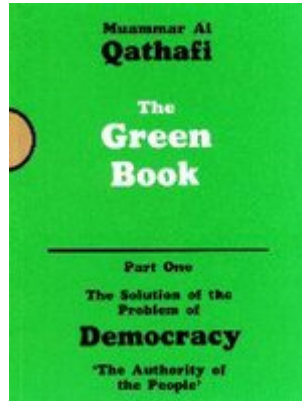


# Critique of Gaddafi's Green Book



**By Dr. Abdullah Jibreel**

Translated by M. Makkawi

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Most papers written about the “Green Book” were of two lines, one of praise and extolling, the other of demeaning and scorn. Rare, were objective treatments of its concepts and issues.

Many are those who extolled the Green Book and wrote articles and books for its interpretation and glory. Symposiums, conferences, and meetings were held to expose on it. However, as far as I know, none attempted a serious critical reading of this book where one would demonstrate by evidence and argument the basis on which those who disagreed with its ideas, views, theories and stipulations.

This is an attempt, meant to be non - depreciatory, to fathom the book and treat its ideas, provisions and assumptions which are highly important with all their risks, in a manner of objectivity while discarding all useless harsh political exchange or futile intellectual bidding.

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## ***Political Problem: Governing or Governing Instrument?***

The “Green Book”, generally speaking; is an assembly of ideas, written in the form of comprehensive and absolute statements. Most need a careful view in order to see whether they may be argued or accepted.

The main ideas relate to what the “Green Book” calls "The prime political problem faced by human communities", being the "Instrument of governing".

Immediately we find ourselves in conflict with such a provision. The problem, in fact, pertains to the whole of governance in its entirety. It is not a problem of instrument by which it is practiced.

Governance (or governing) is basically the set of principles agreed upon by the people for the purpose of social co-existence, governance is then; the mechanisms, again agreed upon, to administer social co-existence adequately enough to preserve the basic principles, maintain them and prevent infringement thereof, it regulates relations between constituents of society whether individuals or groups to the extent it provides a secure, prosperous and settled life.

Hence, governance is not about who practices authority, but rather the sum of powers which the constitution stipulates their jurisdictions and the modality by which it specifies who runs what.

Depicting the competition between individuals and political forces existent in a society to gain the trust of people in order to assume responsibilities, as simply a "struggle for power" is a flagrant oversimplification of the truth. Such depiction contains an indirect attempt to employ the various suggestions that may be stirred by the term "struggle" itself.

Competition may well be a struggle, but it is a nonviolent one, regulated and subject to controls and checks duly stipulated in the constitution: first it is nonviolent, no arms are to be used but the free expression of ideas and positions adopted by each. Second it is a struggle not governed by aspirations of direct contenders, but outcomes are defined by the will of people, who express it by means of free secret ballot, the winner is the one who attains majority.

In support of its first proclamation, we find the following statement:

"Even the conflict within the family is, often, the result of this problem"

The sentence is another form of the same tangle expressed by the preceding idea. It is neither a primordial condition nor a unavoidable one for the relation between members of a family to be a relation of struggle and conflict, conflict

only happens when such relation is upset, and compliance of its members with their respective rights and duties becomes secondary, conflict and difference occur when a party in the relationship (such as a husband – wife) attempts to dominate the family affairs management, irrespective to rights of the other party.

The family structure and conduct also suffer failure when children go astray and do not comply with moral limitations required by a family life as a single social cell.

This is exactly what happens at the society level as a whole, i.e. it is certainly not a prerequisite for a relation between the parties constituting the political structure to be of conflict and struggle, where each party aims to acquire control and victory, by whatever means, and without restrictions and limits.

The past experiences of societies long entrenched in the practice of democracy, do demonstrate that affairs of governance and peaceful political alternation of power practice centers, could be carried out in nonviolent and orderly processes, each party tries to win, not by having recourse to violence, deceit, fraud or manipulation, but by endeavoring to persuade people that it is the best and most capable to tackle responsibilities, performing duties as regards management of assigned tasks, thus achieving the interests of people, country and society.

In these aspects, societies vary among themselves and are ultimately defined as to their positioning towards developed democratic process.

## *Struggle of Governance Instruments*

When we bypass the generalized statements expressed in the “Green Book”, which actually do not require responding or arguing against, such as the saying " The Green Book is the final solution of Governance Instrument". But we shall examine another saying; " All political systems in the world today are the product of the struggle for power between instruments of governing. The struggle may be peaceful or armed, such as the conflict of classes, sects, tribes, parties or individuals. The result is always the victory of an instrument of governing – be it an individual, group, party or class and the defeat of the people, i.e. the defeat of genuine democracy."

The first item to attract attention is the statement of equal treatment of peaceful struggle and the armed one. Political struggle in countries ordained and governed by democratic constitution can only be of nonviolent nature. If ever it exceeds the limits for peaceful struggle by use of force, fear, blackmail, deceit or fraud, it is then no longer a struggle for power, is becomes an outlaw action

that contravenes the principles of peaceful co-existence among components of society, hence requiring questioning and retribution.

The second item of interest which calls for our attention is again the equally absolute treatment of parties which the Green Book calls as being the substance of such struggle, all are put in one basket: Class, Sect, Tribe, Party and Individual. It is clear that such depiction is a sort of summarization of mankind progress along history into one sentence.

If human societies went through phases where they were formed on tribal or sectarian basis, then the struggle was carried on for power and hegemony between tribe and sects, the stronger tribe or sect would prevail, in many cases such powers are concentrated in the hands of one individual, being the winning chieftain or the patriarch of the sect.

Human societies passed through consecutive phases of development and improvement of rules, principles and norms of peaceful co-existence among components of such societies; tribes, sects and individuals until they reached the advanced phase we are witnessing now in democratic societies, tribalism has completely disappeared, sectarian formations reached the stage where they became persuaded of the inevitability of coexisting under one society umbrella. Such coexistence has been entrenched by sets of rules and criteria the compliance and abiding with, became the sole certain guarantor for the continuation of common life, thus implementing equality between all parties and ensuring participation of all in bearing hard times or enjoying fruits of progress, prosperity and development.

## *Political Parties*

When we trace the path taken by societies toward optimum application of democracy, we find the individualism, tribalism and sectarianism are discarded, and hence we can grasp how the idea of parties came along and became the main pillar for democratic process.

Societies adopted a direction which dismisses groupings on tribal or sectarian basis, considering that such is merely a sentimental fervor that doesn't fall under rational or objectivity, but we can find its foundation in ethnic adherence or spiritual persuasions that make individuals move and act motivated by blind allegiance to support a tribe or a sect.

These individuals do not take into account the interests of other tribes or sects, or what we may call the "the higher interest" of country or society.

By opposition to the above, the idea of groupings around persuasions relating to their concepts of the most effective means to manage society and develop social, economic, and cultural life for all its components, began to take root. Such groupings on the basis of ideas and thoughts were the precursor of political parties, parties, thus, in their essence are merely a framework comprising individuals who share near common concepts and ideas.

Societies found that such type of individuals groupings as the most adequate in view of entrenching and developing peaceful and democratic coexistence among segments of society. It is the type that enables society to distance itself from other patterns of sentimental affiliations built on commitment to tribe or sect.

Societies also found that division of society individuals into groups, each of which inclined to certain persuasions, concepts and thoughts, different from persuasions, concepts and thoughts of other groups, is in fact as much inescapable as a matter of reality, thus its occurrence is unavoidable considering the differences between people in thoughts, persuasions, concepts and interests.

Having tried varying methods to prevent such groupings around specific thoughts, aims and concepts, societies concluded that the best realistic solution is to recognize the inevitability of such groupings, and thus allowing their members to practice their "political" being in public under the protection of law and legal supervising authorities, the conclusion was meant to prevent hazards and damages that may occur if individuals are constrained to take political action in clandestine manner, if they are not permitted to participate publicly in politics through groupings.

