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GOOD GOVERNANCE AS POWER-OVER AND POWER-IN-COMMON: A VISION OF AN ETHICS IN POLITICS IN PHILIPPINE DEMOCRACY¹

Ruby S. Suazo

Department of Philosophy

University of San Carlos

rssuazo@usc.edu.ph

Abstract. This paper theorizes that the success of the People Power Revolution of 1986 to end a dictatorship is a concrete exercise of how would a democracy work. In a democracy, the people elect among themselves those who will be charged of forming the government and who will have power over them in order to assure a life of justice and opportunity, where they enjoy fully the exercise of their civil liberties anchored in a tradition of utmost respect for the rule of law. Therefore, at any moment that the governing authority subverts the will of the people, the latter has to re-assert its power through civil disobedience or revolution against the institution that has already become violent. This act will, however, turn into a vicious cycle unless the essential dissymmetry embedded in any political community, which usually ends in the violence perpetrated by the more powerful agent, be it the government or the people, will be corrected. The strength of a democracy lies always in the collaborative and cooperative efforts between the governing authority lording over the people and the governed legitimating the former's authority. But the perception of politics as only a matter of strategic alliances, expediency, favoritism, and political realism will more likely lead to an unacceptable state violence. Thus, a vision of an ethics in politics must be instituted. Since ethics can provide a

rational order, and so, curbs the violence that politics engenders, the ethical character of the state, which is a matter of both the prudence exercised by the government and the participation of the citizens in democratic processes geared to negotiating conflicts and distributing power, must be enshrined in institutions that assure the maximum participation of its citizens; such institutions as the political parties which consolidate people's interests and the judiciary whose fifth pillar of its criminal justice system is the community.

Keywords: Democracy, Ethics in politics, Good governance, Power of the government (power-over), Power of the people (power-in-common)

Introduction

Years now have gone by after the people's power revolution at EDSA happened in 1986 – a revolution heralded as the one that restores the democracy in the Philippines (Fallows 1987). Its success is attributed to the broad-based and cross-class participation of the people. The rich and the poor Filipinos, the military, the left, the opposition, and the church were for the first time united “to restore democracy after the entrenched dictator Marcos stole ‘snap’ presidential elections held in February 1986” (Thompson 2016, 311). With the alleged restoration of democracy in the country, hopes for a better life condition was high that people were so delirious with joy for successfully ending the totalitarian regime of former president Ferdinand E. Marcos, a presidency that was associated “with dictatorship and patrimonial plunder” (Abinales 2000, 156).

In reality, though, democracy is not yet fully restored in the Philippines. In the international front, the Democracy Index of the UK-based Economist Intelligence Unit that measures state of democracy in 167 countries classified democracy in the Philippines as a flawed democracy and has been classifying the Philippines that way since 2006. In 2016, it ranked the Philippine

government 50th (Economist Intelligence Unit 2017).² Moreover, the Democracy map of Nobelprize.org has also shown the Philippines simply as a partly democratic government (Nobelprize.org 2017).

In the national front, the elite-dominated people power in January 2001 dubbed as “EDSA Dos” and the “Poor People Power” or “EDSA Tres” that happened on May 1, 2001 as a counter-protest of the poor people with the elite marked the fluttering and faltering of democracy in the Philippines. Despite all these incidents, 86% of the Filipino adults are still satisfied with the way democracy works in the Philippines (Social Weather Stations 2016).³ In fact, 62% also of adult Filipinos say that “democracy is always preferable to any other kind of government” (Social Weather Stations 2016).

The Filipinos could have preferred democracy because they share the belief that it is a “definition of good government” (Ricoeur 1998, 102). It has to be noted though that Winston Churchill once quoted an unknown predecessor saying that “democracy is the worst form of government except for all those other forms that have been tried from time to time” (Langworth 2008, 573). Moreover, Plato and Aristotle respectively deemed democracy, too, as a corrupt, unjust and a dangerous form of government (Constitutional Rights Foundation 2010).

Can the aforementioned ideas warrant the thought that the Philippines is wrong in adopting a system of government? But why is democracy, in the first place, deemed to be a definition of good government? If it is a definition of a good government, why is the experience of the Filipinos contrary to what is expected? What really are the reasons why there is a failure in governance, and why were the gains of EDSA 1 not sustained? What should be hoped for to enliven the evanescent dreams of the Filipinos to live a life of justice, opportunity and decency? These are the questions that this paper would endeavor to answer.

Democracy as a Definition of a Good Government and Its Limitations

Years before Plato and Aristotle were born, Athens reached the pinnacle of political supremacy through its democratic form of government. Pericles, at the time of the inception of Athenian democracy around 460 BCE, defined democracy as a form of government whose administration favors not the few but the many. Democracy also means for Pericles a government that assures its citizens equality of justice and opportunity, the enjoyment of civil liberties and the upholding of the rule of law (Marcos 1974, 50).⁴

On the other hand, Maximilien Robespierre, one of the principal figures in the French Revolution, defined modern democracy as the “state in which the people, guided by laws which are its own work, executes for itself all that it can well do, and, by its delegates, all that it cannot do itself” (Robespierre 1794; see Marcos 1974). For him, democracy, being sustained by its virtue, which is nothing but love of the nation and its laws as its fundamental principle, is the only government that can assure its people to enjoy liberty and equality peacefully. It is the only government that ascertains the eternal reign of justice by designing the state of things under the rule of law, which steers in the awakening of all generous and beneficent passions; a rule of law where all vile, immoral, and cruel passions shall be restrained. It is a government “wherein the citizen should submit to the magistrate, the magistrate to the people, and the people to justice; wherein the country assures the welfare of every individual; wherein every individual enjoys with pride the prosperity and the glory of his country... (Robespierre 1794).”

