

Title: **On Competence and Suitability of Political Office Holders.**
Subtitle: **Only unskilled labour and political office do not yet
require a diploma.**



This book is only available in the Dutch language (Iustitia Scripta, February 2023). It was written against the background of the present serious crisis of the Dutch political system.

The translation below covers the pages 74 - 92 (without footnotes) and deals with (a) requirements of competence and suitability, to be imposed on those who aspire to political office, and (b) the way in which training to meet those requirements should be organised as one of the ways to involve citizens in creating parliamentarians worthy of political office - the most important office in the world.

The drawing shows Don Quixote, in an uphill fight on his way to fight incompetent and unfit politicians. Sancho Panza holds up a book, titled: learning.

dr. Leo Klinkers, april 2023

Having knowledge and insight obliges to share

Every profession requires relevant competence (knowledge and experience) and suitability (insight, integrity and morality). These two criteria determine whether someone should be allowed to get a particular profession. This should apply unconditionally and compulsorily to persons holding political office, the most important office in the world.

What did Europe do with Helmut Schmidt's predictive ability? Nothing. With whom did he share this knowledge in the years following his position as Federal Chancellor? I didn't notice anything. Who links consequences to important quotations? Nobody.

Then let me launch two more quotes.

George Washington the first President of the United States of America:
"There is nothing which can better deserve our patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness."

This is reinforced by John Quincy Adams, also one of the 'founding fathers' of America's first federal constitution in 1787: *"I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain."*

Having knowledge is one thing. Transferring, sharing and applying it is two. Those who do so understand that having knowledge is not optional. It obliges to share. This realisation is what drives me to formulate below what requirements of competence and suitability should be imposed on those who feel they are worthy to aspire to political office.

This seems contrary to the constitutional provision - probably valid in every EU member state - that every resident has an equal right to become a member of a general representative body through elections - without legal qualification requirements. However, setting qualification requirements does not deprive anyone of the right to prove that those requirements have been met; no one is excluded in advance. Moreover, political parties now also apply selection mechanisms when they decide whether or not to put someone on a list of candidates. The problem, however, is that the selection criteria are insufficiently

tailored to the concepts of competence and suitability for political office, or that political parties misinterpret them.

The following set of requirements - first that of competence, then that of suitability - refers to mandatory literature. They include the sources mentioned in the text and footnotes so far. The two types of requirements together depict one ambition: deliver such good political office holders that the work of the National Ombudsman becomes redundant. And that the independent judiciary is spared the need to make legal judgements on political problems.

Requirements of competence

The requirement of competence in the fundamentals of political office requires having in-depth knowledge and experience such as:

1. To know how the concept of popular sovereignty has developed from Aristotle onwards through all centuries; popular sovereignty in the sense of *"All sovereignty - the supreme authority - rests with the people"*.
2. To know how the writings of political philosophers - in addition to famous historical popular uprisings such as the English Magna Carta (1215), the Dutch Placard of Abandonment (1581), the American Independence (1776), the French Revolution (1789) - provided the basis for various forms of organising representation of the people while preserving popular sovereignty.
3. To know how Erasmus around 1510, in his "Praise of Folly", addressed to Thomas More, relativized and corrected everything and everyone.
4. To know:
 - what the Political Method of Johannes Althusius (1600) means;
 - that this method contains the building blocks of centripetal federal state formation;
 - how Pope Leo XIII incorporated aspects of Althusius method into the social aspects of the encyclical Rerum Novarum (1891);
 - how Abraham Kuyper (Dutch prime minister and founder of the Free University in Amsterdam around 1900) derived the adage "sovereignty in one's own circle" from these sources.
5. To know what influence Thomas Hobbes' work Leviathan (1651) - with its description of man, the state, the absence of free opinion, the Christian state and the darkness of the metaphysical - had on political philosophy.

