

Democracy or Republic? Which is it?

by Benedict D. LaRosa

Several years ago, a caller to the Larry King television talk show asked the guest, a Congressman, to explain the difference between a democracy and a republic. The Congressman responded that there was no difference; the two words were synonymous. Intrigued by the ignorance of this apparently intelligent, well-meaning man who had sworn to uphold the Constitution of the United States, I consulted several dictionaries. None of them considered the two words synonymous, though all described them in similar terms. Little wonder, then, that the words are used interchangeably today.

To the founders of this country, however, there was a world of difference between the two. Even Heinrich Muller, Chief of the Gestapo, recognized this. In an interview given to the Central Intelligence Agency in 1948 at his home in Switzerland, Muller said, "Here, in Switzerland, is the only real democracy in the world. You in America have a republic, not a democracy. There is a real difference there."

Is the distinction merely the rambling of politically incorrect 18th century tax protesters, or are there real differences between the two forms of government?

Misconception

Although we hear the term democracy used constantly in reference to our form of government, the word does not appear in either the Declaration of Independence or the Constitution of the United States, our two fundamental documents. Indeed, Article IV, Section 4, of the Constitution "guarantees to every State in this union a Republican Form of Government." In addition, we sing the

Battle Hymn of the Republic, and pledge allegiance to the flag, of "the Republic for which it stands."

On the contrary, the founders saw great danger in democracy. Tom Paine, that firebrand of the American Revolution, considered democracy the vilest form of government. In describing the purpose of the Constitutional Convention of 1787, Virginia delegate Edmund Randolph commented, "The general object was to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin, every man had found it in the turbulence and follies of democracy."

Thirty-eight years after the Declaration of Independence, John Adams warned, "Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy that did not commit suicide."

John Marshall, Chief Justice of the Supreme Court from 1801 to 1835 observed, "Between a balanced republic and a democracy, the difference is like that between order and chaos." As late as 1928, the "Citizenship" chapter of U.S. War Department training manual TM 2000-25 expressed the opinion:

Democracy . . . has been repeatedly tried without success. Our Constitutional fathers . . . made a very marked distinction between a republic and a democracy . . . and said repeatedly and emphatically that they had founded a republic.

One of America's outstanding historians, Charles Austin Beard (1874-1948), put it succinctly:

At no time, at no place in solemn convention assembled, through no chosen agents, had the American people officially proclaimed the United States to be a democracy. The Constitution did not contain the word or any word lending countenance to it.

Why, then, do we call ourselves a democracy, and does it really make any difference?

What is a Democracy?

The origin of the word democracy comes from the Greek demos, meaning people, and kratos, meaning government. Literally, democracy means government by or of the people. In a democracy, the majority rules either directly, or through elected representatives or appointed officials, without the restraint embodied in a fixed body of law. The law is whatever an official organ of government determines it is. ("The law is in their mouth," as was said of absolute monarchs.) It is rule by whim rather than law, by emotion rather than reason. Individuals have no inherent rights, but are considered the products of history (slavery, the renaissance, dark ages, etc.), culture (western, oriental, etc.), class (nobility, merchant, artisan, peasant, etc.), gender (male or female), race (Caucasian, Negroid, etc.), religion (Protestant, Catholic, Hindu, Moslem, Jewish, etc.), etc., and are classified and categorized accordingly. Rights emanate from the mass will or power. The purpose of government is to satisfy needs (food, clothing, shelter, education, healthcare, etc.). It is government by conflicting biases with the result that members of politically powerful constituencies receive

privileges because of their classification within certain categories rather than on merit at the expense of everyone else. The racial and other quotas under Affirmative Action are an example.