Similarly, former President of the Second Philippine Republic Jose P. Laurel judges democracy as the best form of government for the reason that “it is the only form of government which can accommodate the complex nature of man and maintain and protect his human dignity and rights” (Agpalo 1965, 173). For

Pres. Laurel, democracy is a form of government that “in substance, a representative type of government that is controlled by the people, one in which the powers of government are exercised [*sic*] with their mandate” (Agpalo 1965, 173).

There are three features which constitute the essential elements of a democracy that add to its being a good form of government: representation, renovation and popular control. Representation means that although the people are the sole source of political power, the actual government of the state lies in the hands of their elected representatives because it is practically impossible for the people to govern the political system themselves. Renovation, on the other hand, means change in the government where the people have the power to replace or retain their elected officials depending on their behavior and performance while in office because their tenure of office is fixed by law. So, ambitious elected government officials who desire to stay in power in perpetuity can be stopped. Lastly, popular control is an element which means that the electorate has ultimate control over their government in an election which is conducted cleanly, honestly, and wisely. This implies though that the intelligent participation in the affairs of the government requires a politically educated electorate (Agpalo 1965, 174).

Furthermore, contemporary political theory sees democracy as the ideal political system that it is almost universally commended in contemporary politics and sometimes related to anything humanly good (Gutmann 2007, 521). Actual institutions are available in a democracy – institutions where participants are allowed to mull over issues that affect them all. Thus, democracy is deemed as the ideal political system (Pettit 2007). Optimistically, the noble task of a democracy is to assure that “power in the good sense controls power in the bad sense” (Kaplan 2003, 110).

Nevertheless, these recollections remotely reflect the condition of the Philippines. Although the Philippines has a highly sophisticated political system, it remains being engrafted in a society that is still feudal in many respects. Since real participation in the political and economic life of the country remains limited to the small upper classes, it lacks also an egalitarian base – a necessary foundation of any democratic system. Finally, it lacks the required minimum of affluence in a broad segment of the population.

Ironically, the aforementioned social conditions were the same conditions that Carlos P. Romulo, the 4th president of the UN General Assembly, wrote in 1974 (Romulo 1974, 8 - 9). In fact, what has happened in the Philippines years after the 1986 EDSA revolution remains reminiscent of what he said in that same year as just the restoration of the old order where “the ruling classes enjoyed the full benefit of freedom while the masses enjoyed civil rights irrelevant to their social conditions (Romulo 1974, 5 - 6).”

The problem with the formal definition of democracy lies in its insufficiency to provide for the substantive and material conditions of a society to live well. Democracy’s being an exemplar of a good government barely reflects its being true in the case of the Philippines, which continues to experience abominable and insufferable conditions.

Although Pres. Laurel points out that representation is one of the salient features of Philippine democracy, he takes to task representative democracy’s intimate link with capitalism and the idea of *laissez-faire* which “resulted in a number of serious problems of the political system” (Agpalo 1965, 174).⁵ Moreover, in an essay about the status of Philippine democracy, Manglapus explains that we have a democracy at its hardest “because of our over-centralization, our electoral system, [and] the many faults of our constitutional structure” (Manglapus 2004, 624).

Still further in the Philippines, Putzel remarks as well that

despite the formal rules of democracy, politics has long been characterized by shifting coalitions of clan power, appeals to regionally based language groups, the exchange of votes for favours, the appointment of officials or granting of public contracts not on the basis of qualifications to get the job done but on connections to those in positions of power, with all these generally perceived as acceptable practices. (Putzel 1999, 201)

The weaknesses of the Philippine brand of democracy are usually blamed for its unsuitability to Philippine culture in general. Koeppinger, however, agrees with Clarita Carlos that

it is mainly the institutional set up of the Philippine brand of Democracy which, in spite of the good principles and intentions of the 1987 Constitution, perpetuated the patronage system inherited from the Spanish colonial period. It likewise prevented effective participation of the ordinary people in the political system that leads to lack of control of executive powers and subsequently to overwhelming corruption. (Koeppinger 2010)

But is democracy really to be blamed for the ills that befell a country? Despite Churchill's negative sentiments against democracy, he was also heard to have said that he would salute, espouse and work for democracy if it means that the plain, humble, common and ordinary man, being the foundation of democracy, could cast his ballot in an election without fear and without any form of intimidation or victimization and decide who should represent his voice in government and have also the voice

in choosing the kind of government he wants to (Langworth 2009).

Plato and Aristotle abhor democracy as well only because they see it as a government ruled by the people (poor) whose “life has neither law nor order” or a government “without the rule of law” who can easily be aroused by demagogues (Constitutional Rights Foundation 2010).

