

WHEN CRIME DOESN'T PAY--ENOUGH

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Jim Dator

Two or three years ago, *Honolulu Magazine* asked several people, including myself, to forecast Hawaii 100 years from now. Here are some of the things I wrote then--knowing full well that I was not actually writing about 100 years into the future, but more likely ten or so--the year 2000 of alleged concern to you here in this seminar:

("Hawaii in 100 years" by Jim Dator, for *Honolulu Magazine*. 6/24/88):

Because I am not aware of a single politician or business person in the State of Hawaii deeply concerned about the long-range future of this place--though I am aware of many endeavoring apparently to sell it out as quickly as possible so that his/her own immediate future will be as plush as possible--it is easy for me to describe the most-likely future for Hawaii one hundred years from now:

Hawaii will be a three-tiered society, wholly owned and occupied by foreign interests.

At the top will be a coterie of super-rich Japanese and Hong Kong/Taiwan Chinese nationals who own the land and property of Hawaii and use Hawaii as their playground, gamboling at the huge gambling casinos they will have constructed, and avoiding the surf and sun because of cancer-causing rays streaming from the ozone-depleted skies.

The comparatively fewer white haoles present will be rich Europeans, rocketing around the world in a few hours on the "Orient Express". They will be citizens of the United States of Europe which will emerge shortly after the establishment of the Single European Market in 1992 and the integration of Eastern Europe and the Soviet Union into a revitalized European culture and economy.

It will take the US more than fifty years to recover from the deep recession into which it will sink when Pres. Bush tries to deal with the economic disasters caused by Reaganomics. Reagan's policies have stolen so deeply from the future, and so neglected basic social infrastructural needs in the present, that the average American citizen is in danger of being little more than a Third World peasant for most of the 21st Century.

So Japanese, Overseas Chinese, and Europeans are the only people who will be able to afford to buy up and live in Hawaii. And they will in great numbers. White Americans stay home.

The second tier of residents in Hawaii will be marginalized locals. Like the American Indians before them, they will be moved from welfare settlement to welfare settlement as the land upon which they successively occupy becomes valuable for foreign real estate development. Eventually a "final solution" will be sought and found: those locals who are too poor or too poorly prepared to leave Hawaii to

find at least meager jobs on the US mainland, or elsewhere in the world, will be herded into mobile welfare camps--trailers and barges full of welfare families which move along the back alleys, canals, and polluted reefs in an endlessly futile search for Aloha.

Neither rich nor poor will work. Work will be performed by members of the third tier. These are highly sophisticated and artificially-intelligent robots made (born?) in themselves wholly-automated factories of the Soviet Far East which will have been developed by Japanese following the "normalization" of the Soviet Union. Ironically, the hardest working and most reliable robots will be those created in Siberia and found laboring all over the world

This is the way the future of Hawaii seems to me, I very much regret to say.

The only viable alternatives to this future that I see presently are in the various Hawaiian Nation movements and in the Green Party of Hawaii. But frankly, I don't believe any of these will gain much attention or support here until it is too late. Indeed, it may already be too late; it may be 200 years too late. Thus the intermediate future of these groups is unfortunately likely to be a kind of belated guerrilla warfare, born from utter frustration when the economy collapses in the 1990s, until they are exterminated or driven completely underground--or off the Islands.

Do you think I am being too pessimistic? Think honestly (or learn some honest things) about the past 200 years, and then contemplate the next 100. Tell me why it should be any different in the future than it has been in the past. Many of the upscale readers of this magazine are actively engaged in creating something like the future I describe. It must be what you want. You make a lot of decisions affecting the future around here.

If it isn't what you want, then why not try to do something about it?

I know that's hard to do! Just as the future doesn't vote or purchase real estate, neither does it buy (or, more importantly, buy ads in) *Honolulu Magazine*. So why should you worry about the future? What has posterity ever done for you?

