

## At the Core of Democracy

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I have written this essay in response to the incredible events happening these days in Egypt and Tunisia, and to a lesser extent the rest of the Middle East. In particular, serious questions deserve consideration:

1. Should President Mubarak step down just because his people want him to?
2. If so, should he step down immediately? What about Egypt's Constitution?
3. How do these issues get at the heart of democracy?

I really don't know much about Egypt or about President Mubarak, in particular. But I do know that he *should* step down, and do so immediately. Why?

I want to start by looking at what the word *democracy* means. *Demo* means "people" and *cracy* means "government." What is being referred to, as we U.S. citizens learn in grade school, is a form of government that is *of the people, by the people and for the people*. The people—the citizens themselves—are front and center. The government exists only to serve the people at large; it is not formed to serve merely its leaders, as, say, a dictatorship or oligarchy might. And yet, the average citizen of a democracy does not hold much power. For example, an average American citizen cannot get things done his way simply because he wants it that way. Not only that—an average citizen doesn't even have the power to *probably* get things done his way.

For example, being an average American citizen, I cannot get a private audience—or any kind of audience, for that matter—with the President of the United States. I cannot meet him at the White House; I cannot even talk to him. I cannot talk to his advisors. I cannot sit in on a session of Congress and speak my mind at the podium, nor can I bend a Senator's ear when I want to. I cannot reach a whole host of elected (and appointed) officials who *do* possess great influence and power.

As just one ordinary citizen, in fact, I do not possess much power myself at all. I *depend* on my elected representatives to act in my best interests. The *representatives* have all the power; they make all the decisions. *They* are the ones who serve on committees, and *their* votes matter on a day-to-day basis. My own voice is not so powerful. *The one and only real power that an ordinary citizen of a democracy has is the power of consent.* Government "of the people, by the people, and for the people" is only possible if we hold as self-evident the truth that ***those who govern in a democracy do so only with the consent of the people. The right to grant and revoke consent to be governed, at any time, must therefore be deemed the most basic and important of ALL rights that are reserved for the people themselves (not their representatives and appointees) and it is, and must necessarily be, the cornerstone of any democracy. The consent to govern is a right granted by the people to a duly elected representative (and by extension to those non-elected officials he appoints), and that consent may be revoked at any time.***

It is this one power of the people—the right to grant/revoke consent to be governed—from which all other rights of the people are derived. Without this right, the people have NO rights at all. Every other

vessel of power remains in the hands of our elected (and appointed) government officials. We *entrust* these officials (and by extension, their appointees) to act in our best interests with the power to govern that they have been granted by consent of the people. When they do not act in the people's best interests, the people have every right to revoke that consent.

If you take away this one right, the people in essence have no power or rights at all. The officials could do as they please, and no one would be able to stop them. Nor can this right be "time sensitive." The fact that a representative may have been duly elected two years ago to serve a ten-year term does not mean that the people must suffer under his or her rule for another eight years before revoking their consent. **We hold as self-evident that the right of the people to grant and revoke consent to be governed is an inalienable and innate right of every human being that can never be taken away.** If you believe in democracy, then the right to grant/revoke consent to be governed follows immediately.

All citizens of a given country possess this right to grant/revoke consent to be governed. On the other hand, the ability to govern the people (that is, to be an elected official or by extension an appointee) is a *privilege* that is granted to or revoked from a person or persons by the people at large. If the majority of the people want a leader to step down, he or she must step down. It is as simple as that because (a) the right to govern, if you believe in democracy, is an inalienable right possessed only by the people themselves; and (b) there is no fairer way than majority rule here.

There is always concern—as Tocqueville would point out—to be wary of a "tyranny of the majority," and indeed, in many cases "majority rule" is neither fair nor desirable. After all, if the majority of a country said, "Let's all kill {so and so} minority," that would be a revolting act that tramples upon that minority's very right to life! But in this one particular case—the right to grant/revoke consent to be governed—there can be no fairer way. And this right must be enforced, because all other rights derive from it. Understand that this is a very special right. It does not grant any tax privileges, or anything monetary; nothing is said about the right to kill, or maim, or torture anyone; there are no appeals to religion; and no assertions about class or race. The *specifics* of particular rules or laws are **not** established by the right to grant/revoke consent to be governed. It is merely the right to elect—and importantly, *unelect*—our representatives. Without that right, we the people *have nothing*. We have no rights at all without that one key right.