Politics as a Paradox

The aforementioned instances show that the problem is not necessarily due to the system of government. The nature of politics and political processes could be the real culprit. Most often, Filipinos entrusted politics onto the hands of the few politicians, entreating that they were anyway voted upon to do precisely their work. But politics as the process of organizing how people live together in a society (Hofmeister and Grabow 2011, 7) should not be the sole responsibility of the politicians inasmuch as the “the citizen shares in the government of a state” (Ricoeur 1965, 250) since the society is organized in order to establish the good which the populace intends to be (Aristotle 1999, 1252a2), i.e. “the chief end, both of individuals and of states” (Aristotle 1999, 1278b23-24). Inasmuch as people are not self-sufficient, they need to live in a community to assure themselves of living together in comfort, safety, and peace, of securing the enjoyment of their properties and themselves against the threat coming from the outside of their community (Locke 2008, 32a).

Embedded in any political community is the “essential dissymmetry” between the governing authorities and the one who is governed which usually culminates in the violence that the more powerful agent commits (Ricoeur 1992, 145). “The two-sided nature of political power” (Ricoeur 1998, 97)—rationality and violence—reflects the paradoxical nature of politics. The violent beginning of state formation betrays its rational

aspirations as expressed in its constitutions since no state probably were not born without violence (Ricoeur 1998, 98).

The Philippines is not spared from this reality. The inception of the Philippine state was marked with so much violence. It might have been marked by the “betrayal of the people's struggle for independence” as when Aguinaldo claimed in an interview before he boarded a ship for Hong Kong, saying:

We took the field, not because we wished for separation from Spain...but because we were tired of bearing (the abuses of) the friars. It is quite true that the Katipunan instilled in us another desire....that of independence but that desire was unattainable and moreover, it was in opposition to our sentiments. It served as the banner of Andres Bonifacio, a cruel man whom I ordered shot, and with his death the Katipunan disappeared... (Constantino 1984).

This means that even if the avoidance of this paradox is desired, the advancement of this rationality always includes an archaic form of irrationality (Ricoeur 1998, 98). And this irrationality is anchored in the state's “decision-making authority and the ability to use force legitimately” (Kaplan 2003, 132). The irrational aspect of political power, in a way, reflects the definition of a state as “a relation of domination (*Herrschaft*) of man over man on the basis of the means of legitimate violence (that is, upon violence that is considered to be legitimate)” (Ricoeur 1992, 195). This means that even “legitimate, constitutional democracies must occasionally use force to enact its decisions” (Kaplan 2003, 132). The multiple functions of the State, namely, the power to legislate, to make rulings and to execute them; its administrative function, economic function, and educational function are ultimately sanctioned by the power of constraining as the final authority (Ricoeur 1965, 234 - 35).

Political paradox presents the two faces of politics as an orthogonal structure with horizontal and vertical axes. The horizontal axis pertains to the wish of the people to live together or exercise *power in common*.⁶ The vertical axis, on the other hand, refers to the hierarchical side of politics that differentiates the governing from the governed,⁷ marked by the domination and political violence that resides in both (Ricoeur 1992, 220).

This is the paradox of politics where power is supposed to reside in the people who wish to live together, but whose authority is actually in the hands of the one who governs. The wish of the people to live together is supposedly the source of the power exercised vertically. But this wish of the people is silent, i.e., it is generally unnoticed and buried. Its existence is finally noticed only when it begins to fall apart and threatened (Ricoeur 1998, 99). In other words, the desire of the community to live well with and for others in a just institution is “forgotten as the origin of the political agency and is covered over by the hierarchical structures of domination between the governing and the governed” (Ricoeur 1992, 256).

To curb political evil should, therefore, be desired strongly owing to the existence of a vertical axis that is inextricably its source because

the problem of the control of the state consists in this: to devise institutional techniques especially designed to render possible the exercise of power and render its abuse impossible. The notion of ‘control’ derives directly from the central paradox of man’s political existence; it is the practical resolution to this paradox. To be sure, it is, of course, necessary that the state should *be* but that it not be too much. It must direct, organise, and make decisions so that the political animal himself might be; but it must not lead to the tyrant (Simms 2003, 113).

Nonetheless, the evil of politics could have not been serious had it not been representative of man's humanity and the general will (Ricoeur 1965, 261). Though this is the primal condition, this should not be tolerated. As a precautionary measure, therefore, the citizens must impose upon themselves "a duty of vigilance - vigilance with respect to the outbreaks of violence that are inscribed in the very structure of the political" (Ricoeur 1998, 98).

Between Power and Justice: A Vision of an Ethics in Politics

It can be reckoned that the ideal of a good life is best achieved by a democratic community wherein ethics successfully intersects with politics. The emphasis of ethics might be the person in his or her individuality, while the emphasis of politics is that of a person as a member of a political society. Nonetheless, the ethical subject is also the citizen. The ethical subject whose concern is all about freedom cannot avoid to be confronted with the question of justice (Dauenhauer 1998, 141).

