

## Chapter Two: The Democratic State

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### Modern Democracy: Ideological Foundations

The concept of democracy is fairly common. We use it to describe the system of governance here in Israel and in many other states. Although the concept seems so simple and clear to us, in actuality it is complex, and in order to fully understand it, we have to understand all of its varied components. Modern democracy developed from many different approaches and viewpoints, and until today there still many different opinions on how to understand it.

The roots of democracy lie in Ancient Greece, mainly in the city-state of Athens. Athenian democracy was based on principles we are familiar with today: government by the people, equality before the law, freedom of speech and tolerance, citizens' role in decision making, and the right to audit the government. Yet, Athenian democracy was very different from modern-day democracy. The following chart illustrates the main differences.

Athenian Democracy	Modern Democracy
Direct democracy	Representative democracy
The people participated directly in the administration of state affairs.	The people elect representatives who work on their behalf and decide policy.
Democracy was only for the minority of the population: the majority of residents lacked citizens' rights. Women, slaves, and foreigners participated in public life, but did not have the chance to influence decisions that affected public issues.	Democracy for all- the entire adult population consists of citizens with full rights.
Although citizens were free to participate in the political process, it was not in the modern-day sense. For example, Athens was also a theocracy, and no citizen was allowed to criticize or reject the religious establishment.	Based on the rights of the individual and the natural right of every man to be free.
No separation of powers, nor any organized opposition to the government.	Distinctive features, such as separation of powers and an organized opposition to the government.

2,500 years have passed since the advent of Athenian democracy, and democratic thought has continued to develop since then. The principles of democracy have been influenced by new ideas and viewpoints, most of them from the 18th, 19th, and 20th centuries. We now present some of the important ideas.

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### **Centrality of Man**

The democratic world-view sees man as enjoying certain natural rights: the right to life, the right to possess property, the right to respect, and the right to enjoy freedom. Natural rights are not granted by the state; rather, they are the right of everyone from the moment of birth. It is the state's job to protect and guard the natural rights of its citizens.

Being that man has a natural right to freedom, democracy holds an especial appeal, as it allows man to have the liberty to participate in decisions that affect him personally, including decisions that apply to the community as a whole.

### **The People Invest the Government with Authority**

The government, therefore, must report to the people, and is subject to audit by the people, who have the ultimate decision-making capability. The mechanisms the people use to affect the government are elections, plebiscites, referendums, etc. The opposition to the government is guaranteed the right to voice its opinions and criticize the government.

### **Guaranteeing the Rights of the Individual in a Democratic State**

The state must respect and protect the rights of every individual, which is usually understood as the right to self-fulfillment and the right of everyone to lead his life as he sees fit, as long he does not harm others or violate their rights.

In modern times, other rights ascribed to the individual include the freedom of thought and expression, freedom of religion and worship, freedom from religion, freedom of speech and the press, freedom of movement, freedom from arbitrary imprisonment, and the right to a fair trial, and other civil rights, like the right to physical security, and the right to receive viable information on public matters. There are also rights of the individuals to form political organizations and to vote for and hold public office.

The clearest expression of individuals' rights is the ability to choose and decide for oneself on matters of religion and faith, a way of life, a profession, a place of residence, and a spouse.

### **The Rules of the Game: a Culture of Debate and and Persuasion, Majority Rule, and the Rights of the Minority**

One of the bases of democracy is the assumption that societal issues can not be perfectly resolved, that there is never only one solution, and that there are many different approaches to social and political life. Democracy believes in arriving at conclusions and resolving disputes through peaceful means: through debate and persuasion. Accordingly, political decisions may only be made after public discussion and debate, and attempts by proponents of each side to convince the public as to the merits of their positions. In order for conclusions to be accepted peacefully, the participants in the political debate must accept upon themselves certain rules of the game, which are rules agreed upon by all the participants, foremost among them that those who lose the debate will accept the decision of the majority. The rules dictate how debate should be held,

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and how conclusions are reached. For example, within a democratic regime there are basic rules for the election process, campaigning regulations, and formalized protocols for determining the results of elections.