The laws are political or man-made, and reflect not truth and justice, but power. They are a mass of ad hoc decisions produced through lobbying, geared to expediency, concerned more with immediate consequences and less with consistency or continuity. Gun control and drug laws are prime examples. They are based on the emotional reaction to societal problems for which the misuse of guns and drugs are merely the symptom. Despite overwhelming evidence that such laws not only don't work, but actually encourage lawlessness, those who support them demand more draconian measures in the face of their repeated failures. As consequences, our prisons fill with peaceful people who merely want to defend themselves or relax with a drug which is, at most, harmful only to themselves while murderers, rapists, and robbers are set free to make room for these political prisoners.

Political law creates advantage. Therefore, political factions compete to control the lawmaking process. Government power is a prize to be won for the benefit of the winners at the expense of the losers. The law becomes an instrument used by the winners against their opponents. Officers of the law are appropriately called law enforcement officers or policemen (from the Greek, Latin, and French to regulate, control, or cleanup). Their primary role is to enforce the corporate will and protect the power of the state. The military is an instrument of foreign and, at times, domestic policy. Taxes are imposed without the individual's consent and are used to reward

and punish as well as pay for legitimate government functions.

People vote for what they want, not what is right. The public looks to the political class for moral leadership. Public and private morality are considered the same which justifies making private morality public policy. Thus, what one does in the privacy of his own home with consenting adults (gambling, for example) must meet the same standard as for public behavior. As a result, vices become crimes, and the exercise of certain freedoms become criminal activities. What is lawful today, may not be tomorrow, and an individual considered law-abiding one day, may be a criminal the next, though his behavior has not changed.

Restraint is upon the individual. Rights are relative and take the form of privileges granted through government licenses and permits, or simply permissions revocable at the whim of those in power. The will of one segment of society - the majority - is imposed on everyone. Government acts like a hammer punishing violations of majority standards as enacted by legislation. Consent of the governed is meaningless, for such governments exercise their powers over anyone they choose.

Democracy concentrates power into the hands of the few organized and clever enough to manipulate the masses. It is characterized by a communistic attitude toward property and monopolistic enterprises. It becomes an instrument for the redistribution of wealth as well as the security of the state. It is the rule of men, the dictatorship of the majority without regard to the consequences upon individuals or society.

What is a Republic?

The word republic is from the Latin *res*, which means thing, affair or interest, and *publica* which means of everybody. It literally means everybody's thing or interest.

The Declaration of Independence contains the principles of republican government: that all men are created with equal, unalienable rights, that governments are formed by men to secure these rights, and that governments derive their just powers from the consent of the governed. Upon these principles, our forefathers established a body of law called the Constitution of the United States to which they added a Bill of Rights as the first ten amendments to further restrict majority rule.

The essence of a republic is the rule of law, by which is meant the common or scientific law, which is certain and unchangeable. This law is discovered, not made, in that the tendency is to find the freedoms and restraints imposed by natural law, and base decisions upon them. ("Man cannot make principles, he can only discover them," wrote Tom Paine.) Since human nature doesn't change, what was right yesterday should be so today and tomorrow. Courts seek out and enforce a higher law as opposed to political or man-made law. As a result, the law seeks truth, transcends politics, is reasonable, consistent, predictable, and reflects or approximates natural justice. Government acts like a shield punishing the abuses of freedoms – assaults against the life, liberty, and property of innocent people - not the freedoms themselves. For example, the misuse of a firearm which results in injury to an innocent

party would be punished rather than the mere possession of such a weapon. Officers of the law are appropriately called peace officers, for they do not enforce political law, but protect everyone equally from force and fraud. The military is used as a last resort to protect the nation. Moral authority rests outside the political class who are held to a high moral standard through public pressure. Government's purpose is to protect rights and defend freedom. Taxes are voluntary assessments used to fund legitimate government functions serving the common good (in obedience to John Adams' dictum that "No man may be taxed against his will. . . .").

Under this form of government, individual freedom and responsibility are maximized. The individual is sovereign and his rights are sacrosanct. Individuals are free to act without permission; but, must never impose without consent. Everyone has an equal right to compete in the marketplace, succeed or fail on their own, and pursue their own happiness restrained only by the rights of others to do the same. Republics reject as a danger to liberty the public interest doctrine espoused in democracies, because, as John Adams articulated, "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."