Thus, to minimize the impact of political paradox on the sustenance of the state, the intersection of ethics and politics must be emphasized. The perception of politics as nothing but strategic alliances, expediency, favoritism, and political realism has failed to recognize its ethical dimension and thus become more likely to tolerate unacceptable state violence (Kaplan 2003, 130). To establish a state of law where ethical relationships are institutionalized is an imperative in the overlapping of ethics and politics (Kaplan 2003, 130; cf. Ricoeur 2007, 334 - 337). Ethics provides rational order and curbs the violence that politics engenders.

The ethical character of the state is thus a matter of both the prudence exercised by governments and the participation of the citizens in democratic processes geared to negotiating conflicts and distributing power. (Kaplan 2003, 130).

Characteristically, the state should be a state of laws that protects the rights and ensures the liberties of the people; it should foster the well-being of social life in particular communities; and, finally, it should eliminate economic exploitation and alienation (Kaplan 2003, 125).

Politics is also regarded as “one of the highest forms of charity, because it serves the common good” (Fournier 2013). Behind the conception of the common good is a conception of politics which helps organize the society to live together in justice. And however the state is organized, be it ruled by one, or few or many, governance for the sake of the common interest is the mark of its true form; but if it exists for the sake of some private interest, it is a perversion (Aristotle 2001, 1279a25-35). A state or any political society for that matter should exist for the sake of noble actions (Aristotle 2001, 1281a1-5). It can, therefore, be argued that the best political community is one that best realizes the ideal of a good life (Aristotle 2001, 1260b29). And the state could be understood to have lived the ideals of a good life if its people lived a perfect and self-sufficing life, i.e. a happy and honorable life (Aristotle 2001, 1281a1).

The duplicitous character of politics gives us “the first education of the human race in order and justice; but it is not in the supreme place, because this violent pedagogy educates men for outer liberty” (Ricoeur 1974, 215 as quoted by Dauenhauer 1998, 70). The violent pedagogy of politics shown in excessive graft and corruption, innumerable violations of human rights and others betrays the evil dimension of politics. Practically, there appears to be a disconnect between the political principles and philosophies which were supposedly embodied by the different political practices and institutions. “To engage in a political practice is already to stand in relation to theory” (Sandel 2004, 113). However, it appears that there is a gap between theory and practice as far as politics is concerned.

The duplicity in politics is found in the essential dissymmetry between the authority in power and the people who demand for justice. The straightening up of politics, however, is hoped to be anchored in this same structure as well. Consequently, putting ethics in politics is an imperative. The orthogonal structure of politics embeds the elements of justice and power. The horizontal axis demands for justice, as in distributive justice for instance. It is a demand where people ask for an equitable distribution of both benefits and burden. However, the vertical axis effects this distribution. Thus, a system is needed, like Rawls' fabled distribution of the advantages and disadvantages under the veil of ignorance (Ricoeur 1992, 231 – 232; cf. Rawls 1971, 12). In the real world, however, this is a real challenge.

The hope of the people to be governed justly is not explicitly reflected in politics because the governing authorities tend to hide or even inhibit the will of the people to live together in justice (Ricoeur 1996, 20). The definition of politics with reference to power poses the problem of political evil. "There is a problem of political evil because there is a specific problem of power. Not that power is evil. But power is one of the splendors of man that is eminently prone to evil" (Ricoeur 1965, 255 - 256).⁸

This condition is vivid in a representative democracy. A representative who presents himself to serve as the alter ego of the electorate once elected usually turns out to belong to another world. He belongs to "a political world which obeys its own laws of gravity" (Ricoeur 1996, 21).⁹ This crisis of representation is "essentially the result of the fact that, between the level of the individual and that of the state, there is nothing" (Ricoeur 1998, 60).

The intersection between ethics and politics, on the contrary, recognizes the mutuality of the two parties, the mutuality that says "your freedom is equal to my own" (Ricoeur 2002, 334). In a state of law wherein the ethical intention of "aiming at the 'good life' with and for others, in just institutions"

(Ricoeur 1992, 172) is actualized, the bond of trust bridges the gap between the governing authority and the governed. Nonetheless, the phenomenon of power eminently dissolves this bond. As this happens, the bond of trust presupposed by the virtual pact sealed by the two parties disintegrates.

Thus, to materialize the interests of the people in the horizontal axis, Ricoeur hypothesizes the masterful combination of the “vertical relation of domination... and the horizontal relation of shared lived experience” (Ricoeur 1998, 39). The orthogonal axis though compounded by an asymmetrical relation and a relation of reciprocity, the latter can only be legitimated from the horizontal relation. Ricoeur does this masterful combination by analyzing the nature of the vertical axis as it is the capacity of the leader that determines the plight of the horizontal axis. According to him, the vertical axis is a three-leveled structure. And, his definition of the ethical intentions as “*aiming at the ‘good life’ with and for others, in just institutions*” (Ricoeur 1992, 172) determines the three-tiered vertical axis.

This definition has three components: the desire to live the good life, the desire to live the good life with and for others, and the desire to live the good life in just institutions (Van Hooft 2006, 115). These three components constitute respectively the three terms “the same, the other who possess a face, and the other who is a third party, the subject of justice” (Ricoeur 1998, 92). Subsequently, constituting these three terms “by saying that ethical life is the wish for personal accomplishment with and for others, through the virtue of friendship and, in relation to a third party, through the virtue of justice” (Ricoeur 1998, 92), Ricoeur suggests that the figure of the good already characterized initially the just since “[j]ustice is a good to be desired... that is required to live the good life” (Kaplan 2003, 106).