6. To know why and how the philosopher Jean-Jacques Rousseau helped the leader of Corsica's uprising against the city-state of Genoa - Pasquale Paoli - around 1760 to formulate the first constitution in Europe, based on Rousseau's thoughts.
7. To know how the "*Philadelphia Convention*" (1787) was the first in the world to succeed in capturing political-philosophical considerations, since Aristotle, on popular sovereignty and representative democracy in a concrete federal constitution of only seven articles.
8. To know the significance of John Stuart Mills works "On Liberty" (1859), "Representative Government" (1861), "Utilitarianism" (1863).
9. To know why and how Martin Plattel (1970) sees utopian thinking as a high form of critical thinking.
10. To know what Karl Popper wrote about the growth of knowledge ('trial motivation and error elimination') in the 1930s. Against the background of John Locke's "Guide to Reason" (1706).
11. To know that the protection of popular sovereignty must be ensured by following indelible principles such as:
 - Ex factis ius oritur: it is the facts that must lead to justice;
 - Ex iniuria ius non oritur: from injustice comes no justice;
 - Pacta servanda sunt: treaties must be observed;
 - Rule of law: no one is above the law;
 - Trias politica: the separation of the legislative, executive and judicial power;
 - Checks and balances: the constitutional instruments to guarantee the separation of the three powers;
 - Actus contrarius principle: the procedure to put right what has gone wrong in the past;
 - Habeas corpus: the prohibition of unlawful detention and the right to a fair trial;
 - Ius cogens: mandatory law;
 - Ius post bellum: right after a war;
 - The right to self-determination is an inalienable right.
12. To know the origin and meaning of human rights treaties and fight tirelessly for their application.

13. To know the constitution inside and out. Also in relation to concepts of representative and parliamentary democracy within constitutional monarchy, and within the structure of the decentralized unitary state.
14. To know how political parties based on religious principles can function within the principle of separation of church and state.
15. To know at what point law as an instrument for achieving political goals (the so-called 'instrumental view of law', driven by the political delusion of the day) should give way to the independent value of written law.
16. To know why and how the first federal constitution established constitutionalism and why pursuing federalisation based on treaties is seriously flawed.
17. To know the fundamental difference between a centralized and a decentralized unitary state.
18. To know the fundamental difference between federal state-building on the one hand, while preserving the sovereignty of the member states, and intergovernmental entanglement that top-down crumbles the sovereignty of the member states on the other.
19. To know that for countries that have to cooperate and live together, only a federal state - based on a constitution and not on treaties is the appropriate form of organisation, with consequences for the correct application of constitutional and institutional norms, with the aim of entrusting to a federal body those interests that the individual states cannot look after independently, while preserving the sovereignty of the member states and their citizens.
20. To know the fundamental difference between centripetal and centrifugal federal statehood.
21. To know why intergovernmental forms of government such as the United Nations and the European Union with their limited political life cycle and fundamental systemic failures cause irreparable damage to the principles of sovereignty and democracy and should be replaced by a federal form of government as soon as possible.
22. To know the fundamental difference between a parliamentary and a presidential system.

23. To know the fundamental difference between an appointed and an elected prime minister, either from and by parliament or from and by the people.
24. To know the fundamental difference between monism and dualism and that working with a Coalition Agreement as a catalyst for monism negates the required dualism between parliament and government.
25. To know how to apply the architecture of breaking the status quo, the architecture of setting goals, the architecture of achieving goals and the architecture of the process of circular policymaking; circular in the sense of avoiding policy traps, losing policy energy and falling into the trap of solution thinking.
26. To know how the links between policy, regulation, implementation, enforcement and organisation are connected: the chain approach.
27. To know how enforceable law can be designed without the pathological side effects of juridification and bureaucratization of governance.
28. To know which elements from sciences such as law, philosophy, political science, political history and philosophy, sociology, organisation theory, communication theory, cybernetics, systems theory, causality theory, formal logic, argumentation theory, demography, thermodynamics, psychoanalysis, social psychology and science methodology will guarantee good governance.
29. To know that individuals but public organisations have no conscience and no learning capacity and that therefore raising the quality of public organisations should be driven by investment in the individual learning capacity and conscience of political office holders and civil servants.
30. To know that public bodies that manoeuvre individuals and groups of citizens into hopeless powerlessness are exercising a form of terror.