Once again, that was something I wrote in June 1988 which was published in October 1988. Remember my reference to the final solution? That locals unable to find jobs here, but unwilling or too poor to move to the mainland for jobs will be relocated first to welfare settlements, and then, when that land becomes too valuable to foreign investors, placed on barges and left to float on the canals and inside the polluted reefs? Well, about a year later, I read this in the newsletter "Costal Zone Management," published in Washington, DC (November 10, 1989):

"Beginning of a national trend? Will costal states have prison barges?" (the headline asked). "The Army Corps of Engineers has granted a one-year permit to the New York City Dept. of Corrections to moor a 386-inmate barge on the Hudson River in Manhattan. The city had requested to permanently berth the floating jail, but the corps determined that the proposal was contrary to the public interest. It does not appear, however, that the issue will be dropped. Faced with overcrowded jail conditions due to increased drug arrests, NYC wants to permanently base

three such barges in the river, and has contracted with a Louisiana shipyard to build an 800-bed barge at the cost of \$125 million."

I assume that one of the things you will want to discuss during your seminar here is just how large a prison barge we need for Hawaii; where it should be floated; and how similar barges might be used to solve the NIMBY problem by floating homeless villages at sea. Where is John Craven and his floating cities now that we need him?

One of the assumptions I made in my article for Honolulu Magazine was that people unable to find decent work in Hawaii could go to the Mainland and find good jobs there. But how realistic is that assumption? I said in my article that the US was going to sink into a deep depression in the 1990s, and I still certainly think that forecast will unfortunately be accurate. But let's assume it is not. Let's assume that the kind of prosperity which Reaganomics brought some Americans--and many foreigners--continues, and that the destruction of good-paying, unionized, blue-collar, and most white-collar jobs, continues also, leaving only insecure minimum wage, deadend, "service" jobs available for the majority of Americans.

Now it just so happens that a very respected and very conservative scholar--a fellow of the American Enterprise Institute--named Charles Murray recently forecast just such a future for America, and is fearful of it. Here is what Murray wrote for the July 8., 1991 issue of National Review (one of the most well-known conservative journals in the United States [my source is *Harpers*, October 1991, p. 17f]):

It makes sense to be a little schizophrenic about the American future. There is much that appears positive as one contemplates the future, but there is also a dark side looming.

The dark side flows from a prediction that in itself seems innocuous: As national wealth grows in the coming years, so will the proportion of people who are rich. Consider that at the end of the Korean War, using constant 1988 dollars, fewer than one family in 1,000 had an income of \$100,000 or more. By 1989, one family per twenty-five had an income that great .

The numbers of the rich will tend to grow more rapidly in the coming years. Several factors lead to this conclusion, principally the increasing monetary value of cognitive skills— that is, the combination of ability and training needed to perform complex mental work. This trend has been in evidence for some time. In 1980, for example, a male college graduate made about 30 percent more than a male high-school graduate. By 1988, he made about 60 percent more. The comparison with people who didn't even graduate from high school is starker yet.

In coming years, the price for first-rate cognitive skills will skyrocket because of changes in technology (increasingly complex at the leading edge), politics (creating increasingly complicated laws with increasingly complicated loopholes), and the size of the stakes (when a percentage point of market share is worth hundreds of millions of dollars, the people who can help you get that extra percentage point will command very large salaries). Meanwhile, real wages for low-skill jobs will increase slowly if at all, and efforts to increase wages artificially (by raising the minimum wage, for example) will backfire

because the demand for low-skill labor is becoming more elastic as alternatives to human labor become numerous and affordable.

The net result is that the rich are going to constitute a major chunk of the population in the relatively near future, and this group will increasingly be the most talented. Why be depressed by this prospect, which in many ways sounds like a good thing? Because I fear its potential for producing something very like a caste society.

Try to envision what happens when 10 or 20 percent of the population has enough income to bypass the social institutions it doesn't like in ways that only the top fraction of 1 percent used to be able to do. Robert Reich, the liberal Harvard economist, has called this phenomenon the "secession of the successful." A simple example is the way that the fax, modem, and Federal Express have already made the U.S. Postal Service all but irrelevant to the way some segments of American society communicate. A more portentous example is the mass exodus from public schools among urban elites.

It's not hard to understand why people with money would take these steps. For almost three decades now, government has failed miserably to perform its basic functions, from preserving order in public spaces to dispensing justice to providing decent education in its schools. But the reasonableness of the motives does not diminish the danger of the potential consequences.

As this American caste system takes shape, American conservatism is going to have to wrestle with its soul. Is conservatism going to follow the Latin American model, where to be conservative means seeking to preserve the mansions on the hills above the slums? Or is it going to remain true to its American heritage, where the thing to be conserved has not been primarily money or privilege but a distinctively American way of self-government and limited government?

