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# Democracy Versus Liberty

BY JAMES BOVARD

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If a foreign power took over the United States and dictated that American citizens surrender 40 percent of their income, required them to submit to tens of thousands of different commands (many of which were effectively kept secret from them), prohibited many of them from using their land, and denied many the chance to find work, there would be little dispute that the people were being tyrannized. Yet the main difference between the current reality and the foreign-invasion scenario is the democratic forms by which government power is now sanctified.

There are few more dangerous errors in political thinking than to equate democracy with liberty. Unfortunately, this is one of the most widespread errors in America—and a key reason why there are few leashes left on government power. As Nobel laureate F. A. Hayek observed in a 1976 speech, “The magic word democracy has become so all-powerful that all the inherited limitations on government power are breaking down before it. . . .

It is unlimited democracy, not just democracy, which is the problem today.”<sup>1</sup>

People have long been encouraged to confuse self-government of their own lives with “self-government” via majority rule over everyone. Because abusive rule by foreigners or a king personified oppression, many presumed that rule by people of one’s own nationality meant freedom. Boston pastor Benjamin Church proclaimed in 1773 that liberty was “the happiness of living under laws of our own making. Therefore, the liberty of the people is exactly proportioned to the share the body

of the people have in the legislature.”<sup>2</sup> However, the rampages of state and local majorities during and after the American Revolution debunked this naïve faith in majorities.

Americans quickly recognized that liberty meant lack of coercion—especially lack of government coercion. “The Restraint of Government is the True Liberty and Freedom of the People” was a popular motto of the late 1700s.<sup>3</sup> John Phillip Reid, in his seminal work, *The Concept of Liberty in the Age of the American Revolution*, observed that liberty in the eighteenth century was

“largely thought of as freedom from arbitrary government. . . . The less a law restrained the citizen, and the more it restrained government, the better the law.”<sup>4</sup> This concept of freedom continued into the early part of the twentieth century.

But as time passed, enthusiasm for government power returned and different concepts of freedom arose to again vindicate awarding unlimited power to the majority. Progressive

Herbert Croly, one of President Theodore Roosevelt’s favorite writers, declared in 1909, “Individual freedom is important, but more important still is the freedom of a whole people to dispose of its own destiny.”<sup>5</sup> However, in practice, this means the “freedom of the whole people” to dispose of individuals’ rights, property, and lives.

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This confusion has prospered in part because, throughout Western history, tyrants and tyrant apologists have sought to browbeat citizens into obedience by telling them that they are only obeying themselves. The eighteenth-century French political philosopher Jean-Jacques Rousseau used this bait and switch to sanctify democracy. Rousseau wrote: “Each man, in giving himself to all, gives himself to nobody. . . . Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.”<sup>6</sup> The general will is “infallible,” and “to express the general will is to express each man’s real will.” Rousseau taught that people need not fear a government animated by the general will because each citizen would be “obeying only myself.”<sup>7</sup> And because the people’s will would actuate government, the classical warnings on the danger of government power became null and void. The horrors of the French Revolution cast Rousseau’s doctrines into temporary disrepute, but his intellectual contortions permeated subsequent thinking on democracy and government.

Some U.S. presidents who have been most enthusiastic on seizing power have exonerated themselves by claiming that “the people did it.” FDR declared in 1938, “Let us never forget that government is ourselves and not an alien power over us,”<sup>8</sup> and Bill Clinton declared in 1996 that “The Government is just the people, acting together. . . .”<sup>9</sup> In his 1989 farewell address, Ronald Reagan asserted, “‘We the People’ tell the government what to do, it doesn’t tell us. ‘We the people’ are the driver—the government is the car. And we decide where it should go, and by what route, and how fast.”<sup>10</sup> But the American people did not choose to drive into Beirut and get hundreds of Marines blown up, or choose to run up the largest budget deficits in American history, or provide thousands of antitank weapons to Ayatollah Khomeini, or have a slew of top political appointees either lie or get caught in conflicts of interest or other abuses of power or ethical quandaries between 1981 and 1988.

