

An Epistocratic System of Government: Meeting the Demands of the Modern World by Empowering Adroit Leaders

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From the NYT on the Supreme Court ruling on gay marriage²:

‘...Justice Scalia mocked the ruling as a “judicial Putsch” and a threat to American democracy. “This is a naked judicial claim to legislative — indeed, super-legislative — power,” he wrote. “A system of government that makes the people subordinate to a committee of nine unelected lawyers does not deserve to be called a democracy.”’

Abstract:

A common perception of the state of the world’s representative democracies is that they are broken. Gridlock, partisan politics, moneyed interests and the lack of courage, vision and leadership evinced by politicians have all contributed to diminishing the general public’s confidence in their governments to meet the demands of the modern world. Some call for greater involvement of citizens in government through ‘digital democracy’ and the like. In this manuscript, the author presents an alternative to Western representative democracy based on the ideal of an Epistocracy, and illustrates in great detail how such a system of government would function.

Keywords: Epistocracy, system of government, meritocracy, democracy

The Rudimentary Form of this Epistocracy:

National Government Organised into four branches:	The Executive Council - makes laws The Chamber of Representatives - attempts to influence the legislative process by appealing to the Arbiter The Arbiter - upon appeal by the Chamber of Representatives, can veto or demand alterations to legislation The Elections and Government Bureaucracy - implements laws while ensuring that they do not violate the rules of the system
Legislative Branch – the Chamber of Representatives:	Comprises 100 representatives, 75 of who represent the nation’s electorates and 25 of who are chosen by the nation as a whole. The sole function of the Chamber of Representatives is to defend the rights, freedoms and interests of the citizens from the legislative dictates of the Executive Council. This means to scrutinise, check and - as far as possible - impel the Executive Council to take into account the interests of the citizens.
Executive Branch – the Executive Council:	The 9 Councillors who comprise the Executive Council govern the nation and make laws.

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²Editorial Board, (2015), A Profound Ruling Delivers Justice on Gay Marriage. [Online] Available:

<https://www.nytimes.com/2015/06/27/opinion/a-profound-ruling-delivers-justice-on-gay-marriage.html> (June 26, 2015)

The Arbiter:	If appealed to by the Chamber of Representatives, the Arbiter has the power to veto legislation or demand changes be made to it. In addition to arbitering between the Chamber of Representatives and the Executive Council, the Arbiter is the ceremonial head of state and is responsible for leading all international negotiations on behalf of the Executive Council. In cases of national emergency, the Executive Council is disbanded and the Arbiter takes over its responsibilities.
The Elections & Government Bureaucracy:	The EGB is wholly independent of the Executive Council and only implements clearly delineated legislation that is compatible with its mission to safeguard the democratic elements of the system.

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Introducing this Epistocracy:

Attracting the nation's best and brightest to government

The founding fathers of the United States of America are remembered as being salutary statesmen, patriots and some of the finest minds of their day. Men such as Jefferson, Madison and Hamilton were drawn by a sense of civic duty and the prospect of employing their intellectual and creative powers in the momentous task of writing the new republic's constitution.

In contrast, most of today's best and brightest minds are put off from entering politics. Their desire to become major players on the national stage is soured by the knowledge that, instead of concerning themselves with 'what will make for a great piece of legislation,' they will have to invest heavily in the tiring machinations of party politics, where winning is 'the only test of success,' and in attracting political donations, which is 'a crucial determinant of whether or not a candidate will win.'

This Epistocracy aims to make it easier and more attractive for the nation's best and brightest to enter politics. After a short, gruelling 'election competition', a successful contestant is catapulted directly into one of the nine seats in the Executive Council - the executive branch of government.

Dispensing with political parties

The checks and balances in modern representative democracies are encumbered rather than empowered by partisan politics, as conservatives and liberals occupy themselves with fighting partisan wars at the expense of focusing on good policy. Examples abound, but none is clearer than the belated and lackluster response of the US government to the global financial crisis of 2008 when compared to the prompt and robust response of the Chinese regime. The fight over Obamacare also highlighted the broken nature of government in the US, where a reasonable and constructive public policy initiative was fought tooth and nail by conservatives, producing a less efficient and effective revision of the health system than could have been devised in a less partisan environment. While societies doubtlessly benefit from the contest between liberal and conservative perspectives and priorities – the one moderating the ambitions of the other - political parties have come to hijack the political system, leading to ineffectiveness or inaction.

A better separation of powers

Politicians in representative democracies have to champion the interests of the citizens that they represent, but they also have personal ambitions and agendas that motivate them. The tension between their private and public motives leads politicians either to be disingenuous about them, or to concede one or more of them. One prospective politician may have entered politics in order to defend society's weak and disenfranchised, one may have an ideological bent that he/she wants to forward, and another may seek to employ his/her knowledge and skills as a decision-maker. In a word, prospective politicians can be divided into 'defenders,' 'promulgators' and 'rulers.' The motives for entering politics of the 'defenders' and the 'rulers' are almost diametrically opposed. The first-mentioned want to represent and aid certain groups of citizens, while the last-mentioned want to exercise their power in the belief that their programs for the nation are the most sagacious. For instance, a 'defender' may be against the signing of free trade agreements due to the cost to low pay/skilled workers, while a 'ruler' may be in favour of them, since he/she believes that they benefit the economy as a whole. To be sure, most prospective politicians hold a combination of the aforementioned motives, but one motive is always pre-eminent.

