

An Important Distinction: Democracy versus Republic

It is important to keep in mind the difference between a Democracy and a Republic, as dissimilar *forms* of government. Understanding the difference is essential to comprehension of the fundamentals involved. It should be noted, in passing, that use of the word *democracy* as meaning merely the popular *type* of government—that is, featuring genuinely free elections by the people periodically—is not helpful in discussing the difference between alternative and dissimilar *forms* of a popular government: a Democracy versus a Republic. This double meaning of democracy—a popular-*type* government in general, as well as a specific *form* of popular government—needs to be made clear in any discussion or writing regarding this subject for the sake of sound understanding.

These two *forms* of government—Democracy and Republic—are not only dissimilar but antithetical, reflecting the sharp contrast between (a) The Majority Unlimited, in a Democracy, lacking any legal safeguard of the rights of The Individual and The Minority, and (b) The Majority Limited, in a Republic, under a written Constitution safeguarding the rights of The Individual and The Minority.

A Democracy

The chief characteristic and distinguishing feature of a Democracy is: Rule by Omnipotent Majority. In a Democracy, The Individual, and any group of Individuals composing any Minority, have no protection against the unlimited power of The Majority. It is a case of Majority-over-Man.

This is true whether it be a Direct Democracy or a Representative Democracy. In the direct type, applicable only to a small number of people as in the little city-states of ancient Greece or in a New England town-meeting, all of the electorate assemble to debate and decide all government questions and all decisions are reached by a majority vote (of at least half-plus-one). Decisions of The Majority in a New England town-meeting are, of course, subject to the Constitution of the State and of the United States which protect The Individual's rights; so, in this case, The Majority is not omnipotent and such a town-meeting is, therefore, not an example of a true Direct Democracy. Under a Representative Democracy, like Britain's parliamentary form of government, the people elect representatives to the national legislature—the elective body there being the House of Commons—and it functions by a similar vote of at least half-plus-one in making all legislative decisions.

In both the Direct type and the Representative type of Democracy, The Majority's power is absolute and unlimited; its decisions are unappealable under the legal system established to give effect to this form of government. This opens the door to unlimited Tyranny-by-Majority. This was what The Framers of the United States Constitution meant in 1787, in debates in the Federal (framing) Convention, when they condemned the "excesses of democracy" and abuses under any Democracy of the unalienable rights of The Individual by The Majority. Examples were provided in the immediate post-1776 years by the legislatures of some of the States. In reaction against earlier royal tyranny, which had been exercised through oppressions by royal governors and judges of the new State governments, these legislatures acted as if they were virtually

omnipotent. There were no effective State Constitutions to limit the legislatures because most State governments were operating under mere Acts of their respective legislatures which were mislabeled "Constitutions." Neither the governors nor the courts of the offending States were able to exercise any substantial or effective restraining influence upon the legislatures in defense of The Individual's unalienable rights, when violated by legislative infringements. (Connecticut and Rhode Island continued under their old Charters for many years.) It was not until 1780 that the first genuine Republic through constitutionally limited government was adopted by Massachusetts—New Hampshire next in 1784 and other States later.

It was in this context that Jefferson, in his "Notes On The State of Virginia" written in 1781-1782, protected against such excesses by the Virginia Legislature in the years following the Declaration of Independence, saying: "An *elective despotism* was not the government we fought for . . ." (emphasis Jefferson's.) He also denounced the despotic concentration of power in the Virginia Legislature under the so-called "Constitution"—in reality a mere Act of that body:

"All the powers of government, legislative, executive, judiciary, result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. 173 despots would surely be as oppressive as one. Let those who doubt it turn their eyes on the republic of Venice."

This topic—the danger to the people's liberties due to the turbulence of democracies and omnipotent legislative majority—is discussed in *The Federalist*, for example in numbers 10 and 48 by Madison (in the latter noting Jefferson's above-quoted comments).