Usually covert political action entails endeavoring by all means, including those illegal in order to remove, from power, the group that holds it by force. Such, is a standard prescription that heralds societies into violent power conflict, with all entailments of devastating consecutive military coups.

The above is a response to a sum of "statements" proclaimed by the Green Book in connection with political parties; such statements became a fixed slogan "Party Affiliation Is Treason". We shall take on these statements.

## ***Public Nonviolent Action versus Underground Action & Violence***

The chapter dedicated to "Party", we find sentences proclaiming general statements with no real content therein, such as "The Party is the Contemporary Dictatorship" (p. 11) or "The Party Is Not a Democratic Instrument At All"

(p.11)... However our concern now is the interpretation brought in by the Green Book justifying its statement, saying: "... it is composed of people who have common interests, a common outlook or a common culture; or who belong to the same locality or have the same belief. They form a party to achieve their ends, impose their outlook or extend the hold of their belief on the society as a whole. A party's aim is to achieve power under the pretext of carrying out its program."

We cannot see how the Green Book is able to ignore the reality exposed above, which we deemed as uncontestable and may not be dismissed, i.e. individuals within a society may not have one interest, one outlook, one culture or one belief, they are necessarily different towards varying interests, outlooks, cultures and beliefs, they are bound, by nature, reason and necessity to form groupings among those who share the same outlook, culture and belief. Accordingly, society has two choices; either accept the inevitability and need of such groupings around the thought, belief, interest or outlook and consequently allows them to exist and practice their politics in public under control and supervision of society and its laws, or prevent them to gather, group and practice political action by lawful, nonviolent and public means, thus leading such groups to act clandestinely in an environment of incrimination, persecution and threats, ending in adoption of violent means that shall bear necessarily dire consequences for social piece and stability.

It is only natural for a society members to divide into groupings varying in outlooks and political beliefs, then there is no harm or objection for such groupings to attempt gaining the support of majority of people for their ideas, outlooks and political beliefs by means of free secret ballot, concluding to acquire a majority as defined by the constitution to win various positions of responsibility in the executive or legislative branches as well as others.

Hence it is not unbecoming for these groupings (parties) to work towards gaining the majority of the public, here we refer to the expression of Green Book, saying "They form a party to achieve their ends, impose their outlook or extend the hold of their belief on the society as a whole." we find here an assembly of incorrect statements. The fact that members of a party endeavor to gain the support of majority of the public, is not wrong in itself, since such a party may not access higher responsibility position unless it gains the support of the majority, accordingly, the interest of the party is indirectly representative of the interest of the majority of society which elected it in the ballots and bestowed on it its confidence and accordingly the party's interest is the interest of the majority of society.

When the party fails to acquire the support of the majority in the subsequent elections, this shall simply mean the party in no longer representative of people's majority interest, it loses its trust and support which shall go

elsewhere, to another grouping which would acquire the belief of people that it is abler to achieve their interest, and thus acquire their support and reaches position of power.

### ***Problem of Majority and People's Power***

As to Green Book stating: "They (party founders) form a party to achieve their ends, impose their outlook or extend the hold of their belief on the society as a whole." It is simply untrue, the group forming the party cannot, under a real democratic system, impose its outlook or extend the hold of its belief, regardless of how much it may want so, and endeavors for.

Democratic system does not allow it to impose its will on people coercively but it does allow it to aim for so doing in nonviolent and political means in order to gain support and trust of people. Once a party wins the trust of the majority and its support, it cannot impose its outlook or extend its hold on the remainder of people who do not support it or believe in its belief and vision.

In democratic system, those who represent the minority opposing the party and rebuff majority party's outlook and belief, remain capable to express their visions and believes as well as undertaking positive role dedicated by democracy for the minority which sits now in the position of opposition, it is a role of control, follow up and requiring accounting from the party or parties holding the executive power, disclosing its erring and negative action and thus forbidding it to bypass laws and principles of social coexistence.

The Green Book continues and develops its sentence on Political Parties, saying: "... And yet, democratically, none of these parties should govern the whole people because of the diversity of interests, ideas, temperaments, localities and beliefs"

Now if the people is constituted by diversity of interests, opinions temperaments and beliefs, and when these differ from each other, may even conflict and contradict with each other, then who shall be entitled to rule democratically?

Here, the Green Book jumps to reply by saying the entity to rule, is the "people" as a whole, the book text simply ignores what it had already stated; that there is nothing which can be called as "the people as a whole" and that the people is divided by nature of things into diverse "interests, idea, visions and beliefs" and that such interests, ideas and visions could not coexist at a given moment in a position of power.

Accordingly there is no escape but to surrender to the fact that one interest, vision or belief shall have the right to sit in the position of power at any given moment. This is of course acceptable on the condition that such interest, vision or belief, succeeds in persuading an adequate majority from the masses of people of its vision, political creed and political program as it proposed to incarnate, all of course via peaceful and public means.

The Green Book carries on and builds on the statement, which we demonstrated its fallacy, another statement not less erroneous, saying: "the party is fundamentally based on an arbitrary authoritarian theory... i.e. the domination of the members of the party of the rest of the individual members of the people" (p.12), this is clearly an untrue statement for a party that reached power shall not have free hand in acting on the destiny of the country, society and people, it is not allowed to dominate non members of the party within the people, the ruling party' practice of the executive power remains, in democratic societies, subject to constitution' principles and provisions, and liable to supervision and follow up of the legislative power, all under an independent judiciary power which is entitled by the constitution with the power to rule on disputes, conflicts and differences relating to positions and policies, it is also equipped to prevent infringement of constitutional legitimacy or bypassing its requirements.

The challenge of political parties continues in the Green Book, saying: " the party presupposes that its accession to power is the way to attain its ends, assuming that its objectives are the objectives of the people" (p.12), the first part of the statement is true, and we do find nothing wrong with it, as any group of individuals of the people cannot achieve its ends and programs unless through the power granted by the constitution, for any group attaining the support of a certain majority of society, hence, it is only natural for any group with defined aims and programs, to endeavor to access power in order to carry them out and thus achieving its aims.

But the second part of the statement we are looking at i.e. " assuming that its objectives are the objectives of the people" is way out of truth, there is no party that assumes its objectives as being those of the people as a whole, for a party, in itself, is constituted as being representative of a vision and belief of a part of the people and not the whole of the people, thus there is no truth in saying that a party assumes its objectives are those of the people as a whole, the party in fact only assumes that its objectives are those of the majority of the people towards whom it endeavors to gain its confidence and support in order to gain the accreditation to practice the power.

## *Multiparty System, Immunity against Dictatorship*

The Green Book then follows the previous statements, which erring was demonstrated, by a conclusion, which is as well flawed since it is built on an erroneous argument, saying: " .. this is the theory of justification of party dictatorship, which is the basis for any dictatorship" (p.12).

Such presentation is incorrect since the party, as we said above, may not have the right in the multiparty democratic system, to be arbitrary in the affairs of society, the party may not act outside the limits set by the constitution for the branches of power upon which the system of governing is built.

The party gaining a majority, is entitled by constitution to practice authority, but still remaining subject to constitution and under the supervision of people and judiciary power, it may absolutely not arbitrarily dominate segments of society that differ in outlook, belief or aims, it may not practice any kind of dictatorship.

In fact the multiparty system in itself, is the greatest guarantee and protection against dictatorship, it is a system that ensures always; the existence of powers outside the official authority which practice the role of supervision, follow up and requiring accounting, rectification and alteration in the face of the power that is holding the authority, bypassing principles of peaceful coexistence as defined by the constitution is not allowed, such is; the grand guarantee of individuals' rights in a democratic society.

The second argument against the party system comes in the saying by the Green Book: "... The (parties') struggle for power... results in the destruction of (fundaments) of any achievements of the people, such destruction is seized upon by the (opposition parties) to undermine the position of the ruling party" (p.12).

In such sentencing we find a mix up of many matters, and a conclusion to results uncalled for by the thesis of arguments.

Describing what the opposition does in face of ruling party programs as a "destruction of achievements and sabotaging of plans" is not a true description.

