

Government of the People by the People

by Leon Roth, translated by Sara Daniel

Foreword

Today's world is split into two camps, one "totalitarian" and the other "democratic". Totalitarian - from the Latin *totus*, meaning entire - means "total authority belongs to the state". The totalitarian government enslaves all, leaving no stone unturned nor free of its authority. It is a military regime in peacetime, whereby the individual does not exist in his own right, and has no right of existence. He is but a limb of the living body that is the state: outside of this body he is nothing.

In this slim volume, I aim to describe the other system of government, the democratic system. I have not spared many words on the abstract concept of democracy; rather, I have attempted to consider and describe its practice. This practice is not to be taken lightly, for democracy has been able to stand firm against its adversaries in two World Wars and even to prevail against them. It has been proven (independently of any economic system) that a people's government, run by words, a government based on free elections and public consent, guided by free, uncensored public criticism, is stronger than an "elite" government based on administrative power, exploitation, and blind civil faith.

I have explored the traditional types of democratic systems. Whenever possible, I have avoided referring solely to British Democracy: the particular conditions of that country generated a unique system. However, as it served as a prototype and model when other democratic countries formulated their own laws, it cannot be completely disregarded. Moreover, British democracy is advantageous because it represents a clearly defined form of government. The most successful deviations are based upon a solid, defined form.

Democracy, however, cannot be achieved merely through imitation, nor is it an easy form of government. On the contrary – it requires innovation and effort all around, particularly from the ordinary citizen; and not just from the individual, but between citizens as well. It is based upon respect and tolerance for other ideas for the sake of the public, illustrating that democracy is both a form of government, and a moral and educational obligation.

If just these two points are clarified, then I can consider this study a success.

1. What is Democracy?

1

Everyone knows that democracy means "government of the people," and everyone knows that power was once in the hands of rulers who enslaved the people, until the people seized the government by force and appointed themselves in their place. These uprisings (the American Revolution, the French Revolution) achieved freedom for the people in the past, and continue to liberate nations today – we have witnessed the

Russian Revolution and various wars of independence across Europe in our own time. For democracy is a struggle for the rights of the people against their oppressors; the power of government in the hands of the people themselves.

This may be implied by the word democracy itself, which is derived from the Greek words “demos” and “kratos.” The first means *people*, the second, *government*; demos-kratos means *government of the people*.

From a philological perspective, however, the word democracy contains no hint of liberty or freedom. Similarly, have revolutions past, and especially the revolutions and wars of our own time, necessarily resulted in liberty and freedom? Or, on the contrary, have they merely replaced misery with misery; substituted one kind of slavery for another?

2

Rather than focusing upon the word itself, I will now explore its content. Democracy is not about *who* runs the government, but rather *how* the government is run. Democracy’s management of public affairs is characterized by its use of persuasion rather than coercion. Democracy is government through speech.

While the term “government through speech” is borrowed from the opponents of democracy, who wield it in a derogatory sense, I consider it complimentary. It is to democracy’s credit that it seeks a substitute for brute force, and while I am not fond of speech, I prefer it to brute force. If the name “government of speech” is not acceptable, however - and it is easily rejected - I will propose another: “government of law.”

A “government of law” implies that without exception, both leaders and ordinary citizens bind themselves to one authority – an impersonal authority. Rather than be slaves to anyone’s whim, all accept that common affairs must be settled according to neutral, explicit guidelines reached by public consent; the operative words being neutral, explicit, public and consent. Democratic regulations are predetermined; established by general authority; and therefore, they are essentially our own preferences, as we have, in one way or another, consented to them. When we follow these regulations, therefore, we are, to some extent, following our own preferences. When we fulfill what we have accepted upon ourselves, we are free; therein lies the freedom of democracy.

Speech (and not brute force), persuasion (and not bloodshed), law (and not arbitrary decree), consent (and not violence) – these are the fundamental ideas of democracy, and these constitute its ideology.

3

Democracy is not natural. It is artificial, processed – painstakingly processed by humankind. Everything man-made has an idea behind it, and democracy is no exception.

This idea is manifested in a system. We have mentioned that in theory, democracy seeks the management of public affairs through consent rather than coercion; through persuasion and solicitation rather than bloodshed. This is also true of its system. The democratic system is entirely geared towards public satisfaction and reaching consent through a standard procedure of law and dialogue.

The use of force is a sign of barbarity, and to wield it reflects upon its wielder. As it explicitly says in the Bible: “and he shall be a wild ass of a man, his hand against everyone, and everyone’s hand against him.”

The opposite of barbarity is culture. Culture, according to Plato, is defined as the victory of persuasion over force. Democracy attempts to transform barbarity into culture – this is a revolution of human nature, for by nature, we are wild.

Yet it is also within our nature to recognize our barbarity and strive for a life of culture. On a societal level, the democratic idea symbolizes and attempts to realize this noble aspiration.

4

Democracy has not only idea and system, but purpose and mission. As of yet, it is unclear if this mission has been successful. What is clear is that hopes for human progress are pinned upon its success, and everyone is obligated to attempt to understand and realize its fulfillment.

2. The Democratic Regime

1

The concept of a democratic regime reminds me of an incident that occurred during Jerusalem’s Mandate period. A meeting was held between the district governor and the delegates of an important agency: some complaints were expressed; some promises were made from their end – promises that were afterwards fulfilled to the letter, I might add. When we parted ways, the governor asked, “Why do they say that the government is not democratic? Aren’t I always ready to receive you?” Indeed, we often approached him, and were always received, and he always did everything in his power to answer our claims. Yet this was not democracy, and it is worth considering why not.

To raise several questions:

- 1) The conversation was held between the governor and “important” people. Would the governor have received less important people as well?
- 2) Assuming that he would have also received “unimportant” people (that is, members of the general public), and even heard them out, would they have elected him as leader?
- 3) Assuming that he would have been elected, would any law have required him to account for his actions?
- 4) Assuming that he would have to account for his actions, would they be given to the people’s consideration; and not only to consideration but to evaluation, either positive or negative; and if negative, would he be subject to penalization and the loss of his position?
- 5) Assuming he would be liable to lose his position as punishment for his actions, would there be an open, public legal procedure to settle the matter; or could this only be achieved through uprising and bloodshed?

If the answer to any of these questions is “no,” then the regime in question is not democratic; and we would be obliged to answer that self-same governor (as they indeed

answered him): “Your form of government may be good and effective, but it is by no means democratic.” Democracy exists when the government is appointed, dismissed and replaced by the same system. This act, the act of transferal of government – transferal not by force, but by prearranged and publicized agreement – is the quintessential sign of democratic rule, and without it, there can be no mention of democracy at all.

2

This idea can be expressed through the word *responsibility*: a democratic ruler is *responsible* for his citizens. Firstly, the citizens choose the leader: the leader is not appointed from above, but elected. Nor do they choose him and wash their hands of the issue, as if he has been permanently elected. Rather, his position is constantly reconfirmed through the monitoring of his actions and verification that he continues to prove worthy.

Secondly, the task of the democratic leader is to fulfill the will of the citizens: “a true leader is not master of his subjects, but their slave.” The democratic system is designed to determine the will of the public, and render it into instruction for the leader. Not every momentary whim, true – the democratic system requires that this will be properly formulated, through an accepted procedure.

Even a monarch may be considered a democratic leader (as is the case in England, Denmark, Holland and Scandinavian countries) when the monarchy is constitutionalized: that is, when he or she acts in accordance with the state laws; when certain obligations and rights apply to every citizen, including the king himself. The democratic ruler is subject to the law like any other citizen. This may pose theoretical and practical legal problems that are unique to the democratic system as a system of government. The solutions to these problems vary in success, but the concept is clear. What governs a democracy is not personal decrees issued by a ruler (however beneficial they are for the citizens). A democracy is governed by the law, which is the will of the people given clear, crystallized form.

3

This analysis of the nature of democracy can also be considered in relation to the roots of the word, “demos” and “kratos,” meaning *government of the people*. The people essentially rule because they appoint their ruler; they give these leaders instructions regarding societal order in the form of explicit laws; and it is in their power to transfer leadership to another ruler if the first proves unsatisfactory. In large countries, this is achieved through a certain system, nowadays usually referred to as a “parliament.” The citizens elect representatives, and these representatives constitute the government. The organization of the government is, in a sense, a two stage process. The first stage is the election of representatives by the citizens, and the second stage is the treatment of governmental problems by these representatives. Thus the government is responsible for the citizens, and the citizens are responsible for the legislation of laws and the election of the ruler, not directly but through intermediary bodies who mediate between citizens and government.

Thus, we can gradually piece together the structure of the traditional democratic system: on one side (in ascending order), citizens, elections, representatives, parliament,

laws that express the will of the citizens; on the other (in descending order), the executive system in all its detail, which fulfills the will of the citizens as expressed in their laws. The process effectively ends where it began, which is the citizen's responsibility for himself and to himself.

4

This interconnected system suggests that the citizen and the representative should not be considered fully distinctive entities, and the government entirely separate from them both. Herein lies the novelty of the democratic system, which dictates that there is no government but self-government. To be precise, societal order is formed not of different powers but of a single power: the citizen himself. That self-same citizen – that Tom, Dick, or Harry – may be representative, legislator or ruler. He both elects and is elected, and as the elected, no position is barred from him, be it the highest and the most important.