The Framing Convention's records prove that by decrying the "excesses of democracy" The Framers were, of course, not opposing a popular type of government for the United States; their whole aim and effort was to create a sound system of this type. To contend to the contrary is to falsify history. Such a falsification not only maligns the high purpose and good character of The Framers but belittles the spirit of the truly Free Man in America—the people at large of that period—who happily accepted and lived with gratification under the Constitution as their own fundamental law and under the Republic which it created, especially because they felt confident for the first time of the security of their liberties thereby protected against abuse by all possible violators, including The Majority momentarily in control of government. The truth is that The Framers, by their protests against the "excesses of democracy," were merely making clear their sound reasons for preferring a Republic as the proper *form* of government. They well knew, in light of history, that nothing but a Republic can provide the best safeguards—in truth in the long run the only effective safeguards (if enforced in practice)—for the people's liberties which are inescapably victimized by Democracy's *form* and system of unlimited Government-over-Man featuring The Majority Omnipotent. They also knew that the American people would not consent to any form of government but that of a Republic. It is of special interest to note that Jefferson, who had been in Paris as the American Minister for several years, wrote Madison from there in March 1789 that:

"The tyranny of the legislatures is the most formidable dread at present, and will be for long years. That of the executive will come it's turn, but it will be at a remote period." (Text per original.)

Somewhat earlier, Madison had written Jefferson about violation of the Bill of Rights by State legislatures, stating:

"Repeated violations of those parchment barriers have been committed by overbearing majorities in every State. In Virginia I have seen the bill of rights violated in every instance where it has been opposed to a popular current."

It is correct to say that in any Democracy—either a Direct or a Representative type—as a *form* of government, there can be no legal system which protects The Individual or The Minority (any or all minorities) against unlimited tyranny by The Majority. The undependable sense of self-restraint of the persons making up The Majority at any particular time offers, of course, no protection whatever. Such a *form* of government is characterized by The Majority Omnipotent and Unlimited. This is true, for example, of the Representative Democracy of Great Britain, because unlimited government power is possessed by the House of Lords under an Act of Parliament of 1949. Indeed, it has power to abolish anything and everything governmental in Great Britain.

For a period some centuries ago, some English judges did argue that their decisions could restrain Parliament, but this theory had to be abandoned because it was found to be untenable in the light of sound political theory and governmental realities in a Representative Democracy. Under this *form* of government, neither the courts or any other part of the government can effectively challenge, much less block, any action by The Majority in the legislative body, no matter how arbitrary, tyrannous, or totalitarian they might become in practice. The parliamentary system of Great Britain is a perfect example of Representative Democracy and of the potential tyranny inherent in its system of Unlimited Rule by Omnipotent Majority. This pertains only to the potential, to the theory, involved; governmental practices there are irrelevant to this discussion.

Madison's observations in *The Federalist* number 10 are noteworthy at this point because they highlight a grave error made through the centuries regarding Democracy as a *form* of government. He commented as follows:

"Theoretic politicians, who have patronized this species of government, have erroneously supposed, that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions."

Democracy, as a form of government, is utterly repugnant to—is the very antithesis of—the traditional American system: that of a Republic. Its underlying philosophy, as expressed in essence in the Declaration of Independence, with primary emphasis upon the people's forming their government so as to permit them to possess only "just powers" (limited powers) in order to make and keep secure the God-given, unalienable rights of each and every Individual and therefore of all groups of Individuals.

A Republic

A Republic, on the other hand, has a very different purpose and an entirely different *form*, or system, of government. Its purpose is to control The Majority strictly, as well as all others among the people, primarily to protect The Individual's God-given, unalienable rights and therefore for

the protection of the rights of The Minority, of all minorities, and the liberties of people in general. The definition of a Republic is: a constitutionally limited government of the representative type, created by a written Constitution—adopted by the people and changeable (from its original meaning) by them only by its amendment—with its powers divided between three separate Branches: Executive, Legislative and Judicial. Here the term "the people" means, of course, the electorate.