What an opposition party can do, is to attempt demonstration of errors and faults in such programs and plans as well as negative aspects by criticizing, analyzing, inspecting and comparing same to other ways and means.

If the opposition party succeeds in establishing its allegation of errors, faults and shortcomings of the said achievements and plans, it shall then be able to persuade voters that the party they elected and bestowed upon the executive power, did not accomplish its promises, and that it failed to carry out its programs and plans as presented, accordingly the voters shall withdraw their trust, the ruling party loses the elections and is, accordingly, removed from

power, leaving it to the party or parties that were able to persuade the majority of people of its opinions and points of view as well as its programs and plans.

Henceforth, the questioning in democratic systems reverts always to the will of people; the parties do not have effective force to impose its will on people according to its whims, in consequence; saying the party struggle for power leads unavoidably always to destruction of achievements and sabotaging of plans, is therefore neither true nor precise.

The struggle itself may be the real guarantee to obtain the best achievements and the most adequate plans, since the party seeking support of majority shall be careful to submit to the public, programs, proposals and plans that can persuade them of its ability to present better and more useful achievements.

The people shall always be able to elect the party or group of parties that succeed in convincing it of its merit as regards its programs and plans, all through the roles played by various forces and parties in their campaign of awareness and presentation of issues for analysis and discussion.

Now we can see how the Green Book, in its haste and patching, concludes to statements built upon such arguments, let us see the following from page 13:

“The struggle results in the victory of another instrument of governing, i.e. the fall of one party and the rise of another. But it is a defeat for the people, a defeat for democracy”

Such juxtaposition of parties' alternation to power practice, which necessarily witnesses victory of a party and defeat of another, victory for two is impossible in the same time. Stating that such is a defeat for the people is untrue as well, since both parties, the victorious and the defeated are representatives of people, a defeat of the ruling party means simply it lost the support of the majority, such majority has gone to support the other party, which won the trust of the majority.

In consequence it shall be the right of the winning party to govern. The side that is defeated in the elections is the party that no longer possesses the support of the majority of people in the face of party that has won the support of the said majority.

Indeed, great efforts are needless to demonstrate the fallacy of the second argument stated by the Green Book which is it built on the first conclusion, duly showed to be erroneous, i.e. by saying: “defeat of people i.e. defeat of democracy” .. we showed that victory of a party and loss of another in the competition for the trust people's majority doesn't mean absolutely a defeat of the people, but rather it means prevailing of the opinion supported by the majority of people, while preserving the right of the minority to continue its

expression of its own opinion and to carry on seeking recovery of lost people's trust. This is simply the meaning of democracy.

Democracy is nothing else but the mechanism that regulates competition between various political forces in society where they seek acquiring trust of the majority, hence to have access of the constitutional commission to practice power.

The Green Book adds: "parties can be bought or bribed either from inside or outside" (p.13). This a statement which purpose in not clear or what does it aim to exactly? Who buys whom? Who bribes whom?

If the intent is to state that money or personal interests can play a role in directions of political process, this in itself, is natural and may occur , but in democratic system such doings are prohibited and criminalized, they are always under the scrutiny of political and social forces in society, threatened by disclosure and publication before the pubic opinion by means of free and independent media, those who practice such doings fall under the reach of incrimination and lawful accounting.

So, we can see that democratic system, by means of: provisions of free opinion and variety of independent media, separation of powers, is a guarantee against occurrence of such rejected and decried practices.

The democratic system may not be able to eradicate them completely, it is however, still undoubtedly able to limit them and minimize their negative and harmful effects.

## ***Political Parties & Dictatorship***

The Green Book carries on analyzing the Political Party phenomena, saying: "Originally the party is formed to represent the people. Then the leading group of the party represents its members and the supreme leader of the party represents the leading group. It becomes clear that the party game is a deceitful farce based on a sham form of democracy which has a selfish content based on maneuvers, tricks and political games" (p.14)

Again, we find the same statement we demonstrated the fallacy in the saying: "the party is formed to represent the people", in democratic system, there is no party that can pretend to such assertion. All what a party can claim, duly entitled, to represent a segment of the people, just as other parties represent other segments of the people, and if, ever, it represents anything, it represent that particular segment, to which it affiliates with it by direct sanctioned membership or by support and trust which limits and dimensions are defined through elections.

As to the other successive statements by which the Green Book pictures the nature of relations inside the party itself, it is an imprecise and incorrect description of nature of relations that bind the components of Democratic Party in a democratic system.

Political parties attributes of: Party Leadership, Leader of the Party, are only description of mechanisms adopted by the party to manage the relations between its members, to serve its policies, programs and aims.

In any grouping between multitudes of individuals desiring to work together to serve the same purpose, there is no escape from providing mechanisms and organizational cadres to undertake the responsibilities of administration and leadership.

In political parties, such cadres are produced from and within democratic interaction between party members, who shall have the right to elect the entity which shall be assigned the leadership responsibility, as well as the right to elect the person who shall lead such entity.

In many instances, the democratic setup of the party, is submitted to the same democratic process in the society as a whole, where members affiliated to the party represent what is usually called the general assembly, they elect delegates to represent them in a smaller which maybe called the "central committee", "permanent office" or other name, this central committee may be a leadership entity which is called sometimes " executive or headship committee". Political parties then vary in the mechanisms by which they elect the leader of the party, whether by direct elections from the base, or through one of the leading entities that represent the party structure.

The Green Book assumes statements as if they were established truths and correct arguments, we note then it concludes to saying: "all these emphasize that the party system is a dictatorial yet modern, instrument. The party system is an overt ... not covert dictatorship" (p. 14). We think we commented enough to show erring of such a statement.

The party in a democratic system, may not monopolize or dominate power, accordingly it is unable to become a dictatorship, either overt or covert. We are witnessing today, in societies where democracy achieved advance levels of development, how even the practice within the party itself can no longer become dictatorial. We see in many countries how leaders appointment is carried out democratically by having recourse to the will of party members, the rise to position of party leadership happens inside the party subject to competitive mechanism, publicly offered to masses of the party by different means of campaigning and advertisement.

The competition among leading figures, is practiced in peaceful, public and legitimate means for the purpose to obtain the majority of members, if one of them wins the trust of such majority, he rises to the position of party leader or president, and thus acquires the right to represent the party in the competitions that go on the national scale between different parties, depending and counting on support of all party members, including those who were not supporting him and did not grant him their trust but they abide by the decision of majority that elected him as the leader, hence they align behind him to face the greater competition with the other parties..

Accordingly we can bear testimony that in real practice the party system is way away from dictatorship, the practice in such system may not be overt or covert in advanced democracies, for everything in democratic life is public, disclosed, verifiable, subject to scrutiny and criticising by all, starting from party members through other parties' members concluding to other mechanisms of checks represented by public opinion, duly expressed via media outlets and culminating in the mechanisms stipulated by the constitution and regulated by laws.

The Green Book, relies on the said arguments; concluding to " the parliament of winning party is indeed a parliament of the party, as the executive power assigned by this parliament is the power of the party over the people".

It has been clear to us, in order to wipe out such statement, the means are in reasserting the fallacy of argument leading to it, i.e. the party is against the people, as well as stating that the party which wins the trust of the majority is thus representative of people's majority but winning such majority shall not grant it the right to deny existence of the minority that didn't grant him its trust.

In democratic system, the majority and the minority coexist side by side in legitimate, regulated and ordained manner through the constitution and conventions, through this presentation we discover the clear fraud of the saying "parliament of the ruling party", the parliament in democratic system is not the parliament of the ruling party but it is the people's parliament with all its components, what really happens; the ruling party owns a majority which grants it, in accordance with constitution, the right to form the executive power. Hence the executive power produced by the parliament is merely the power that represents the majority.