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Invoking “the government is the people” is one of the easiest ways for a politician to shirk responsibility for his actions. This doctrine makes sense only if one assumes that government’s victims are subconscious masochists and government is only fulfilling their secret wishes when it messes up their lives.

The notion that democracy automatically produces liberty hinges on the delusion that “people are obeying themselves.” But, as *Freeman* editor Sheldon Richman commented, “When you rushed to finish your income tax return at the last minute on April 15, were you in fear of yourself and your fellow Americans or the IRS?”<sup>11</sup> People who exceed the speed limit are not “self-ticketed.” People who fail to recycle their beer bottles are not self-fined, as if the recycling police were a mere apparition of a guilty conscience.

Is a citizen governing herself when she is arrested for possessing a handgun in her own home for self-defense in a crime-ridden District of Columbia neighborhood where police long since ceased providing minimum protection? Is a 20-year-old citizen governing himself when he is arrested in his own home by police for drinking a beer? The fact that a majority—or, more likely, a majority of the minority who bothered to vote—may have sanctioned such laws and government

powers has nothing to do with the self-government by each citizen of his own life.

Yet by assuring people that they are the government, this makes all the coercion, all the expropriation, all the intrusive searches, all the prison sentences for victimless crimes irrelevant. At least for the theoreticians and apologists of democracy.

## Praising Democracy to Unleash Government

The more vehemently a president equates democracy with freedom, the greater the danger he likely poses to Americans’ rights. Abraham Lincoln was by far the most avid champion of democracy among nineteenth-century presidents—and the president with the greatest visible contempt for the Constitution and the Bill of Rights.<sup>12</sup> He swayed people to view national

unity as the ultimate test of the essence of freedom. That Lincoln suspended habeas corpus, jailed 20,000 people without charges, forcibly closed hundreds of newspapers that criticized him, and sent in federal troops to shut down state legislatures was irrelevant because he proclaimed “that this nation shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth.”

President Woodrow Wilson pioneered the democracy-as-salvation bosh. Yet his administration had the worst civil rights record since the Civil War—imposing Jim Crow restrictions on federal employees that resulted in the mass firing of black civil servants. After taking the nation into World War I, Wilson rammed a Sedition Act through Congress that empowered the feds to imprison anyone who muttered a kind word for the Kaiser.<sup>13</sup> Wilson pushed conscription through Congress—as if his goal of having “a seat at the table” at the postwar peace conferences entitled him to dispose of a hundred thousand American lives. Wilson’s constant invocation of democracy shielded him against a popular backlash, at least until the fraud of the peace settlement became widely recognized.

Franklin Roosevelt’s presidency was the clearest turning point in the American understanding of freedom. In a 1937 speech on the 150th anniversary of the signing of the Constitution, FDR declared that “even some of our own people may wonder whether democracy can match dictatorship in giving this generation the things it wants from government.” FDR’s comment was part of his attack on those who opposed his seizure of power over property, wages, and contracts. Earlier that year, in his second inaugural address, he bragged, “In these last four years, we have made the exercise of all power more democratic; for we have begun to bring private autocratic powers into their proper subordination to the public’s government.” When the Supreme Court found many of Roosevelt’s power grabs unconstitutional, he announced plans to wreck the power of the Court by stacking it with new appointees—showing his contempt for any limits on his power. “FDR freedom” meant presidential supremacy—and nothing else.