In order to cater for the different motivations held by prospective politicians, this Epistocracy creates two classes of politicians in a national government; one exclusively charged with the task of representing the citizens ('defenders') and championing issues of national importance ('promulgators'), and the other with that of legislating and governing ('rulers'). There is an inevitably adversarial relationship between the Chamber of Representatives - defending the interests of the citizens - and the autocratic Executive Council, which aims to impose its will on the nation. The Executive Council does not purport to represent the citizens and will in all likelihood be viewed with resentment and hostility by the majority of citizens. The function of the Chamber of Representatives is to restrain the autocratic impulses of the Executive Council and to keep it, as much as is achievable, tethered to the will of the people.

Empowering rulers to rule

The reason for instituting an autocratic component to this system of government is to encourage politically daunting but governmentally necessary actions without necessitating excessive concern for the support and approval of the citizens or interest groups. The Chamber of Representatives remains unsullied by the actions of the Executive Council and can dedicate their attention to striving for better outcomes for their constituents. The Executive Council, on the other hand, is able to pursue its agenda for the nation without paying lip service to the 'will of the people.' In order to ensure that the Chamber of Representatives looks out for all the citizens, not just the politically active segments, voting for their Representatives will be compulsory for the nation's adult citizens.

This also ensures that, even if voters become disillusioned with the direction and actions of the government, they cannot disconnect from the system entirely. Without compulsory voting, the already tenuous democratic elements in this Epistocracy would become fictitious.

There is no judiciary in this Epistocracy as there is only a basic constitution broadly outlining the mechanisms for the separation of powers between the three branches of government. Apart from the responsibilities enshrined to local and regional governments, there is no limit to the reach and issues on which the Executive Council can legislate. Rather, by means of the pressure applied on the Executive Council (the ‘rulers’) by the Chamber of Representatives (the ‘defenders’ and ‘promulgators’) as well as other tempering mechanisms, the conduct and direction of the national government would not stray too far from the will of the people. By utterly decoupling the representative and legislative branches, the nation would benefit from the enabling of society’s best and brightest to employ their talents to take action based upon their personal ideas about what is in the national interest, particularly in times of crisis.

Consensus-building as the building block of power

The legislative process is highly dependent on the building of consensus. A single politician is charged with the power of arbitering between the Chamber of Representatives and the Executive Council and upholding the virtue of this epistocratic system of government. The Arbiter, as this politician is called, is the guardian of the smooth functioning of the government. While he/she cannot intercede of his/her own accord, he/she is afforded significant status and influence through the power of sustaining or rejecting the Chamber of Representatives’ petitions. The Arbiter can encourage or impede the agendas of either of the other two branches and stipulate his/her terms for accommodation to them.

By having risen to the position of Arbiter from the Executive Council, this politician will inevitably be sympathetic to the ambitions of the Councillors. He/she will have to be wary of the wrath of the Chamber of Representatives as it alone can end his/her tenure. But to avoid the Arbiter being in the thrall of the Chamber of Representatives, it is intentionally difficult for the Representatives to muster the support of 95% of their colleagues required to eject him/her.

All politicians in this Epistocracy need to be charismatic, persuasive, communicative and collaborative. The need for consensus-building and negotiation within and between the branches of government means that the art of persuasion is key to the success of individual politicians and of the system as a whole. Ultimately, only supreme political operators will thrive in this system of government. Alliances will be made, but since there is almost no conceivable way for political parties to pervade the system, the alliances will be limited and/or fluid. Only through the power of persuasion can a politician rise to dominance in the political arena. Moreover, due to the gruelling election process for the Councillors, only the most capable politicians will make it to the Executive Council. This brings us to the rationale for naming this system of government an Epistocracy; enabling those supremely capable of ruling to make politically unpalatable, but ostensibly necessary, decisions.