The three components of the ethical intention have the third component as its ultimate goal. It is an ultimate goal because

“the individual becomes human only under the condition of certain institutions” (Ricoeur 1992, 254) while its remoteness is due to the palpable nature of relation as domination, which separates the governing authority from the governed citizenry. Nonetheless, Ricoeur argues that “the idea of plurality suggests the extension of interhuman relations to all those who are left outside of the face-to-face encounter of an ‘I’ and a ‘you’ and remain third parties” (Ricoeur 1992, 195). This makes, therefore, the third component a task.

The third component emphasizes the kind of relationship among members that extends way beyond the interpersonal relationships. Ricoeur emphasizes further that the nature of relationships that exist at this level is bound by common mores rather than by constraining rules (Ricoeur 1992, 194). This becomes a task because it presupposes the willing of the good of others who are absolutely having no relation at all with the self.

The desire of living a good life shows a progression from the self to the anonymous other. Ricoeur explains that “[t]he autonomy of the self will appear then to be tightly bound up with *solicitude* for one’s neighbor and with justice for each individual” (Ricoeur 1992, 18). *Solicitude* is anchored in the goal of ethics which is the “good life”. This being the case, it must be lived with and for others (Reagan 2002). Aristotle himself takes friendship as playing “a mediating role between the goal of the good life found in self-esteem, a solitary virtue, and justice, a political virtue. Friendship introduces the notion of ‘mutuality’” (Reagan 2002). Although friendship introduces the notion of “mutuality,” it faces, however, a problematic of reciprocity which is brought forth by the question of otherness as such (Ricoeur 1992, 183). This problematic falls on “the actualization of my freedom through your freedom and of your freedom through my freedom” (Ricoeur 1978, 179) which has a specific history of

violence as “the supreme value is that I should be and that you should be” (Ricoeur 1978, 183).

To reinstate the initial concern or solicitude between parties is the key to ethics in politics. Solicitude, which is the ‘with and for others’ aspect of ethical life, prays that the governing authority initiate the establishment of institutions where justice and equality are the ethical content because the political authority is accountable to the people. Nevertheless, this situation does not imply that responsibility lies solely in the people. Therefore, each one “must feel particularly responsible for the constitutive horizontal bond of the will to live together” (Ricoeur 1996, 21). Cooperation and collaboration between classes is necessary for the conservation of the integrity of varied institutions. This is an essential characteristic of a healthy, functioning democracy.

Functioning Political Institutions: Consolidator of People’s Interest

The essential task of politics that is “to hold together the multiple interests and goals of its members” (Dauenhauer 1998, 24) must be remembered. Nonetheless, this remains an ideal, for though political discourse “must address the issue of law and its binding force on conscience, it cannot definitively resolve it. It can only lead to a practical wisdom that never attains certitude” (Dauenhauer 1998, 213).

The domination aspect of power in which the governing authority buries into oblivion the desire of the governed for a good life must compel the latter to act together in order to ascertain their enjoyment of the good life. Although political authority is oftentimes understood to have been cornered by the political elite, the citizenry ought to

feel particularly responsible for the horizontal bond that is constitutive of the will to live together. In short, he or she must ascribe public well-being to the vitality

of the community life in which the will to live together regenerates itself” (Dauenhauer 1998, 245 - 246).

Reiterating what has been said above, the evil dimension of politics succeeds only because the citizens allow themselves to be silent and buried in oblivion by governing authorities. Even in despotic regimes, by allowing fear to dominate one’s hearts and minds, one perpetuates such despotism. Thus, the members of the community must assert themselves in order to break free from the stranglehold of despotic authorities.

The democratic project therefore will succeed only if the citizens exercise their power; the power, for instance, “to take part in the deliberative and judicial administration of the State” (Ricoeur 1965, 250). This is a must because “the citizen shares in the government of a state” (Ricoeur 1965, 250). By asserting their power, the governed affirm the origin of their power in their will to live together (Ricoeur 2007b, 75 & 85).

The citizenry’s re-assertion of its power is an exercise of its autonomy, i.e., a freedom that has the law as its source (Ricoeur 1998, 99). In this situation, the citizenry bears responsibility for its failure to assert its power over the governing authority by compelling it to do its tasks. And so, they will redeem the spaces of freedom (Dauenhauer 1998, 255; cf. Ricoeur 2007, 334) that they enjoyed before as an imperative for the perpetuation of the democratic project. The sustained exercise of their political freedoms, for instance, the kind of freedom that refers to “the opportunities that people have to determine who should govern and on what principles, and also include the possibility to scrutinize and criticize authorities, to have freedom of political expression and an uncensored press, to enjoy the freedom to choose between different political parties, and so on” (Sen 2000, 38)– this freedom underscores the power of the people to determine the plight of the state.