### **Freedom and Equality**

Democracy sees every one as born free and equal, and therefore everyone has the legal rights to freedom and equality these fundamental democratic values, freedom and equality, sometimes stand in conflict with each other. The principle of freedom means that the individual has the right to self-fulfillment, and equality means that the state relate in the same manner toward every individual. Every now and then the principle of personal good comes to a head with the principle of communal good, and therefore, within traditional democracy, there arose two general streams, the liberal stream and the socialist stream.

**The liberal democratic approach** emphasizes the individual and his own good, the freedom of humanity and citizenry, and therefore this approach favors minimal government involvement in the lives of its citizens.

**The socialist democratic** approach emphasizes the social and economic equality of the people and the good of the community. This approach seeks to increase state involvement in the lives of its citizens in order to maintain social equality, while allowing individuals to enjoy their individual freedoms.

## **In Conclusion: Democracy- a Way of Life and a Political Culture**

The institutions and mechanisms of democratic government include democratic elections, rule of law, separation of powers, majority rule, and political and judicial equality, but in essence, democracy is a value system, a set of principles and beliefs, that are expressed by a particular social and political way of life.

As a world view, democracy sees the individual as the center, and grants him natural rights. Democracy is based on the belief that the best form of governance is the one where the maximum number of citizens can affect the most aspects of their own lives, and that people are born free and equal. Democracy sees man as a creature of understanding, involved in the political process and an active, and not as a passive creature, habituated to blindly comply with directions. The recognition of the value of man and the respect due to him is also expressed by the recognition of the differences between individuals, and the differences between groups of people, whether in values, interests, or world views. A consequence of this is that democracy recognizes differences of opinion among people and grants every view legitimacy.

The democratic political culture is also based on the value of tolerance, that is, the readiness to also allow expression of ideas and interests that are met with opposition. If the right of the individual to express his ideas were in some way limited, it would infringe on important principles like freedom of expression, equality, and recognizes the value of man and human dignity. Tolerating the ideas of the other allows for the free exchange of ideas, prevents mistakes, and contributes to making balanced and fair decisions. Tolerance contributes to the stability of the community, and it allows for public debate without endangering the fundamental unity of society. Democratic culture is based on the readiness to discuss and compromise, and on moderation.

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## **Principles of Modern Constitutional Democracy**

Although democracy takes many forms, there is a concept of the **Democratic Ideal**, composed of many facets, that is shared by all democracies.

Government of the People, and the Idea of Representation (Representative Democracy)

- \* In modern democracies, a government of the people is formed when the citizens participate in elections whereby certain citizens are made representatives of the people to the government.
- \* In a parliamentary system, the people choose representatives to the parliament,

- \* and those representatives choose a group of people to act as a government that relies on the backing of the majority of the members of parliament.
- \* In a presidential system, either the people directly elect a president, or indirectly, through an electoral college.
- \* In either system, political decisions are not made directly by the people; rather, their representatives decide on their behalf. This is known as representative democracy.
- \* In direct democracies, the people do have a direct say in political decisions, e.g. through referendums, as is the case in Switzerland.

#### The possibility of Changing (Toppling) the Government through Elections

- \* Standard legal and procedural protocol of elections to change the character of the government through peaceful methods, as opposed to by force.
- \* General elections take place at regular and set times.
- \* Political parties and candidates receive time before the election to campaign for votes: holding of public debates, persuasion tactics, e.g. through advertising, campaign rallies, etc.
- \* Elections are the people's ultimate form of oversight and expression of approval or disapproval of the government.
- \* This highlights the importance of maintaining the rights of the minority and the existence of a healthy opposition.

#### Majority Rule and the Rights of the Minority

- \* Does not mean that the majority are necessarily "right," or that their decision is proper.
- \* The justification for maintaining the democratic government is that it is elected on the authority of the majority of the participants in the elective process.

