

THE TRIBUNE OF THE PEOPLE:

The Spokesman for Minorities

Part of the discussion of the Committee to Frame a World Constitution... was dedicated to the problem of parliamentary immunities. The intensity of the debate demonstrated once more how even a comparatively secondary detail is linked organically, affects, and is affected by the whole conception and structure of the Constitution.

There was, on the one side, the "Anglo-Saxon" point of view, taking pride in the absoluteness of parliamentary immunity, freedom of speech unbridled by any responsibility, even insult and libel unchecked. This freedom on the congressional floor was considered as "just as precious as any other freedom we enjoy." Gross abuses which, granted, have occurred and occur also in American history are but the flake-dust that flies from the carpenter's plane. It does not detract from the merit of the method.

The argument was met from the "European" point of view, subdued by gloomier experiences. In the old world, liberty in general had been construed as the liberty to kill liberty, and parliamentary immunity, especially, had served as poison for the political atmosphere. Such was the heteronomy of the ends that a means intended to protect the people's representatives against the inroads of a sovereign who could "walk into Parliament with the sword" transformed itself into a means of irresponsible attack against that same body by demagogic individuals "who did not need to walk into Parliament with the sword, but sat there by right of election, and might, under the protection of immunity, spread propaganda-lies, distort issues, undermine democracy and

foster veiled or open dictatorship." From this point of view, certain brakes, stopping public officials at the level of responsible accusation, short of sliding to that of slander and calumny, appeared mandatory.

Thesis and anti-thesis were unmovable. There was no synthesis at that level. For the contrast was deep-seated. At its roots lay the contrast between the Anglo-American conception of a constitution devised as a protection for the freedoms of the individual against prerogatives of the state, and the conception, more recent, of other countries, in which the constitution is intended as a protection of the social organism against attacks by irresponsible and violent individuals....

A constitution acceptable to the whole of mankind had to take into account both feelings. At this level, there must be a synthesis....

The spontaneity with which, under various names and circumstances, the "Tribune of the People" has made his appearance in the history of so many and so widely differing states attests to the universal value of this office. There is none fitter for adoption in a World Constitution. The Tribune of the People shall defend the natural and civil rights of individuals and groups against violation or neglect by the world government or any of its component units. His solicitations will contribute decisively to making a living thing of any Bill of Rights and Duties, otherwise liable to remain a dead letter in a world state inheriting all the woes of our day. He will provide an element of equilibrium, channeling popular discontent and unrest, wherever it might overflow, into constructive legal action. He embodies faith and watchfulness, he synthesizes idealism and realism, optimism and pessimism.

It is not surprising... that this institution was lauded and recommended, almost with the same words, by Rousseau and Machiavelli. The adoption of the Tribune of the People in a World Constitution... solves on a higher plane—by at-

tacking the sources rather than the symptoms of the evil—the comparatively secondary problem of parliamentary immunities and their abuses.... Says Machiavelli: “No more useful and necessary authority can be given to those who are appointed as guardians of the liberty of a state than the faculty of accusing.” For the possibility of legally accusing or prosecuting guilty officials reduces the impulse to calumnies; “and there should be no means left untried to repress them in time. Now, there is no more effectual way for putting an end to calumnies than to introduce the system of legal accusation, which will be as beneficial to republics as calumnies are injurious” (*Discourses on the First Ten Books of Livy*, I, viii).

There remains the problem of wherefrom and how to select a Tribune of the People of the World.

The Chinese Censors originated from the lower ranks. The Spartan Ephors were elected by the people's assembly.... The question, according to Machiavelli, is whether the office of protecting liberty should be entrusted to the nobles or to the people, to the upper class or to the commoners, or, in democratic terms, to the ruling party or to the minority. “And truly, whoever weighs all the reasons accurately may well remain in doubt which of the two classes he would choose as the guardians of liberty, not knowing which would be least dangerous—those who seek to acquire an authority which they have not, or those who desire to preserve that which they already possess. After the nicest examination, this is what I think may be concluded from it. The question refers either to a republic that desires to extend its empire as Rome, or to a state that confines itself merely to its own preservation. In the first case Rome should be imitated, and in the second the example of Sparta and Venice should be followed” (*Discourses*, I, v).

The world republic, to be sure, will be of the Roman rather than of the Venetian type, all-embracing and ever expansive in depth, not shrinking and restrictive. In this case,

Machiavellianism confirms what idealism would have counseled, that the Tribune of the People should be chosen from among those "who seek to acquire an authority which they have not." In other words, the Tribune of the People in a world state should be the representative of the minorities, of those that are depressed economically or snubbed racially or unexpressed politically....

If the President of the World Republic is the embodiment of the will of the majority, it would be an apparently obvious move to consider the defeated presidential candidate as spokesman for the minorities, and to charge him with the office of Tribune. However, a man who would make an excellent President does not in all cases make an equally good Tribune of the People. On the contrary, the qualities required of the latter are radically different from those expected of the former. The President's temperament must be synthetic, the Tribune's analytic. The President's task is constructive, the Tribune's critical. The President is in the first place an executive, the Tribune an observer. Hence, a presidential candidate should be considered ineligible for the office of Tribune. Envy and low politics otherwise would invade the noble office of the Tribunate. For a defeated presidential candidate would be liable to waste his tenure making life difficult for his more successful competitor, and paving the way for his own victory next time. The Tribune should be chosen in an election *ad hoc*. Resuming the argument by way of analogy, the candidate receiving the most votes should be considered as the embodiment of the will of the majority. The candidate receiving the second largest vote can be safely assumed to represent the minorities, unless a better method, unknown to us, should be devised.

The Committee to Frame a World Constitution, accordingly, proposes that the candidate receiving the second largest vote shall be considered elected as Tribune of the People.

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