Requirements of suitability

Now the question of suitability. This involves insight, integrity and morality. The key requirements are:

1. Understanding and sensing that society is at risk if constitutional controversies are swept under the carpet. For example:
 - refusing to introduce a constitutional court;
 - refusing to bring the administrative jurisdiction of the Council of State under

- o to the 'common law';
 - o refusing to abolish the 'instrumental view of law'.
2. Understanding and sensing that a constitution is of, by and for the people and must be ratified by the citizens.
 3. Understanding and sensing that the exercise of political office in party affiliation is always under pressure from the trend of oligarchization, political monopolisation and thus leads to corruption in the sense of decay.
 4. Understanding and sensing that a carefully designed system of checks and balances should protect the trias politica, at any cost.
 5. Understanding and sensing that holding and exercising political powers is incompatible with accepting immunity and double mandates.
 6. Understanding and sensing that having powers in relation to society requires accountability for the exercise of those powers; and that to this end, a treaty, but only a constitution, cannot be used.
 7. Understanding and sensing that the right to hold political office requires the courage to use serving the people to do good and fight evil. Doing good in the sense of restlessly protecting inalienable values of humanity. And fighting the ever-dormant (crypto)fascism that can threaten any society.
 8. Understanding and sensing that the (mis)behaviour of political office holders determines the (mis)behaviour of society. The role model function is all-important. Normative behaviour of the grassroots of society is almost always a derivative of normative behaviour of the top of society.
 9. Understanding and sensing that acting respectfully, valuing everyone, showing empathy and looking for commonality and connection creates a sense of security and trust in government.
 10. Understanding and sensing what Ernst Bloch describes in his three-volume *Das Prinzip Hoffnung*. Partly against the background of one of the principles of the Declaration of Independence (1776) and the subsequent Federal Constitution of the United States: *"The task of government is to aid the citizens in their pursuit of happiness."*
 11. Understanding and sensing what Plato meant by his *Politeia*. And how that relates to sophistry.

12. Understanding and sensing what Nicolás Machiavelli explains about power in his book *'Il Principe'*.
13. Understanding and sensing what Michel Foucault means by 'power' in relation to 'discipline-society'.
14. Understanding and sensing why John Rawls' theory of justice should be the guiding motive of every political office holder.
15. Understanding and sensing the difference, as well as the similarities, of Hobbes', Lockes' and Rousseau's social contract.
16. Understanding and sensing what Theodor Adorno of the Frankfurter Schule describes as the autocrat who tolerates no contradiction and sees his own rightness - even if it is at odds with scientific facts - as the measure of all things.
17. Understanding and sensing that moral action means acting in the light of Immanuel Kant's 'categorical imperative': you can only judge the world on the competence and suitability of world peace if you agree on how to treat the earth and thus the available surface. Study that also in the context of Martin Heidegger's views on living, living and working on earth.
18. Understanding and sensing why the Club of Rome Report (1972) as an alarm signal for all the mistakes governments make to the detriment of nature and the environment even in 2023, with various climate agreements, does not make enough states stand shoulder to shoulder to stop global warming and the further extinction of plants, animals and eventually humans.
19. Understanding and sensing that sincerity in speaking, recognising facts and acting truthfully takes place in the light of Jürgen Habermas's theory of communicative action.
20. Understanding and sensing that acting wisely should be in accordance with Aristotle's Virtue Ethics.
21. Understanding and sensing - also in the context of cognitive dissonance - what Alexis de Tocqueville means by the tensions between individual and general interests. And how difficult it is to convince citizens that acting in the general interest serves their individual interests (see the contradictory individual reactions to advice to vaccinate during the corona-pandemic).

22. Understanding and sensing why and how the Weimar Republic after the First World War provided the fertile ground for Hitler's rise to power. Examine that against the background of Hanna Ahrendt's book '*The Origins of Totalitarianism*'.
23. Understanding and sensing that courageous action - and the courage to act - is required in the face of resistance from destructive forces.
24. Understanding and sensing that talking to and about citizens is inferior to deliberating with citizens.
25. Understand and sensing that where authority disappears, a government is left with only power that is not used in the service of the people.
26. Understanding and sensing that having the above knowledge requirements is not optional: *noblesse oblige*.

If someone knows something about public health, defence, agriculture, livestock and fisheries, macroeconomics, housing, infrastructure, climate change or other policy sectors in addition to these competence and suitability requirements, that is nice, but not a necessity. Sometimes even annoying because civil servants and consultants are better at it than political office holders. Parliament should be filled with generalists, not policy specialists.