In his 1941 State of the Union address, FDR announced the “four freedoms”—“freedom of speech and expression—everywhere in the world”; “freedom

of every person to worship God in his own way—everywhere in the world”; “freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants—everywhere in the world;” and “freedom from fear—which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.” FDR’s revised freedoms ignored most of all the specific limitations on government power contained in the Bill of Rights. Now, instead of a liberty for each to live his own life and go his own way, Roosevelt offered freedom from fear and freedom from want—“freedom” that require omnipresent government surveillance and perpetual government intervention. Roosevelt perennially invoked freedom as a pretext to increase government power. His promises of freedom for the entire world distracted attention from how his administration was subjugating Americans. Partly because Americans in the 1930s and early 1940s were less politically astute than those of the Founding era, FDR’s bait and switch worked like a charm—and was canonized into American folklore by Norman Rockwell and others.

### Complacent about Liberty

Freedom became increasingly bastardized in the decades after FDR. President Nixon, like most of his predecessors, encouraged Americans to be complacent about their liberty. In 1973, in his second inaugural address, he declared: “Let us be proud that our system has produced and provided more freedom and more abundance, more widely shared, than any other system in the history of the world.” Americans later learned that, at the time of Nixon’s statement, the FBI was involved in a massive campaign to suppress opposition to the government and to the Vietnam War, and Nixon himself was involved in obstructing the investigation of the Watergate break-in and related crimes. But Nixon may not have seen such actions as a violation of liberty because, as he explained to interviewer David Frost in 1977, “When the president does it that means that it is not illegal.” Frost, somewhat dumbfounded, replied, “By def-

inition?” Nixon answered, “Exactly. Exactly.”<sup>14</sup>

President Clinton openly scapegoated freedom for many problems caused by government (such as welfare programs). In a 1994 interview with MTV he declared, “When we got organized as a country and we wrote a fairly radical Constitution with a radical Bill of Rights, giving a radical amount of individual freedom to Americans, it was assumed that the Americans who had that freedom would use it responsibly. . . . What’s happened in America today is, too many people live in areas where there’s no family structure, no community structure, and no work structure. And so there’s a lot of irresponsibility. And so a lot of people say there’s too much personal freedom. When personal freedom’s being abused, you have to move to limit it.”<sup>15</sup>

But the Bill of Rights did not give freedom to Americans; instead, it was a solemn pledge by the government that it recognized and would not violate the pre-existing rights of individuals. The Bill of Rights was not “radical” according to the beliefs of Americans of that era; it codified rights both long recognized in English common law and purchased in blood during the Revolution. The Founding Fathers had difficulty getting the Constitution approved in many states not because it was “radical” in giving people rights—but because it was perceived as concentrating too much power to violate rights within the federal government. Yet by painting freedom as a gift of the government, Clinton distracted people from recognizing the threat that any government—democratic or otherwise—poses to their rights.

President George W. Bush uses *freedom* and *democracy* interchangeably, as if they were two sides of the same wooden nickel. Bush explained to a Dutch journalist in May 2005: “Holland is a free country. It’s a country where the people get to decide the policy. The Government just reflects the will of the people. That’s what democracies are all about.”<sup>16</sup> Later that day he was questioned by another Dutch journalist:

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Q. How do you define freedom?

The President. Freedom, democracy?

Q. Freedom as such.

The President. Well, I view freedom as where government doesn’t dictate. Government is responsive to the needs of people. . . . That’s what freedom—government is of the people. We say “of the people, by the people, and for the people.” And a free society is one if the people don’t like what is going on, they can get new leaders. . . . That’s free society, society responsive to people.<sup>17</sup>

And as long as government claims to respond to the people, the people are free, no matter how much the government abuses them.