This is not only true of modern democracy; this was also so in the democracy of ancient times. The Greeks said that the citizen “rules and is ruled by one another” - the same person may be ruler today and ordinary citizen tomorrow. There have been different methods of achieving this - in some countries, for example, the ruler was determined by lottery. Regardless of the method of execution, however, the objective itself is clear. Anyone may serve, and anyone may rise. As the famous American saying goes, there is a path for any citizen “from the hut to the White House.” In the words of Napoleon: “Every soldier carries a marshal's baton in his pack.”

The most basic definition of democracy is the “citizen government.” This is not a rejection of the literal definition of “the people's government,” but its translation into clearer, more specific language. For in contrast to the vague term “people,” the citizen is a more definite entity: every permanent resident who is a legal member of the state. Democracy means that the ordinary citizen is responsible for government and takes an active part in it, as voter, representative, legislator, executor, for he or she is theoretically capable of reaching any position. A citizen of a democratic state “rules and is ruled by one another”; when he has displayed his strength (or lack thereof), he vacates his place, according to the law, for his friend and neighbor.

5

This theory, however, might imply that governing is an easy task, appropriate for anyone. The truth is that the citizen does not actually govern; rather, he or she monitors the government and its activity. He is the Supreme Court before whom the government must appear and give account for its actions; he also determines their futures. And he can be counted among them, for they are his agents, not his masters. For public affairs are his own affairs, and he must take care of them, either himself or through others – but regardless of who sees to the actual task, it is ultimately his responsibility.

The final premise of democracy is the concept of individual responsibility. Each individual is endowed with human intelligence, and is capable of using this intelligence to run his affairs, public affairs among them.

The other side of the democratic coin, however, dictates that every individual has much to learn, and must be cultivated. Democracy sees itself as the main facilitator of this cultivation. In its eyes, the greatest blessing of self-government is that through it, a person acquires more education, more experience. A person exercises his capabilities when he takes on a public position, even the most minor. His horizons expand, his experience deepens, his character develops and becomes stronger.

Thus democracy, while valuing each individual, does not revere a person as he is; it strives to improve him by employing him in public service. From the days of Pericles until John Stuart Mills, there has been emphasis on the educational value of democracy. Democratic government is not merely citizen government in the sense of government by the citizen. It is also government for the citizen's sake, that is, for the sake of developing citizens and their humanity.

3. Democracy as Citizen Government

1

Our basic premise is that there is no government but self-government, and therefore no ruler but the citizen himself. Each citizen manages his own private affairs; but as the public is not an abstract body but an aggregation of individual citizens, then public affairs also concern the individual citizen, and he must manage and resolve them as well. The question immediately arises: is he qualified to do so?

This doubt may be raised to different extents. An extreme variation of the question asks if the citizen is even qualified to run his own private affairs, let alone public matters, and concludes that even his own affairs should be governed by higher factors. In this case, the citizen does what is required of him by the government, which is a separate, higher body who imposes its own will upon the citizen. This view is far beyond the boundaries of democracy. While this approach can certainly be contested, this is not the place - we are now working on purely democratic grounds.

2

One might claim that even if someone is capable of managing his private affairs, this is so because he is closely involved with them, having acquired expertise through habit and study; and as failure results in personal loss, he is careful, prompt and successful in his dealings. This may not be the case with public matters, which are far removed from him. He might not fully grasp them in the first place, and he lacks the time to pursue them and study them; even if he has the time, he may not fully capable of understanding matters of government and economy.

This is an objection that democracy must not only be prepared, but is required to answer, and for which the traditional democratic system must provide a practical solution. This solution involves several fundamental concepts which are worth mentioning.

3

Firstly, even if it is agreed that ordinary citizens lack the time or qualifications (or even the basic capability) to deal with public affairs, this does not mean that they are

unable to take any part in them. On the contrary, they have much to gain from such participation; whoever is not initially qualified may learn on the job, acquiring skills and experience.

Secondly, a distinction must be drawn between the executor and the supervisor of a task. Aristotle already noted that the guest will judge better of a feast than the cook, and in regard to public affairs, the ordinary citizen is equivalent to the guest. Public opinion has invaluable bearing on public affairs, even if they do not actively manage them. Nonetheless, the public is not familiar with the details, and is only aware (for example) that war is a nuisance, or that certain prices have risen drastically. Democracy welcomes these opinions, even if the public is unfamiliar with the scientific analysis behind the reasons and their solution; even if the ordinary person does not understand how to fix a problem, he understands that something must be fixed.

Moreover, it is incorrect to state that an ordinary person is incapable of understanding *how* the problem can be fixed. Sometimes, certain aspects require simplification, but the crux of the debate can always ultimately be boiled down, if not to a yes or no answer, then at the very least, to a “I think so” or “I don’t think so.” Accurate simplification is the main task of organizations referred to as parties, who explain the basic sides of an argument. They provide – or ought to provide – the ordinary person with necessary information concerning an issue, saving him the time and trouble of processing this information. With their help, he is equipped with the tools to participate in any argument that may arise, so that even the most plebian of plebians, the most layman of laymen, has what to grasp, and is able to formulate his own opinion.

It is misguided, however, to think that public affairs consist solely of “political” affairs. Anything that exceeds the narrow scope of individual life can be considered public, and most meta-personal affairs have little to do with “politics.” Rather, they touch upon many different aspects of everyday life. Everyone has his own field of interest: some are interested in sport; others in chess; literature; gardening; music; horseracing; helping orphanages or other forms of charity. All these involve more than the individual, and therefore require partnership and organization. The same can be said of local authorities, schools, places of worship, unions – whenever more than one person is involved, debates, disputes and tensions are liable to arise, and must be resolved. Participation in any such public establishment instructs and indoctrinates layman and expert alike, rendering absurd the claim that the layman is unable to participate in public affairs. On the contrary – there are very few who take no part. Public activity and public influence operates everywhere. Even the act of buying a newspaper is a public action in a sense, as is sending a child to school or selecting a profession.

A further matter, particularly relevant today, concerns individual responsibility. If I am not for myself, who is for me? If ordinary citizens neglect public affairs, and cease to take responsibility, they will be seized by anyone who desires to do so: the result being either anarchy or enslavement.

Finally, burying one’s head in the sand, washing one’s hands of this inconvenience and leaving the politicians to their business, is not acceptable – politics has never been inextricable from one’s private life. The previous generation learned the hard

way that politics, both national and international, affect everyone, and there is no proper individual existence if politics are left unmonitored. There is no greater danger in this field than the fallacy of ‘leaving it to the experts.’ In our generation, it is crucial that experts are not privileged over laymen in public affairs. We have witnessed the results of “too much expertise” with our own eyes – it is time to put the ordinary intellect of the ordinary citizen to the test.

4

We must tread carefully, however, and the key to caution is the system of proper representation. The representative, as we shall see, is not a ruler. Ultimately, the government remains in the hands of the public. But representatives rule in the name of the public, and on the public’s behalf, and are subject to the public’s authority. This authority is exercised through the system of parliament, which we will now address.

4. Democracy as a Regime of Consent

1

The citizen is most painfully aware that he or she must pay taxes. When the tax collector comes to call, the citizen reaches into his pockets with a sigh; this has been true since the ancient days of Egypt, Assyria and Babylon, and will probably be true until the end of time, for even the most advanced of governments must finance the needs of the public, and this financing, to some degree, necessarily entails taxation.

In the democratic system, however, there is a crucial difference: while the citizen is required to pay taxes, as in every other system of government, the democratic citizen only pays if he consents to do so.

It is a historical fact that this consent resulted in the traditional democratic system, as the king convened the “representatives” of the people to receive their district’s consent for additional taxation.

In those days, however, there was no democracy to speak of. The “people” did not “rule”; but the king’s act displayed recognition (albeit vague) that the real power lay in their hands. As expressed in Edward I’s summons to Parliament in England (1295): “what affects all, by all should be approved.” This principle was fully realized in all its practical importance in the establishment of the British Commonwealth in the seventeenth century and during the American Revolution a century later, because it was the attempt to levy taxes without parliamentary consent that led to the downfall of King Charles I, and the conflict surrounding stamp duty which resulted in the Revolution and establishment of the United States. Meanwhile, the “Glorious Revolution” of 1688, a collaboration of the people with Dutch William III, resulted in his appointment as king, on the condition of the establishment of the Bill of Rights: this greatly restricted the king’s power, including the right to levy taxes without parliamentary consent. Not only did the people consent to his appointment; they played an active role, inviting him to rule under certain conditions. The Bill of Rights enslaved William III to the law in his lifetime, just as the law enslaved King Charles I through his death.

2

The slogan of the American governmental revolution, however, was not “No taxation without the consent of taxpayers,” but “No taxation without representation.” The people were only willing to pay taxes if granted the right of “representation” – of participation in governmental decisions.

There is obvious disparity between ancient democracy and modern democracy. The former was “direct”; ours is “indirect.” Nowadays, the people does not deal with governmental details. Rather, it appoints representatives to do so, and monitors their actions.

In what is referred to as the representative system, citizens vote amongst themselves for people who reflect their own voices, and these representatives deal with the needs of the public on their behalf.

There are different opinions regarding the merit of this system. Some dismiss it, claiming that only direct democracy is true democracy. This view was held by Rousseau, who perceived the small republics of Switzerland (particularly those of his hometown Geneva) as the prototype and the only acceptable form of government, and there is no doubt that the representative system allows the individual the opportunity to evade his public duties. However, unless a general revolution concerning human welfare at large takes place, it is highly improbable that direct democracy will ever become a reality, and Rousseau and his followers forget that direct democracy has its own disadvantages. In any case, the system we follow is the system of representation, and we must understand it.