Thus, an appropriate “manner of emphasizing the ethical primacy of living together over constraints related to political organizations and to judicial systems is to mark the gap separating *power in common* [as exercised by the people] and *the power over or domination* [as exercised by the governing authorities]” (Ricoeur 1992, 194). In fact, the balancing of these powers is an endless task of democracy, which hopes to place domination under the control of the sovereign people (Ricoeur 1992, 257). Henceforth, despite democracy’s being “born out of a revolution”¹⁰ and a political system not without conflict (Ricoeur 1992, 258), democracy is still the political system that best responds to the political paradox (Kaplan 2003, 125), as “it is the system that accepts its contradictions to the point of institutionalizing conflict” (Ricoeur 1992, 260).

Furthermore, democracy “is based on a theory of practical wisdom designed to mediate conflicts based on considered convictions, good arguments, and the desire to live well with and for others in just institutions” (Kaplan 2003, 125). Democracy’s being “defined in terms of the institutions and practices that allow for conflicts to be negotiated in accordance with fair rules of arbitration” (Kaplan 2003, 133) makes it the best political system.

Democracy, though, is not without problems. There are “three kinds of conflicts internal to democratic political institutions: conflicts over the priority of goods to be distributed, the ends of good government, and the legitimation of democracy itself” (Kaplan 2003, 133). Despite these internal conflicts, democracy is still noteworthy for enabling its citizens “to make and revise decisions together under fair conditions” (Kaplan 2003, 134). The problem, however, is with the education of the citizens in critical adherence, most especially when the citizens are not in the position to engender the political sphere from themselves (Ricoeur 1998, 102). Nonetheless, democracy “contains mechanisms and institutions that allow for public

discussion and debate so that we may negotiate our conflicts” (Kaplan 2003, 141); this is its hallmark.

The democratic project would therefore be defined

as the set of measures that are taken so that the rational prevails over the irrational, but at the same time so that the horizontal tie of wishing to live together in general prevails over the irreducible, hierarchical relation of command and authority” (Ricoeur 1998, 99).

What if these conditions are not present because political authorities do not allow them? Exercising political responsibility then becomes the ultimate recourse. Here lies the importance of political institutions, the seat of political freedoms. But they should not be left alone to their own devices as their nature is fragile for they are never free from power, conflict, or domination (Kaplan 2003, 110).

Although the relation of domination makes political institutions distinct from other institutions, power-in-common is more fundamental than domination because the former springs directly and fundamentally from the capacity that the people have, which is to act in common (Dauenhauer 1998, 155). This is based on a claim that

institutions are systems of distribution of advantages and disadvantages [which are the] structures of living together that belong to a historical community. Though they do embody rules that constrain what people do, the fundamental characteristic of institutions is the bond of mores that people share and that therefore unite them. (Dauenhauer 1998, 155)

Thus, the importance of political institutions lies also in their conferring on the community a structure that enables its

members to pursue the aim of enduring indefinitely in the future (Dauenhauer 1998, 155).

The political institution is the most comprehensive of institutions inasmuch as it is the institution that provides the social space for all other institutions and protects each of them from encroachment by any of the others. Thus the political institution embodies the power that provides for the full expression of the multiplicity of human capabilities. This power not only provides for the optimal exercise of these capabilities but also gives stability and durability to them and what they achieve. (Dauenhauer 1998, 155)

Nonetheless, the political power of the people “exists only so long as people continue to act together. Its institutions can survive only so long as people want to live with and for one another” (Dauenhauer 1998, 155).

This power of the people, however, irrupts onto the public stage only discontinuously, because it is extensively covered over by relations of domination. Nonetheless, it irrupts auspiciously during the most tumultuous times of history (Ricoeur 1992, 197). The continuous desire of the people to make living with and for one another “prevails over the irreducible, hierarchical relation of command and authority” (Ricoeur 1998, 99) and makes this irruption possible. Measures are taken to ensure that “the rational prevails over the irrational” (Ricoeur 1998, 99).

The precariousness of power due to the vertical dimension of authority that weakens the people’s desire to live and act together calls forth the clarification of what justice intends and how it works in institutions. Justice is important inasmuch as the desire to live well is not limited to being interpersonal but institutional (Ricoeur 1998, 194). To curb the excesses of

irrationality, the people should assert their power over institutions that become violent (Ricoeur 2010, 23). These excesses are curbed, for instance, in elections since it is in elections that power is distributed (Ricoeur 1998, 96). And with election, this power is exercised “through all of the paraphernalia of discussion, debate and opposition that this entails” (Simms 2003, 123). Public discussion and debate are the hallmarks of a democracy since “a healthy democracy requires that differences of opinion be discussed freely and openly” (Kaplan 2003, 141). Thus, the citizens must have “free access to sources of information, knowledge, and science, independent of those of the State” (Ricoeur 1965, 268). This, therefore, entails “a press that belongs to its readers and not to the State, and a press whose freedom of information and of expression is constitutionally and economically guaranteed” (Ricoeur 1965, 268).