Bush Freedom hinges on government as the savior of freedom. Debates over the Patriot Act provided further opportunity for degrading the American vocabulary. Former Attorney General John Ashcroft titled the August 2003 launch speech of his national Patriot Act promotion tour “Securing Our Liberty: How America Is Winning the War on Terror.” Earlier in 2003 Ashcroft characterized Justice Department antiterrorist deliberations this way: “Every day we are asking each other, what can we do to be more successful in securing the freedoms of America and sustaining the liberty, the tolerance, the human dignity that America represents.”<sup>18</sup>

Ashcroft’s successor, Alberto Gonzales, used the same rhetoric to sanctify the Patriot Act: “Congress did a good job in striking the appropriate balance between protecting our country and securing our liberties.”<sup>19</sup> The Patriot Act authorized confiscations of travelers’ money (in violation of a Supreme Court ruling), the use of new surveillance software that could vacuum up millions of people’s e-mails without a search warrant, nationwide “roving wiretaps,” and seizing library, bookstore, and other business and financial records based solely on subpoenas issued by FBI field offices on the flimsiest of pretexts.<sup>20</sup> After the Patriot Act was signed, there was a

hundredfold increase in the number of emergency spying warrants issued solely on the Attorney General's command—and later rubber-stamped by the Foreign Intelligence Surveillance Court.<sup>21</sup> But all the violations of Americans' rights and liberties by federal agents are irrelevant because the proclaimed intent of the Patriot Act is to "secure liberty." There is no freedom without security, and no security without absolute power.

### Intellectuals Join In

It is not only politicians who seek to confuse people about the reality of liberty. Intellectuals who should know better join in the circus shell game. Former federal judge and Supreme Court nominee Robert Bork in 1996 called for "a constitutional amendment making any federal or state court decision subject to being overruled by a majority vote of each House of Congress." Bork appealed to "our most precious freedom, the freedom to govern ourselves democratically."<sup>22</sup> According to this view, the greatest danger to freedom is having frustrated legislators.

What are the mechanics by which majority-mandated shackles liberate the individual? How does a shackle supported by 51 percent of the populace affect an individual differently from one endorsed by a mere 49 percent? Is the secret to democracy some law of inverse political gravity—so that the more people who support imposing a shackle, the less it weighs? Are citizens obliged to pretend that any restriction favored by the majority is not a restraint but instead a badge of freedom? Shackles are shackles, regardless of what rhetorical holy water they are blessed with.

People are taught that, thanks to democracy, coercion is no longer dangerous because people get to vote on who coerces them. Because people are permitted a role in choosing who will be in charge of the penal code, they are free. Being permitted to vote for politicians who enact unjust, oppressive new laws magically converts the stripes on prison shirts into emblems of freedom. But it takes more than voting to make coercion benign.

The fiction of majority rule has become a license to impose nearly unlimited controls on the majority and everybody else. The doctrine of "majority rule equals freedom" is custom-made to turn mobs of voters into

spoiled children with a divine right to plunder the candy store. The only way to equate submission to majority-sanctioned decrees with individual freedom is to assume that individuals have no right to live in any way that displeases the majority.

The more confused people's thinking becomes, the easier it is for rulers to invoke democracy to destroy freedom. The issue is not simply Lincoln's, Roosevelt's, Clinton's or Bush's absurd statements on freedom but a cultural-intellectual smog in which politicians have unlimited leeway to redefine freedom. If politicians can redefine freedom at their whim, then they can raze limits on their own power.

It is better that government be representative than nonrepresentative. But it is more important that governments respect people's rights than fulfill some people's wishes to oppress other people. The rules that a person must obey are more important than the identity of the nominal rulers. Herbert Spencer wrote in 1857, "The liberty which a citizen enjoys is to be measured, not by the nature of the governmental machinery he lives under, whether representative or not, but by the relative paucity of the restraints it imposes on him."<sup>23</sup> The existence of democracy does not change the meaning of individual liberty. A person is free or not free, regardless of how many people approve his fetters.

The Founding Fathers fought for a government that would respect their rights, not for a government that would allow them to forcibly micromanage the lives of their fellow citizens. The only way to claim that democracy automatically protects liberty is to say that the only freedom that matters is "freedom for the government to rule in the name of the people."