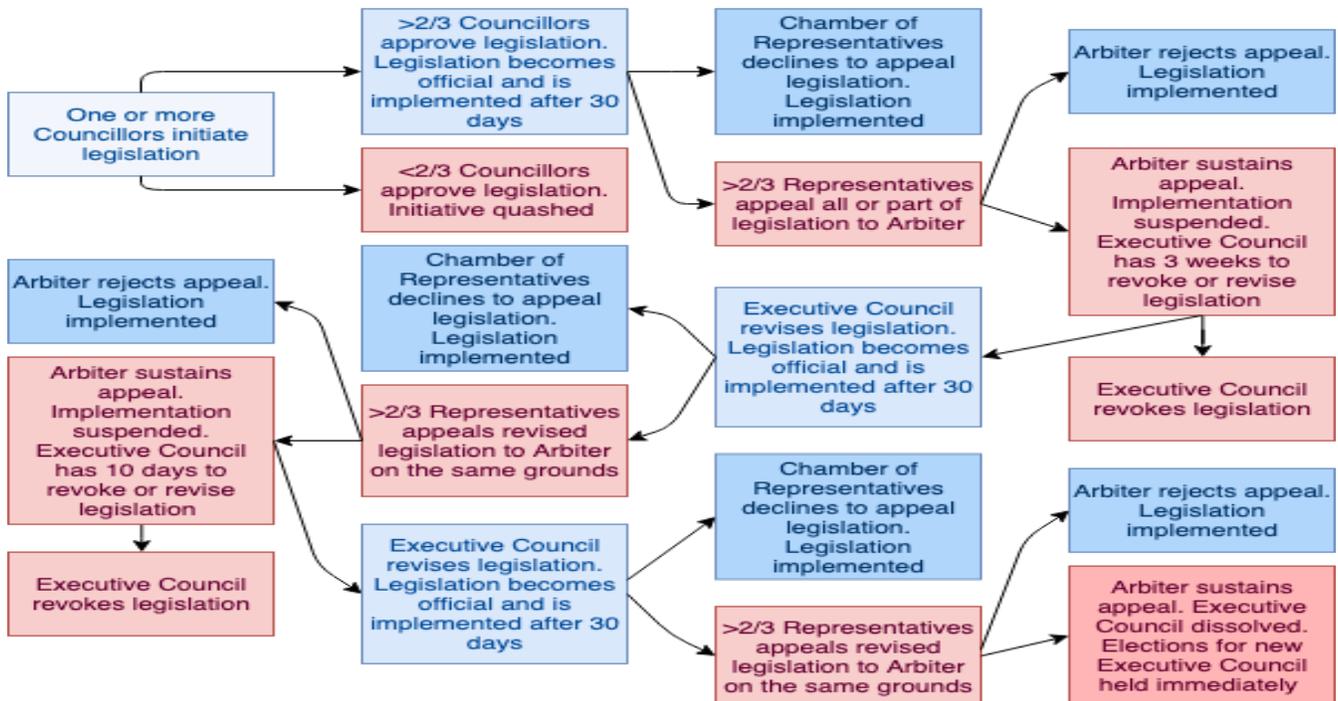
Safeguarding Local Governments:

The Executive Council’s purview of governmental responsibilities will largely be based on the current responsibilities of national governments in representative democracies. State governments will be abolished and regional (if necessitated by strong geographical, economic, social and cultural bonds between municipalities) and local governments will be redrawn by the Elections and Government Bureaucracy (EGB) to most efficiently and democratically devolve the responsibilities best suited to local/regional decision-making and implementation. The Executive Council will be charged with all other super-local/regional responsibilities.

The national government is the sole taxing authority in the nation, but the integrity of all local and regional governments are safeguarded by the EGB and guaranteed 1) equitable (in comparison to other local and regional governments) revenues to properly execute their responsibilities and 2) analogously equitable investments in infrastructure and the like by the national government.

Structure, Powers and Methods

The Legislative Process in this Epistocracy:



1. The Chamber of Representatives (100 Representatives)

1.1. Role:

- 1.1.1. Elected by the citizens to represent and promote their interests
- 1.1.2. The role is essentially one of pressuring and blocking (if supported by the Arbiter) the actions of the Executive Council
- 1.1.3. Every Representative rates each member of the Executive Council every 6 months
 - 1.1.3.1. Based on the ratings, the ranking of the Councillors is modified. Every 2 years, the 2 lowest ranked Councillors are ejected if their rating is less than 6. That is to say, if there are no Councillors with a rating of less than 6 at the end of an election cycle, then no Councillor is ejected
 - 1.1.3.2. Rankings are determined according to the average of a Councillor's ratings for the entire tenure in the Executive Council
 - 1.1.3.3. New Councillors start with a rating/ranking equal to that of the fifth most popular Councillor. This is to afford them a reasonable chance of remaining in government for more than two years
 - 1.1.3.4. At their first bi-annual rating, new Councillors are automatically given the same rating as that held by the 5th-ranked Councillor. Thereafter, they are rated by the Chamber of Representatives and an average of their bi-annual ratings determines their ranking. For example: 'Councillor A' has been in government for 4 years and his/her ratings for each 6 months were 7,6,8,6,4,3,2,1, giving him/her a rating average for his/her entire tenure of 4.6. At the end of a 2-year cycle, when the 2 bottom-ranked Councillors are ejected, 'Councillor A' becomes the 5th-ranked Councillor in the Executive Council and his/her rating average is given to the 2 incoming Councillors. At the first bi-annual rating, the new Councillors are automatically afforded a rating of 4.6. After another 3 rating cycles and, consequently, when the 2 lowest-ranked Councillors are to be ejected, one of the 2 new Councillors received the same ratings as did 'Councillor A' in his/her first 2 years. This new Councillor will have a rating of 6.75 and will be ranked above 'Councillor A'. The other new Councillor received ratings of (4.6),4,4,3. He/she will have an average of 3.9, which may place him/her in the bottom 2 rankings.

