



THE AMERICAN  
TRADITION

### 3. *Of Republican Government*

CLARENCE B. CARSON

THERE IS no single word which adequately describes the American system of government. Nor need there be. Lately, there has been debate as to whether the United States is a republic or a democracy. Some conservatives have taken an adamant position that it is a republic; many liberals would be deprived of their philosopher's stone if they could not refer to it as a democracy. Others have rushed into the breach to proclaim that it is both a republic and a democracy. Actually, neither term should be called upon to perform such a broad and comprehensive service.

The United States was conceived and elaborated as a *constitutional*

*federated republic*. All three terms are essential to convey the barest outline of our form of government; none of them sufficiently implies the others to be omitted. And these do little more than describe the outward form. They leave unevoked most of the inner essence of the American political tradition — i.e., separation of powers, government by law, private rights, and so forth. But is there any need to reduce the political tradition to a single word? Is space so limited, vocabulary so impoverished, or memory so short that our central political ideas must be reduced to a single word?

Our penchant for reductionism, for oversimplification, for overloading words so that they block the channels of communication has a more serious explanation. It

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Illustration: National Archives

stems from the bent to have an ideology which can be conveyed and propagated by a single word. With such a device, one may say — as if meaningfully — that a war is “to make the world safe for democracy,” or refer to the world conflict between democracy and communism. No one has yet suggested, to my knowledge, that the conflict is between republicanism and communism, for the meaning of republicanism is still sufficiently clear to expose such nonsense. Still, given time and enough sloganizing, even republic might be used to signify an ideology.

### **Not an Ideology**

Ideologues first reduce all of reality to the limited dimensions of their own minds. Then, they reduce these conceptions to catchwords, slogans, and shibboleths. These phrases are imputed to contain an implicit summation of reality, an analysis of what ails society, a prognosis for its future, and the solutions for its problems. Thus, Karl Marx reduced reality to matter, made technology the moving force, explained historical developments in terms of class conflict, attributed the ills of society to capitalism, predicted a generally worsening situation, and held out communism as the solution. The tendency to do this sort of thing can be detected even be-

fore Marx’s works, but it spreads so rapidly in our day that it threatens to envelop and choke off all thought and discourse.

The point is this. The American political tradition should not be conceived of as an ideology. To do so would be to distort both the tradition and the historical setting in which it arose. An ideology is monolithic, reductionist, comprehensive (in its claims), starts with a uniform conception of man, and ends with uniformity in the society it prescribes. By contrast, the American tradition was born out of and tended to facilitate diversity, expansiveness, and variety of belief and practice, none of which were presumed to be complete or finished. One may detect the bent of some Americans toward ideology at the time of the articulation of our tradition into institutions — in Jefferson’s thought, for instance — but little of this found its way into documents from which our institutions were framed.

### **Republic or Democracy?**

To come to the matter at hand, “republic” is not an equivalent term to “democracy,” as these words are now used. “Democracy” has been loaded with that complex of interrelated ideas which we associate with an ideology; whereas, “republic” retains mainly its de-

scriptive usage. This was not always so. In the debates about the adoption of the Constitution, "republic" and "democracy" were used interchangeably by some speakers. Even where this is not the case, it appears that neither word is anything more than descriptive. In considering the American political tradition, then, it is necessary to divest ourselves of the tendency to reduce things to ideologies. Men, in those days, sometimes had philosophies, ideas, beliefs, and principles, but rarely, if ever, ideologies.

Of course, the United States government was conceived of, created as, and referred to by its founders as republican in *form*. In like manner, this government was to see to it that the states had a republican form of government. These are matters of record, not subjects for debate. But what they meant by this does have to be deciphered.

### **Representative Government**

Republican government refers primarily to two things: the origin of the powers of a government, and the manner in which these powers are exercised. That is, they come from the *public* (or people), and they are exercised by representatives. Most commentators are in agreement on these two characteristics. Thus, the

*American College Dictionary* defines a republic as "a state in which the supreme power rests in the body of citizens entitled to vote and is exercised by representatives chosen directly or indirectly by them." James Madison said that "we may define a republic to be . . . a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior."<sup>1</sup> Patrick Henry, who was apt to agree with Madison about little else at the time of the constitutional debates, said: "The delegation of power to an adequate number of representatives, and an unimpeded reversion of it back to the people, at short periods, form the principal traits of a republican government."<sup>2</sup> In short, republican government is popular representative government.

At the time of the founding of these United States, Americans disagreed about many things, but not about the desirability of republican government. Few, if any, could have been found to debate the following propositions with

<sup>1</sup> Benjamin F. Wright, ed., *The Federalist* (Cambridge: Harvard University Press, 1961), pp. 280-81.