However, if these public discussions and debates remained restricted, negotiating conflicts will be impossible. Thus, mechanisms and further institutions must best be available. The institutions that provide this venue are the multiple political parties (Simms 2003, 114) which

by following the work of the parties, perceiving and evaluating its argumentation during political debate, citizens can orientate themselves politically through the parties. Furthermore, by engaging with a party, every citizen can exercise some influence on the political decision-making process. (Hofmeister and Grabow 2011, 18)

The influence of the political party, however, in the shaping of public discussion and debate in the Philippines is deficient. The oligarchic elite even used the political party machinery as instruments “for the predation of the state and its resources

through various means—the use of patron-client ties, non-personalistic forms of patronage, rent-seeking, outright corruption, fraud, coercion and violence” (Quimpo 2007, 278). The oligarchs even made their entry to the political sphere easier through the bastardized party list system of the country. The party-list system is intended to assure that marginalized parties or groups will have access to the House of Representatives and give them opportunity to be part of the democratic process. It is primarily reserved for marginalized political groups who have no way of having their representatives win an election at the district level (Tangkia and Habaradas 2001). Nonetheless, when the Party-List System Act of 1995 or RA 7941 broadened the scope of Party List to include “professionals”, traditional politicians are now able to join the House of Representatives through the backdoor (Antiquerra and Mangilit 2010).

The weak condition of the state where it has “a limited capacity to impose its will” (Doronila 1994, 48) allowed this condition to flourish. This road to political perdition would go on unless the citizens would recognize their particular responsibility which constitutes their will to live together. They must assert the ascription of “public well-being to the vitality of the community life in which the will to live together regenerates itself” (Ricoeur 1995, 2).

A Dependable Judicial System: Safe-haven of the People

The judiciary, as an institution, is responsible for the judicial administration of the state. It refers to “the whole system of courts, including judges, prosecutors, and defense attorneys, police, prisons, whose responsibility is to enforce laws, especially criminal laws” (Reagan 2015, 120 - 121). It is an institution that is necessary in curtailing the political evil of power. It must be remembered that “the State is the authority which holds a monopoly over lawful physical constraint” (Ricoeur 1965, 255) which can precariously turn a democratic state into a non-

democratic state. Henceforth, submission to the rule of law is paramount in a democracy inasmuch as a non-democratic state may “exact ‘a violence without appeal’” (Simms 2003, 115).

With an independent and dependable judiciary, however, the citizen will not be at the mercy of the State and its power. The individual will be protected against the arbitrariness of the State and its power (Ricoeur 1965, 268). For the judiciary to be considered independent and dependable, its courts must be fair or at least, the people perceive it to be fair (Reagan 2015, 121). With judicial institutions that are efficient, neutral and professional, they gain confidence from the public. With a dependable judiciary, the people would be protected and secured from the imminent abuses of the governing authorities. With a stronger Criminal Justice System, a safer and more just society will be achieved. Moreover, it will bring forth a developed economy to the country (Philippine Judicial Academy 2011, 12).

The downside of the judicial system is when it is perceived to be corrupt and inutile which makes it not functioning properly. Fundamental problems that plague the judicial system range from “lack of personnel; inadequate facilities; slow disposition of cases; congestion of courts; overcrowding of jails; and non-implementation of laws” (Philippine Judicial Academy 2011, iv). These problems spring from the inadequate funds that they get from the national budget. Nonetheless, these should not be a reason for them to become remiss of their basic services.

The criminal justice system in the Philippines is not only limited to the whole system of courts, the police, and the prison system. It also includes the community,¹¹ the most often taken for granted pillar of the system. Including the community or the people is not incidental but one of its equally important pillars. In fact, they should play a very important role since the offenders come from their ranks. Their contribution in sustaining a just environment is immensely needed in the solution of crimes by assisting law enforcement agencies (Lopez 2000, 294). Members

of the community pillar “have the responsibility to assist law enforcement and the courts in solving crime by providing information, by community participation in crime prevention and creating a culture of peace, and by supporting the mobilization of resources for peace and order” (Philippine Judicial Academy 2011, 11).

Through this role, the people can actually exercise their power well over the government inasmuch as they are the true repository of state power and its ultimate beneficiary. It must be noted that through elections, the people elected into power a man that they believed to be the most capable of directing them all, protecting their freedom and administering justice (Majul 1996, 45). But this power should not be totally relegated to the elected individuals or to the government. The community must cooperate and engaged in a coordinated and concerted action with the whole system as well (Lopez 2000, 291). The power of the community should not be taken for granted. Through concerted efforts and actions, an organized community becomes a powerful and constructive force for public safety (Menez-Zafra 2002, 125).

To reiterate what has been mentioned above, it is the people that affirm the power of the government. The people must use their power well for it is very fragile. The reason is that

power corresponds to the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and it remains in existence only so long as the group keeps together . . . (Ricoeur 2010, 20).

Thus, for their power to remain effective, they have to be united always as the effectivity of their power “always stands in need of numbers” (Ricoeur 2010, 22). Only then can they withstand the

divisive ploy of the governing authorities through the subversion of the political and judicial processes.

To assert their power, the people can even engage in civil disobedience when they “no longer recognize their power in institutions that have become violent” (Ricoeur 2010, 23). Wars can be won only whenever the people are united. The victory of Viet Nam against the Japanese Imperial Army, the French and the American colonialists, for example, was due in part to the wide and firm support of “all the revolutionary classes, all the nationalities living on Vietnamese soil, all the patriots” (Giap 2014, 15). The same is true with the success of the first People Power Revolution at EDSA in 1986.