3

Having said that the people vote for those who faithfully represent their own views to deal with public affairs, we immediately face a problem. After all, we vote not for individuals but for parties!

And indeed, in our current voting system, the citizens ask not who a person is, but which party he belongs to, thereby giving their vote not to a person, but to a party.

However, it must be noted that this is neither mandatory, nor universal. Rather, it is a later development, practiced to different extents in different places. In some countries (including here), there are no individual elections. The voter is presented with lists of parties, and he must choose not between people but between parties, while the party selects its own representatives. In contrast, in other countries, the personal aspect occupies an important place. Firstly, the choice is made between people: the selection is regional, not national, and the citizen votes for a particular person. Moreover, there may be personal acquaintance between the voters and the different candidates, which often leads to actual personal approval (or the opposite). This system results in the selection of a representative appointed over the welfare of his region, and even if he is concerned with the welfare of the entire people, his own region will always be the first object of concern and expertise. Therefore, even if his party affiliation is important, the personality of the representative himself cannot be overlooked. While he represents certain opinions of a certain party, it cannot strictly be said that the party represents him. This system also

accommodates individuals who refuse to walk the beaten path, who represent their own views, and who are not aided by, nor affiliated with, others. If elected, they may be especially effective because their views and approaches may be unique and innovative, and they are not subject to the conditions or interests of anyone else.

4

Temporarily leaving the problems of the party system and the election system aside, let us return to the issue of consent. Having said that the democratic regime is based on consent between citizens, and this consent upon the parliamentary system of the democratic regime, one might ask: “Where, exactly, is the consent here? While we were more or less free to choose our representatives, we then became enslaved. Can a person possibly agree in advance to everything that will ever be decided in parliament, when he initially takes such a minor role in its establishment?”

Let’s consider an extreme example. A citizen commits a crime and is punished. Can it be said that he agreed to his punishment?

If the regime is truly democratic, the answer is, essentially, yes. The criminal consented to his punishment. He voiced his opinion in the elections for representatives, and his representatives took part in legislation. He himself was permitted to stir public opinion against the proposition, and in democratic regimes, public opinion has tremendous bearing.

But if he had these legal measures at his disposal and used them and failed nonetheless, then being a member of the public, he must desist. His very use of legal means of protest implies that he accepts government law, which includes the institute of punishment: one is included within the other. Like any business, there is potential profit and loss: one might be successful, and profit; or fail, and suffer loss. It may seem that the individual citizen’s legislative role is minor, but it is nonetheless significant and non-negligible, and cannot be reduced to merely voting in the elections; he may be an active participant at any stage of the ongoing public debate.

This concept is given acute expression in the well-known paradox cited by Rousseau. The word “freedom” was inscribed upon the labor ships of Venice, as if the toil of the citizens who served upon them found freedom in their exertion. Herein lies punishment – severe punishment – yet even so, freedom. In a free system, the lawbreakers effectively consented to their punishment when they broke the law, so that in their punishment, they are effectively executing their own will. Whoever does so is a free person, even if in doing so he toils like a slave, paying for his transgressions with hard labor!

5

I have said that herein lies a paradox. Political “freedom” may be manifested as bondage. It is, however, a unique form of bondage - not to any person but to the law, and the law is instituted by public consent after different opinions have been raised, discussed, and resolved. In this concept lies the iron backbone of the democratic system. The law does not oppose freedom, but determines its character and mode; it is, effectively, its interpretation.

5. Parties and Minorities in Democracy

1

Let us return to the issue of parties, whose very existence is an expression of the nature of democracy.

The purpose of democracy, as we mentioned, is for humanity to resolve common affairs peacefully and with consent, rather than through violence and brute force. A person's resistance against one who stands in his way may take one of several forms. One form is elimination: he may eliminate him with force; another is enslavement: he is not killed, but enslaved. The democratic approach to resistance is cooperation. This method neither renders the opponent into corpse, nor into living tool, but rather, into cooperative partner; advisor, helpmate.

2

When we begin discussing the administrative process in democracy,¹ we will see that the parliamentary party is effectively an alternative government (or part of one), which attempts to persuade the public – both in parliament and outside of it – that it is more worthy of government than the party in power, and is in constant preparation to receive the power of government in order to fulfill its plans. Without going into detail, a party is a nation of sorts, with its own objectives and agendas; although this is not quite so because it coexists with its rivals within a single national framework. An extreme example is the French and English who live in Canada – two separate nations, each with its own language and culture, live together in one country, striving for its welfare, because this coexistence is facilitated by the parliamentary system of that country.

3

Democratic parties are basically “minorities” that do not use force. Their wars take the form of elections, and within parliament, they operate according to two rules. The first is that even the weakest minorities may continue their efforts until a decision is reached, but only until a decision is reached. The second is that after a decision is reached, all parties work as one to execute the decision. To paraphrase, every minority has the right to attempt to become the majority (the first rule), but the minority must accept and uphold the majority's decisions (the second rule).

These two rules are essentially one, based on one concept, that of “loyalty.” The minority must be “loyal”: conducting itself according to the concept of the law. The law is, by nature, constant for all (“the same ritual and rule shall apply to you and to the stranger who resides among you”)², and legal conduct (the word “loyal” is derived from the French *loi* and the Latin *lex* = law) is conduct based on loyalty to the accepted order.

This is easy to understand in regard to the existence of minorities. It is more difficult to grasp the other side of the coin, which is the majority's obligation to be “loyal.” The majority must also operate “in accordance with the concept of the law.” The law is not the personal decree of some of the people, but applies to the entire nation, and

¹ Below, chapter 10 and on.

²

the majority must not overlook the minority's existence and use its numerical advantage in order to force its opinion upon it. Rather, there must be compromise and tolerance. Moreover, the minority's criticism is even beneficial for the majority, for it exposes its deficiencies. It emerges that the minority plays an important role in managing public issues, and public loyalty systematically demands that it be allowed the opportunity to fulfill this role.

4

The question is sometimes raised: "What good is a minority if it's small? Why should a group be encouraged to segregate itself from the majority?" The answer is simple: today's minority is tomorrow's majority. Every new idea comes from a small minority – or even from a single person - and to avoid stagnation, we must encourage and support the minorities. An important practical question, however, is the role of these small parties within the system of parliament. As we saw, it is desirable for parliament to contain representatives that are not dependent upon the large parties, as they might present ideas (sometimes crucial ones) that have no place in the agendas of the "state parties." Even a single representative can have influence, and positive influence, if he or she is known as someone with well-founded ideas, so it is worth encouraging the ideas of small parties, and even individuals.

5

Nowadays, the subject of parties is given to much dispute. Without delving into the matter, let us make a few points:

- 1) The party has one fundamental role, which is the clarification of opinions. The party is an organization which convenes holders of the same opinion regarding central public issues, and it also attempts to address the inquiries and challenges of those whose opinions differ. In this way, the party provides assistance for the citizen, supplying them with clearly formulated answers. Were this the party's only role, they would be a worthwhile enterprise for this reason alone.
- 2) However, this is hardly the full extent of its activities. The party also facilitates action – though it is not always interested in full citizen involvement. In certain countries a "member of the party" is explicitly defined as one who accepts its program, not one who is deeply involved with it (if such thorough involvement was required, some claim, only scholars could be members!). Thus, in certain countries, the party does not facilitate freedom, but rather enslavement. The members must receive and execute orders without objection or hesitation. The party becomes an end unto itself, perceiving itself as unique and wishing to achieve its goals through any possible means, and to this end, the party deals not with truth but with proselytism, resorting to propaganda to attract members.
- 3) We have recently witnessed the latter process in Europe - one party dominates the country, using its political power to dispel and eliminate all other parties. What was once a tool for representing opinions became a tool of tyranny, destruction, and self-destruction.

6

The citizen has no right to complain about this situation unless he is prepared to take the blame himself. He is to blame because he himself allowed the situation to arise. He holds the key to the solution of this problem – he must take care not to choose a party once and for all, fighting for it, and with it, at any price. Rather, he must always consider what the entire public is facing, and remain informed about other opinions. He should freely communicate with other parties in order to determine the crucial points about certain questions, as well as the proper answers; that is - if such a thing can be proposed - he must be equipped with the opinions of all parties, and perceive himself as a member of them all!

6. Voting, Elections, Parliament

1

The most basic public duty and first obligation of the civilian is to vote. He or she must participate in the elections. We have already seen that there are different systems of nominating candidates. In voting, the democratic citizen should choose his representative as if he were the only voter – that is, as if he, and no one else, had the final word about the government.

This illustrates how individual responsibility is an integral part of democracy; here, political responsibility is no different from any other responsibility. Maimonides makes an interesting point about human moral responsibility. The Sages say that a person should always consider himself partially accountable and partially inculpable: every deed he does might tip the scales either way. Similarly, a person must view the world as if he is partially accountable and partially inculpable, for his action, which determines his own fate, may affect the fate of the entire world. Thus the fate of the world may depend on any action of any person.

This, and no other, is the democratic conception of political responsibility. Each citizen should insert his voting slip into the ballot box as if he were the only voter, whose decision will determine the fate of the public.

2

This is opposed to another approach, which dictates that the citizen must consider his affairs alone, and vote for what he perceives as the most beneficial path. If every person votes for his own benefit, according to this approach, then all will ultimately be voting for the general good.