In any case, it should be ruled out that - as is currently the case - they get too involved in governing policy thinking. That is not their job and responsibility. Political office holders are above that, or at least should be above that, on another level of abstraction. They have to determine, after structural consultation with implementing professionals and citizens, including road makers and dustmen, the content of political themes for the next four years, backed and protected by their competence and suitability for political office, with those themes being the basis for the executive administrative agenda.

This is how political office holders are supposed to perform their first duties as representatives of the people. By controlling the implementation of the administrative agenda, they fulfil the second task. With legislating, in-house and thus having cohorts of legislative lawyers at their disposal, the third task.

Has the lowest point been reached?

No, the nadir of the decline in the quality of political office has not yet been reached. In more and more places around the world - including Europe - populist

nationalism bordering on fascism is on the rise. With an imminent return to post-Westphalian nation-state anarchy. Its decline - manifested in conflicts and wars with their various forms of violence and violation of human rights - seems stronger than peaceful demonstrations against political wrongdoing. This process of creeping decay seems unstoppable for the time being.

Looking at this development linearly, the next phase of Helmut Schmidt's prediction of increasing corruption and fraud is the advent of violent uprisings of peoples who see no other way out than to adopt variants of the English Magna Carta of 1215, the Dutch Placard of Abandonment of 1581 and the American Declaration of Independence of 1776. The increasing number of demonstrations - including storming of government buildings - with violence on the part of the police/army and the protesters - whether left or right-wing oriented - seems to be increasing. Like a pandemic virus.

It may be cause for bewilderment at the lack of learning. This year marks the 100th anniversary of Hitler's first - failed - putsch. Only to gain absolute power ten years later in 1933. Who knows facts and arguments strong enough to assume that this cannot happen again? But we must do all we can to prevent it, including by giving back to the political office the dignity and authority it deserves. And that is part of the responsibility of political parties.

The responsibility of political parties

The question is: what do political parties now provide in return for voters going to the polls? What guarantee do they give voters that they have done their best to put forward the best imaginable representatives of the people? What legitimizes them to say to voters, *"Go and vote, otherwise your vote will be lost."* Nonsense. Votes are lost if the party concerned does not win seats. Those votes are distributed as residual seats among other parties. Then someone runs off with it, someone who you didn't vote for at all. Only then do you lose your vote. And that loss increases when an electoral threshold is introduced. Know what you are getting into. Political parties are responsible for the quality of politicians who assume political office in parliament. They must select the best people for the most important office in the world. They must not only select competent and suitable candidates, but also take responsibility for their training.

We encounter a curious phenomenon here. There is a gap in the checks and balances. Traditionally, the door to becoming a member of parliament has been wide-open. People who want to become MPs register with a political party; or establish one themselves; the party chooses who to put on their party's electoral list based on internal procedures and preferences, and if that candidate is then

elected by the people, membership of the national assembly is a reality. In the procedure leading up to the election, the people play no role, even though they have every interest in being represented by the best. The people want proper representation of the people. Political parties want power. If political parties nominate the wrong candidates to represent the people, the people are powerless.

Therefore, the system of checks and balances should be supplemented with an additional element: give citizens a role in selecting candidates for popular representation and also a role in assessing the performance of candidates in popular representation.

In other words, organise popular influence before a representative of the people steps through the door of parliament, but also during his performance once he is in. This formula, established by law as referred to in the Article 3 Constitution to be amended should look as follows.

- (a) Political parties shall jointly establish a non-partisan training institute to offer a curriculum with the learning subjects as just outlined, possibly supplemented or improved: the requirements of competence and suitability for holding the most important political office in society. It is an offer to the people of the Netherlands.
- (b) However, taking such a course is not compulsory. Potential parliamentary candidates can also acquire that high level of competence and suitability to hold political office through other means. Nor is prior academic training required. One can learn Aristotle's Virtue Ethics even without a university degree.
- (c) No specific prior training is required for this course. It is organised according to the structure of the open university.
- (d) The non-partisan board of that Institute establishes a Committee of non-partisan citizens one year before the election of a new parliament. That Committee examines the quality of candidature of prospective members - trained by the Institute or otherwise - of the House of Representatives. It consists of 15 people. Its composition is as follows: more women than men; five of the 15 members are scholars in the field of political philosophy, constitutional law, behavioural sciences, systems theory, cybernetics and organization theory; five members come from the world of art and culture; the other five are citizens with considerable life experience, wise people so to speak. Together they represent the "*Wisdom of Crowds*". By choosing

scientists (checking for competence), artists (checking for suitability) and wise people (meta-checking for competence and suitability), we follow the above-mentioned quotation of John Quincy Adams. The non-partisan Board of that Institute will constitute the Committee on its own authority. Note: a European equivalent should be set up by transnational political parties pursuing a federal Europe.