1.2. How are they elected/ejected?

- 1.2.1. There are two types of Representatives: 85 individuals representing and elected by local electorates and 15 individuals representing and elected by all the nation's eligible voters
- 1.2.2. The Elections and Government Bureaucracy (EGB) will be charged with setting up and maintaining the electorates and elections

2. The Executive Council (9 Councillors)

2.1. Role:

- 2.1.1. Can create/change any law at any time, but is obliged to always operate within the parameters of the legislation it has passed and in accordance with any legally binding domestic/international agreements
- 2.1.1.1. The Executive Council always runs the risk of being held to account by the Representatives and may even be dissolved if the infringements are on-going
- 2.1.2. If ordered by the Arbiter to amend its laws, the Executive Council is obliged to comply or potentially face dissolution

2.2. How are they elected?

- 2.2.1. Elections are run by the Elections and Government Bureaucracy (EGB)
- 2.2.2. Candidates are anonymous
- 2.2.3. The EGB accepts the application of any citizen who a) reaches the threshold of the psychometric test and b) has a resume that demonstrates pertinent experience related to some aspect of leadership and/or management
- 2.2.4. Election process consists of 4 rounds of simulated Council work. The best-ranked candidates enter the Executive Council to fill the vacant position/s.
- 2.2.5. The EGB places candidates in groupings of six (different groupings each round), determined largely by geographic proximity
- 2.2.6. On a given day and time, these groups of candidates are presented with the same set of 8 scenarios created by the EGB for the occasion. The scenarios are based on challenges that the Executive Council might face. For example, the group could be asked to formulate a policy response for: an epidemic or natural disaster, a suitable policy framework for pensioners, the lack of nursing staff, long waiting lists for elective surgery, falling productivity in the resource sector, an industrial relations dispute, a civil war in a neighbouring country, inflation, desertification. The group has four hours to agree with a 2/3 majority on the wording of the 8 policy responses
- 2.2.7. In the 1st round, each candidate rates the policy responses of 50 other anonymous groups to the same 8 scenarios. The top ranked 50% of candidates (or, if there are more than 2,000 candidates, the top 1,000) move on to round 2. Each candidate within a grouping shares the same rating for that round
- 2.2.8. In the 2nd round, each Representative rates 20 anonymous groups. This means that approximately 8 Representatives rate each grouping. The top 10% of candidates move on to the next round
- 2.2.9. In the 3rd round, each Representative rates all anonymous groups each. The top 10% of candidates move on to the next round
- 2.2.10. In the 4th and final round, the representatives rate all anonymous groups. The top candidates then enter government to replace the outgoing ministers
- 2.2.11. For example: 15,000 citizens apply and 10,000 are accepted by the EC. The top 1,000 move on to the 2nd round. 100 move on to 3rd round. 30 move on to the 4th round. After the 4th round, the best ranked candidate/s is/are elected to replace the outgoing Councillor/s
- 2.2.12. Newly elected ministers enter the Executive Council with a moderate rating, somewhere around that of the 6th ranked Councillor

2.3. How are they ousted?

- 2.3.1. By a vote with the support of 95% of the Representatives to oust either the entire Council or specific individuals
- 2.3.2. Every six months, the Representatives rate the performance of each individual Councillor. This may change the ranking of the Councillors. Every 1.5 years, the two Councillors with the lowest ranking (an average of their entire tenure) are automatically ejected and replaced
- 2.3.2.1. Recently appointed Councillors who have not had 1.5 years of experience on the Executive Council cannot be ejected, even if they are the lowest ranked Councillors
- 2.3.3. If the Council does not officially respond (2/3 majority vote) within 3 weeks to a Chamber of Representatives' appeal that has been sustained by the Arbiter, the Council can be dissolved by the Arbiter. The Arbiter can provide the Executive Council with an additional week or fortnight to respond if he/she thinks it reasonable. After this one-off time extension, as it pertains to a specific Chamber of Representatives' appeal, the Arbiter cannot override the automatic dissolution of the Council.