Besides the gross logical fallacy of this approach (if a child wants the biggest piece of cake for himself, it hardly follows that all the children will receive the biggest piece of cake), it poses great danger for any regime, particularly a democratic regime, as it opens the floodgate to the futile system wherein “every person does as is right in his own eyes.” A person levied with a tax should not only consider his own financial loss, but what society will gain; and if he is convinced that it will bring benefit, then he must vote for the tax and pay it. A person must consider the needs of others beyond his own welfare. As we saw, a fundamental principle of democracy dictates that the individual must be discouraged from thinking only about himself, and educated through service to

the public. From this perspective, someone who must vote solely for one's own benefit is not equivalent to someone who must vote for the good of society. The former only gives expression to his lowest instincts; the latter forces him to take an approach that broadens his interests beyond his own affairs, and broadens his own horizons in turn. Voting is therefore not only a public obligation; it is also an act of self-education.

This approach is given expression in an interesting proposal by John Stuart Mills, who argues that the citizen's vote should be revealed publicly rather than concealed. While there are situations where a person may be afraid to express his opinion in public, in principle voting should not be secret for the sake of convenience. A person must carefully consider and decide, and make his decision, and if he is required to do this publicly, he will no doubt feel the full weight of his responsibility when standing before his peers and showing them what conclusion he has reached. Voting, says Mill, is not a privilege but an obligation. If it were a privilege, why shouldn't a person sell it, like any other asset? Why shouldn't I sell what is mine in exchange for money? But we regard one who sells his vote for money with contempt, and punish both buyer and seller. This ought to sufficiently illustrate that the vote in question is not an "asset" but a "deposit" of sorts – a deposit given to a citizen by society, for safekeeping. It is a citizen's duty to treat it not as a personal asset, but as public property.

3

Different countries have different laws in regard to election confidentiality. Nowadays, usually, the privilege – or obligation – of voting is granted to every sane adult, man or woman, who has a permanent address. Likewise, details of the voting arrangement differ from country to country. As we have seen, there are regional and individual voting systems, and there are party-list systems. It is worth focusing on this difference, for it raises an important practical question which has not yet been fully resolved.

Every election, like any decision, generally follows the majority rule. Under the regional system, however, the opposite may transpire. For example, if the regions in question are not identical in size, then a certain party may get a decisive number of representatives in parliament even though it did not receive a decisive number of votes.

Even if we assume that the regions are of exactly the same size, however, there will definitely be wasted votes, of both majority and minority. How can there be wasted majority votes? In order for a certain representative to be elected, he need only win by a single vote; the rest of the votes are, in a sense, completely worthless. How can there be wasted minority votes? Every vote for a candidate who is not elected is lost, and again, completely worthless. The solution to this problem is to combine all the votes for each party, and elect party representatives in parliament according to the number of votes each party receives in total.

4

This system is referred to as "proportional representation" and can be achieved in different ways. The entire country can be counted as one region. The division into regions can be maintained, but the "unused" votes can be transferred to another region or counted towards the grand total of the party they are awarded to; or within a single region, the

possibility of voting for several candidates can be given, according to a certain order of preference (obviously, this is only possible when several representatives are elected in a single region).

The question is complicated both in theory and practice, and by no means has a final decision been reached – the favored method seems to be the compromise of “transferal of votes” within a single region, which maintains the important value of personal awareness and responsibility (for both candidate and voters), and also allows for certain minority representation.

5

The word “proportional” means “corresponding to size or measure” and the demand for “proportional representation” is the demand that the number of representatives in parliament will correspond to the number of people who voted for each party. According to this system, parliament must proportionally reflect the different opinions of the public.

However, it is questionable whether the number of different parties ought to faithfully mirror the different opinions in any given country - assuming it were even possible - as this approach may lead to too many small parties in parliament, which in certain countries, even resulted in the stifling of the parliamentary system. However, while there are certain measures taken to address this issue, the principle must be maintained. Elections must be unrestricted: the voter must actually choose his vote; electing whomever his conscience dictates, and this vote will be counted and have influence.

In our own time we witnessed the horrific result of the distortion of the democratic system, particularly in this respect. One such example can be found in a newspaper excerpt in my possession from 1926 – that is, several years before the rise of the German evil to greatness, but a few years after his Italian friend paved the new way. The following is taken from the well-known newspaper, *The Manchester Guardian*:

By-elections were held in a certain village. The candidate of the opposition was so-and-so, a man of intelligence beloved to the people, whose election would have been inconvenient for the government. On the day of the election, he was arrested, together with his two aides, and escorted out of the region by police. The village itself (where he had many supporters) was attacked by the police at a time when most of its inhabitants were working in their fields, and only those who said they would vote for the state representative were permitted to return. These individuals were promised a certain sum, which they received at the polling station. As the vote was “open” – that is, the voters submitted their votes orally to the “loyal” state clerk – there was no option of cheating from the voter’s end. To no-one’s surprise, these elections did not result in the election of the opposition candidate.”

The author of the aforementioned newspaper has many stories about electoral customs in that country: “The power-mongers in that state have a good system going: they summon all the “loyal citizens” in the morning and send them off to the polling-stations, and after they have voted, they close the ballot box. Later, the farmers and

workers arrive from the fields in the evening to a closed door, and no chance of voting.” The various methods that certain infamous countries employ to apply pressure are well-known, and most of them are not worth mentioning. However, it is worth noting a new and interesting method referred to as “electoral geometry,” wherein the boundaries of electoral regions are fixed in a way that areas known to support the opposition are split up and thus weakened, while “state” regions are united and strengthened.

Gatherings and rallies of the opposition are prevented as much as possible, in several ways: sometimes they are officially permitted, but abruptly cancelled on the day of the meeting; sometimes a negative answer is only given at the last minute; sometimes permission is given but the candidate is “accidentally” arrested by the police before the gathering, and remains under arrest until after the elections; sometimes permission is granted, but the gathering is dispersed by the police.

6

The positive can be inferred from the negative – as opposed to these deeds, and similar ones, it is clear that the democratic way is to allow the citizen – and not just allow, but demand, that he express his opinion (rather than an opinion thrust upon him by others), and ensure that he is able to do so without fear or reserve. The democratic way is to compare different opinions after they have been expressed until issues are clarified; and as this is only possible through direct, free debate between living people, the need emerges for a special institution where this can be conducted. This institute is called a parliament. The word “parliament” is from the French word *parler*, meaning *to speak*. In parliament, after debate and clarification, the various factors must reach a decision. These decisions best determine the laws to be upheld by the citizens because in their creation, the different opinions, objections and criticisms of the entire citizen body were taken into account. It thus emerges that the entire democratic system is based on the careful preservation of free speech.

This brings us back to where we began. The imposition of a single irrevocable opinion from a higher authority is the antithesis of democracy. Democracy is a process that clarifies the will of the citizens themselves – it may emerge slowly, gradually, painfully, with great difficulty, perhaps through initial misunderstanding, trial and error – but it is to this painstaking process that the governmental process is devoted.

7. Democracy as a Government of Speech

1

The elected representative enters parliament and begins his task. Ostensibly, parliament is nothing more than its name testifies: it is, as we explained, an institute of speech. But the question arises: can any establishment, including public establishments, possibly be governed by speech?

There is but one answer to this well-known question: is there any other way? Every issue raises different aspects and opinions, and these opinions need clarification. This clarification requires negotiation, proponents and opponents; for the arguments to be conducted effectively, there is need of an establishment where faithful public service-people with sufficient time, experience and talent can test the different sides of each

issue. If such an institution is reasonably stable (but not permanent, which would result in stagnation), then matters can be clarified in order to serve as the basis for the proper decision. This decision can be considered proper because it has been polished and honed through prolonged debate about different sides of the issue. The debate itself is no less important than the decision, for without the former, the latter cannot be reached wisely.

If parliament fulfills this role correctly, it also simultaneously serves another function. Parliamentary debates serve not only to examine issues, but to educate and sharpen the skills of the debaters themselves – and not only those of the actual representatives (which is also important), but of the general public who follows their progress. Ideally, these prolonged debates present the mature intellect and the distilled experience of the best of the people, transmitted through speech to the entire nation who listens to or reads their words (either at length, or in reduced form through the media). Parliament is therefore not just institutionalized arguing; it is also an establishment for the provision of information and education.

This is not the full extent of its function, however – it is not just an establishment for debates about major state issues that will be rendered into laws. These debates also concern the executive methods of existing laws. It is a center for criticism and complaint, and this is no negligible matter. The “Tyranny of the Law” has been an infamous subject throughout history. It is crucial that there be some kind of public court where any issue can be raised for discussion; a court that will serve as a protective barrier against the stubbornness of clerks and other bureaucratic factors the citizen must deal with. There are also other issues that arise: new proposals and old problems, and new circumstances that were never taken into account. Parliament is where all these issues come to a head. One such example is “Question Time” in the English Parliament. The representatives raise questions concerning any current affairs, and the relevant minister must provide an answer: is the price of electricity in a certain place considered too expensive; are the taxes in a certain city too high; has a soldier received adequate compensation, or inappropriate punishment; is a certain service being fairly provided in a certain region; is a certain commodity too difficult to obtain – endless issues are raised during Question Time, which proves as challenging for the ministers as it is beneficial for the people. Not only does it help fix what needs fixing; it also serves to remind ministers what the original sense of the word “to minister” is. Ministers are servants; a minister was once the servant of the king; now, the entire nation is their king.