Furthermore, this demonstrates how important is the role of the people united for a common cause to become victorious. No government shall become tyrannical and oppressive if the people do not allow themselves to be ruled by one. Rizal once said: “he loves tyranny who submits to it” (quoted by Majul 1996, 26). “Justice in the life and conduct of the State is possible only as first it resides in the hearts and souls of the citizens” (Menez-Zafra 2002, 127).

Conclusion

In conclusion, living well together is a result of how power and justice interplay. The failure of democracy in the Philippines is due to the pronounced dissymmetry between the *power-over* that the government wields and the sparse *power-in-common* of the citizen. In a democratic space, the power of the people properly belongs to the institutions, for they are “structure[s] irreducible to interpersonal relations” (Ricoeur 1992, 194). And, they are the proper place for the governed to exercise their power.

Central to this interplay is an initiative coming from the people, i.e., the governing authority and the governed citizenry belonging to the seemingly competing spheres. The dominating

power should stop burying into oblivion the desire of the historical community to live well with and for others in just institutions. The people are also compelled to act in concert in order to ascertain its enjoyment of the good life. In consonance with Ricoeur, therefore, each citizen, i.e., both the dominating and the dominated, ought to feel particularly responsible for the horizontal bond that is constitutive of the will to live together. Thus, the balancing of power in common and domination which is an endless task of a democracy should be put under the control of people vis-à-vis the seamless working together of pertinent institutions such as Elections, Free Press, Political Parties, and the Judiciary.

If these conditions are not present because political authorities do not allow them, the people exercising political responsibility become the ultimate recourse. All of these may result, however, to a vicious cycle unless these same people establish just political institutions that enable them to pursue the aim of enduring indefinitely in the future.

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Endnotes

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² The Economist Intelligence Unit measures the state of democracy of a country using these indices: Electoral process and pluralism, Functioning of government, Political participation, Political culture, and Civil liberties.

³ This datum is according to a Social Weather Stations' (SWS) survey conducted during the third quarter of 2016.

⁴ The historian Herodotus, however, commented that the democracy under Pericles was only a democracy in theory because in reality, it just became the rule of the one, best man, the *aristoi* who was Pericles himself (Kreis 2009).

⁵ Remigio Agpalo enumerated as follows what Pres. Laurel considered as the malaise that befell the Philippines:

inefficient social organizations, the poverty and consequent degradation of the poor, the selfishness of many citizens who seldom think of the group interest, and particularly ... such matters as wasteful production of techniques, very limited utilization of our natural resources, a backward educational system and curriculum, a weakness for self-indulgence, corruption, and a general let-the-devil-take-the-hindmost attitude. (Agpalo 1965, 174)

⁶ Ricoeur borrowed this term from Hannah Arendt. "Power," Arendt explains, "corresponds to the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together" (Arendt

1972, 143). She mentions in what follows Pericles' *isonomy*, Roman *civitas*, and also the experiment of the Soviets, the workers' councils, the Budapest insurrection, the "Prague Spring," and the many examples of resistance to foreign occupation. There is thus nothing nostalgic about this rehabilitation of the power of all, not only in the face of violence, but also even against the relation of domination. What alone is important is then the hierarchical and non-instrumental nature of the power relation: "It is the people's support that binds power to the institutions of a country, and this support is but the continuation of the consent that brought the laws into existence to begin with" (Ricoeur 1992, 140; Cf. Ricoeur 2010, 20). Ricoeur thus describes power in common as "the capacity of the members of a historical community to exercise in an indivisible manner their desire to live together" (Ricoeur 1992, 220).

⁷ Ricoeur borrows this dimension from Max Weber. Ricoeur explains that "it is to this vertical dimension, obviously, that [Weber] attached the legitimate, and ultimate, use of violence" (Ricoeur 1998, 99).

⁸ Ricoeur noted in *History and Truth*:

This specific evil of power has been recognized by the greatest of political thinkers with a signal unanimity. The prophets of Israel and Socrates of the *Gorgias* concur unequivocally on this point. Machiavelli's *Prince*, Marx's *Critique of Hegel's Philosophy of Right*, Lenin's *State and Revolution* – and ... the Khrushchev report, that extraordinary document on the evil in politics – are all in fundamental accord although certainly operating within radically different theoretical and philosophical contexts" (256).

⁹ In *Critique and Conviction*, Ricoeur said that, "Ideally, a Deputy is a fragment of myself projected into the political universe. But today, citizens no longer recognize themselves in the class of politicians: 'my' Deputy, instead of being the same as me, as soon as he or she begins to circulate in what has been called the 'microcosm,' becomes other than me." Ricoeur, *Critique*, 60.

¹⁰ Ricoeur agrees with Claude Lefort saying that "democracy is born out of a revolution at the heart of the most fundamental symbolism from which all the forms of society stem; it is the system that accepts its contradictions to the point of institutionalizing conflict" (Ricoeur 1992, 260; cf. Lefort 1988, 16).

¹¹ The term "Community" does not only refer to the people in the society at large. It also includes the agencies of the government not related to the judiciary, such as the Commission on Human Rights, the Department of Social Welfare and Development, the National Commission on Indigenous Peoples, Public Attorney's Office, Department of the Interior and Local Government–National Barangay Operations Office, Civic Organizations, and Non-Governmental Organizations (Philippine Judicial Academy 2011, 10).