2.4. Powers:

- 2.4.1. By a vote with the support of 2/3 of the Councillors, can institute any law that it chooses, including the use of the armed forces

- 2.4.2. New legislation has a cooling off period of 30 days so as to provide the Chamber of Representatives with time to appeal, unless the legislation is deemed to be of an urgent nature. The Council needs to officially advise (2/3 majority vote) the Arbiter and Chamber of Representatives of their intention to implement the legislation immediately. The Representatives can then choose whether they want to appeal the justification for immediate implementation. The Arbiter would then be empowered to decide whether the speedy implementation is justified or not
- 2.4.3. Representatives can also appeal legislation at any time after it has been implemented
- 2.4.4. The Council and their bureaucracy must comply with the laws it creates
- 2.4.4.1. The bureaucracy is obliged to enact every portion of every piece of legislation. If something is not clear in the legislation, the head of the bureaucracy must request from the Council an amendment/clarification or an additional clause to the initial legislation requiring another 2/3 majority vote by the Council
- 2.4.4.2. No Councillor can order the bureaucracy to do something that is not specifically mentioned in legislation. If a Councillor or the Council as a whole is not satisfied with the performance of the bureaucracy or a specific person/branch in the bureaucracy, he/she can request the Council to approve (2/3 majority) action on the matter
- 2.4.4.2.1. For example, a Councillor is convinced that the head of the bureaucracy has misunderstood or inaccurately enacted a piece of legislation. The head of the bureaucracy is not convinced that the Councillor is correct and requests clarification from the Council. The Council votes on a statement that the practical implications of the legislation are that the bureaucracy needs to do such and such. The Representatives then have the opportunity to appeal the statement itself as contravening or being beyond the authority of the original legislation
- 2.4.4.2.2. For example, a Councillor thinks that the head of the bureaucracy is impeding the implementation of a certain important piece of legislation. He/she can convince the rest of the Council to replace him/her. The Chamber of Representatives cannot appeal the actions of the Council with respect to the bureaucracy if it is not an issue of the implementation (or lack thereof) of legislation. The Council does, however, have to agree by 2/3 majority vote to make any directive or take any action in the running of the bureaucracy. This is to ensure that no one Councillor can intervene in or put pressure on the running of the bureaucracy without the whole Council being involved in the matter
- 2.4.4.2.2.1. The only time that an individual Councillor can act independently of the Council is when enlisting the bureaucracy to assist in developing/researching legislation. Each Councillor has a generous budget to bring legislation to the Council for a vote
- 2.4.4.3. Every formal agreement or treaty made by the Executive Council must be upheld or be legally discontinued. The Representatives can appeal to the Arbiter if they believe that an agreement has been contravened. The Arbiter is not obliged to sustain the appeal, but the values of the Epistocracy would be jeopardised and it is unlikely that the Arbiter would be willing to take such a stand
- 2.4.4.3.1. As mentioned earlier, the EGB and the Armed Forces must comply with the laws of the Executive Council. If the head of the EGB or the Armed Forces believes that a new law is contradicting a treaty or an international agreement, they can request clarification as to which law supersedes which. This would make it clear to all the intentions and implications of an Executive council law
- 2.4.5. Similar to the practice seen in contemporary representative democracies, subcommittees can be formed and filled with whomever the Executive Council chooses from the citizens of the nation. To become law, any decision of a subcommittee needs to be voted on by the Executive Council.

3. The Arbiter

3.1. Role:

- 3.1.1. To be the arbiter between the Representatives and the Executive Council
- 3.1.2. To negotiate on behalf of the Executive Council all international agreements. The Arbiter cannot sign any agreements himself/herself, as it is ultimately the Executive Council's power to legislate, but having negotiated the agreement himself/himself in coordination with the will of the Executive Council, the Arbiter will then guarantee the law's passage in the face of a Chamber of Representatives appeal
- 3.1.3. When the position of Arbiter is made available, it is offered first to the highest ranked Councillor and so on until accepted
- 3.1.3.1. If not accepted by any of the Councillors, a national election for the position of Arbiter is held, in a similar way as for Representatives
- 3.1.4. The position is held for eight years, after which the Representatives and Executive Council must vote with an absolute majority of both to extend the Arbiter's term for another four years