Naturally it becomes clear how faulty is the saying: " the executive power assigned by this parliament is the power of the party over the people." We duly took knowledge there is nothing called "the people" separated from the parties composing such people, the people is the sum of individuals who divide into different groupings in accordance with their visions and political beliefs, hence the party is not a different entity from the "people" but simply a part thereof,

when we say a certain "party" has gained the trust of voters' majority, that means; the "party" is the greater part of the people, when such party assumes power, the power is then the power of the greater part of the people, in consequence; saying that the party's power over the people is meaningless.

The Green Party builds on the preceding argument and states: "party power which is supposed to be for the good of the whole of the people, is actually a bitter enemy of a part of the people, namely the opposition party or parties" (p. 14),

We are already aware that "the whole of the people" is inexistent, the people by nature is divided into parts. Any power resulting from competition of parties is necessarily the power of a part of the people, which must, in order to ascend to power position, be the greater part of the people. Hence when it seeks to achieve an interest, this interest is, in fact, the interest of the greater part of the people. Such power is not allowed by the democratic constitution to become the "bitter enemy" for lesser part which it doesn't represent, the constitution actually imposes upon it to accept the others' opinion existence, that it should not, when dealing therewith, exceed the legitimate controls, limits and means, hence there no meaning for anyone to become an "enemy to any other" or for a "force" to be in conflict with another "force" the important directive in democratic system is that no one has the right to forfeit another's right to exist and to express itself and its vision and political belief. The judge in differences, conflicts and disputes, is the "law & constitution", ultimately it is the "will of the people" which is sought after to determine which of the parties is supported by the majority, the minority should comply with the decision, the minority's right to oppose and criticize by nonviolent, orderly and public means, is guaranteed by the constitution within current laws and customs.

## *Opposition in the Democratic System*

In another statement, based on misleading arguments the Green Book says: "the opposition is not a popular check on the ruling party, but is itself seeking a chance to replace the ruling party." (p.14).

If we recall what we have already explained as to the definition of the "party", we discover the misrepresentation which the Green Book keeps stressing though statements of expression such as: Ruling Party, Opposition Party and the separation between them and what it calls the "people".

We have clarified; there is no separate entity called "People', the people are the groupings which constitute the people, and the people are of different outlooks, beliefs, currents and interests to which the individuals are divided into

groupings or coalitions, in smaller or greater size, and are, by definition, multiple to the extent of multiplicity of differences and contrasts in outlooks and ideas of individuals composing the people.

The opposition, being representative of part or parts of people, plays this checking role granted thereto by the democratic constitution, which allows it to undertake freely and publicly to the full extent, using all legitimate and nonviolent means through media, congregations, mass rallies, open dialogue and others.

As to the saying that the opposition " seeking a chance to replace the ruling party", the misrepresentation is quite clear since there is nothing wrong for the opposition to seek power and replace the ruling party.

Such endeavor is part of the democratic play, it is the factor that makes the opposition an eye and watch looking for any shortcoming, fault or failure the ruling party may fall into, and consequently takes the initiative to disclose and bring them forward to the attention of public opinion, i.e. the people, it may as well have recourse to the judiciary when the ruling party commits an illegal or unconstitutional action.

Accordingly, the opposition check of the ruling party, in itself, is not a defect, but the defect starts when the opposition undertakes illegitimate means in order to jump into the power seat. But if the opposition is checking the ruling power, and was able, by its discovery of faults and failures, to convince the people that the ruling power is not worthy to rule, and unworthy of the majority trust, in such case, it is of its right, to seek gaining the majority trust in order to replace the ruling power. In the democratic system, replacing one power or party by another does not occur simply by the will of the parties therein, but by the result of recourse to people's will via secret and direct ballot, all within the framework of law.

## ***Who Checks the Ruling Power?***

The Green Book continues: "According to modern democracy, the legal check on the ruling party is the parliament, the majority of whose members are from the ruling party. That is to say, checking is in the hands of the ruling party and rule is the hands of the checking party. Thus become clear the deceptiveness, falsity and invalidity of the political theories dominant in the world today" (p.15)

In this proposition, a number of deceptive untrue pretensions, in the democratic system, the parliament is not the only body practicing the check on the ruling power, there are opposition parties outside the power structure which may or

may not have representation in the parliament, there are also the civil society organizations which are not in parliament, the most important are the independent and free media and public opinion, all these forces represent, in the democratic system means of checking on the ruling power. They are "seeking" and are watchful and of every thing that goes on, not prevented by any means to disclose errors, correct paths and policies.

Hence, the formulation: "checking is in the hands of the ruling party and rule is in the hands of the checking party" is clearly erroneous. The ruling power does carry the check on itself, but the checking is carried thereon by the remainder of political and social forces in the society. Therefore we can see the fallacy and error of conclusion which was produced at the end of the preceding formulation "Thus become clear the deceptiveness, falsity and invalidity of the political theories dominant in the world today".

We believe having demonstrated the erring in the arguments on which the conclusion was built, in the multiparty democratic built on nonviolent competition towards power acquisition and supremacy of law, no deceptiveness or falsification, all issues are clear cut, defined and controlled by constitution and laws, furthermore, issues are transparent, unveiled and plain to the extent, it is very difficult, if not impossible for any party to falsify realities and facts, or deceive the other parties, if these were aware of their rights as enshrined in the constitution, and possess active ability to move and act, together with legitimate means of expression and legal protection, which all enable them to stand against any deception or falsity, expose it and thus prevent it.

### ***Faulty Arguments, Defective Conclusions***

So we reach to what the Green Book considers to be the conclusion of ideas and axiom relating to party and party system: "The party is only a part of the people, but the will of the people is indivisible" (p.15). And "The party governs on behalf of the people, but the principle is *no representation in lieu of the people*" (p.15).

Here too, we consider having amply showed fallacy of these absolute statements, saying that the party represent a part of the people, is correct, and no one denies it, but concluding from there to saying "the will of the people is indivisible" is most serious error.

Who could say that sovereignty (read: Will) is indivisible? The people is not one entity independent from individuals who constitute it, if it is impossible for the individuals to have one will, and that they are divided into various wills, in accordance with their own visions, beliefs, knowledge, tribal or creed

affiliations ..et, it is only natural for these individuals to split into grouping, each of which has a will, vision, belief or different interest.

When such grouping form, under a developed democratic system, into political parties, it is then quite natural that each party represents a part of the people, when requirements of peaceful coexistence lead to finding legitimate and nonviolent means to settle the issue of governing, recourse is made then to find out the will of the masses, and it is a matter of course that power responsibility is handed over to the party or group which is supported by the "will" of majority of people, hence the party representing the majority's will acquires the power to rule, the will of the minority continues to have its right to constitutional and legitimate existence preserved.

Then we have the second phrase: " The party governs on behalf of he people, " , here we find another false argument, the party does not govern in lieu of people, but it actually governs in lieu of the majority of the people, and saying: but the principle is *no representation in lieu of the people*, is also a faulty statement built on previous erroneous arguments. Which is the axiom the Green Book attempts to build its theory in solving the problem of governing, i.e. "people's power", which we shall look into later.

However, before ending this section depicting the Green Book sayings, we should expose the terrible mix up we find in the Book, about the party, tribe and sect, where we read: “such a party must be a minority compared to the whole just as the tribe and the sect are. The minority has common interests or sectarian belief. From such interests or belief the common outlook is formed. Only blood-relationship distinguishes a tribe from a party and even at the foundation of a party there may be blood-relationship"

We don't need much to show the confusion, there is great difference in the ties between individuals within a the framework of political party, and those that connect the individuals who belong to one tribe on blood-relation basis, or those connected to a sect by a religious creed, the last two are of sentimental and spiritual nature, or the individual has no choice therein.

A man is born to a tribe he didn't choose by his own will, but still remains related to unable to free himself from even if he wished to, the second affiliation, virtually similar to the first above, for the individual religious belief, is acquired usually from the parents who teach him since childhood the principles of the creed they believe in and he finds himself affiliated to such religion without choosing it, until he grows up, he may then, rarely, change or leave it.

