



Democracy or Republic?

BY WALTER E. WILLIAMS

How often do we hear the claim that our nation is a democracy? Was a democratic form of government the vision of the Founders? As it turns out, the word democracy appears nowhere in the two most fundamental founding documents of our nation—the Declaration of Independence and the Constitution. Instead of a democracy, the Constitution’s Article IV, Section 4, declares “The United States shall guarantee to every State in this Union a Republican Form of Government.” Our pledge of allegiance to the flag says not to “the democracy for which it stands,” but to “the republic for which it stands.” Is the song that emerged during the War of 1861 “The Battle Hymn of the Democracy” or “The Battle Hymn of the Republic”?

So what is the difference between republican and democratic forms of government? John Adams captured the essence of the difference when he said, “You have rights antecedent to all earthly governments; rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe.”

Nothing in our Constitution suggests that government is a grantor of rights. Instead, government is envisioned as a protector of rights.

In recognition that it is government that poses the gravest threat to our liberties, the framers used negative phrases in reference to Congress throughout the first ten amendments to the Constitution, such as shall not abridge, infringe, deny, disparage, and shall not be violated, nor be denied. In a republican form of government, there is rule of law. All citizens, including government officials, are accountable to the same laws. Government power is limited and decentralized through a system of checks and balances. Government intervenes in civil

society to protect its citizens against force and fraud, but does not intervene in the cases of peaceable, voluntary exchange.

Contrast the framers’ vision of a republic with that of a democracy. According to Webster’s dictionary, a democracy is defined as “government by the people; especially: rule of the majority.” In a democracy the majority rules either directly or through its elected representatives. As in a monarchy, the law is whatever the government determines it to be. Laws do not represent reason. They represent power. The restraint is upon the individual instead of government.

Unlike the rights envisioned under a republican form of government, rights in a democracy are seen as privileges and permissions that are granted by government and can be rescinded by government.

There is considerable evidence that demonstrates the disdain held by our founders for a democracy. James Madison, in Federalist No. 10, said that in a pure democracy, “there is nothing to check the inducement to sacrifice the weaker party or the obnoxious individual.” At the 1787 Constitutional Convention, Edmund Randolph said, “that in tracing these evils to their origin every man had found it in the turbulence and follies of democracy.” John Adams said, “Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There was never a democracy yet that did not commit suicide.” Later on, Chief Justice John Marshall observed, “Between a balanced republic and a democracy, the difference is like that between order and chaos.” In a word or two, the Founders knew that a

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democracy would lead to the same kind of tyranny the colonies suffered under King George III.

The framers gave us a Constitution that is replete with anti-majority-rule, undemocratic mechanisms. One that has come in for frequent criticism and calls for elimination is the Electoral College. In their wisdom, the framers gave us the Electoral College so that in presidential elections large, heavily populated states could not use their majority to run roughshod over small, sparsely populated states. Amending the Constitution requires a two-thirds vote of both houses of Congress, or two-thirds of state legislatures, to propose an amendment and three-fourths of state legislatures to ratify it. Part of the reason for having a bicameral Congress is that it places another obstacle to majority rule. Fifty-one senators can block the wishes of 435 representatives and 49 senators. The Constitution gives the president a veto to thwart the power of all 535 members of Congress. It takes two-thirds of both houses of Congress to override the president's veto.

There is even a simpler way to expose the tyranny of majority rule. Ask yourself how many of your day-to-day choices would you like to have settled through the democratic process of majority rule. Would you want the kind of car you own to be decided through a democratic process, or would you prefer purchasing any car you please? Would like your choice of where to live, what clothes to purchase, what foods you eat, or what entertainment you enjoy to be decided through a democratic process? I am sure that at the mere suggestion that these choices should be subject to a democratic vote, most of us would deem it a tyrannical attack on our liberties.

Most Americans see our liberties as protected by the Constitution's Bill of Rights, but that vision was not fully shared by its framers. In Federalist No. 84, Alexander Hamilton argued, "[B]ills of rights . . . are not only unnecessary in the proposed Constitution, but would even be dangerous. For why declare that things shall not

be done [by Congress] which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given [to Congress] by which restrictions may be imposed?" James Madison agreed: "This is one of the most plausible arguments I have ever heard urged against the admission of a bill of rights into this system . . . [because] by enumerating particular exceptions to the grant of power, it would disparage those rights which were not placed in that enumeration, and it might follow by implication, that those rights which were not singled out, were intended to be assigned into the hands of the general government, and were consequently insecure."

Madison thought this danger could be guarded against by the Ninth Amendment, which declares "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Of course, the Ninth Amendment has little or no meaning in today's courts.

Transformed into a Democracy

Do today's Americans have contempt for the republican values laid out by our Founders, or is it simply a matter of our being unschooled about the differences between a republic and a democracy? It appears that most Americans, as well as their political leaders, believe that Congress should do anything it can muster a majority vote to do. Thus we have been transformed into a democracy. The most dangerous and insidious effect of majority rule is that it confers an aura of legitimacy, decency, and respectability on acts that would otherwise be deemed tyrannical. Liberty and democracy are not synonymous and could actually be opposites.

If we have become a democracy, I guarantee you that the Founders would be deeply disappointed by our betrayal of their vision. They intended, and laid out the ground rules for, a limited republican form of government that saw the protections of personal liberties as its primary function.

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