- (e) The Committee shall examine the credentials of candidates of all parties and hear them personally. It makes no judgment on the political values of the candidates. It checks only whether the candidates can be considered sufficiently competent and suitable as members of the House of Representatives. Those who are deemed sufficiently competent and suitable by virtue of the investigation receive the *nihil obstat*, the sign of "no objection", from the Committee. This is a public document.
- (f) Given the ever-present danger of creeping autocratization, a research of candidates' mental capacity is a mandatory part of the credentials. Crypto fascists should be stopped before they pass the gate to the House of Representatives.
- (g) If a candidate does not get a *nihil obstat*, it is up to the political parties to decide whether to honour that decision of the Committee and withdraw the candidate, or still keep the candidate on the electoral list. If the party retains the candidate, it is up to the voter to give the vote to that candidate or not.
- (h) After the election, the non-party Committee shall remain in place until the next election. During the legislature, it monitors the conduct - inside and outside Congress - of the people's representatives. If the Committee identifies conduct that raises questions under the competence and suitability requirements, it can summon the person concerned and hear him or her under oath. If investigations show that the conduct is indeed in breach of the competence and suitability requirements, the Committee can determine this and make it public. However, it does not have the power to remove the incumbent in question from political office. After all, that person has been elected by the people. However, this representative of the people will have to appear before the Committee again at the next election - at least if the party puts that person on the list again - and answer for it; chances are that a new *nihil obstat* will not be issued. That is then a signal to the people to stop preferring that candidate.

The same procedure should apply to candidates for the office of member of the other Chamber of parliament, the Upper House. They are appointed through the outcome of provincial council elections, but it is the political parties that nominate

candidates. What is written as the procedure for conducting a check on the competence and suitability of a candidate for the Lower House applies *mutatis mutandis* to a check on the competence and suitability of candidates for membership of the Upper House.

This is a radical addition to the system of checks and balances. But the Netherlands faces the biggest task in its history: after all the 'expendable scribblers' have disappeared from the scene, lead the reconstruction of Dutch society and the construction of a federal Europe. After the expected systemic crisis, Europe must be the driving force behind the creation of a federal Europe, without traces of intergovernmental 'DNA'. Moreover, it is of paramount importance to equip the federal constitutional and institutional system with optimal defence mechanisms against undemocratic management. Discarding what is structurally wrong with claimed democracy and bringing in what is structurally right for genuine democracy can only be done once, in the beginning. In the terminology of the digital age: the popular representation of a federal Europe is not an update of the existing system, but an upgrade, a total, breathtaking renewal.

Do you want the interests of the Netherlands and Europe to be represented at an excellent level? Do you want the national and European parliaments to engage to help citizens be happy, care about the planet, peace, climate, health, employment, immigration, economy, security, connectivity and solidarity? If so, then no one in the Netherlands and Europe has the right to shrug their shoulders at the obvious requirement that parliamentary representatives should consist of people trained at the highest level for Europe's political office. Do you see it differently? Take a seat in an airplane with pilots trained only as bakers.

This addition to the system of checks and balances comes as close as possible to Aristotle's concept of democracy. Not in the sense of all citizens making all decisions together in the square, the Agora, but in the sense of the structural involvement of citizens before and during sessions of parliament; as a watchdog against deviant behaviour of those who represent them.

Following Jean-Jacques Rousseau and Frank Ankersmit, we must accept that this representation of the European people is also an 'elective aristocracy'. Not the earlier aristocracy of noblemen or of wealthy people who paid taxes and could thus gain political office. What is meant here is an 'aristocracy' of elected officials who, according to the political parties to which they belong, can rightly and reasonably represent the people.