The ties that hold individuals in one political party, are built on opinion, thought and political vision, these individuals are not evaluated in accordance with their

tribal or sectarian affiliations but considered only by the extent of their sharing of party's outlook, policies and programs as well as their actions and abilities to campaign for, defend and represent them in parliament or implementing same if power is attained.

Consequently, there are no similarities to compare between party affiliation and affiliation to a tribe or sect. Tribal and sectarian affiliation is restrictive and of narrow scope, knows only the interests of tribe or sect, never looks into higher aims such as the ultimate interest which concerns with the whole of society and endeavor to provide for.

The sentence “tribe or sect is a minority when compared with the number of people”, it is a repeating of mix up we found when we talked about defining the party. Any tribe or sect in a society composed of multiple tribes and sects is necessarily a minority in relation to the remainder of the people which is composed of tribes and sects.

However the difference between a society run by one tribe or one sect, and a society democratically run by one party, is that the tribe or sect may achieve power only by material force, by the sheer number of its members according to its military power, it then rules and dominates, serving first its own interests, if not monopolizing all.

The same applies to the sect who by force also, is able to control; it then would repress the other sects and may as well prohibit their existence by outlawing the practice of their own rites and so forth.

In democratic society, the party does not achieve power by use of force, but by people's choice, the party may not be free to dominate all other political forces which enjoy the legitimate political existence, that differ with and oppose it, such party does not possess the constitutional power to expropriate the right of such forces to have a representation in the legislative power organ (parliament), or to express opinions and positions freely, or the right to practice the checking on the policies of the party in power, the holding of power by a party is temporary since it is to be arbitrated to people's opinion in regular intervals specified by the constitution.

### ***Greater Problem: People's Power***

The Green Book concludes its exposition on political parties: “The negative and destructive effect of "the society of the tribal and sectarian struggles is identical to the negative and destructive effect of the party struggle." (p. 16).

The sentence is of clear confusion and mix up, there is a great difference between the two elements of comparison, the actual practice in democratically advanced societies bear testimony that "nonviolent" struggle for power between parties has usually positive effects whereas it encourages the political forces to compete in offering the best and most positive for the service of society and its development, the ruling power is unable to bypass the constitution and legitimacy in its dealings with individuals or other political forces, necessarily reflecting in favor of individuals' rights and freedoms protection, and in favor of the society's progress and development.

In its presentation of people's power or authority, the Green Book says: "A parliament is originally founded to represent the people, but this in itself is undemocratic as democracy means the authority of the people and not an authority acting on their behalf" (p.7).

Here, pops up the great difference with Green Book theory i.e. "Authority of the People", it is constructed in its entirety on a presumption that people can practice authority directly and without any form of representation.

Since the beginning, arguments of opponents of Green Book theory of People's Authority, were relying on a conviction built on outcomes of human experience and practice since early age when people acquainted themselves with the first democratic practice, which was known as the direct democracy experiment of City Government in ancient Greek Athens.

Opponents argue that direct rule practice in the sense of all citizens participation without exception is no longer practical since the State has expanded and it now comprises not only many cities but many sects, beliefs and even ethnic varieties. Peoples, after many centuries and generations in experimenting in matter of rule and authority, found representation as the only system that enables masses to participate in the political decision making through which their will in electing representatives who would participate in actual authority practice.

However, people's authority theory opponents, are now in possession of an additional argument after the experiment of theory application on the Libyan people and actual practicing, this new argument is not construed on history or philosophical concepts, but by mere observation of how the theory starkly failed in solving the problem, and how blatantly unsuccessful it was to build a practical model that could convince challengers that it had applicability requirements or even that it had an actual credibility in practice.

By looking into the practical application of the theory in Libya, we found the following:

- 1- Failure to convince a majority of legally entitled to practice politics (aged 18 and over) with the utility of such system and with the possibility to actually practice it, those who participate in the process conceived after the (People's Congresses and Committees) system represent a minute minority of people's masses, not exceeding 2% and dwindling by the day as well evidenced by political process failure and lack of sincerity.
- 2- Failing of the theory to provide applicative mechanisms expressing tangible reality. Assumingly, the basic structure of the theory is the Basic People's Congress which is constituted by a number of citizens. The theory states that such organ is the sole possessor of the right to decide and define policies. But in reality, these citizens, who are member of the Basic People's Congress, are unable to meet and debate their affairs and hence take decisions by themselves, but they wait till they are invited by another organ to convene, The outfit of People's Authority as was finally produced shows us how it is constituted by overlaid circles in upward scale ending into a higher circle called "Secretariat of General People's Congress" and it is the one that has the power to call the convening of congresses.
- 3- The on ground experience show evidence of a missing link or circle and obscure mechanism that controls what issues go in the agenda to be submitted to the Basic People's Congresses. Despite the recent development that alleges General People's Congresses set by themselves their agenda, however in reality and fact, the main agenda comes from a higher circle, and whatever proposals the basic congresses' member make in issues not included or proposed by the said higher circle, go missing while transiting through higher circles, which pretend and repeat, its mission is only to draft the decision and recommendations of Basic Congresses. We found in reality, the very drafting of agenda coming form this higher circle attached with what is described as explanatory memoranda or statement supposed to be the basis of debate on submitted issues.
- 4- We bypass the problem of issues submitted for debate, we are faced with another reality evidenced by the actual implementation, i.e. those seating in the general people's congresses are mostly people who have no knowledge of dimensions and background of issues submitted for their debating, especially when the matter is relating to drafting of high policies, issuing laws and legislation or composing budgets. Most of these issues are of highly specialized subject that should have been referred to qualified and specialized staff for debate and study, perception and awareness of these issues are not available to most common people, hence we found that what really happens in the Basic People's Congress, is none other of the following three alternatives:

➤ Adoption of the submitted memorandum without comments.

- Rejection of submitted memorandum.
- Adoption of submitted memorandum with comments.

We then follow what happen in the General People's Congress, which is assumed to be in charge of drafting of Basic People's Congresses decisions, it goes like this:

- Reading of percentages of Congresses as distributed in accordance with the three options above stated.
- Ignoring of Congresses' decisions that rejected the item submitted whenever it hasn't obtained the massive majority.
- Attempting to draft a version of People's Congresses which were taken with comments on the item alleging the taking in consideration of all comments brought in by the Basic Congresses and pretending none of them is overlooked.

This mechanism used to take the final decisions, raises many a problem pertaining to the theory in its core, they are:

- The actual and real practice showed that masses of people may not agree wholly on one opinion, the sum total of General People's Congress proves always that there is a percentage of basic congresses not agreeing on the item, i.e. oppose it, another percentage does agree i.e. support it, whether with or without comments. Accordingly the theory of People's Authority has been forced in the end to confront a reality; there is nothing called "people", people are bound to split into different opinions, opponents and supporters, a third aisle neither supporter not opponent, remains to be seen what does People's Authority theory do with this reality.?

What we see in reality of practice is as follows:

- Ignoring and dismissing of opponents completely.
- Adopting the supporters view as statistics show they represent a majority.
- A futile attempt is carried out in order to suit between comments recommended by basic congresses that "supported" with comments.
- We stress "futile attempt" since the reality gives evidence that such comments are usually contradictory, some annul others or rendering it out of context and finally that it is impossible to narrow the gap between them.
- What really happens: comments that are really contradictory to the required item (nobody knows required by whom apparently) are usually dismissed and ignored and no one is aware of, the representative of the concerned Basic Congress is not granted a voice to express defense or explaining.

- Consequently, the matter is dealt with in a manner not essentially different from the Traditional Democratic System, i.e. at the end the difference has to be settled by prevailing the view supported by the majority, all there is, the Democratic System does recognize the reality of differences between segments of society who are allowed to organize themselves into legitimate and constitutional organizations called political parties, while the People's Authority system does not recognize this reality in the form but does practices it in reality as an inescapable fact.