### Reconciling Democracy with Liberty

The scope of majority rule should be limited to those issues and areas in which common standards must prevail to preserve public peace. Democracy is a relatively good method for reaching agreement on a system of roads, but is a lousy method for dictating where each citizen must go. Democracy can be a good method for reaching agreement on standards of weights and measurements used in commerce, but is a poor method for dictating wages and prices. Democracy should be a system of government based on common agreement on

issues that must be agreed upon, and tolerance—however grudging—on all other differences.

“Whenever majority rule is unnecessarily substituted for individual choice, democracy is in conflict with individual freedom,” wrote Italian professor Bruno Leoni in his 1961 classic, *Freedom and the Law*.<sup>24</sup> Majority rule is a means not an end. There is nothing superior in majorities running (or thinking they run) a government compared to an individual running his own life. Collective rule will always be inferior to the self-rule of a citizen in his own life.

The fact that democratic governments violate liberty does not prove that democracy is uniquely or inherently evil. This is simply what governments do. In the same way that a political candidate’s lies don’t create a presumption that his opponent is honest, the fact that democracies routinely violate rights and liberties creates no presumption that other forms of government would not be worse.



1. Friedrich A. Hayek, *The Essence of Hayek* (Palo Alto, Calif.: Hoover Institution Press, 1984), p. 352.

2. Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (Chapel Hill: University of North Carolina Press, 1969), p. 24.

3. John Phillip Reid, *The Concept of Liberty in the Age of the American Revolution* (Chicago: University of Chicago Press, 1988), p. 65.

4. *Ibid.*, pp. 65, 114.

5. Herbert Croly, *The Promise of American Life* (New Brunswick, N.J.: Transaction, 1993 [1909]), p. 442.

6. Jean-Jacques Rousseau, *The Social Contract and Discourses* (New York: Dutton, 1950), p. 14.

7. *Ibid.*, p. 87.

8. *The Public Papers and Addresses of Franklin D. Roosevelt, 1938* (New York: Macmillan, 1942), p. 489 (emphasis added).

9. “Remarks to Business Leaders in Stamford, Connecticut,” *Public Papers of the Presidents*, October 7, 1996, p. 1999.

10. “Farewell Address to the Nation,” *Public Papers of the Presidents*, January 11, 1989, p. 53.

11. Sheldon Richman, “Government Is Not ‘Us,’” *Future of Freedom Foundation*, June 2, 2004.

12. See Jeffrey Rogers Hummel, *Emancipating Slaves, Enslaving Free Men* (Chicago: Open Court, 1996), and Thomas DiLorenzo, *The Real Lincoln* (New York: Random House, 2003).

13. Thomas Fleming, *The Illusion of Victory* (New York: Basic Books, 2003), p. 382.

14. “Nixon’s Views on Presidential Power: Excerpts from an Interview with David Frost,” [www.landmarkcases.org/nixon/nixonview.html](http://www.landmarkcases.org/nixon/nixonview.html).

15. “Remarks by the President in MTV’s ‘Enough is Enough’ Forum on Crime,” Office of the Press Secretary, White House, April 19, 1994.

16. “Interview with Dutch TV NOS,” *Public Papers of the Presidents*, May 5, 2005.

17. “Interview with Foreign Print Journalists,” in *ibid.*

18. Gene R. Nichol, “Ashcroft Wants Even More,” *Raleigh News and Observer*, February 20, 2003.

19. “Conversation with U.S. Attorney General Alberto Gonzales; Preview of President Bush’ Speech—Part 1,” *Charlie Rose Show Transcripts*, June 27, 2005.

20. *Ibid.*, pp. 145–46, 137–40.

21. *Ibid.*, p. 144.

22. Robert H. Bork, *Slouching Towards Gomorrah* (New York: HarperCollins, 1997), pp. 115, 117.

23. Gary Doherty and Tim Gray, “Herbert Spencer and the Relations Between Economic and Political Liberty,” *History of Political Thought*, Autumn 1993, p. 475.

24. Bruno Leoni, *Freedom and the Law* (Indianapolis: Liberty Fund Press, 1991 [1961]), p. 131.



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