- 3.1.5. The Arbiter is the ceremonial and diplomatic head of state, as well as sole ruler during states of emergency
- 3.2. Powers:**
- 3.2.1. At any time, can question or demand information from the Executive Council and its bureaucracy
- 3.2.1.1. Can ask them to inform him/her of the work that the council/bureaucracy is doing in developing new pieces of legislation
- 3.2.1.2. Can ask them to explain in what way a certain department's actions/policies are directly connected to legislation
- 3.2.2. Upon appeal by the Representatives, can strike down or demand an amendment to legislation, or prevent actions of the Executive Council
- 3.2.2.1. Can only sustain or dismiss the appeal of the Representatives. For example, if the Representatives want to strike down a law/action, the Arbiter cannot demand an amendment to the law/action instead. The Arbiter can, however, negotiate with the Executive Council regarding the appeal of the Representatives in order to come to a mutually satisfactory agreement: the Executive Council would enact a change to the law/action and the Arbiter would consequently dismiss the appeal of the Representatives
- 3.2.3. Upon appeal by the Representatives, can eject the Executive Council
- 3.2.3.1. The Representatives must appeal a piece of legislation or claim that the actions of the Executive Council (or the bureaucracy) contravene a certain piece of legislation or are not sanctioned by any legislation
- 3.2.3.2. The Arbiter must sustain their appeal. The Executive Council then has 3 weeks to either amend (with a 2/3 majority vote) the legislation or scrap it
- 3.2.3.2.1. If the Council does not manage to officially respond (2/3 majority vote) by the end of the 3 weeks, the Arbiter is empowered to dissolve the Executive Council
- 3.2.3.3. The Representatives must then appeal the amendment or claim that the actions of the Executive Council continue to contravene the same piece of legislation or continue to have no legislative sanction
- 3.2.3.4. The Arbiter must sustain their appeal for a second time. The Executive Council then has 10 days to either amend (with a 2/3 majority vote) the legislation or scrap it
- 3.2.3.4.1. If the Council does not manage to officially respond (2/3 majority vote) by the end of the 10 days, the Arbiter is empowered to dissolve the Executive Council
- 3.2.3.5. The Representatives must appeal on the same grounds for a third time or - in the case the Executive Council has scrapped a piece of legislation - to claim that the Executive Council continues to act as if that legislation is still relevant
- 3.2.3.5.1. The Arbiter is empowered, at this point, to either eject the Executive Council (leading to new elections for all positions on the Executive Council) or to overrule the appeal
- 3.2.4. Upon request by the Representatives, can assume emergency powers
- 3.2.4.1. The Arbiter can make laws and decisions by decree including use of the armed forces
- 3.2.4.1.1. Arbiter must make legislation/policy announcements before taking any action whatsoever. That is, the Arbiter is bound by/restricted to his own legislation/official pronouncements due to the fact that the EGB will continue to demand 'legislative clarity' before the implementation of any piece of legislation
- 3.2.4.1.2. If the Representatives want, they can appeal the decisions of the Arbiter in the conventional manner or use the Chamber of Representatives to voice their objections to his laws/actions. The Arbiter is not compelled to honor the Representatives' appeal
- 3.2.4.2. An 80% majority is required to initiate or terminate emergency rule by the Arbiter
- 3.2.4.3. The Executive Council is suspended, unless requested in whole or in part to form committees to make legislative recommendations to the Arbiter on specific matters (much like a subcommittee)
- 3.2.5. Upon request by the Representatives, the Arbiter can declare and wage war using the nation's armed forces
- 3.2.5.1. Only the Arbiter can order the use of the Armed Forces for combat. The Executive Council is in charge of the Armed Forces at all other times, including military procurements, the movement and positioning of military units and for humanitarian/non-combat use
- 3.2.5.2. A 2/3 majority vote is required to sanction the Arbiter's war powers. An 80% majority is required to force the Arbiter to cease the use of the armed forces or to compel the Arbiter to curtail the use of the Armed Forces and/or to promptly negotiate a peace treaty
- 3.2.5.2.1. If the Armed Forces are required in order to react to offensive military measures taken by another state/non-state actor, the Arbiter is automatically bestowed with his/her war powers
- 3.2.5.2.1.1. The Chief of the Armed Forces is the person who defines the military actions of the foreign party as 'offensive' and also decides whether the Arbiter should be provided with automatic war powers.

- 3.2.5.2.1.2. In effect, the Arbiter is automatically provided with unbridled war powers and is free to expand the initial conflict or initiate combative measures extraneous to the initial cause for having been provided with automatic war powers
- 3.2.5.2.1.2.1. The Chamber of Representatives then can curtail the on-going use of the Arbiter's war powers using the mechanism stated above
- 3.2.5.3. During the time in which the Arbiter is empowered to wage war, he/she is contemporaneously both the exclusive decision-maker in the matters of war as well as the Arbiter in all other matters
- 3.2.5.4. The matters of financing and resourcing war will be negotiated by the Executive Council, the Head of the EGB, the Chief of the Armed Forces and the Arbiter. An updated budget will be negotiated and legislated by the Executive Council
- 3.2.5.4.1. If the Executive Council is unwilling to compromise on all or a part of the Arbiter's (and the Chief of the Armed Forces') demands, the Arbiter can make overriding legislation
- 3.2.5.4.2. The legislation can only pertain to the military budget. The Executive Council then can readjust their civilian budget with the revenues that remain
- 3.2.5.4.3. The Executive Council can also legislate for tax/revenue increases in view of the increased military budget
- 3.2.5.5. As with the ECB, the Armed Forces has a chief who must ensure that all directives from the Arbiter come by way of official decrees. If something is unclear, the Chief of the Armed Forces must demand clarification, again by way of official decree. Any decree deemed confidential for national security reasons does not have to be made public by the Arbiter or the Armed Forces. The National Representatives are entitled to confidential updates from the Arbiter and be shown the official decrees provided by the Arbiter to the Chief of the Armed Forces. If the Arbiter has cause to believe that the National Representatives or part thereof have leaked some confidential information, he/she can refuse to update all or some of them.

