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## Fairness, Globalization, and Public Institutions

Dator, Jim

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### ❧ PART 3 ❧

# Responding to Globalization

## *Public Institutions Present and Future*

Part 3 focuses on the various ways in which public institutions have or have not responded to globalization in terms of fairness. Dick Pratt opens with an extensive review of the latest movement in governance and public administration—the New Public Management (NPM). He begins by quoting an author who says that NPM may be as profound a revolution in governance and administration as was the movement described and provoked by Max Weber a century earlier. NPM is largely a critique of the salient aspects of the Weberian system. Pratt explains the various perspectives and proposals of NPM, the basic argument being that bureaucracies are too rigid and rule bound and thus wholly unsuitable for the dynamic, flexible, creative world we live in now—or would live in if our bureaucracies were more dynamic, flexible, and creative as well.

Pratt is critical of the claims of NPM. He argues for a greater diversity of approaches and the need for models of public institution reform and renewal that take local context, including resources and political culture, into account.

Jim Dator extends Pratt's opening comments by tracing the history of administrative reforms in the United States. He concludes that American history can be understood as endless calls for administrative reform while bureaucracies waxed and waned in concert with the growth and militarization of the industrial state. But at the same time, the burgeoning corporate sector required and requested the enforcement of basic rules of the economic game by public administrators. While focusing on the US experience, Dator also insists that these governmental reforms (beginning with the very idea of "constitutionalism" itself) were in fact global movements—every bit as global and driven by special interests as

NPM is now. From this perspective, NPM is just the latest in a long line of calls for reform in the interest of certain groups over others.

Doug Allen then pulls the discourse down from the lofty heights of history and theory and tells the story from the point of view of a practitioner—a person who has been active in administration and administrative reform in Canada as well as in diverse parts of the world, including Ethiopia, Hawai‘i, Japan, Malaysia, and South Africa. Allen observes that “a major challenge is the need for each public institution to stay relevant to those it serves while operating globally in an increasingly connected world.”

After briefly outlining his experiences, Allen concludes that among the major problems are the inability to be certain what policy—in the vast organization called “government”—is to be followed, the inadequacy of the resources provided to governments to do the job the public expects, the rise of private short-run interests that are overwhelming public long-run interests, and indeed the difficulty of having a consistent and effective long-range view with policies based on it.

The apparent emergence of a global common law is described by Ron Brown of the University of Hawai‘i’s William S. Richardson School of Law. As Brown notes, one of the most interesting things about this development is that it is entirely driven by both local and national judiciaries attempting to incorporate “best practices” that they learn about from other judiciaries. It is not something imposed on them by their own legislatures, nor the result of reformers attempting to build a system of world law from the top down. It is, rather, (in the words of Fred Riggs) “glocalization” at its potential best—learning from others anywhere in the world and adapting it to local conditions.

Martin Khor, director of the Third World Network in Penang, Malaysia, was invited to attend the Honolulu conference upon which this volume is based primarily to assure that the question of fairness to the environment from a Third-World perspective would get a proper hearing and discussion. He unfortunately was not able to attend, but he did submit a chapter dealing with the issue that is included here.

Khor notes that the world is locked in an uneven competition between two worldviews—the globalization paradigm and the sustainable development paradigm—“with globalization without doubt running away as the winner, and moreover a winner whose

speed, direction, and effects seem to be uncontrollable [resulting] in a crisis of sustainable development” that he clearly outlines. There is thus an urgent need for appropriate and democratic global governance to deal with the uneven competition, Khor maintains, an issue that Yoshiko Kojo, of the University of Tokyo, also discusses in her *Further Thoughts*, “Globalization and International Economic Institutions.”

Khor calls for a reform of the global economic system, including the WTO, so that it operates more to the benefit of the South, especially in the area of agriculture and intellectual property rights, primarily concerning the issue of who owns the genetic information of native plants in Third-World areas. Sohail Inayatullah elaborates on this issue in his *Further Thoughts* on “Food Politics.”

Khor ends his analysis with a discussion of the need for technology assessment and the judicious use of the precautionary principle, especially in the area of genetic engineering, a matter that Walt Anderson also discusses in his *Further Thoughts* on “Biotechnology and Fairness.”

Fred Riggs, professor emeritus of the Department of Political Science of the University of Hawai‘i, is a longtime contributor to the theory and practice of public administration at various places around the world. In chapter 14, Riggs focuses on an issue often overlooked—the representativeness of bureaucracies as a measure of their ability to administer fairly. Representation is typically linked only to legislatures or perhaps executives, but Riggs points out that unless the bureaucracy is seen somehow as broadly representative of the people it serves, it may fail to act—or be seen as acting—fairly.

Riggs adds that discussions of representation also tend to focus on individuals, but in some cultures group representation may be more important. In others, the exclusion of women and children or other marginalized groups (or even diaspora) might be significant. Riggs is also exceptional in discussing the need to represent future generations, and the emerging possibility of electronic virtual representation.

Part 3 concludes with a longer chapter by Jim Dator that argues for fundamental rethinking about “governance” in place of piecemeal attempts at reform. After a quick review of the evolution of governance systems, Dator shows that “structure matters” and

that many current problems are a consequence of our continued reliance on once novel and creative structures that now are obsolete and (in the case of the “presidentialist” system) pathological.

After reviewing a few current attempts at governance redesign (primarily proposals for governmental foresight on the one hand and the creation of the European Union on the other) and the currently popular concept of “civil society,” Dator looks at governance redesign from a more fundamental philosophical and epistemological perspective, concluding that “quantum” theories should replace the old “Newtonian” ideas that form the basis for all current governmental structures. He ends by noting that work done by Ted Becker, Christa Slaton, and others incorporating quantum politics into “Teledemocracy” might well become the model for the next governance design paradigm. Walt Anderson also contributes Further Thoughts on ideas of “Global Governance.”