2

Thus, an institute devoted to debate is a most beneficial establishment: debating and deliberating, instructing and educating; criticizing and supervising; none of this would be possible if it did not exist. Its speeches are beneficial; crucial, and there is no substitute for them: neither the media nor temporary gatherings can replace them. A newspaper can be ignored; a temporary gathering, even the most aggressive, will disperse after a few hours; but when one speaks in parliament, his voice is heard, and heard by those responsible for the state – that is, by those who effectively manage public affairs. A speech in parliament is not merely a lecture – it is also demonstration, a demonstration that must necessarily be heard. (This is the reason for opposing secret meetings. Secrecy is the antithesis to parliament).

This “necessity” is worth focusing on, for therein lies the power of parliament as an institution.

Members of the government³ must hear what their critics have to say about them because their power to rule depends on their votes. Parliament is a battle-field, and speeches are their weapons. Today’s attackers, if victorious, will become tomorrow’s government. The battlefield requires constant vigilance. Every speech counts.

Let us now turn to two central issues which play an integral role in parliament’s existence: the “opposition,” and how changes are implemented in the government.

3

The “opposition” – the opposing side – is the most significant parliamentary tool. Without it, there can be no parliament. Parliament is an institute for consultation, and consultation cannot be a monologue. A person who makes speeches to himself cannot learn anything – for that purpose, he needs a critical audience. In parliament, the role of critical audience is filled by the opposition.

Thus, the opposition is a central, indispensable part of parliament – it is what makes parliament a parliament. Whoever wishes to hold a parliament without an opposition is denying the nature of parliament, producing a one-sided debate. A parliament must consult with its adversaries, consider their objections and reservations, and compromise with them – not merely for the sake of peace, but for the sake of effectivity, which is achieved through external criticism. An important rule pertaining to both public affairs and private affairs is that external criticism is crucial to proper management.

The unique aspect of the parliamentary opposition is its structure and organization, which is designed for executive purpose. The “oppositional” faction does not merely consist of factors who disagree with the party in power. The opposition is essentially an alternative government, perpetually waiting to become the government in its rival’s place.

Here, the parliamentary function of the parties emerges. Until recently, the first parliamentary model, the British Parliament, consisted of just two parties, parties whose names changed from time to time but basically represented the Conservative side and the Progressive side. The same is true in the United States. Albeit it is more difficult to draw clear distinction between the opinions of Democrats and Republicans in the United States, but elections and the parliamentary system in general are based on the policies proposed by both sides. These sides compete with each other and both anticipate victory; but there is no “ideological” difference between them. This situation can be most aptly described, perhaps, using the words “in” and “out.” The people who are “out” want in, and those who are “in” attempt to fend off their attackers and keep them out. This may be an act of sorts, but it is important to remember that it is a public act; all is played out before an audience, who ultimately determines who is “in” and who is “out,” and the

³ In these chapters, I refer mainly to the kind of state institutions established according to the system of “unified power.” For the “Separation of Power,” see chapter 10.

audience is able to interfere (albeit at controlled legal opportunities) and select the policy which seems best to them.

The efficiency of this system is clear. The “outsiders” serve as an organized body of critics, and they seek out the weaknesses of the governmental policies. It is, after all, the opposition’s job to oppose! They do not oppose for argument’s sake, however; they wish to take charge of government themselves, and implement their own policies. Therefore, their criticism, which is presented to the public, is constructive criticism; it is a practical alternative proposal.

Thus, the different parties in parliament serve as an instrument to implement governmental change. If the opposition can persuade the public (first and foremost, within parliament itself) that the policies they propose are superior to the governmental program, then the parliamentary system – both the internal and the external – will award them the power of government. Here, the critical facilities of parliament reach their utmost importance and gravity, for through them, the power of government is transferred from one group of citizens to another.

We will address the issue of governmental change in the next chapter. I will now return to an important point regarding the elected party itself.

4

If an important part of the parliament’s task is to serve as an institute for organized debate, then opinions do not remain the same as they were at the time of elections – rather, they undergo changes. An institute for the purpose of debate means an institute for clarification, but the purpose of this clarification is persuasion. Argument is not conducted for argument’s sake: the debaters attempt to present new aspects of their opinion to soften, change, and win over other opinions. Those who attempt to persuade, however, are themselves subject to persuasion; they cannot safeguard themselves from what they seek to do to others. A representative is liable to change his own opinion, just as he attempts to change the opinions of his peers.

A real parliamentary institute, therefore, is not fixed or unchanging; it is vibrant, volatile, living; dynamic, not static. Like any system, it is subject to manipulations and maneuvers; to progress and regression. It may represent public opinion at election time, but not once it begins to take action. The representative, therefore, is not only passive, merely communicating the opinions of his voters. He or she is active – both acting and acted upon. He is an agent in the sense of the expression “a person’s agent is like his own self,”⁴ which means that a person’s agent represents that person, speaking in his own name, as if he and the person were one. The agent’s decisions, deeds, signature are like his own – he expresses his opinion on his behalf – the agent represents the person in every sense. This is true in parliament. The representative is not merely a proxy, but an “agent.”

There are different opinions regarding the degree of freedom that should be granted to a representative in parliament. Some hold that if his opinion drastically

changes – for example, if he decides to move to a different party - he must first receive permission from his voters – that is, he must resign. Others argue that even in such an extreme case, there is no need – that he has autonomy as a representative; as a mature adult, he is able to make his own decisions. But there is no forgetting that the public calls the final shot – they will choose whether to vote for him in the future, and this usually suffices to rein the rashest of representatives, and strengthen the weakest of publics.

Of course, this is also what serves to rein the government itself (and what strengthens the opposition). Strangely enough - yet logically enough - parliamentary action is motivated not by that term's elections, but by the forthcoming elections.

To paraphrase our earlier question: can an establishment of speech actually govern? We have shown that there is need for such an establishment: for one that investigates, criticizes, educates. But is such an institution also qualified to make decisions; and can it implement these decisions? Parliament's decisions become laws. The first part of our question can also be phrased thus: is an institute for debate qualified to enact laws? Legislation is a significant governmental responsibility. To emphasize the second part of the question: is an institute for debate qualified to govern a state?

Truth be told, parliament is not an administrative institute, but one that monitors administration. Even in regard to law, the administration (with the help of experts), is the body that prepares legal propositions, which parliament (with the help of experts) then debates. These experts are of two kinds: they may be members of parliament who specialized in certain fields; or they may be clerks from different parts of the government. They make no decisions; they only prepare the reports in detail. The law's objective is presented before parliament (that is, before the public) by a speaker on behalf of the government, and then a debate is held; the details are scrutinized and deliberated in expert parliamentary committees, either regular or ad-hoc. The opposition may offer criticism at any stage of the process, criticism which must be carefully thought out, because in the event of the collapse of the government and the rise of the opposition, these objections may well become actual state policy. Parliament's role, therefore, is one of constant supervision and regulation – a critical, rather than executive, role, supervising the actions of others.

6

But who are these others? Can the nation be guaranteed a proper government through them? This brings us to a second charge against democracy: the claim that democracy is not only a government of words rather than action; but a government run by unqualified laymen.

8. Democracy as a Layman's Regime

1

In a democratic system, each department is headed by a temporary minister, who is not necessarily an expert in the field. He or she is elected to this position via a standard parliamentary procedure, given his or her "portfolio" – the responsibility for a specific ministry – by the Prime Minister, who is not an expert either. How do we explain this

somewhat puzzling system – can a group of laymen, who are unfamiliar with the department they are responsible for, possibly serve effectively?

The claims against this system are obvious. The inefficiency of appointing a new minister every term, who must learn everything from scratch, is questionable, and results in disjointed, inconsistent management of each ministry. This is true regardless of whether the government in question is a unified government or adheres to the system of Separation of Powers,⁵ because a fundamental rule of democracy dictates that a minister's term is limited. Another problem is that the minister in question does not necessarily receive a certain portfolio because of his expertise or suitability – rather, portfolios are often distributed on a basis of availability.

Yet these reservations, though logical, are irrelevant, and result from misunderstanding. Not only does the democratic minister not purport to be an expert; his very lack of expertise is a blessing.

2

This approach may initially seem strange, but has clear logical reasoning behind it. The ministries, after all, do not belong to the temporary minister, but to the permanent workers in each department, the “citizen service,” who, regardless of governmental changes, ideally perform their jobs without personal or political considerations. While the managers are laymen, these permanent workers are experts. There is, therefore, sufficient expertise found in each ministry, but their expertise is channeled not towards running the ministry, but to executing its tasks. Each ministry is a workforce of experts, whose task is to focus on the details; to make propositions and design programs towards the achievement of certain goals. The goal itself is determined by the public, which is represented by its representative, the minister. A good manager does not require a worker's expertise – rather than focus on the details, he or she needs to know how to delegate tasks in order to achieve the desired objective.

In order to maintain the people's control, keeping public decisions a priority, the management of each ministry is best achieved with a public opinion-oriented layman rather than an expert; and his periodic replacement is necessary. Only through rotation is the public able to wield influence over the objections of each ministry.

3

This can also be considered from another perspective. The democratic minister is essentially a mediator between the parliament representative (who represents the public) and the experts of the ministry. His task is to negotiate between them. He must strive to make the ministry more efficient and beneficial to the public, and he must also understand the issues that the ministry faces, and explain them to the public. This job does not require expertise. The expert is so deeply immersed in his work that he cannot see the forest for the trees. It takes a layman, looking at the system from the outside, to see things as they are. It is also best to replace this outsider-manager from time to time, to prevent a minister from becoming so deeply entrenched in the system that he loses the ability to see it from the outside.