But what if the people are wrong? What if they *don't* know what's good for them? **No one can say that they know better than the people as to who should and should not govern them.** The very notion of saying that "the people don't know how to be governed," or "I know what is best for the citizens, and the citizens themselves don't know" is the cornerstone of an authoritarian government, not a democracy. Even if it were true—even if a particular official knew what was best for a country and the majority of its citizens did not, and we could look back a hundred years from now and verify this to be correct—the right of the people to grant/revoke consent to be governed, right now, **MUST STILL BE ENFORCED**. No one can know *for certain* what the future will bring—no one—and there is no democracy without the enforcement of this fundamental right.

Why is there no democracy without this right? Well consider what would happen if the people did not possess this inalienable right. A corrupt leader could do as he or she wishes—enslaving, torturing, murdering, you name it (I am not saying Mubarak does these things)—and even when it got to the point that people were screaming and fighting and dying in the streets to get him to leave, he or she would have nothing more to fear than a three-month (or however long) *transition period* in which he/she could maneuver politically to hold onto power. This is no democracy at all; it is a dictatorship, or oligarchy, or theocracy, or some other form of government. It is not a democracy because those who govern can completely ignore the will of those they govern. It is no longer government by the people; in fact, the people are not even important in such a “shamocracy.”

What about the Constitution? Citizens and officials of a given country must follow the rules of political process spelled out in their Constitution, right? Well, that all depends. The thing is, the right of the people to both grant and revoke consent to be governed *comes first*, before any Constitution. Why? Because there is no democracy without this right, as we have seen. So any nation’s Constitution must fully affirm this right and not invalidate or limit it in any way. Any Constitution that contradicts or limits this one power of the people is by definition invalid in this respect. So the short answer is, no valid Constitution of a democratic country should ever limit the power of the people to depose a leader, period. If a leader is so corrupt that he is ordering the torture of thousands (again not implying anything here regarding Mubarak), and he has served two years of a ten-year term according to the country’s Constitution, then there is no reason why the people should have to wait another eight years before “unelecting” him. **More importantly: there is no reason they should have to wait even another minute.** Leaders die, catastrophes happen, and life (and countries) go on. This power of the people to revoke consent to be governed rests in their hands alone without limits as to waiting period, position of the stars in the sky, status of the weather, etc.

It’s important to remember the purpose of a Constitution. It exists mainly to codify the will of the people so that officials have a guideline by which to enact laws and govern according to the will of the people. But any Constitution is static (in the sense of being established by representatives of citizens in the past), and officials can (and often do) choose to ignore it. The will of the people is *dynamic* (happening right now) and must never be ignored. If a Constitution gets in the way of the will of the people to depose a leader, that Constitution can be amended. It must never be the other way around; it must never be the case that the people’s right to revoke consent is held hostage to the laws of an unfair Constitution. As regards the situation in Egypt, it seems clear that the Constitution there needs amending; and any transitional leader or leaders who replace Mubarak must indeed amend it, or once again those new leaders will be “unelected” by the will of the people. It is not necessary or desirable to change the Constitution before changing the leadership of a country. The power to choose who governs absolutely **must** remain in the hands of the citizens of any representative-based democracy.

A form of democracy that is *not* representative—where every citizen has equal power and votes on every single issue before the State—is a different matter altogether. But we are not talking about that here. When I speak of democracy, I am speaking of the representative-based form of democracy that you will find in countries such as the United States or Great Britain: a form of democracy where laws are enacted by representatives of the people rather than the people themselves. In such a democracy, the

*only* power that the average citizens themselves actually possess is the power to grant/revoke consent to be governed to these representatives.

In closing, let me remind the reader of another group of citizens who were fed up with their ruler. These citizens were colonists in a new land, separated from their ruler (a king) by distance but not by power, for he had appointed his cronies to live in and rule over the new land. These appointees did not rule with the colonists' best interests at heart. Citizens were taxed heavily, and had no real representation in government and so could do nothing about it. Eventually for this and other reasons these colonists became fed up, just like the people of Egypt today are fed up. The colonists issued a declaration—called the Declaration of Independence—to King George the Third. *As of the very moment of that Declaration, they declared, they were no longer subjects of the king.* That is, King George III could *immediately* consider himself *unelected*. His consent to govern had been revoked by the people—immediately.

Note that the colonists did **NOT** write a letter to King George III saying, "King George, you have three months to fix things or we'll be forced to write you another letter." They revoked their consent for him to govern them, and they revoked it *immediately*.

How much better would this world be if all the leaders knew that they governed only by consent of the people—a consent that could be revoked at any time?