All the forces that I can discern will tend to push American conservatism toward the Latin American model. For example, conservatives are now being joined by defectors from urban liberalism who have been mugged—sometimes figuratively, often literally. These new recruits are not steeped in conservative philosophy; they are ready to use big government whenever it suits their purposes. More broadly, the culture of the urban underclass, increasingly violent and bizarre, fosters alienation. As each new social experiment fails to diminish the size of the underclass, our increasing national wealth will make it tempting to bypass the problem by treating the inner city as an urban analogue to the Indian reservation.

This temptation will be sharpened by the increasing power of people at the upper end of the income scale to use government for their own ends. If the rich constitute 10 to 20 percent of the population, their political power will be so immense as to transform utterly the power equation. The left has been complaining for years that the rich have too much power. They ain't seen nothing yet.

It will be sadly ironic if the politics of caste are called "conservative," for the greatest bulwarks against the power of privilege are some good old-fashioned American conservative principles: enforcing strict equality of individuals before the law; prohibiting the state from favoring groups, including rich and influential ones; decentralizing government authority to the smallest possible unit. None of these principles offers a panacea, for the forces that will tend to

produce an American caste system are powerful and complex. But these classic conservative ideals are needed now more than ever before, at a time when the seductions for conservatives to abandon them are increasing.

Let me pause here for a minute.

I may be giving you the impression that I am capable of predicting the future--or worse that I believe I am capable of predicting the future. That is not the case. Those of you who have heard me speak before, know that I prefer to speak of "alternative futures"--not a single future--lying before us. And, moreover, that I think it is more important that we each and collectively engage in envisioning and then inventing a preferred future, rather than just passively predicting what might happen, and trying to adapt to it.

So let me give you a few possible alternative futures of crime and crime prevention in the US and Hawaii:

The first future I want you to consider might be called a *High Tech, Anticipatory Surveillance Society*.

Think back for a few minutes. When Ronald Reagan promised, oh so long ago it seems, to get government off our backs and out of our pocketbooks; when the bureaucrats were going to be kicked out of Washington and made to do honest, entrepreneurial work; when the regulatory agencies were deregulated and the magic of the marketplace unleashed--whose heart among us did not flutter with pride and hope?

True, it has not quite worked out that way in every detail: Because of years of neglect, we had to spend a whole lot of money on the military while at the same time cutting back on taxes. As a consequence, the federal bureaucracy has not exactly been reduced. Rather, it was transferred: from toiling in the service of the civilian welfare state into servitude for the military-corporate welfare state. Moreover, the total number of federal bureaucrats greatly grew over the Reagan years so that now most of the federal bureaucrats work, as civilians, for the Department of Defense or for one of the law enforcement agencies, of the Justice or Treasury Departments--like some folks in this room, I suppose. As promised, they are off your backs and out of your pocketbooks, and into your cars and bedrooms, and into your lustful and deviant minds.

But let's get out of the shadows, and put a limelight on this:

We're talking about the privatization of the legal/judicial system too. We are talking about reconstructing all areas of governance, including law and justice, along good business lines. We're talking about the end of the state's monopoly and the beginning of the freedom of choice of judicial systems. We're talking efficiency, responsibility, diversity, courtesy (where appropriate--firmness [not nastiness] elsewhere). We're talking certainty and promptness (of apprehension, of conviction, of punishment, of correction for the guilty, as well as retribution, restitution, and reward for the victims).

We're talking about using modern science and technologies to anticipate and prevent crime. We are talking about being able to identify and correct

potential criminals before any crime is committed. That means constructing computer profiles which predict and monitor people likely to commit crimes. That means routinely and automatically monitoring all phone calls and other electronic messages. It also means putting sensors in roads and cars which can track the location of every vehicle--indeed, every person--in the jurisdiction. It means using our knowledge of how weather causes crime both to prepare for increased anti-social behavior and to control weather so as to decrease crime.

We're talking genetic screening, genetic modification, genetic engineering if needs be to see that violent or deviant crimes simply don't happen any more.

We're talking about brain drugs--manipulating the naturally-occurring drugs in the brain to make violent people gentle, crazy people sane, drunk people sober, depressed people happy, and guilty people penitent and reformed.