In a republic, the government has just enough power to carry out its proper functions, but is otherwise limited, inhibited and restricted. According to political historian, Thomas Molnar:

The prevailing concept [of 18th century liberalism] was . . . that the State should concern itself with public

safety and should be called out - in the form of its armed forces only to restrain the disorderly and crush the rebellious.

Power is decentralized, divided, and regulated by an elaborate system of checks and balances, with the ultimate check held by the people in the form of free and open elections (the ballot box), indictment and trial by jury (the jury box), and an armed citizenry (the cartridge box). The law is neutral. No one is exempt; everyone is equal before it. All are held fully accountable to an injured party.

Republican government is based on Tom Paine's premise that "Government, even in its best state, is but a necessary evil; in its worst state, an intolerable one."

Thomas Jefferson, in his first inaugural address, gave perhaps the best description of republican government:

A wise and frugal government, which shall restrain men from injuring one another . . . shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread it has earned. This is the sum of good government.

In a republic, government is an instrument solely for collective security in which the people are served rather than regulated, represented rather than ruled. When the principles of republican government are followed, free markets spring up automatically followed by a growing middle class, abundance, harmony, a high degree of liberty, and ethical behavior. The emphasis is on the

creation of wealth, not the accumulation of power as in a democracy.

Why Not a Democracy?

John Adams summed up what a government of men brings:

Passions are the same in all men, under all forms of simple government, and when unchecked, produce the same effects of fraud, violence and cruelty. When clear prospects are opened before vanity, pride, avarice, or ambition, for their easy gratification, it is hard for the most considerate philosophers and the most conscientious moralists to resist the temptation. Individuals have conquered themselves; nations and large bodies of men, never.

Professor Alexander Fraser Tytler, writing when the states were still colonies of Great Britain, explained why democracies always fail:

A Democracy cannot exist as a permanent form of Government. It can only exist until the voters discover they can vote themselves largess of the public treasury. From that moment on the majority always votes for the candidate promising the most benefits from the public treasury with the result that Democracy always collapses over a loose fiscal policy, always to be followed by a Dictatorship.

James Madison, father of the Constitution, wrote in *The Federalist* No.10:

In a pure democracy, there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general, been as short in their lives as they have been violent in their deaths.

Even Plato warned, in his *Republic*, that, as a rule, tyranny arises from democracy.

For these reasons, the founders of our Republic avoided a government of men and established a government of law.

Why the Misconception?

The confusion is not new. James Madison, writing in *The Federalist* No.14, refers to:

The error which limits republican government seems to owe its rise and prevalence chiefly to the confounding of a republic with a democracy, applying to the former reasoning drawn from the nature of the latter.

Madison blamed "celebrated authors" for the confusion because they placed:

. . . in comparison the vices and defects of the republican, and by citing as specimens of the latter the turbulent democracies of ancient Greece and modern Italy. Under the confusion of names, it has been an easy task to transfer to a republic observations applicable to a democracy only.

Widespread use of the term democracy began with the Woodrow Wilson administration in 1912. It was during this administration that the anti-republican amendments - the 16th (income tax) and 17th (popular election of senators) - were added to our Constitution and a central bank - the Federal Reserve - was established. All three acts centralized power.

The U.S. War Department manual mentioned above defined democracy and republic and explained the difference between both. Sometime in the 1930s, during the Franklin Roosevelt administration, all copies were withdrawn from the Government Printing Office and Army posts and destroyed without explanation.

Confusion between the two forms of government lingers today to the detriment of not only the American people, but also all those who look to us as an example of how to structure a just and free society. When we understand the difference, many of the issues which divide us will melt away. We will then make better choices in our leaders, and demand that government become less intrusive, abusive, and expensive, and more responsive to our collective needs for security, harmony, and abundance.

It would not be an exaggeration to say that the very survival of our civilization depends upon knowing the difference between a Republic and a Democracy.

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