Of course, I do not turn a blind eye to the warning that the exercise of political office is always under pressure from oligarchization. And hence to the formation of

political monopolies. These always lead to corruption in the sense of decay. I trust this addition to the checks and balances is strong enough to minimise that inevitable oligarchization drive.

To highlight the seriousness of this issue, here are some figures that speak for themselves. Regular academic research shows that in the Netherlands about 2.5% of the electorate is a member of a political party. That is about 300,000 people out of more than 17 million inhabitants. These 300,000 people divide among themselves 80% of the most important positions in political, administrative and official bodies, in permanent and ad hoc advisory committees, in business and in science. As I said earlier, "*Birds of a feather flock together*". The quality of political office is visibly declining, non-partisan competent people keep away and do not consider accepting political office. It will not be much different in other European countries.

Finally

This book is a concise chronicle of the same serious mistakes made again and again by our political office holders; representatives of a more than 40-year political monopoly of two political parties; not listening and not learning. Without antennae to appreciate signals about wrong decision-making in order to prevent disastrous social effects. Governance as the cause of much suffering, costs and loss of trust.

The thread running through this book is the decline of value-full political office in favour of value-less governance. Driven by the neo-liberal delusion of the day, governing - with the help of a coalition agreement and the instrumental vision of law - pushed the legislature as part of the trias politica completely to the sidelines. As a result, legislation became short-sighted and law lost its inherent value to realise instead as an instrument the goals of a closed group of people of the same species. Closed in the sense of no longer being in an open relationship with the diversity of aspects of society.

He who does not know does not recognise responsibility. Those who do not feel do not recognise compassion. He who does not think does not recognise mistakes.

The self-evident entropic decay of this downward spiral gradually lacked storage of sufficient energy, necessary for maintaining a just government and for its ever-necessary renewal. The lagging maintenance as a result raises serious doubts as to whether the Netherlands can still call itself a democracy. Are the constitution, the electoral law and the position of political parties still up to date? Is the so-called

'House of Thorbecke' (1848) still standing or has it not long since subsided? Are legal procedures still at the service of citizens or do they act as a stranglehold? The legislature is no longer the legislature but a lapdog of the administration. The executive is no longer the enforcer of values-full of political decision-making, but a value-less lover of its own right. And the judiciary? It is distraught.

All this is not of today. It has grown slowly over several decades.

An example. In NRC Handelsblad of 25 February 2023, Folkert Jensma outlines a disconcerting number of points about the desperation of the judiciary. In my aforementioned 2002 book *'Requirements for Politics and Policy'*, a series of some two hundred essays in alphabetical order on commandments and prohibitions, I wrote in the first essay *Directing Professionals*, among others, the following:

"Wherever the government is engaged in the search for a so-called economy of scale, the steering of professionals naturally pops up. Sectors such as (medical) care and education have been destroyed by this. The judiciary will follow in a few years. The reorganization of the judiciary by, among other things, the introduction of the Council for the Judiciary, the merging of the subdistrict courts with the district courts, the construction of 'managerial systems' in those new bodies, and the resistance to this from within, warrant the fear that the process of irritation and internal resistance is already underway. The judiciary fought like a lion for independence, but receiving central control in its place. This is gradually going wrong. But to do something about it, there will soon be even more central control, with yet another layer of new managers, new forms and criteria, new budgets and controls, and so on."

In 2002, I was certainly not alone in questioning the centralization of the judiciary. Despite all signals not to do so, it happened anyway. At the end of his NRC article, Jensma calls for revolution. That seems imminent under the threat of a strike by both judges and prosecutors. If police officers join in, the rule of law will come to a standstill. Extremist activists then have only one question: which House of Representatives building should we storm? The temporary shelter at *Bezuidenhout* or the Binnenhof that is now being restored? Is that unthinkable? Then look again at what I wrote in Chapter 2 about the advent of an all-encompassing systemic crisis.

Time to conclude. If this book makes you sad, or perhaps even angry, you may find comfort and hope for a better government by studying the aforementioned book by my colleague Peter Hovens, titled: *'TogetherWorld. How faith in politics and trust in government are returning'*. I am eighty now. It's been fine. I am quitting. Writing this booklet was my responsibility. What you do with it is your responsibility.