And of course we are talking about the re-design of cities so that it discourages crime through intelligent design which makes citizen and professional surveillance easier--indeed, unavoidable. Which utilizes what we know about the relationship between the opportunity for crime and its occurrence: which uses colors, shapes, space, technology so as to design and construct mass transit, buildings, streets, and neighborhoods so that vandalism, graffiti, mugging, rapes, burglaries, and other crimes will be greatly discouraged to begin with, and, if and when they were to occur, simply cannot happen without being observed, and the perpetrator immediately apprehended and arrested, and soon thereafter tried, convicted, sentenced, punished, corrected, and returned, never to deviate again, to the community of decent people.

We're talking about the rapid rise to dominance of private security officers and the rapid demise of public police. And we mean Robocops as well as the old organic kind, with more of both highly visible everywhere: kindly, elderly neighborhood helpful cops; big, mean, menacing, crowd-control cops; nerdy, innocuous white-collar cops--you name it: let the cop-style fit the crime.

And along with that, we're talking about the continued rise of private methods and agencies for dispute resolution--professional and semi-professional mediators, counsellors, conflict-resolution specialists along general or highly specialized lines who are so effective that they do not need the presumed (and alienating) Majesty of the Law behind them to obtain the disputants' compliance. All good businesses will take the Alternative Dispute Resolution Pledge. All will subscribe to the Certified Protection Professional Program and the American Society for Industrial Security which presently exist.

But imprisonment too is privatized, taken over by large corporations for profit and by various community helping agencies for compassion's sake and the rapid reintegration of marginal people into the commonweal. Prisons at home--in the garage, attic, or spare bedroom (after the children are gone, a prisoner or two would be no less unruly, and would bring in extra income)--and, of course there will be prisons on floating platforms, on the seabed, and in outer space.

Why the need for all this vigilance and novelty? Because crime will increase, though the state (as it should) will wither away. Organized crime, national and international terrorism, vandalism, and new technocrimes will increase:

computer hackers will falsify records, drain your bank account, or just disrupt for the fun of it; crazy biotechnicians will intentionally release uncontrollable new diseases--unless we take care.

As America ages, white collar crime of the aged will increase. We can expect more and more outbreaks of swarming and wilding, as happened even among the normally docile teenagers of Toronto recently.

And as American continues to yellow, brown, and blacken, good old WASP values and crimes (along with the WASPs themselves) will, unless we are vigilant, wither away as well.

Life will be so unsafe that the outmoded justice system based upon individual rights and presumptions of innocence, maybe all right for a slower paced, face-to-face society, will have to go. All will be guilty until proven innocent. No one is above suspicion. Decent people (but who are they for sure?) can't continue to be held ransom by the growing number of crazies with which the present so-called "justice" system is too lax, too slow, too unpredictable. It is an increasingly fearful world. Only the strong can survive. We need a new, efficient, effective, stern and swift judicial system that stops crime before it starts. There is no other way.

Some people think there is, which leads us to our **Second Future for today: The Rambo-less Equity Society. This future actually comes in two attractive models. One, in ceramic/metallic silver, is at the high tech, globally-integrated, biotech-driven, post-homosapien level while the other, of course in natural Green, is for the decentralized, localized, down-to-earth set.**

I'll start with *the Green version* first.

How is it possible for any sane and compassionate person to argue we have a satisfactory, much less a desirable or laudable, justice system anywhere in the US? Our system is, if anything, a disgrace to humanity and ourselves. The US, with the most lawyers and lawsuits in the world, also has the highest crime rate and largest proportion of citizens in prison in the world. And, not content with that, we have vastly upped the percentage over the past eight years by imprisoning more (or attempting to), and reinstating the death penalty. We now far outstrip the former Soviet Union, South Africa, or virtually any petty dictatorship in our use of the criminal sanction. And still criminals abound and flourish.

We have a lot to learn from other countries--from almost any other country in the world. Consider our two major economic trading partners. Our good and friendly neighbor to the north, Canada, with a standard of living at least equal to ours, has a rate of crime only one fifth that of the United States. And Japan--that country we have only recently learned to hate because it has bettered us in so many ways--has always had few lawyers, little law, even less crime, and almost no recidivism.