⁵ Again, see chapter 10.

The need for such ministers is especially evident in times of emergency. In wartime, for example, bitter experience has taught that the highest-ranking officers – the experts – are often stuck in the past, “fighting the previous war,” trying to correct their past mistakes during a new reality. Victory, however, often depends on recognizing how things are at that moment, and paving a new path. To make a rough generalization, based on European history, it emerges that the experts are usually wrong – not in their expertise, of course, but because they are entrenched in past experience, while the world has moved on.

4

What a democratic minister must understand is the ordinary citizen’s perspective, representing the people and expressing what they experience. This does not mean, of course, that the minister should not turn to experts – to professional scientists, for example, if certain knowledge is lacking within his department. But he should turn to them in order to help implement his goals, not to choose his goals in the first place.⁶ A successful minister, like any successful person, knows when to approach experts and use their expertise to the greatest advantage.

The principle remains: the layman, and not the expert, calls the shots. The layman states the objectives. The expert only advises how to achieve these objectives. The democratic regime is a nonprofessional administration who knows how to utilize expertise to achieve its objectives.

9. Electing and Replacing the Democratic Government

1

An ancient declaration reminds us of the importance of continuity in any regime: “The King is dead! Long live the King!” The government must be maintained: if one ruler dies, another must be appointed in his stead.

One apparent advantage of the system of monarchy is that the right to government is inherited, which prevents conflict in times of crisis: the new ruler is appointed by an artificial arrangement endorsed by public consent. This legal arrangement ensures governmental succession without bloodshed, even though it is, in a sense, arbitrary and coincidental.

The democratic regime also effects change without causing bloodshed, relying on an artificial selection process and public consent. As in monarchy, the successor is determined in advance, promising continuity.

The democratic leader, however, is determined not by birthright but by public consent conveyed by election. A majority dictates his rise; when the majority is against him, he will fall. Unlike the system of monarchy, his successor is not his son but his greatest rival.

⁶ You might ask: how does the layman minister understand these goals? I attempt to answer this question in 3:3. And of course, a minister, and the entire government, is aided through public criticism of his proposals in parliament, in the media, etc.

Another important difference is that unlike a king, who may rule as long as he lives, and whose reign usually ends with natural death or assassination, the democratic leader's term of power is determined in advance. Elections are held every few years (every four years in America, for example, and every seven years in France) and if the leader wishes to govern for another term, he must be re-elected. According to accepted custom⁷ (which was only broken in our own time, by Franklin Roosevelt), a leader cannot be reelected more than once.⁸ Thus, in the United States, the president remains in office for a maximum of eight years, and the same is true of the representatives in Congress and the Senate. His time is limited. At the end of this term, he must step down and make way for new elections.

2

We have already noted how the prospect of future elections is so crucial to the system: therein lies the key to the public's monitoring of its representatives. It is also the key to parliament's monitoring of the government. If the government cannot satisfy the majority of parliament, it will collapse. This can lead to drastic changes – we ourselves have witnessed the transfer of the British government from the ruling classes to the working classes. This transfer was revolutionary in every sense of the word, yet it was achieved without bloodshed – the only battlefield was the polling station. With practically no violence, Labor triumphed over a traditional Conservative government.

3

This system allows the power of government to remain in the hands of the public. Every few years, the power of election is handed back to the public, who deposits it into a new government: a deposit in every sense of the word, for the deposit will return to its owners once more at the end of the term.

This is especially evident in a country as large as the United States, where elections are relatively frequent. The public votes for Congress, the Senate, the president, and local councils, as well as regional and city councils, which allows them room for constant criticism of their leaders. They never forget in whose hands the government truly rests; nor do they allow their leaders to forget.

A striking example of this fundamental rule of democracy is Britain's Annual Army Act. There is currently no standing army in Britain – rather, every year, Parliament extends its right to exist for a single year. If parliament were to vote against it, the standing army would be dispersed.

This is by no means done out of frivolity or incompetence – rather, it is the result of a conscious decision to reject military authority, an open demonstration against power-lust and militarization as a way of life. If culture is, in the words of Plato, the victory of persuasion over force, then the Annual Army Act is a major triumph of culture. The army does not have authority over the government; nor is it even autonomous – on the contrary, its very existence depends on an annual vote by an institution of words.

⁷ Editor's note: This was ratified in 1951.

⁸ Editor's note: This is not the case in Israel, however.

4

Limiting the term of government inherently prevents tyranny. Additionally, when a prime minister's election depends on the number of votes in parliament, which represents the public, then the voice of the people also serves to prevent tyranny. The leader's reign is temporary according to both systems. He or she will either be replaced automatically, or voted out of government.

The "two systems" mentioned require explanation in themselves.

10. Administration in the Democratic Regime

1

In the type of democratic regime described above, the government is selected from within, and by, parliament. The government body simply comprises the majority party and its allies, and they lead parliament's sessions and course of action. Britain and most democratic countries adhere to this system, which is referred to as the parliamentary system. Another system, referred to as the "presidential system" (or congressional democracy) is followed in the United States, and while they are both forms of democracy, it is important to distinguish between them.

The objective of both systems is one and the same: to implement public authority over its own affairs, and to prevent the possibility of tyranny. Without going into a long, historical explanation –fascinating but lengthy – one difference that emerges is that in the first system, public authority is direct; in the second system, indirect.

To briefly outline the parliamentary system: the head of the majority party becomes the prime minister, and he selects various representatives who largely share his opinions as ministers of the state departments. He and the ministers also remain in parliament, where they dictate parliaments' agenda; they are responsible for its administration.

As long as they are supported by the majority, they retain this authority until the end of that term. If they lose the majority's support, parliament dissolves, and new elections are held.

The crucial point of this arrangement is that whoever has political aspirations has only one path to choose; he or she must operate through parliament. He must present himself as a candidate for representation; he must display his powers of persuasion and counsel before parliament; and if he is worthy of taking an active role in administration, then he must be elected as a representative, to become either a member of the government or the opposition. There is no other political path; no circumvention of the parliamentary system.

This is not the case with the American system, where there are two possible paths to power. One is to work one's way up through Congress, and the other is through administration. The president need not be a member of Congress or the Senate – in fact, in the history of American government, there has only ever been one president who was a

member of Congress.⁹ The president is chosen by the people directly, via elections, and upon election, he appoints the ministers who will comprise his “cabinet”; not from Congress, but from among those close to him. Sometimes these happen to be members of Congress, but this is neither usual nor necessary. On the contrary, it is customary to differentiate between those who are part of the legislative branch and the executive branch.

This differentiation is known as the Separation of Powers. This separation of different branches of the government is designed to prevent too much power in the hands of any single entity, which could lead to tyranny. The “powers” in question are the legislative branch, the executive branch, and the judicial branch. One determines the laws and administrations of public affairs; the second sees to their execution, and the third monitors them, punishes their transgression, and settles disputes that arise from them. This system is built around the premise that if a legislator is also executor, or an executor also a judge, then he or she could wield a dangerous amount of authority, resulting, perhaps, in despotism.

2

This famous idea originates in Montesquieu’s 1748 book, *In the Spirit of the Laws*, in a chapter discussing England’s constitution (book XI, chapter 6), which is based on Locke’s *Second Treatise of Government*. Montesquieu was interested in the English system of government because at that time, it was the only one that aspired to political freedom, and he wished to publicize the secret of the English political system to serve as an example for other nations. Montesquieu did not analyze this system of government correctly, however; he failed to grasp that the key to their democracy was the prime minister and his ministers’ status as elected members of Parliament, where they were obliged to account for their actions. This unavoidable, direct responsibility is what ultimately determined the character of the parliamentary system of democracy.

This is not true of the American system. There, the legislative branch and the executive branch are, as a rule, separate; to the extent that President Wilson’s request from Congress to declare war on Germany in 1917 was the first such request in American history. While the president indeed submits a budget, initiates debates about certain subjects, and has the right to veto a law, his legislative powers are nonetheless limited. The disjuncture between branches may result in slower administrative processes, but they prevent even the prospect of despotism.

3

Each system has its own advantages and disadvantages. The parliamentary system is more efficient and more flexible, able to adapt itself to different circumstances, for all takes place within parliament. Investigations, clarifications, proposals, criticism and alternate ideas; general debates about what steps to take and exploration of finer details; final decisions and the transmission of those decisions to the relevant minister; careful monitoring of their execution – all transpires in one place, in the hands of experienced people who represent and are responsible for the public. The greatest advantage of this

⁹ Who? Is this also true now, in 2014?

system is the consistency and concentration of responsibility within a single, public, open establishment.

This is not true of the presidential system. Here, responsibility is divided, and there is perpetual tension – sometimes even open, explicit conflict – between one branch of the government and another. This conflict is ongoing; election of both president and Congress takes place every four years, with alternate elections therefore every two years. It is not uncommon, therefore, for the president to be from one party, with the majority of Congress from another party, resulting in constant tension and conflict between these two parts of government. Similar conflict may arise between the President and the Supreme Court, with similar adverse effect on the administrative process. Such tension may culminate in governmental stalemate, even in regard to routine administration or the planning of future policies.

