

said party is based on self-interest while state represent common interest, but this is an idealization of the state that we called "meta-political illusion" (solidarity among all parties of society). Parties permit compromise and balance through discussion. So also the idea of the People is reduced merely to who exercise political rights, and will see also democracy's idea in reality suffers of reductions since only indirect democracy is possible (given size) and then political rights are reduced only to the right to vote representatives in parliament.

CHAPTER THREE: Parliament

The parliament born out of a battle against autocracy at the end of the 18th century to put an end to the power of the monarchy and its privileges. That was thought as a way of progress and actually achieved emancipation of bourgeois and political equality of the proletariat. But yet in Kelsen years ('20-'30) parliamentarism started to be judged not favorably. Modern democracies existence depends on the ability of parliament to cope with social problems of our times. Since direct democracy is not possible, parliamentarism is the only way possible of government. Parliamentarism is government by a collegial organ democratically elected by the People based on universal suffrage and the majority principle. The battle for parliamentarism was a battle for more political freedom, but freedom is combined with two constraints; 1) majority principle and 2) indirect nature of the parliamentarism. The will is indirectly chosen by the parliament and not by the People. This follow from the principle of division of labor: not all can do all but everyone have a determined role in society.

Larger the community less the People that can engage directly in the process of government. Thus, the idea of democratic freedom of choice is given by a fiction; the fiction of representation as parliament a proxy of the People and expressing the will of the People; but in all constitutions representatives are barred from taking instructions from their constituents. This fiction serves as a justification of popular sovereignty. These fictional characteristic was not important until there was a battle vs. autocracy. But then should we eliminate the parliament? History show that it is a process and in the long-run a type of collegial organ will be born that will represent the will of the group. It is a necessity of the evolution the creation of a legislative organ next to the government. Also in autocracies a monarch needed an advisory council. Only the way how parliament came into existence and how it is composed matters.

CHAPTER FOUR: Reforming Parliamentarism

Reforming parliamentarism means moving toward a strengthening of its democratic element. Creation of state order cannot be by popular control but the degree of participation can be broadening.

1) The referendum can help in further development; but politicians must repress their aversion to it. Not also constitutional referendums but also legislative referendums. A conflict between a referendum result and a parliament's act should lead to a dissolution of the latter.

2) Petition; citizen can propose bills; not a fully drafted bill but also just general suggestions.

3) Closer control of representative by constituents; lack of accountability one of the central motives of dissatisfaction with parliamentarism. Even if representatives don't have to follow constituents' instructions if they leave the party they should lost their mandate since representative are chosen by parties and if they leave the party which send them to parliament they must loose mandate. But sometimes parties after election disappear then an impartial judgment should say about losing mandate. (in URSS direct revoke by constituents).

4) Immunity; it had sense when there was a fierce battle with monarchical executive and parliament, but now the executive is expression of the parliament then little sense to protect itself from its own executive.

5) Parliaments are accused of lacking expertise necessary for sound laws; in line with the principle of division of labor various areas of legislative activities should be divided in different competent parliaments; then technical bodies emanated from constituent groups of experts: a corporative