Saying this, it is also the case that there is an almost linear relationship between the level of economic development and the rate of crime: low development, low crime; high development, high crime. It is quite clear that economic development causes crime. It just seems that we in the US are better

at producing crime than are most other developed countries, and in thus producing a criminal justice system to "combat" it. Make no mistake about it: Crime definitely pays! Our lives depend on it!

How economic development causes crime is no mystery either. Development destroys traditional, smoothly-working ways of life, communities, natural environments, values, and institutions without the slightest concern about cushioning the shocks, or creating appropriate new conditions or values. Sink or swim, we say. Adapt or die.

Unless you are wealthy and powerful. Great concern is given to the welfare of the rich and famous. So much so that there are clearly two systems of justice in the US today. One for the rich and the other for the poor. That means, of course, one for some of the whites, and one for everyone else. As pointed out before, "everyone else" is growing in numbers. And that means they will certainly grow in discontent, and probably in crime, but maybe also in power and the ability to create a system more equitable, or, following our example, more favorable for themselves.

The words of Milton Eisenhower's old 1969 Violence Commission are as true now as ever--and getting truer every minute as I speak: "To be a young, poor male; to be undereducated and without means of escape from an oppressive urban environment; to want what the society claims is available [but legally only to others]; to see around oneself illegitimate and often violent methods being used to achieve material success; and to observe others using these means with impunity--all this is to be burdened with an enormous set of influences that pull many toward crime and delinquency."

As some one has said, shoplifting, burglary, and mugging are simply the poor person's functional equivalent of a credit card. We steal from the future via plastic, they steal from the present via force.

But their forceful thefts are nothing compared with those of the rich. Far more damage is done from legal drugs than from illegal ones. More people die and are maimed in their cars on our highways than by other people walking down our streets. Developers and freeway builders do more real and lasting damage to the life support systems of earth than any vandal can. Billboards and neon signs that urge us to waste our resources by buying unneeded items are more nearly true ugly graffiti than anything a kid can do with a can of paint. By wholly mortgaging the future beyond redemption, junk bonds have injured all our children far more severely than any drug any street junky could possibly provide. And military contractors! Saints preserve us! Who can match their feats of daring-do? Whether they operate legally or illegally, it really doesn't matter: the magnitude and success of their thefts causes even the most skillful burglar to doff his cap in shame. There is so much to be learned about how to be a successful criminal merely by following the examples of people in high places.

It is frequently said that what is wrong with our prisons is the kind of people who go there. If we had a better class of criminals, our prisons would be in much better shape. The recent Federal sentencing guidelines may now provide us the opportunity we've been waiting for!

Professor Wendell Bell, of Yale--that university which recently has given us some of the best performers ever to appear on prime time television--some time ago suggested that we could easily do something about the quality of our prisoners by applying the principles of Equal Opportunity and Affirmative Action to all parts of the legal/judicial process. We know very well who is likely to be stopped by a policeman, booked, arraigned, tried, judged guilty, and sentenced to prison or executed. He is (on the mainland) black (here, Hawaiian), young, male, undereducated, and unemployed. Is he truly more likely to have broken the law than non-black, non-Hawaiian, older, well-educated, and employed people? Not at all. In fact, to the contrary. While he may commit more violent crimes (though that is not as clear as you might suppose), he does not commit more crimes per se.

So let's be fair, says Prof. Bell. A crime is a crime. So the judge, in sentencing, should look over the demographic composition of people already in prison, and, since there is not room enough to imprison all persons guilty of a crime, let's see that the prison population fairly represents the public at large. The judge should therefore look down the list of the guilty for a rich old white lady, a yuppie business executive, or (God forbid!) an aging hippie college professor. A better class of prisoner: a better prison environment.

Is that absurd? More absurd than what we do now? I'm not sure it is.

But let's do better than merely be absurd. We know very well what we should do to lower the incidence of all crimes: if people have good jobs (or otherwise are able to be meaningfully contributing members of their society); if life makes sense, has purpose, satisfactions that do not harm or injure others--if everyone can win, at least to some real extent, and no one has to lose for good--then crime is almost nil. We know that's the case. So let's create a new society where equity is truly possible and greed is recognized for what it is.