4. The Elections and Government Bureaucracy (EGB)

4.1. Role and powers of the EGB:

- 4.1.1. To demarcate and modify (when deemed necessary) the 100 local electorates to safeguard the central democratic aspect of the Epistocracy - i.e., the elections of Representatives to champion the needs and opinions of the citizens
- 4.1.2. To undertake elections for the Local and National Representatives
- 4.1.3. To undertake the election process for replacements to the Executive Council, including the application process
- 4.1.4. To assiduously fulfil the dictates of legislation and cooperate with the Executive Council to ensure the smooth running of government
- 4.1.5. To set up and operate the courts of adjudication for the interpretation of the nation's laws and to appoint the judges and staff
- 4.1.6. The court system will be based largely on the current U.S. judicial system, up to the level of the Supreme Court. As this Epistocracy's constitution only maps out the structure, powers and mechanisms of the system, laws made by the Executive Council cannot be declared illegal/unconstitutional
- 4.1.6.1. The EGB must ensure a free and fair selection process and aim to reflect the demographic makeup of society in the appointment of judges
- 4.1.7. To oblige the Executive Council to operate according to a current budget stipulated in legislation and that ALL expenditure can be justified with reference to the budget. The head of the EGB should be consulted as the budget or modifications to budgets are being formulated so that he/she can alert the government to any ambiguities or areas in which the bureaucracy's work will need clarifying budgetary legislation
- 4.1.7.1. There are to be mandatory and discretionary programs in the annual budget. The Executive Council can make changes to its budget as it likes, but every piece of legislation needs to be clearly funded
- 4.1.7.2. The EGB needs also to publish the government's receipts and expenditures on an annual basis
- 4.1.8. To ensure the equitable transfer of funds to regional and local governments. To ensure that all regions and municipalities are equitably invested in by the Executive Council
- 4.1.8.1. The head of the EGB can peg back the transfer of budgetary revenue for local and regional governments if the Executive Council is deemed to be favoring some governments over others
- 4.1.8.2. The head of the EGB can stall the Executive Council's investment plans in any given region/municipality if deemed to unfairly favor it over other regions/municipalities. The head of the EGB needs to be assured by the Executive Council that commensurate spending will occur in the rest of the regions/municipalities as soon as practicable

4.1.9. To ensure that the purview of the local and regional governments is not unreasonably infringed on by the Executive Council

4.1.9.1. If a law/decree by the Executive Council is deemed to infringe the rights of a/some/all local and regional governments, the EGB can advise the Executive Council that it will not implement it.

4.2. The Head of the EGB:

4.2.1. How elected?

4.2.1.1. 2/3 of the national representatives and the Arbiter must agree on the appointment of the head of the EGB. Once appointed, the person is given tenure, unless a) three quarters of the Chamber of Representatives chooses to oust him/her or b) the Arbiter accedes to the Executive Council 'legislation' to oust him/her. The same process is followed if the Chamber of Representatives or the Executive Council want to oust specific employees of the EGB

4.2.2. Role and powers:

4.2.2.1. The head of the EGB is formally responsible for the smooth running of elections and the demarcation of electorates.

4.2.2.2. The head of the EGB is formally responsible for the hiring and firing and the actions while in employment of all the EGB's staff and for the precise administration of the law

4.2.2.3. If any EGB head of department or even an employee in the lower ranks of the bureaucracy feels that they have been instructed by the head of the EGB to do something that they think is illegal (meaning, beyond the purview of legislation), they can and must officially advise the head of the EGB. The head of the EGB must then reconsider the matter and decide whether he concurs and must, consequently, alert the Arbiter and Executive Council that the EGB will not execute the order until clarifying legislation has been passed

4.2.2.3.1. No EGB employee can be penalised or fired for making such an appeal. A civil court can determine in the employee's favor if such a situation is proved to have occurred and the employee must be justly compensated

4.2.2.4. If the Executive Council requires the employment of additional staff (using the legislation process for authorisation), the head of the EGB will organise their hiring and their integration into the bureaucracy

4.3. Accountability:

4.3.1. The Arbiter is provided with all (forms of) records, modelling, studies, appraisal etc. produced by the EGB on behalf of the Executive Council and the Arbiter (in consultation with the Executive Council) will make public whatever he/she deems to be in the public good and, on the other hand, doesn't compromise the efficacy of governance, privacy and security

4.3.2. One of the Arbiter's staff will always be present when the Executive Council meets. The Executive Council must inform the Arbiter of their intention to meet, regardless of whether the meeting is formal or informal, scheduled or unscheduled. The staffer will take the minutes of the meeting and report back to the Arbiter on his/her impressions from the meeting.

Scenario: combating anthropogenic global warming

1. Pressure groups in society, for and against certain laws, will lobby the Representatives, who will then pressure the Councillors and the Arbiter.

1.1. While Councillors and the Arbiter will also be lobbied, the lobbyists' sway on Councillors and the Arbiter will be limited/indirect as only the Representatives carry a 'stick' in the Epistocratic system of government with which to hit (or threaten to hit) the Councillors and the Arbiter.

1.2. Due to the fact that the Representatives are accountable to their constituents, there will be some Representatives more inclined to favour action on climate change and those more opposed. The Councillors may not feel obliged to act on the issue of climate change because the Representatives themselves may not be united on the issue in order to pressure them to take action.