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- \* The minority has the right to voice its opinion even once an election is settled, and the minority and opposition always have the right to voice their disagreement with the policies and decisions of the government.
- \* Eventually, the minority position may carry the day and become that of the majority, which in turn will shape a future government.
- \* How "majority" is defined depends on the particular state and its laws.

#### Limiting the Government

- \* The majority of the people are welcome to disagree, advise, and even denounce the current government if they disagree with government policy.
- \* In a parliamentary system, there is a procedure for the representatives of the people to call for a vote of no confidence in the government, or even to topple the current government.
- \* In a constitutional democracy, the constitution limits the authority and the duration of a particular government.

- \* Every system has various checks against the government, like the opposition, review boards, and the mass media.

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#### The Rule of Law within Democracy

- \* The requirement to obey laws arrived at through democratic means and that do not contradict the principles of democracy.
- \* The government and all citizens are bound to obey the law, and all are equal before the law.
- \* A democratic system places the law as supreme; undemocratic systems place the ruler above the law.
- \* After a law is passed by the legislature, it is publicized and the government is charged with enforcing the law.

#### Individual liberties

- \* Does not mean the individual has the right to do whatever he wants.
- \* Liberty is conditional on the individual respecting the rights of others - that he not infringe on their individual liberties and rights, like the right to life, security, and dignity.
- \* The traditional rights granted to the individual: freedom of religion and worship, freedom of thought and belief, freedom of expression and the press, the right to assemble, protest, and strike, the right to due process and freedom from unfair imprisonment, freedom of movement, and freedom of information.
- \* Distinction between freedom **of** something, i.e. to act as one see fit, and freedom **from** something, i.e. the right not to be forced to do something.
- \* There is an ongoing debate about to what extent the law may limit individual rights, e.g. the freedom of speech has to be limited so that individuals can not bring harm to others through "yelling fire in a crowded theater" or revealing national security secrets.
- \* To what extent may workers who provide essential services strike?
- \* Does the right to assemble and protest even extend to a case where protesters block essential public thoroughfares?
- \* A democratic system makes use of the legal system to answer these and other questions, but decisions are never final.
- \* It is essential that courts keep in mind the rights of the majority and opposition when deciding, as allowing the rights of the individual to be unhindered is his only protection.

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#### A Culture of Debate and Persuasion

- \* Democracy is not expressed merely through government institutions and democratic laws. It is a world-view with cultural manifestations.

- \* Democratic values and beliefs: the belief that the individual can control his own political lot, the belief in the importance of the individual's participation in public matters, the belief in human understanding and man's ability to accept rational resolutions, the belief that conflicts can be resolved peacefully, and the belief in the equality of all men.
- \* Democratic institutions can fail if a significant segment of the population loses faith in the system.
- \* Democracy concedes that there are always differences of opinion, but as long as decisions are made fairly, through the rules of the game, all sides can be satisfied.
- \* Highlights the importance of public debate and persuasion, so that decisions are made through consensus.
- \* There is no one hallowed truth or ideology; rather, there are many valid and legitimate viewpoints.
- \* Debate has no starting point if the various sides do not acknowledge the legitimacy of other positions.

#### Pluralism

- \* A pluralistic society is composed of various groups, each of its own unique values, interests, and world-views.
- \* Autonomous groups seek to advance their own interests and ideas, and compete with each other for control of the government.
- \* The separation of powers between government institutions ensures that too much power never rests with one body.
- \* The traditional branches of the government; the legislature, the executive, and the judicial, plus institutions of oversight and counsel.
- \* Pluralism expressed in organizations of and by the people: workers' unions, religious institutions, institutes of higher learning, employers' unions, social and youth movements, and nationalist movements.
- \* These organizations and institutions are not a part of the government, nor are they controlled by the government.
- \* Political parties, the best expression of political pluralism, are also independent of the government, but are subject to legal regulations.
- \* Pluralism also expressed by rendering financial and ideological support to varied organizations.

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#### The Characteristics of Democracy- Conclusion.

1. Democratic elections
2. Oversight and criticism of the government between elections.
3. System of citizens' rights
4. A viable constitution.



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- 5. Independent judicial system
- 6. Separation of powers