, even political or economic opponents of an existing government; all those who would profit economically or politically from unrest, insecurity, even anarchy. Elements that prosper from insecurity, invariably patronize, fund, and foster anarchists. Throughout history, all states have, also taken recourse to, and still do, creating insecurity in other states.

But when the fire of unrest and terrorism begins to spread, it takes on an economic life of its own. Terrorists impose their own taxes. They charge toll of traffic and commerce, protection money from those under their protection and resort to extortion wherever necessary, just like the Muhajir Qaumi Movement (MQM) had done in its heyday. In return, the terrorists/anarchists provide their own form of justice. Whatever the flaws of this justice, it is rough, ready, and immediate.

Many of these anarchists are even prepared to sell out their services to eliminate, kidnap, torture, or target opponents of an individual/organization, in return for wages for services rendered. It serves dual purposes. They spread terrorism and get paid for doing so.

And not merely the MQM, every lord or knight and noble in history, throughout the world has done the same. In other words, each domain becomes a mini-state; since states also collect taxes for provision of security and services to its citizen.

Terrorism breeds on creating unrest and, when unrest has begun, terrorism draws strength from continuing to feed unrest and insecurity. However, perhaps Chayes' thesis has been concluded prematurely, at the last rung of the ladder.

Examining causes of any popular or unpopular uprising which, might or might not, become a terrorist movement, we can safely conclude that it owes its birth to persistent grievances against the state; which pertain to matters social, and/or political, and/or economic. Which means that the state has persistently failed in treating all or some of its citizens equally. The cause of any civil movement, therefore is the prevalence of persistent injustice, in one or more form.

And, if we critically examine the growth of corruption, it takes no genius to arrive at the conclusion that growth of corruption would be a far cry, were justice to prevail. Corruption could never exist if it were not supported by the prevalence of insecurity, and the certainty of the rich and powerful that they could enjoy impunity. Corruption might be the last, or, depending on where you start, the first rung of the ladder to evil; but injustice is the ground it rests on.

Consequently, the base on which all socio-politico-economic satisfaction or unrest is drawing strength from is the presence or absence of justice. And, if injustice is blatantly rampant, there can be no peace; only different forms of ever increasing violence.

Conclusion

Sir William Blackstone, was a slightly younger contemporary of Rousseau's. But, he was a noted jurist. On the state and society, he says much the same as Rousseau that, "The principal aim of society is to protect individuals in the enjoyment of those absolute rights, which were vested in them by the immutable laws of nature, but which could not be preserved in peace without that mutual assistance and intercourse which is gained by the institution of friendly and social communities. Hence it follows, that the first and primary end of human laws is to maintain and regulate these absolute rights of individuals."

But, being a jurist, he adjured to caution, and added, "Of great importance to the public is the preservation of this personal liberty; for if once it were left in the power of any the highest magistrate to imprison arbitrarily whomever he or his officers thought proper, there would soon be an end of all other rights and immunities....".

And, perhaps, therein lies the beginning of the failure of any state to fulfil its contractual obligations to its peoples. And once this begins, it follows the first of Newton's laws "A body remains in its state of rest or uniform motion, unless an external force acts upon it". Therefore, once the institutional decay of a state begins, it will continue to grow [often exponentially, since the Acceleration vectored into Newton's Second Law comes into play] and, thereafter, if an external force acts upon it to stop it, Newton's Third Law predicts the bang that follows.

However, what is Blackstone warning against? Perhaps that can simplify our quest to simplify Good Governance. Will this excerpt of his warning suffice,

“for if once it were left in the power of any the highest magistrate to imprison arbitrarily whomever he or his officers thought proper...”?

If so, the answer to our quest seems clearer. Like all novice-students, this author can claim merely the basics of justice and jurisprudence. Most of these being quotes of knowledgeable jurists. Below are some clichés that might help us understand.

“Justice delayed, is justice denied”. Obviously, this implies that justice must be swift. “Justice is blind”. Which equally obviously states that justice does not adjust to needs of individuals but is equal for all. But, perhaps, Fidel Castro¹¹ said it better, “The equal right of all citizens to health, education, work, food, security, culture, science, and wellbeing - that is, the same rights we proclaimed when we began our struggle, in addition to those which emerge from our dreams of justice and equality for all inhabitants of our world - is what I wish for all”. And we can conclude with Benjamin Franklin’s comment, “Justice will not be served until those who are unaffected are as outraged as those who are.”¹²

Justice must be swift; it must be equal for all and, according to Blackstone, the moment it fails, has begun the process which has, throughout history, bred anarchy and terrorism. And, therefore, most importantly, Benjamin Franklin has also given us the final warning, that the state [or powerful elitists within] will never allow justice to prevail unless the entire lot of any states peoples are prepared up in outrage, if any one individual is denied justice.

Improving Governance

It would, perhaps, be safe to conclude here that if good governance can be simplified, it can be, if referred to as the prevalence of justice in all its forms, as spelled out by Castro, and if it is meted out swiftly.

References

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