The higher circle of People's Authority structure (General People's Congress) has no distinct identity or clear and straight definition, in different aspects:

- 1) The theory says that individuals who gather in the General People's Congress, are not representatives of their congresses, that they have no right to express any opinions or ideas in connections with subject in the agenda, their role is limited to draft the decisions reached in their basic congresses. Here we a question must be asked: If the General People's Congress is meant only to draft decisions of basic congresses, so what is the purpose for gathering this enormous number of individuals (Secretaries of basic congresses, Secretaries of non-basic congresses, Secretaries of people's committees, Secretaries of professional associations, unions? ... etc.)? From practical proceedings which are watched by people through transmission of general people's congresses in media outlets, it is established that the said congress forms committees among its members to draft said decisions, the hundreds of attendants have not role but to raise hands in a process called "taking Shura" i.e. voting on the drafted texts read to them, watchers can see that time of sessions is filled by letting some of the attendants speak on some topics while waiting for the drafting committees to end their mission. One wonders, what the point of this process? .. it would have been quite enough to start with this "drafting committee" with its limited number of members to carry out the task..
- 2) However, despite saying that those who meet in general People's congress have no description, and no decisions to make, but merely carriers of basic people's congresses decisions, the Theory nevertheless assigns them a highly critical mission, i.e. selecting members of Executive Authority. We cannot see under which description members of general people's congress are assigned the task to select members of General People's Committee which assumes the role of executive power? ... it is clear that general people's congress by assuming such process i.e. selecting the executive power, does not practice any other thing different from the parliament practice in traditional democratic system, where it

constitutionally has the right to form the government (executive power) in parliamentary republican system where the constitution stipulates assigning the head of political party or coalition of parties who won the majority in the parliament to form the government or the right to grant or deny the confidence in the government in the presidential parliamentary system, where the president has the right to nominate the government and its head, the parliament has the right to grant it the required confidence or deny same. We can now see the confusion of the Theory before the problem of the role to be played by the General People's Congress in the political system, between a simple drafting role with no view or decision, and rendering it a parliament practicing what all parliaments practice in democratic systems, i.e. legislation, checking, assignment of executive power .. etc.

- 3) More questions are to be asked about the role played by the head of General People's Congress and members of the secretariat working with him. What is the real function of the General People's Congress Secretary? Is he simply the head of a drafting committee, if we are to assume the General People's congress is merely a drafting committee? Is he the head of a power among the powers forming the political system? If not, What is the meaning of assigning the head of General People's Congress the task of receiving official delegations, accepting credentials of ambassadors and such like of missions usually carried out by the head of executive power in democratic systems such as president of the republic?

### ***"Leadership of the Revolution" in the Jamahiriya System***

All the above is taken while arguably presuming matters are going in reality as were meant to, through exercising carried out by means of People's Authority structure: Basic People's Congresses decide; People's Committees implement; General People's congress drafts and writes ..etc.

However in reality, facts always provide us with evidence that there is another force which in fact possess the upper hand in running matters and taking decisions, decisions that basic people's congresses and general people's congress have no say thereon except granting ratifications and blessings, once they have already been implemented.

Such force is naturally the authority of the "Leader of the Revolution" whose views, directives and all sayings, are considered as orders to be executed, this is by provision of what is known in Libya as the "Revolutionary Legitimacy Chart".

This chart however lacks the "legitimacy" supposed to be by decision of people enjoying freedom through direct secret ballot which the constitutional democratic systems call referendum. We shall revert to this debate later on.

Relying on this "unconstitutional" legitimacy, we found the "Leader of the Revolution" exercising most important roles in all powers known by the political system: legislative, executive and judiciary.

We found most important decisions pertaining to internal or external policies are in fact issued by him personally, these are implemented without nothing is known about them by the people who are supposed to be seating in "People's Congresses Masses", examples of such conduct are numerable and may not be all listed in this space.

Now, one may ask; In which description the "Leader of the Revolution" exercises this role? And how come does he exercise such prerogatives while declaring he's neither a ruler, king nor a president of a republic?

So what is his position then? in the political system as enacted in the Chart of People's Power, which unmistakably states: " Authority belongs to the people, people exercise their authority through people's congresses, people's committees, unions and professional associations which all convene in the general people's congress"

The "Revolutionary Legitimacy Chart" does not mention position, title or responsibility of what is called "Leader of the Revolution", it doesn't contain any reference to what specific authority, it has bestowed on the "Leader of the Revolution"; authority to which overwhelming obedience is paramount by all! in virtue of said "Revolutionary legitimacy chart".

Hence, which of the two systems embodies the authority of the people?

The parliamentary system composed of people's representatives duly elected by masses of voters in an electoral process foreseen to be transparent, honest and orderly, where the representative are dedicated full time to exercise politics, carrying out actions consecrated by the constitution i.e. legislating and checking the government's actions or,

The "People's Power" system, composed by undefined structures neither in form or functions, which actually do not exercise any real authority, since the real authority has been bestowed to the carrier of "Leader of Revolution" description through the "Revolutionary Legitimacy chart" and in-field exercise?

## ***Comparisons***

Whereas. All statements in the green book section dealing with representative assemblies have no longer irrelevance or deserve debating in detail; we shall have a look at some of its expressions and general provisions.

For example we come across the following sentence: "*People are left with only false external appearance of democracy manifested in long queues to cast their votes in the ballot boxes*" (p.7).

Such statement is completely in contrast with itself when discussed in confrontation with the exercise under or within Authority of the People, no doubt, when we compare style and method of ballots in democratic systems and see how it takes place:

### ***First: Confidentiality***

A citizen is able to cast his vote in concealed compartment, or generally in a way that hides him from all onlookers, thus becoming free of any moral pressures that he may be subjected to in order to direct his choice and to manipulate him.

### ***Second: Transparency***

Meaning the operation takes place in public and under the watch of all related parties, supervision of the judiciary authority. All fraudulent or manipulation actions are subject to incrimination and punishment.

### ***Third: Orderly and highly precise***

All ballots cast by voters into boxes are publicly and meticulously counted, concluding to a settlement even by one single vote to determine the majority winner.

### ***Fourth: Conflict Resolution***

When a conflict or dispute arises on some matters, the whole operation is subject to overseeing by judiciary authority which is empowered by the constitution to perform such task, it settles in any disputes arising from the conduct or results of electoral process.

On the other side, in the People's authority system, we witness in the electoral process equivalence in the said system, which is the "direct choosing", what really happens on the ground when applied:

### ***First: Its exposure***

Supposed to be public before the eyes of all present, this way puts restrictions and pressures on the citizen's freedom to choose, the citizen sometimes is

obligated to raise his voice or stand next to the candidate who requires his support.

***Second: The process is not orderly***

The mechanism by which the choosing is carried out, is an arbitrary mechanism not subject to fixed rules, we have noted along observation of such exercise, the choosing sometimes is made out by elevating the candidate on shoulders with due cheers and occasionally by raising hands and other erratic manners. The settlement of the process is subject to undisclosed factors dictating the result of choosing and declaration of winner and losers.

***Third: Irregularity***

In the sense that there is no precise order to enter individuals who are entitled to vote in this position or other, as happens in electoral stations system, hence there is no effective means to ascertain the identity of participants in such election/"choosing".

***Fourth: Miscarriage and Maneuvering***

Such procedures ended, after various applications, into appalling degrees of miscarriage leading sometimes to infighting between tribes or in the one tribe, all struggling for certain positions, and finally concluding to behind the scenes arrangements, such maneuvering is a product of "people's authority" meaning simply "conspiring" between candidates who are representing tribes for the purpose to split such position among themselves before any choosing takes place, thus avoiding struggling or fighting. The results of choosing is usually settled in what people call "Backrooms" i.e. homes of candidates where is witnessed the conspiracies and secret deals.

Consequently we are observing how the "choosing" process is being transformed into comic and barefaced play, and how finally with the passing seasons it actually embodied the worst corrupted practices, where blatant bargaining takes place for the acquisition of executive positions "Secretariats" between individuals, tribes and coalitions, thus allowing all participants a chance to plunder the public treasury and to gain advantages and private interests.