1.2.1. Were there consensus in the Chamber of Representatives, the Representatives could effectively agitate for action on climate change.

1.2.2. They could make it known to the Arbiter and the Executive Council that they will petition the Arbiter on extraneous issues in a belligerent way to make the cost/inconvenience of inaction on climate change greater and that they would be willing to compromise on certain extraneous laws in exchange for climate action.

1.2.3. They could base their biannual ratings of the Councillors specifically on their stance on climate change and their action/inaction on the matter.

1.2.3.1. They could even vote with 95% support of the Chamber of Representatives to eject Councillors deemed to be obstructing action on climate change.

2. Since the Representatives are not likely to be united enough to force the Councillors' or the Arbiter's hands, like with any other political issue, the Councillors will be able to conduct themselves according to their values and agendas.
 - 2.1. There might be tepid, shared motivation within the Executive Council for taking action and they may decide by consensus vote (2/3 majority) to enact some moderate actions to mitigate climate change - like Obama authorised through the Environmental Pollution Agency – by way of regulations limiting pollution levels for industry, power generation and transportation.
 - 2.2. There may be one or two Councillors who are extremely passionate about the issue and are willing to stake their political future on driving robust legislative action against human-induced climate change. They will work with the government's bureaucracy to devise detailed legislation. If they feel that there is not enough support in both the Council and the Chamber of Representatives, they may choose to get several smaller pieces of legislation passed, for example, one piece regarding pollution standards for industry, transportation and power stations or for the funding of renewable energy research and its subsequent adaptation into the economy. If they feel that the Arbiter is onside and that they can ultimately muster the six Councillors necessary to pass the legislation, they may opt to devise comprehensive legislation covering the entire gamut of climate change action including a tax on carbon emissions.
 - 2.3. There may be one or more Councillors passionately against taking action for ideological or practical considerations (e.g. not while the rest of the world is dragging its feet on taking action). These Councillors can obviously foil a consensus vote if they number 3 or more. But if they number 2 or 1, they can try to sabotage the efforts of those Councillors who are in favour of action by coordinating their actions with Representatives. They may drive forms of legislation that pay lip-service to action on climate change like funding research on efficient non-renewable energy (such as carbon capture and storage for coal power plants) or even for renewable energy. But most importantly, they can try to convince the Arbiter that he/she does not need to cooperate with the Councillors in favour of action and, ultimately, to side with the Chamber of Representatives if they succeed in getting the numbers (2/3 majority) to appeal the legislation.
 - 2.4. The Arbiter will have his/her own personal conviction on the issue of climate change that will significantly influence his/her actions. But the Arbiter may suggest compromises between the opposing sides of the issue. He/she may say to the Council that with changes x, y & z to their legislation, he/she will reject the appeal of the Chamber of Representatives. The Executive Council will then have to vote again (2/3 majority) as a response to the 1st successful appeal by the Chamber of Representatives and then, when the Chamber of Representatives appeals the revised version, the Arbiter will reject their appeal as per his/her agreement with the Council. The legislation will then have overcome all hurdles to its implementation.
 - 2.5. There may be Councillors so concerned about the rating that they will receive from the Representatives that they may simply choose to act like the common politician in our current representative democracies. That is, they will determine which position will most likely find favour by the Representatives and stick to it, regardless of what they might truly think about the issue.
3. Suppose that the Councillors in favour of action succeed in convincing 2/3 of the Executive Council to vote in favour of a specific piece of legislation:
 - 3.1. The Representatives will begin (or will have already begun, depending on how much information has been passed on to them from the deliberations and work of the Executive Council and the EGB in developing the legislation) to find the numbers to appeal the legislation to the Arbiter.
 - 3.2. Leaders of the push to appeal may ask the Arbiter his/her opinion on the legislation to see if they can count on his/her support, or to see on what aspects of the legislation he/she may be willing to accede to an appeal to alter or remove specific elements of the legislation.
 - 3.3. The Representatives' appeal can be to reject the legislation outright or to reject certain elements. They could appeal certain elements and request that the Executive Council amend certain elements of the legislation. If they succeed in reaching a 2/3 majority to appeal to the Arbiter to reject the entire legislation, the Arbiter may sustain the appeal, but suggest to the Council to amend specific sections of the legislation that he/she finds problematic/objectionable. In this way, the Executive Council can then pass (with 2/3 majority) an alteration to the legislation in line with the Arbiter's position on the matter and so that when the Chamber of Representatives appeals the newer form of the legislation as not having addressed the demands of their previous appeal, the Arbiter will be willing to reject the second appeal and the legislation can go into effect.

- 3.4. The Elections and Government Bureaucracy may decline to implement the legislation on the basis that it is insufficiently budgeted. The EGB, Arbiter and Executive Council will then negotiate the alterations to the national budget and, if there is agreement among the three parties, the Executive Council will then pass legislation detailing budget changes. Once there is budgetary and legislative clarity, the EGB will diligently implement the global warming legislation.