

Democracy reduced to occupying parlement seats after elections

Real, direct democracy, i.e. self government by the citizens, was seldom created in modern societies. For instance, the American and French revolutionaries in late 18th century were not consequent in a democratic respect. Their leaders were members of new, civil élites, beside the nobility and the high clergy. These financial-economic élites claimed to act as democrats... in the name of all citizens. They refused any direct governance by all citizens, farmers and farm workers included. So, they framed a governmental organisation which would be exclusively representative. All decision making was denied the whole community of citizens, even deprived when it existed in city or region rights and civil liberties alike once granted by the sovereign. No real 'democracy' – that is 'power of the people' – emerged. Ruling *for* the people would continue, but not *by* the people. The so called 'enlightened despotism' of the late 'Ancien Regime' survived.

In France, the reversal from the basic democracy, aimed by some, to despotism passed remarkably fast. I quote the essay 'Tegen Verkiezingen' ('Against Elections', 2016) by prof. D. Van Reybroeck – my translation: “The '*Déclaration des Droits de l'Homme et du Citoyen*', the most important document of the revolutionary year 1789, still stated: 'The Law is the expression of the general will. All Citizens have the right to contribute to it, wether personally, or through their Representatives.'. But in the constitution of 1791¹ this personal input disappeared completely – quote: 'The Nation, from which all power emanates, can only exercise this power through a deputation. The French Constitution is representative.' Within three years, the law making initiative by the people shifted to its representation, i.e. from the participative to the representative.” End of quote.

Thus, the non elected citizens lost all direct decision making power concerning their common interests. Even the basic rules of the political community of citizens, often written down in a constitution, were, during the French Republic, entrusted to the same 'delegates'. Just for one year, there was a different sound. I quote from the essay 'Sleutels tot Ontgrendeling' ('Keys to Unlock', 2017), by prof. Hendrik Vuye and Veerle Wouters, former members of parliament – my translation: “After the fall of king Louis XVI, the national Convention will declare through decree of 21 September 1792 that the Constitution was abrogated: '*La Convention nationale déclare ... qu'il ne peut y avoir de constitution que celle qui est acceptée par le peuple*'.” End of quote. So, according to this assembly each constitution should be accepted *by the people*. Yet, two years after the first Constitution of 1791 the new Constitution² stipulated the same as the first one: the citizens lost all their decision making rights anew to the 'elected'. Therefore, the delegates preferred to use the word 'republic' rather than 'democracy'.

To end this historical paragraph, I quote the following comment by Van Reybrouck, in his essay – my translation: “The French Revolution, just as the American one, did not chase an aristocracy to substitute it by a democracy, but it did chase a hereditary aristocracy to substitute it by an elected aristocracy – '*Une aristocratie électorale*', to use the words of Rousseau. Robespierre called it even '*une aristocratie représentative*'!”. End of quote.

Since, the approval of general laws and their constitutional basis no longer belongs to all citizens. This elitary governance model was even spread world wide.

1. This is the first French constitution, drafted and approved on September 30th 1791 by the 'Assemblée nationale constituante', which was not otherwise composed than the former 'States general' of the three social classes. This constitution immediately substituted this 'States general' by a legislative assembly, elected through a tax suffrage.

2. This constitution will substitute the constitution of 1791, after riots and after the suspension and confinement of the king; it was approved in 1792-93 through a new elected 'Convention nationale'. In 1794 this one was substituted too.

Later on, other revolutionaries drafted each time a governance system in which major citizens elect *representatives* as such. Those elected citizens take the civil decision making power of all over, periodically, that is until the next elections; they are more than *delegates* who have to stay in contact with the other citizens. The people's representatives are fully authorized to enact generally binding rules for all, to implement them and to enforce them if required.

Democracy was and is still equated by old and new élites with electing a small group of citizens who acquire all decision making power to define the general interest and how to attain and maintain it. In such a state system real democratic governance disappears completely. Elections are the device to justify the power monopoly of an élite. To rule in this way means a modern shape of oligarchy³. As all residents with political rights, the citizens, constitute the sovereign governance community on a certain territory. Without citizens no town, no region, no state. They are all the *co-owners or share holders* of a constitutional governance community. Hence, the citizens themselves should approve, amend or abrogate the constitution. And more: at least all basic regulations concerning their general interests on each level of governance, from local level to the national.

To leave behind the ideas of the Enlightenment concerning a mixed model of direct and parliamentary democracy, to replace it by an exclusive representative system, means a return to the omnipotence of élites, to the extent that the election system is applied. Confining democratic governance, i.e. by the citizens themselves, to the election of their representatives was a fundamental power grasp, the most serious system assault on democratic governance. This continues beyond until today, on each level of public governance.

The pinnacle is that the new members of parliament *in spe* decide whether the last elections passed legally and whether these candidates complied with all election requirements – this procedure is the so called control and eventual approval of the 'credentials'. In a number of countries this election control by a new assembly cannot be disputed in court: there is no legal remedy available. These 'members of parliament *in spe*' are party and judge. Each other institution stands off side. This is the case in Belgium since its independence. Article 34 of the first Belgian Constitution text (now article 48), approved through Decree of February 7th 1831, stated: “*Chaque chambre vérifie les pouvoirs de ses membres et juge les contestations qui s'élèvent à ce sujet.*” – the present constitutional article 48 could read in English: “Each Chamber verifies the credentials of its members and settles the disputes which arise about this matter.”. Yes, it still applies 200 years later... In this respect, Belgium, Italy and Luxemburg form an exceptional trio in the European Union.⁴

Since the French revolution still more assaults on democracy have been committed. Although the governing citizens, the professional politicians, often refer, during their years long 'career', to their mandate conquered through 'democratic elections', those mandates are hardly representative and thus marginal legit. According to studies on the actual election systems and to research on the their result, it is clear that the political mandates which are exclusively based on elections have a very low representative value. To start with, the freedom of citizens to choose between their equals, namely the candidates for public governance mandates, is increasingly restricted. The thwarting of the freedom of the citizen's choice needs a separate and extensively story.

3. Longman Dictionaries: “1. government by a small group of people, often for their own interests, 2. a state governed by a small group, 3. the group who governs such a state”.

4. See article 57, Luxemburg Constitution and article 66, Italian Constitution. Yet, the judgment of the European Court for Human Rights (Council of Europe) of March 2nd 2010, nr. 78039/01, M. Grosaru c./ Romania, condemned Romania for the violation of the articles 1 (right to free elections) and 13 (effective redress) of the European Treaty. That was because of the inadequate law guarantee by jurisdiction and impartiality.