**Now, which of the two systems better?**

Standing in orderly queues to cast votes in discretion, into transparent ballot boxes under the eye and watch of impartial witnesses constitutionally empowered to supervise, thus ensured that all votes are respected, and shall be counted meticulously not leaving a case for dispute about who won the majority of votes cast, or,

Go to school theater, stadium or market place and assemble in a corner, carry their candidates on shoulder, raise their hands and then hear the results

proclaimed by the committee assigned for the "choosing" without having any means to ascertain correctness and without having any recourse to follow up, or petition against before relevant judiciary concern specifically authorized by constitution or law?

Naturally the description of the green book of ballots, when cast into boxes; as being similar to "how other papers are thrown into wastebaskets" is meaningless. We all know from observing election process in advanced democratic systems, the ballot has a great value in deciding the outcome of election process, voter casts his vote into the box while being aware that he deposits it in a box which has all the respect and care it deserves and certainly not similar to throwing a waste paper into wastebasket.

## *Elections*

We found in the green book, the following sentence: *"Since the system of elected parliaments is based on propaganda to win votes, it is a demagogic system in the real sense of the word, and votes can be bought and falsified. Poor people fail to compete in the election campaign and it is always the rich – and only the rich come out victorious."* (P.9-10).

Such statement may only be applicable on backward societies electoral practices, where voters in their majority are of lacking intellectual level, what is more serious, they are not affiliated in organized political action groups "Parties". Accordingly they may be manipulated and their votes could be bought for money or various other benefits.

Such negative attitude, recede substantially in societies with entrenched democratic practice, where the citizen is immune by his political awareness against manipulative maneuvers or offers of money and other benefits in exchange of his vote, and where political competition is practiced no longer among individuals aiming to win the contested seats for personal gain, but among individuals who belong to political organizations which present them as candidates and thus support them and stand by them.

In developed democratic societies, election system is of course built on campaigning to win votes, this is correct, but the campaigning is mainly made of explaining of ideas, views and political programs through various media and advertisement outlets aiming to win supporters for such ideas and programs, hence, it is totally irrelevant to describe the elections system as being demagogic for reason of competing candidates using campaigning and advertisement of their ideas and programs, such description applies only, as we said, on elections as practiced in less developed countries

Saying poor people cannot participate in elections contest and that only rich people are able to be victorious, may also be true in electoral practices in backward countries, in democratically advanced countries, the basic principle is that the parties are the organs which nominate candidates among their members deemed to be the most able, capable and acceptable by people, the parties undertake the expenditure on campaigning and cover all expenses related to elections. These democratically advanced societies have achieved long strides on legality and fairness of expenditure on electoral campaigning, like setting limits to one candidate or party spending as well as establishing financial support for the candidate who cannot provide the minimum for such expenditure, all with certain and defined limits.

## **Referendum**

As to Green Book assertion regarding system of referendum in democracies, we find here too, only a superficial and prejudicial statement, we may even say a fraudulent statement of reality where it says “*plebiscites are a fraud against democracy. Those who say 'yes' and those who say 'no' do not, in fact, express their will. They have been silenced through the conception of modern democracy. They have been allowed to utter only one word: either 'yes' or 'no'. This is the most cruel and oppressive dictatorial system. He who says 'no' should give reasons for his answer. He should explain why he did not say 'yes'. And he who says 'yes' should give reasons for approval and why he did not say 'no'. everyone should make clear what he wants and the reason for his approval or rejection*” (p. 22) ..

Such wording is either ignorance of truth of what does go on in the referendum mechanism and conditions in democratic system, or merely an attempt to falsify and distort facts by means of such depictions which have in reality no meaning.

We know that in democratic systems' constitutions, and more importantly what we observe in such systems when a an issue or subject is submitted to general referendum, such process is clearly the closest proposition to Green Book pretensions of direct democracy, it represents a referral to the People for opinion in a matter or issue of national interest , it is a mechanism that allows democratic system to have recourse to public and general referendum , in different means, among them: the right of the people to have an issue or matter, due to its important or critical aspect, submitted for general referendum, the constitution regulates provisions for such practice, like stipulating the agreement by initiative of a certain number of citizens, usually an important one, and if these individuals or political forces wishing for the organization of referendum, succeed in assembling required number of the masses with all other

conditions as provisioned by constitution (by signatures), the referendum proposition becomes obligatory and the executive power has to organize it, results of which are of mandatory application and implementation.

The real practice bear witness that referendum is not carried out at random, it is usually preceded by a long period of preparation and groundwork where political and social forces together with civil society organizations endeavor to explain dimensions and aims of referendum, while stating all negative and positive aspects, detailing justifications and citing arguments for and counter. All the preceding is carried out by all available means in democratic society, such as various media outlets, meetings, symposiums, debates, posters and the like. The citizen becomes, thus, on the day of referendum vote casting, aware and bearing a clear idea of the position he takes and declares, whether for or against duly justified.

Accordingly, it is untrue to say that those who say 'yes' or 'no' ... "did not express, in fact, their will" or" were silenced by such democracy and were allowed only to utter just one word".

The truth is, the citizen before going to the ballot box to cast his vote, and "express his will" has had more than ample opportunity to utter all words to explain his idea and advertise for the opinion he supports, hence, saying 'yes' or 'no' on the day of vote, is simply the conclusion he reached after mulling and studying, hearing the pro and con of all other opinions.

It is then quite clear, as we so deem, the real falsification of truth is the depiction made by the Green Book as regards the referendum process in democratic system.

## ***Direct Democracy & Legislation***

Once the Green Book finishes with what it considers the falsehood in the sayings of support for traditional democracy theory, it concludes to expose its own theory of "Direct Democracy" built on the idea of dividing the people into basic and non basic congresses, people's committees, professional unions and associations, who all meet in "General People's Congress" where decisions are drafted and referred to "People's Committees" for implementation.

We have already showed the falsity of arguments presented by the green book, criticizing the traditional democratic system, and from there proceeding to produce the conclusion of "People's Authority".

We also explained the theoretical errors in the arguments stated and hence their failure and shortcoming when put into practice in Libya.

The Green Book tries later, to undo the second cornerstone of traditional democracy theory, being the “Constitution”, having in its perception destroyed the first one i.e. the question of Legitimacy. Starting the exposition by saying: *“It is invalid and undemocratic for a committee or a parliament to be entitled to draft the law for the society. It is also invalid and undemocratic for an individual, a committee or a parliament to amend or abrogate the saw of the society”* (p. 29).

Such expression shall necessarily raise the question about who has the right to enact a law for the society. ... The green book answer *“.. The natural law of any society is either tradition (custom) or religion”* (p.29)

Here, we have to take a careful look. There is nothing definite called one "custom", there is also no one absolute "religion", when we follow up what people have as custom in their behavior, outlooks, habits and traditions, we can easily find that every human group, familiarizes itself, within its limited social surrounding, by behavioral patterns, customs and traditions, which are in variety with other human groups. Human groups, even within one society, vary in traditions and habits in accordance with their living norms practiced, urban or rural, depending on the religious creed they adopt as well as the degree of development in such societies.

We finally find that any single human group is subject to have its customs varying with the passing of time, these are in their turn subject to development, some disappear for being irrelevant with the time, others are differently practiced and so on.

Which custom of any of these groups composing society shall become the society custom then? And can the custom of a group at one time, be adopted as fixed one for all times?

This is on the differences of customs and their variation as well as multitude, but on the subject matter, we find human groups have adopted patterns of behavior, habits and traditions that are no longer acceptable in the present time, we took to judge them, on the basis of reason, principles of religion and principles of peaceful and civilized coexistence, as being wrong and backward as well as harmful under the scope of public life structure in enlightened society, which demands foundation of social coexistence among its individuals on the principles of human dignity and freedom in addition to principles of nonviolent coexistence among components of society.

Does the Green Book intend to adopt all customs of people as law of society, including those harmful, backward and wrong customs, beliefs and practices?