4

In both systems, however, political “sovereignty” ultimately belongs to the public, who expresses its opinion through voting for its representatives. In England, this sovereignty is manifested in Parliament,¹⁰ while in the United States, it is divided among the president and Congress. The danger of the former is clear – Parliament effectively has unrivalled “sovereignty.” If an immoral or illogical law passes, then there is no room to challenge it.

In contrast, the presidential system is subject to the laws of the constitution.

Here, too, is a famous disparity – the historical disparity between an “oral constitution” and a “written constitution.” Before addressing this, however, we must understand the aforementioned term, “sovereignty.”

11. Sovereignty and Constitution in Democracy

1

The words “sovereign” and “sovereignty” originally referred to European monarchs in the fifteenth and sixteenth centuries. “Sovereign” comes from the Latin root *super*, meaning “above”; the power of a sovereign exceeds that of any other person in the kingdom. A king’s word is absolute, and needs answer to no-one; he does as he pleases. He is not subject to anyone else’s will; he alone may choose between good and evil.

When a state is referred to as “sovereign,” this implies that it has omnipotence, like kings of old. It has no-one to answer to; its word is the law; it is not subject to any higher authority, and no-one can challenge its decisions and actions. Nor is it subject to any of its neighbors. A state has sovereignty when no-one else can interfere with its authority; it is only accountable to itself.

2

This view depicts countries as lone, independent figures, each a world unto itself. Of course, it is unlikely that this has ever been the case, and is certainly not so today.

¹⁰ For the sake of brevity, I will not expand upon the theoretical authority of the King and the House of Lords in England.

There is interdependence between countries just as there is between people. Regardless of our opinion of the union of Europe, the east, or the entire world into some sort of united entity like the “United States,” there is no doubt that from a practical, economic, and cultural perspective, even the most powerful of countries cannot exist by itself. Their “sovereignty,” therefore, is relative rather than absolute, and given to circumstance.

Even the original “sovereigns” of centuries past did not reign absolutely. It is doubtful whether a king’s will instantly translated into the law even among the most primitive of societies. Law is always based on custom, so that even the most aggressive of kings was subject, to some extent, to public consent: if the public disagreed, either overtly or covertly, the king’s will was not absolutely fulfilled. Moreover, his will was subject to moral views: even ancient kings were subject to the criticism of the prophets (David was criticized by Nathan; Ahab by Elijah). From a juridical perspective, law may be defined as the will of the ruler; from a human perspective, it is only what is accepted by consent. The proof is simple: without the consent of the citizens, the ruler would not be in power.

If a sovereign king has never truly existed, then the existence of a sovereign state is infinitely more unlikely. A democratic state is not governed by king; the people and the state, as one, are the governing entity. Objection to the perception of the law as a ruler’s whim is even more extreme when the people have authority; we ourselves ensure that the laws of the state are established with our consent, based on our own customs. The law is subject to us more than we are subject to the law. A democratic state only uses its authority to realize our consent; law is essentially consent given practical form.

3

In this context, sovereignty means responsibility, and a country can only be considered a sovereignty when it takes responsibility for its own actions, rather than blaming others for its failures and defects. Sovereignty is not a privilege - a view which results in anarchy and despotism – but an obligation, the obligation to take responsibility for the consequences of our actions. We must therefore ensure that our actions stem from healthy motives. True sovereignty is directed inwards, not outwards. No part of the world is entirely independent, so there is no absolute sovereignty – but each country must take responsibility for its own actions, which is internal sovereignty.

This internal sovereignty is manifested through a constitution, which are fundamental principles which make up, i.e. *constitute*, the state’s basic goals and function. This constitution typically contains a list of the citizen’s basic privileges and obligations, as well as the general organization of public administration. I say “typically” because this is the constitution in its ideal state, although variations do exist. An exploration of these basic principles illuminates the nature of the constitution.

4

It might seem that the simplest, most logical method of creating a constitution is to list everything, creating a written constitution. If everything is written down, we have clear knowledge of what we owe the state and what the state owes us. Ideally, we would have a complete guide at our disposal, containing the solution to any problem that may arise.

Experience, however, has shown that this is far from possible. Not everything can be written down in advance; even the present situation cannot always be reduced into legal statements as clearly defined as constitutional laws. Not everything can be known in advance; a new situation may arise that the constitution does not know how to address.

Moreover, even if it were possible to produce an all-encompassing constitution, it is not entirely clear that this would be ideal. We are humans, not machines, and we must leave room for free choice and freedom of movement, because only through freedom can a person exercise his intellect and abilities. It is far from ideal to strip people of their freedom and initiative by binding them to an all-encompassing legal constitution.

It is clear, however, that such a constitution is not truly possible. In addition to the “written law,” an explicating “oral law” is necessary.

5

We can apply much of Bialik’s famous treatise, “On Law and Lore,” to our question regarding state law. Namely, the accepted relationship between them ought to be reversed. We generally perceive written law as the foundation upon which oral law is based, but in fact, the written law is but a crystallization of the oral law. The oral law is central, vital, and gives birth to the written law.

This can be illustrated through two famous examples, once again England and the United States. British law is based on precedents; American law upon a written constitution. If a legal dispute or doubt arises in the latter country, the written constitution is referred to; in the former case, the matter is brought before a court of law, and the dozen members of the jury determine what will serve as a legal precedent in the future. These precedents are recorded, of course, so that a list of specific instances which illustrate the accepted legal custom gradually accumulates;¹¹ as if the public conscience is gradually growing in wisdom and experience. When there is a written constitution, the answer to every question is sought in the text. When there is no written constitution, the precedence, which may also be written down, is referred to. It is not a law, however, because it is written – it is written because it is the law.

6

This difference has great conceptual significance. If in the eyes of its citizens, the state constitutes the main culture and plays a central, inimitable role in public life, then a written constitution is not just logical but necessary. Without the official declaration of the rights and obligations of every citizen and the basic structure of societal order, the public is not truly a public. This approach, however, is inherently oppressive, because if a state’s fundamental guidelines and objectives are set in stone, so to speak, then the public is eternally bound to them, and whoever attempts to stray from this clearly marked path will be decried as a rebel against the state, and will be punished.

¹¹ This also seems to be the case here. I once heard a well-known expert say that Jewish law, as it is expressed, for example, in Maimonides’ *Mishneh Torah*, is of an experimental nature, as each chapter opens with details and concludes with the law in that instance, rather than a general rule followed by examples. In this, it is similar to British Law, which is based on specific cases, and differs from legal constitutions, which begin with general laws, such as Roman Law.

This is not the case according to the other approach, which holds that the state itself has no such intrinsic principles, neither in theory or reality. Rather, there are many possible ways to organize and structure public life; the best way varies according to the current situation, and is only revealed through experience and attention to the needs of the time. Society is not a product of the state, as in the first approach; rather, the state is a product of society; through it, the public is able to take care of its individual and common affairs.

The idea that society precedes the state; that it has more content than the state; is what supports the concept that the law is essentially based on mutual consent of ordinary citizens. Locke, the experimental philosopher, expressed this clearly when he stated that a person does not cease to be a person when he becomes a citizen, as values of truth and faith are inherently human, not political or national. This is particularly important, we shall see, in times of emergency, as he also expresses that society ought not to crumble along with the state – even at times of national crisis, morality still stands. If we were to believe that morality is a creation of the state, then if the state were to fall we would be thrust into moral chaos, reaching the state of corruption that characterized this past generation.

We will return to this issue; for now, we will discuss the various forms of the constitution.

7

Our own policy is, effectually, on middle ground between an oral and written constitution. An oral constitution does not necessarily contradict the idea of a written constitution, as on a practical level, no constitution can be entirely oral, just as no constitution can be entirely recorded in writing. The real difference, therefore, is between a “permanent” constitution and a “flexible” constitution. A “permanent” constitution contains laws that can only be amended through a special procedure; in a “flexible” constitution, all laws are equal, and can be amended the same way. In the United States, for example, in order to amend a constitutional law, three-quarters of the states must consent; this proportion is not attained easily or quickly. In England, on the other hand, any law can be changed through a routine majority-vote in Parliament, regardless if the law in question is momentous or minor; whether it determines the nature of the royal family or the electric rates in a remote village.

A “permanent” constitution which contains the state’s fundamental principles may not necessarily withstand the test of crisis, because crises often arise from a new situation which is inconsistent with these principles – sometimes because they contradict these principles. Moreover, a permanent constitution may be prone to utopian delusions, to the mirage of perfection; the description of a state’s fundamental principles, in their theoretical form, always sounds like a utopian dream. There is danger, therefore, that a permanent constitution may be too far beyond reach. While seeming stable, it may lack a “safety-valve,” and be in danger of explosion. (The new constitution of France, for example, has become its bible since the revolution).

In contrast, the “flexible” constitution may be flexible to the extent that it lacks any permanence whatsoever, changing according to parliamentary whim. But this is only

hypothetical – the potential danger must be weighed accordingly; we must determine what is the best guarantee against a regime of despotism.

12. Democracy in Times of Crises

1

Dictators are rulers who seize power in times of crisis (or are even elected), and run the state without consulting with the public; rather, they impose their own will upon them. While they often blame democracy and its inadequacies in order to justify their methods, they often use democratic terminology, at least initially, in order to win over the public.

There is one fundamental difference between dictators of our own time and their ancient counterparts, the dictators of Ancient Rome. In Ancient Rome, when the empire was in grave danger and the people's leaders feared that they could not take control of the situation with the usual measures, they would hand over the reins to one person, leaving him to take the appropriate steps. As soon as the danger passed, however, the dictator would step down; otherwise, he was liable to be brought to trial for his deeds. This is not so in our time; these dictators saw their regime as "an empire that would last for a thousand years" – as a permanent arrangement, for they considered themselves and their deeds as sacred. "The new Order," they declared, would be permanent because it was ideal; infinitely more effective than a democratic regime, which they presented as inherently doomed to failure.