In typical, well-ordered tribal societies, crime of any kind was (and is) almost nonexistent. While we cannot all return to tribal societies (or can we, if we so choose?), The Greens, and many native Hawaiian groups, do envision the creation of a world governed, according to nature, along bio-regional lines, where oceans, rivers, mountains, soils, climates, and human cultures naturally divide, unite, and re-divide again. Where life is on a human scale. Where comprehension replaces complexity, and wisdom supplants knowledge and mere technical know-how. Where you know and trust your neighbors, and they you. Where the Perennial Philosophy reigns and Mother Nature, and the Aina, is respected, loved, and worshipped.

The Greens put it this way: the preferred future society they seek to create would embrace ecological wisdom, grassroots democracy, personal and social responsibility, nonviolence, decentralization, community-based economics, postpatriarchal values, respect for diversity, global responsibility, and a future focus. Not all that bad--and possible too, if you will stop to think about it.

In such a society, justice is the natural byproduct of an equitable daily life. There is no "system" of adversarial justice manned by experts, civil or private. A few persons especially adept at mediation might exist, but everyone will participate in matters of equity, grievance, injury, or fair play. Justice will be part of the air we breath, which itself will be once again breathable.

Well, OK. But now, let me give you *the shiny High Tech version of an equitable society*. To be honest, I must admit that this is my own preference, so beware!

This version is "high tech" because it takes seriously the assumption that technological change is a major agent of social change; that, in the words of Marshall McLuhan, "we shape our tools, and thereafter our tools shape us;" that social institutions, as well as social values, are strongly conditioned by the technology prevalent in a given society; that as new technologies are developed and widely used, old institutions and values are challenged--and often destroyed.

If this is so, then I believe it is important to look at the values and assumptions imbedded in present social institutions--in this case, the criminal justice system--and to ask how new technologies might support, challenge, modify, or utterly transform them.

The American Founding Fathers were very much children of a particular time, territory, and technology. The dominant worldview of their era was that of Newtonianism, Deism, and Rationalism. Whether optimistic or pessimistic about fundamental human nature, they conceived of the Universe as a great machine whose operation could be understood through human reason. They believed that human institutions should and could be based upon similarly mechanical and rationalistic principles of Nature.

The American Constitution, courts, and laws were all initially created upon these assumptions. Indeed, the courts and laws epitomized these principles more fully than did any other institution (though bureaucracy--"The government of laws and not of men"--came very close subsequently).

The very essence of The Law and of that blind lady with the scales, Ms Justice, was its largely inhuman and mechanical nature. Law and legal procedures were rationalized and made logical and clear in order to eliminate as much as possible that most human of all characteristics--self-centeredness, greed, and emotion. The Law, and judicial proceedings, were to be made fair to all, equitable, and rational. In the expression of Max Weber, the operation of The Law was to be like that of a machine such that if you put in the facts about a dispute at the top, it would automatically generate a judgement, along with logical reasons, at the bottom.

In order for the machine to operate this way, it required not only clear and logical laws, rules, and codes, but also schools of law, where ordinary humans, speaking and thinking like ordinary humans, could be turned into that wonder of the universe--lawyers, who knew how properly to speak to each other, and to the judges, but never as humans. If one were to try to speak as an ordinary human before the court, the consequence would certainly be to mispeak, and hence to lose, or, perhaps even to be imprisoned. Ordinary people must be silent before the Court. Only those learned in the law should presume to express themselves, because they know the secret codes.

Indeed, in modern terms, it might be said that the courts are like a great computer--a great biological computer; that lawyers are computer programmers and operators; and that the software of the biological computer is found in the laws and codes of the State.

If this is so, then there seems to be no modern institution better suited to being almost entirely replaced by electronic computers than are the courts. The courts, like ugly sitting ducks, are ready to be transformed into lovely electronic swans.

The thing that prevents justice from being automatically dispensed in the courts now is human frailty and passion. Since we have tried and failed for so long to make humans think and act like machines, let us take advantage of the emergence of machines that can think and act even more rationally and fairly than humans ever can--computerized artificial intelligence--and do away with the courts entirely. Or, if that is too much, let us restrict human judgement to those rare situations requiring compassion and discrimination, and turn over the many, more typical, wholly routine cases of judicial decision-making to computers. In so doing, we can reduce the entire Hawaii judiciary perhaps to no more people than are presently here at the headtable.

Let me illustrate some of the other characteristics of this future with two additional examples of governance.