The people adopt the Constitution as their fundamental law by utilizing a Constitutional Convention—chosen by them for this express and sole purpose—to frame it for consideration and approval by them either directly or by their representatives in a Ratifying Convention, similarly chosen. Such a Constitutional Convention, for either framing or ratification, is one of America's greatest contributions to the mechanics of government—of self-government through constitutionally limited government—comparable in importance to America's greatest contribution to the science of government: the formation and adoption by the sovereign people of a written Constitution as the basis for self-government. One of the earliest, if not the first, specific discussions of this new American development (a Constitutional Convention) in the historical records is an entry in June 1775 in John Adams' "Autobiography" commenting on the framing by a convention and ratification by the people as follows:

"By conventions of representatives, freely, fairly, and proportionately chosen . . . the convention may send out their project of a constitution, to the people in their several towns, counties, or districts, and the people may make the acceptance of it their own act."

Yet the first proposal in 1778 of a Constitution for Massachusetts was rejected for the reason, in part, as stated in the "Essex Result" (the result, or report, of the Convention of towns of Essex County), that it had been framed and proposed not by a specially chosen convention but by members of the legislature who were involved in general legislative duties, including those pertaining to the conduct of the war.

The first genuine and soundly founded Republic in all history was the one created by the first genuine Constitution, which was adopted by the people of Massachusetts in 1780 after being framed for their consideration by a specially chosen Constitutional Convention. (As previously noted, the so-called "Constitutions" adopted by some States in 1776 were mere Acts of Legislatures, not genuine Constitutions.) The Constitutional Convention of Massachusetts was the first successful one ever held in the world; although New Hampshire had earlier held one unsuccessfully (it took several years and several successive conventions to produce the New Hampshire Constitution of 1784). Next, in 1787-1788, the United States Constitution was framed by the Federal Convention for the people's consideration and then ratified by the people of the several States through a Ratifying Convention in each State specially chosen by them for this sole purpose. Thereafter the other States gradually followed, in general, the Massachusetts pattern of Constitution-making in adoption of genuine Constitutions; but there was a delay of a number of years for some of them, several decades for a few.

This system of Constitution-making, for the purpose of establishing constitutionally limited government, is designed to put into practice the basic principle of the Declaration of Independence: that the people form their governments and grant to them only "just powers," limited powers, in order primarily to secure (to make and keep secure) their God-given,

unalienable rights. The American philosophy and system of government thus bar equally the "snob-rule" of a governing Elite and the "mob-rule" of an Omnipotent Majority. This is designed, above all else, to preclude the existence in America of any governmental power capable of being misused so as to violate The Individual's rights—to endanger the people's liberties.

With regard to the republican form of government (that of a republic), Madison made an observation in *The Federalist* (#55) which merits quoting here:

"As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust: So there are other qualities in human nature, which justify a certain portion of esteem and confidence. *Republican government* (that of a Republic) *presupposes the existence of these qualities in a higher degree than any other form.* Were the pictures which have been drawn by the political jealousy of some among us, faithful likenesses of the human character, the inference would be that there is not sufficient virtue among men for self government; and that nothing less than the chains of despotism can restrain them from destroying and devouring one another." (emphasis added.)

It is noteworthy here that the above discussion, though brief, is sufficient to indicate the reasons why the label "Republic" has been misapplied in other countries to other and different forms of government throughout history. It has been greatly misunderstood and widely misused—for example as long ago as the time of Plato, when he wrote his celebrated volume, *The Republic*, in which he did not discuss anything governmental even remotely resembling a genuine Republic. Frequent reference is to be found, in the writings of the period of the framing of the Constitution for instance, to "the ancient republics," but in any such connection the term was used loosely—by way of contrast to a monarchy or to a Direct Democracy—often using the term in the sense merely of a system of Rule-by-Law featuring Representative government. This is indicated, for example, by John Adams in his "Thoughts on Government" and by Madison in *The Federalist* numbers 10 and 39. But this is an incomplete definition because it can include a Representative Democracy, lacking a written Constitution limiting The Majority.

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