

About democracy

Amsterdam, 20th November 2005

Democrats see democracy as something worthy of being exported. But, in my opinion it would be a terrible mistake to copy and export our own democracy with all its aberrations.

1. An example. Our Parliament and our Government (in origin our legislative power and the executive power) are communicating vessels, filled with the same people from the same political parties. This ignores the fact that legislation and active governing demands people of different types. We are used to the fact (art. 81 of our Constitution) that there is no separation between the legislative power and the executive power as intended by Montesquieu. The result is an enormous bureaucracy. Our government makes laws and rules for its own reasons, thus fashioning its own policy. To avoid being considered to be arbitrary, it conceals its arbitrariness in policy rules. ("beleidsregels"). The Parliament is meanwhile reduced to a watchdog; even sometimes taking over the role of the independent judge. (f.i. art. 120 of our Constitution)

Professor Van Maarseveen gave a beautiful example. Someone was given the task of drawing up a licensing system to allow people to cut down trees. He formulated this system in such a way that special trees of a certain age could not be cut down without permission. He then realised that his career as a civil servant was at stake, so he rewrote his system to read as follows: No tree must be cut down without my permission. This meant that he had assured himself of work, granting licences to cut down any type of tree, even a humble willow.

If laws and regulations were to be made by directly elected legislative assemblies only, and if every regulation or directive proclaimed by some ministry, as the executive power, would be liable to be checked against legal principles, such as equality, morality, logical cohesion, feasibility, the abuse of power (d'Ã©tournement de pouvoir), a checklist-principle and so on, many of these regulations would probably be eliminated as soon as they are brought to court. At least: If there were to exist a court that protects the legal principle.

Lit:

Montesquieu, (father of the trias politica") "De l'esprit des lois"(1748)

Alain GÃ©rard Slama "L'angÃ©lisme exterminateur" (1995)

Hans Girardi "Abschied von Montesquieu" (1982)

2. A second problem area is the loss of social cohesion. We are accustomed to a government that subsidizes all sorts of cultural goals. Including different schools, different arts and different sports. So our government becomes entangled in discussions about activities that are important for one person, but that are totally worthless in the eyes of someone else. I therefore propose the creation of a democratic system of taxation where - for instance - employees decide themselves to what sort of cultural aim the company taxes should be allocated. Thus we will be assured of a pluralistic society, as well as being assured of an incentive for social involvement. This would avoid the velvet-gloved totalitarian, or even the sometimes intolerant, form of democracy that we have in the Netherlands, with all its sometimes terrible faults and know-it-all approach.

Lit.:

Rudolf Steiner, (father of the "trias organica" , threefold social order) "Die Kernpunkte der sozialen Frage" (1919)

Vincent Loosjes "Reflexions on freedom" (1996) & "Vrijheid van onderwijs als proces tegen de staat" (2005).

3. A third point concerns the cancer of democracy: the focus on control, for instance by taxing even the lowest incomes and by taxes based on the inspection of the insides of our homes. The control of every humble willow.

mr. Vincent Loosjes