Whereas it is quite simple to see the fallacy of the other statement of Green Book "*Man is the same everywhere. His physical constitution is the same and so is his instinct. For this reason, natural law became logical law for the man as one and the same*" (p.30).

Man as a social entity varies from Man as physical entity, due to differences in factors and conditions that control his life as an individual within a group, he needs to coexist with the remainder of individuals in accordance with directives, rules and principles which define for all individuals their rights and duties, regulate their participation into public affairs and all other relevant matters for which peoples' needed the "Constitutions" as repertories, compliance with, is required from all, constitutions are also guidelines for all their actions and arbitrators of disputes and differences.

## ***Religion & Society Law***

Green Book proceeds to distort the matter by saying: "*Religion embraces tradition, which is an expression of the natural life of the peoples. Thus religion, embracing tradition, is an affirmation of natural law.*" (p.33).

We find in the this statement a strange mix up, it is not true that religion is a simply embracing of tradition, religion represents in fact, a surpassing, correcting and adjusting of tradition, we have evidence in what Islam made of customs of Arabic tribes of the time known as the "age of ignorance", Islam accepted what was normally practiced of high standard moral ethics, it was even said that Islam complemented and improved on them, but Islam also rejected and annulled other customs and made their practice as illegitimate such as burying alive small young females, blind tribal pride, usury, drinking alcohol, gambling, freedom to marry even fathers wives .... Etc.

Saying that religion is society law, is, even somehow accepted under certain view where the majority of any given society believe in one religion, such religion shall no doubt have effect in controlling people's life, behavior and interrelations, but we find, religion, and here we are concerned with Islam, as it came as a religion valid for time and place,

Islam has in fact set general rules and principles meant to run the life of individual and society while leaving aside particularity of events free for the individuals of each group to institute what is best in accordance with their conditions, place and time.

What we see as differences in Islamic societies on many of these particularities and how compliant or in conflict with religion principles and provisions, are mainly due to differences in applicability of such principles, provisions and general intents on particular details of people's lives and as result of differences in interpretations and opinions regarding sources of Islamic law inspired from Quran and Sunna as well as to their application and implementation.

Whereas from the above, many of differences in interpretations gave rise to distinct and opposing doctrines and methods, each alleges pertaining to Islam, some of them would go far as to claim being the sole possessor of truth, hence is born the great error to condemn opponent of being heretic and anti Islamic and sometimes going to war against.

Such attitudes lead to practices that hit at the core of nonviolent coexistence between all segments of society.

We wonder, accordingly, what the does the Green Book intend by addressing the subject of religion as being the law of society? Which sect (Madh'ab) or interpretation is worthier to be adopted by society as its law? And finally what is the position of individuals who do not agree with such sects and interpretations?

## ***The Constitution***

For this reason, societies realized the need to edit charts where basic principles that instill foundations of group life are codified, as well as the mechanisms to run their affairs, in judgment and judiciary as well as social and economic relations between individuals and so forth.

These charts came to be known as constitutions.

In the green book on "constitution" we find more of mix ups and oversimplification " *constitutions are based on nothing other than the views of the instruments of the dictatorial rule prevailing in the world, ranging from the individual to the party, the proof of this is that there is difference between constitutions although man's freedom is the same.*" (p.30).

Such statement might be too true if we take that constitutions meant are those made up by the dictatorships' instruments of rule, here the green book is correct in defining them into two categories: Individual rule and one party rule. Effectively constitution made up by one tyrant ruler, or one party rule (such as those made up by plotters of military coups and those of states under one party

system rule like those in the previous communist regimes.) these constitutions are necessarily dictatorial ones, precisely drafted to entrench the rule of that individual or party. They often instill limits and restrictions that would eliminate opposing opinion, confiscate freedom of individuals in thinking and expressing as well as in exercising politics in organized manner.

But of the intended target, the constitutions of democratic systems, the fallacy and erring is more than plain clear. It is an established fact that democratic systems' constitutions are not made up by one man or one party or one group, they are usually made by what is known as "constituent assembly" which itself is mostly resulting from popular free election, representative political and social forces in society assigned to the mission of drafting the "constitution" which in its turn embodies the supreme law regulating public life, stipulates administration of governing affairs and becoming the reference to all matters of authorities.

Such democratic constitution may not be imposed by one individual or one socio-political force, but the fruit of dialogue, search, examining between all individuals and forces in order for producing text complying with general principles and main greater currents agreed upon by the majority. The constitution shall not acquire its legitimacy unless submitted to general referendum, and if a majority of citizens approve of it, then it becomes the State's constitution with prevalence on all authorities and all issued laws and regulations. Individuals and political groupings shall have no longer the right to bypass it, failing such provision they become simply outlaws.

Arguing the differences in constitution against the idea of constitution itself is another stark mix up. Hence experiences of people's towards development of democratic systems have lead, even after generation of struggles and reversals, to concluding to what is known as "democratic constitution" to distinguish it out of other constitutions contrary to spirit and principles of democracy, which in fact consecrate the authority of one individual or one party. In this avenue peoples came with a set of characteristics defining and becoming the standard by which constitutions are qualified as democratic or not, these characteristics are:

- 1- Guarantee of individuals general rights and freedoms, on top of which; freedom of opinion and freedom of political action, nonviolent and ordained in addition to freedom of expression.
- 2- Rule of law on all and equality of citizens before the law.
- 3- Rule of institutions and separation of powers.
- 4- Ensuring peaceful alternation of power.

Hence, democratic constitutions differ from each other not in matters relating to the basic principles but mainly in the number of details relating to opting for

one of two styles of rule: presidential or parliamentary, as well as administrative divisions when either establishing absolute centrality, limited one or federal composition and the like.

Accordingly, we may utilize the green book statement to reply thereto "*the proof of this is that there is difference between constitutions although man's freedom is the same*" (p. 30), we have already seen that on the basis of "freedom of man is the same", all democratic constitutions, despite differing as to mechanisms opted for the administration of State, arranging for the alternation of authority and the like, but they never differ in matters relating to freedoms, there no constitution, worthy of being described as democratic, that does not stipulate the guarantee of personal freedom of individuals.

## ***The Green Book in Practice***

The above was analysis in theory, but if we try to have a look at reality in Libya under the regime of Green Book and its practiced application through "People's Authority" , we find the following:

- Immediately after seizing power by military coup, the royal constitution was abrogated and replaced by a "constitutional declaration" which embodied the ruling minority dictatorship by means of concentrating all powers in the hands of "Revolution command council" which in its turn is under the hegemony of the "coup leader", this is of course a stark example of constitution made up by one individual, which is rejected by the Green Book.
- The situation remained as is, for 38 years, concentration of power in the hands of one individual continued by consecration of "Leader of the Revolution" in lieu of "Leader of the Coup" followed by issue of "Revolutionary Legitimacy Chart" which is dire conflict with real legitimacy worthy of the description i.e. "constitutional legitimacy."
- A patching effort was made by issuing the " Human rights chart in the age of the masses" which is spite of stipulating most of freedoms and rights but since the beginning it was doomed to be of no more value than the paper it was printed on, especially under the hegemony of preceding other charts that are still valid i.e. the constitutional declaration and chart of revolutionary legitimacy, which keep unchanged such laws that expropriate freedoms and preserve the apparatus assigned for the suppression of freedoms in full action and authority.

We may not find a better description for the state of affairs in the country culminating under the "People's Authority" theory than the one cited in the Green Book:

*" The style aimed by the governing instruments in order to control the peoples, is codified in the constitution, and then forcing people to obey it by force of laws produced by the constitution which is in fact made up by the whims and vision of instrument of rule"*

Such saying may not be truthful more than it is when we try to measure what is going on in Libya today, where the aim and will of the "Governing Instrument" was codified in total hegemony and control of country and people destiny, first in the "Constitutional Declaration" and then in the "Revolutionary Legitimacy Chart" and finally all laws issued by such authority to force people to obey and acquiesce.

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