2

This skewed perception was set straight by fact; in our time, we witnessed the victory of democracy over despotism. In both World Wars, autocracy failed. This proves the power of democracy. It is certainly not the only method of government; perhaps not the best, but there is no question that in our time, it has prevailed. The people's government prevailed over a government of experts; the power of speech over brute force; free choice and public consent over public exploitation and blind citizen faith.

The two main systems of democracy illustrate how they adapted to the situation at hand. In England, the transfer of power from Chamberlain to Churchill, from peace-monger to war-monger, took place in Parliament, and this transformation, expressed through Parliament, is what led to victory. The change was rapid, yet implemented smoothly through the adaptability of the parliamentary system.

This change took much longer to implement in the United States. The president was unable to declare war, nor was he strictly authorized to make certain crucial decisions that he ultimately made anyway. Only gradually was he able to persuade the public that open, declared war was the only possible path; the same was true of Wilson during the First World War, and Roosevelt during the Second.

The forefathers of the American Constitution believed in the balance and division of power; that if authority is divided amongst different factors, one will balance out the other so no single authority will be able to seize control. Wartime strategy, however, requires that power be concentrated in a single hand; and in the United States, this must

necessarily be in the hand of the chief executive authority. Under the pressures of war, therefore, Roosevelt transgressed several constitutional laws, and even certain near-sacred customs – that a president may not serve for more than two terms, for example. In many ways, he eventually enjoyed the status of royalty. There was even talk of his “heir to the throne.”

Yet he was no king; because the people did not wish for him to become a king. The ordinary citizen voted for him four times – perhaps only because elections were held before the end of the war – but criticized him and his actions harshly nonetheless. Similarly, despite Churchill’s wild success as a wartime leader, he was not reelected after the war.¹² Perhaps the people felt that a successful wartime leader would not serve as well in peacetime. The government was determined by the vote of the ordinary citizen, not by the word of the expert, nor the word of the leader.

This ordinary citizen does not require that dictatorship take over in times of crisis, for the parliamentary system (and, to a lesser extent, the presidential system) provides what is necessary without sacrificing his rights. Churchill’s real relationship with Parliament can be compared to Hitler’s feigned relationship with the *Reichstag*. Hitler did not have to face the criticism that constantly rained upon Churchill. Yet much of this was constructive criticism, and Churchill’s eventual victory can be attributed to this criticism; secondly, the very existence of this criticism motivated the government, and prevented it from acting blindly or become petrified. Above all, what is important is not the leader’s convenience, and Churchill himself would agree that the greatness of the parliamentary government is its power to reject even Churchill himself.

3

This rejection, though momentous, is no more than an amplification of ordinary democratic values. What is the ordinary citizen of a democratic government to do when he or she is dissatisfied with the course of events? At election time, he expresses his opinion through his vote. His authority, however, as we have seen, is not limited to this. His strength lies in the fact that he will vote in the future. His representative must provide satisfaction, for he knows that if not, he will not be reelected. The citizen can turn to his representative and demand action, either implicitly or explicitly threatening that others will receive his next vote if no action is taken.

In democracy, moreover, there is another course of action to take. The ordinary citizen can freely express his opinion in public; write to the newspapers; initiate gatherings, rallies, demonstrations; try his best to recruit as many people as possible for his cause. These supporters generate “public opinion,” which everyone recognizes as the force behind the rise and fall of governments. The parliamentary system enables the ideas of a single person to influence the course of an entire nation.

In important cases, the ordinary citizen is able to challenge the government. The government has one idea; somebody has another, and brings the matter to court. The issue is brought before the bench, before the eyes of the public, and if the individual is able to prove his side, he may win the trial. If not, he must face his punishment, which

¹² Editor’s note: after being leader of the opposition for six years, Churchill was reelected in 1951.

might be imprisonment. Within the democratic system, this incarceration may be a form of demonstration, as it may influence public opinion to the extent that the law will be amended. Once again, this is initiated by the actions of the individual.

The crucial role of the court in such a case is worth noting. A “government of law” does not only mean that all are equal in the eyes of the law; it means that there is a public platform for a person’s claims, even if they are against the government itself. The ordinary citizen is authorized to sue the factor who is, in his opinion, at fault. This is the antithesis of a dictatorship, whose courts of law are subject to the dictator.

4

The ultimate barrier against despotism, therefore, is the citizen himself. Our final and most important chapter will be devoted to a discussion of the ideal democratic citizen.

13. Democracy and Human Values

1

There are several answers to the question of what makes a good citizen, and all of them are correct. A good citizen is a good child to his or her parents, and a good parent to his children; someone who lives and works among his or her peers with mutual respect and honor; someone who attempts to address the problems of society, on both a local and national scale; someone who seeks peace and unity on a national and global level. These four areas: family; society; national; and global, are his concentric spheres of concern and action; they are, in a sense, the interconnected rooms of his domain. A member of society is first a member of a family; a national citizen is first a member of society; a citizen of the world is a member of his country who has gone one step further.

2

The first quality of a good citizen, as we have seen, is a sense of responsibility. He considers public affairs his own, and takes an active role in their organization. He does not impose his own burdens on others, nor does he hide in their shadow. And he does not merely follow orders; he is a person, not a robot.

He also attempts to remain informed about his responsibilities; a person cannot be responsible if he has no knowledge. Herein lies the democratic emphasis on education. The citizen must be educated; he cannot know everything, but at the very least, he must know what is necessary for him. A responsible citizen cannot remain an ignoramus, and a responsible democratic government cannot allow him to remain an ignoramus.

Moreover, knowledge is not enough. A responsible person must also exercise judgment about the information he attains. A person can only be considered intelligent if he learns how to process the information he receives. He must be critical and develop his own opinions about what he learns, especially before he attempts to persuade others of his opinion.

Yet it is not enough to know facts and pass judgment about them; a person must follow their development. A citizen is one who monitors what transpires around him; he must be aware, active, and interested; if not, he has not fulfilled his task.

Finally, he must also be tolerant. He is not the only one in his family, let alone his society or nation. The world is impossibly wide and impossibly diverse, and hosts an endless range of opinions. A citizen must learn to listen. What he demands of others, he must demand of himself towards them.

This is hinted in the Hebrew word for state, which is מדינה, *medina*, from the word דין, *din*, judgment. Judgment is required of a citizen of the state.

3

In Hebrew tradition, judgment only takes place in court, (בית דין, *bet-hadin* in Hebrew), which is composed of a minimum of three judges; sometimes twenty three, or seventy one. This is because there are always sides for and against every issue, and both sides must be granted room for expression. This is expressed poignantly in a Mishnah regarding capital law, which uses the terms “and the congregation shall judge him,” and “the congregation shall save him.” There is no judgment, says the Mishnah, if either those who “judge” or those who “save” - that is, counsel or prosecution - are lacking.

Judgment can only be passed after both sides have been heard. The biblical command to “judge orphans and widows” means that the voice of the underprivileged, of pauper or underdog, should also be given a platform; they must be heard, not silenced. The Bible warns against prejudice or favoritism. Both sides must be able to state their case; regardless of the outcome, judgment is not judgment unless everyone’s voice is heard and given consideration.

4

Only this is true judgment. Only one side can be right, and whoever emerges as the guilty party will receive their punishment. We are willing to take that chance, however, assuming that a case is fair; assuming that the judge in question hears our side, and gives it careful, unbiased consideration. True judgment is reached through discussion. Therein lies the secret of a fair ruling, which is also the secret of political discipline. The state, in a sense, is founded upon consent; but not everyone can agree to every state decision. There will always be different opinions, and one decision cannot satisfy them all; yet the decision will only be fair if all opinions are first taken into account. We are willing to accept a decision that contradicts our own opinion if our opinion was taken into consideration – that is, if we can be sure that our voices are heard (as the parliamentary system ensures), even if they do not always prevail.

5

We now return to the basic democratic premise that every person has rights, and the state’s task is to protect them, according to accepted, organized procedures. In a democratic system, the citizen has the right to vote and be elected; to promote his own opinion, to rally for and against; to persuade and be swayed. I emphasize the word “persuade,” for this is the novelty of the democratic approach: that there is an alternative

to coercion, to violence, to brute force. This is free debate between free people, and cooperation with the opposition.

6

A person who values responsibility, consideration, awareness and tolerance should be encouraged to be independent. The citizen must be independent because personal independence is a vital component of political vitality; without independence, a state will atrophy. Moral independence should be lovingly, carefully nurtured – it may take many factors to implement an idea, but only one to spark it.

Aristotle once said: “It is not from two doctors that a community arises, but from a doctor and a farmer.” A state does not benefit from monotony, but from diversity. The monotonous state is necessarily static, atrophic, unviable. For a state to thrive, it must encourage the vital, the dynamic, the creative – the spirit of independence.

7

What can we give to our country? The answer is simple: ourselves. We must be true to ourselves as we give ourselves, and demand that others do the same. Out with cookie-cutter homogeneity, with everyone copying everyone. Everyone must be himself, herself – only by cultivating diversity can we reach true unity and a true democratic state; after all, (with a nod to J.S. Mills), a state is only as great as the sum of its individuals.