Majority rule--that system of political decision-making based on the "least-worst" solution to a problem--is actually a relatively modern invention. We can trace it to the very same thinkers--Hobbes, Locke, Rousseau, Montesquieu--who brought us most of the other ideas which became modern institutions of government.

In traditional societies, decisions were and are reached by endless discussion and eventual communal consensus. In pre-modern times, the King's word and law might suffice. But in the relatively more heterogeneous early modern times, neither consensus nor kingly authority was enough. How could diverse groups decide?

Simple. Merely require that all the variations be reduced to two positions, and force choice between them. If more than fifty percent of those choosing adopt one of the two positions, then it will be forced on all--even though the chosen position is probably one that no one prefers! It is typically the "least-worst;" almost never "the best."

Majority rule is wholly obsolete for the present and a future which accepts diversity as normal and preferable. So let's completely abandon the attempt to find single solutions which all people must accept. If, by some odd chance, there are positions that all--every person--in society accepts, then of course we can adopt them. But I suspect there are not any, or that at least they are very few, and that they concern relatively trivial, or overwhelmingly vital, matters. Most issues of social concern, lying between these extremes, will have no consensus about them at all, and, moreover, will have many more preferred positions than merely two.

So how can we make a single, fair rule for all? We cannot. Thus, I suggest we abandon the effort and wholly redirect governance away from forcing conformity to single standards towards supporting individuals and groups in their attempt to realize their own values and in helping buffer and resolve conflicts which will invariably thus occur.

However, the role of the state in conflict resolution will similarly not be played on the basis of its declaring some single "objective" standard of its own choosing, as is presently the pretense. It will be in accordance with the principle of mediation at the present time--an attempt to find solutions which derive from the preferences of the parties to the dispute (and the definition of who the parties are itself should be as broad as necessary, rather than, as at present, as narrow as possible).

In Hawaii this also means encouraging and facilitating people who wish to use Ho'oponopono, Ifoga, and other culturally-appropriate means of dispute resolution, instead of forcing everyone into the single criminal justice system derived from the mores of obscure anglo and saxon tribes so many centuries ago.

We must understand that all people are in fact not equal; but that each person is different, unique. People do not wish to be treated as though they are the same. They want to be treated "their way." The Golden Rule is oppressive. Do not "do unto me" according to they way you wish to be done unto, but as I wish to be treated.

Such may have been impossible or even unnecessary in earlier, simpler, more genetically and experientially homogeneous societies, but it is plainly wrong now. There is no more blunt instrument of oppression of a few over all than the government's use of "majority rule."

There is no "average person." There is no "normal person." There are no "community standards." There are only individuals--of course not largely consumed with themselves in some coarse notion of greedy, "rugged individualism," with each trying to lord it over everyone else: that is an even more obscene and obsolete idea. But each of us, while desiring to have meaning to others, nonetheless desires first and foremost to have our own meaning to ourselves, and also, uniquely, in the very different eyes of every other person.

This uniqueness, this difference, this wholly individual character of each of us will be even more heightened by developments, present and future, in biology and genetic engineering. The diversity of human response and capabilities is now and even more for the future differentiating at exponential speed.

Indeed, we, or at most our children and grandchildren, may be the last generation for whom homosapiens has a monopoly on intelligence and control. Homosapiens is, in fact, in the process, now, of creating its own intelligent successors through electronic artificial intelligence and the many aspects of the biological revolution.

How even more necessary for us, finally, to let go of our old notions of human rationality, discipline, and responsibility, and let those characteristics become the duty of non/post-human intelligences for whom they are better suited. Then humans can be free finally for that which is our forte: the emotional and happy pursuit of prayer, poetry, politics, and peace; and, above all, play.

Well, those are some of the possible futures of law, crime, justice, and prevention which lie before us. There are others, some quite different from

any I mentioned. I am certain there are many more interesting ones in the heads of each of you.

So, I dare you to take crime prevention seriously and to do so by taking seriously the opportunity you have here to invent a Hawaii which reduces the rewards for criminal behavior as well as the rewards for being a crime fighter. I dare you to invent a society where crime doesn't pay anybody enough; where the bounty of this earth is made so easily and openly available to everyone that no one need resort either to a life of crime or, what might be worse, to a life in the criminal justice system, fighting crime for fun and profit.

For the next few days, you have the whole world in your hands. Take it and mold it into something of which we can all be proud.

Go ahead: Make my day!