<sup>2</sup> *Elliot's Debates*, Bk. I, vol. 3, p. 396.

Madison in 1788. "The first question that offers itself is, whether the general form and aspect of the government be strictly republican? It is evident that no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution; or with that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government."<sup>3</sup>

All of this can be so easily misunderstood, taken out of context as it is. Those who have gone far toward deifying majority rule and popular government as ends in themselves may think they have found allies in the Founders. Those who view representation as a purely practical expedient standing in lieu of a more desirable direct democracy may conclude that they hold common ground with the constitution-makers. Both would be wrong.

#### **A Means to an End**

Republican government was conceived as a means to an end, not an end itself. Americans of the late eighteenth century used many words and phrases to describe the object of government: for example, "happiness," "domestic tranquility," "common defense," "gen-

eral welfare," and so forth. These somewhat vague words have been informed with quite different meanings in our day from what they meant in the earlier usage. As a matter of fact, their earlier meanings can be conveniently reduced to three heads: order, security, and liberty. The object of governments as then conceived was to institute regular and lawful (orderly) means for conducting relationships among men, to secure the possessions and lives of men from predators and aggressors, and to insure to men the free use of their faculties, so long as they did no harm to others.

Edmund Pendleton pins down most of these meanings in the following excerpt from his speech before the Virginia Convention held to consider the adoption of the Constitution. (Incidentally, this is an argument for adoption.)

I wish, sir, for a regular government, in order to secure and protect those honest citizens who have been distinguished — I mean the *industrious* farmer and planter. I wish them to be protected in the enjoyment of their honestly and industriously acquired property. I wish commerce to be fully protected and encouraged, that the people may have an opportunity of disposing of their crops at market, and of procuring such supplies as they may be in want of. I presume that there can be no political happiness, unless industry be cher-

<sup>3</sup> Wright, *op. cit.*, p. 280.

ished and protected, and property secured. Suppose a poor man becomes rich by honest labor, and increases the public stock of wealth: shall his reward be the loss of that liberty he set out with? Will you take away every stimulus to industry, by declaring that he shall not retain the fruits of it? . . . In my mind the true principle of republicanism, and the greatest security of liberty, is regular government.<sup>4</sup>

Republican government, then, was linked in his mind, as it was in the minds of many others, with order, security, and liberty — the objects of government.

#### **Consent of the People**

By definition, republican government is government by the consent of the people (or public). But it is not obvious why popular government should be thought likely to produce the ends that these men desired. Conceivably, they might have believed that the people are naturally good and virtuous, that they are by nature bent to justice and order, that a majority will always make the right decision, and that the voice of the people is the voice of God. Had they started with these assumptions, it would be clear why they favored popular government (though we might still question their sanity).

<sup>4</sup> *Elliot's Debates*, Bk. I, vol. 3, pp. 295-96. Italics mine.

But these emphatically were not the assumptions of most men who produced and favored the adoption of the United States Constitution. On the contrary, Alexander Hamilton said, "The voice of the people has been said to be the voice of God; and, however generally this maxim has been quoted and believed, it is not true to fact. The people are turbulent and changing; they seldom judge or determine right."<sup>5</sup> John Adams apparently acquiesced in the view that "whoever would found a state, and make proper laws for the government of it, must presume that all men are bad by nature; that they will not fail to show that natural depravity of heart whenever they have a fair opportunity."<sup>6</sup> Moses Ames, speaking in the Massachusetts Convention on the matter of direct popular government, said: "It has been said that a pure democracy is the best government for a small people who assemble in person. . . . It may be of some use in this argument . . . to consider, that it would be very burdensome, subject to faction and violence; decisions would often be made by surprise, in the precipitancy of passion, by men who either understand nothing or care nothing

<sup>5</sup> *Ibid.*, Bk. I, vol. 1, p. 422.

<sup>6</sup> Vernon L. Parrington, *The Colonial Mind* (New York: A Harvest Book, 1954), p. 317.

about the subject; or by interested men, or those who vote for their own indemnity. It would be a government not by laws, but by men.”<sup>7</sup> James Madison said that “on a candid examination of history, we shall find that turbulence, violence, and abuse of power, by the majority trampling on the rights of the minority, have produced factions and commotions, which, in republics, have more frequently than any other cause, produced despotism.”<sup>8</sup> John C. Calhoun, writing considerably later, said that the “truth is, — the Government of the uncontrolled numerical majority, is but the *absolute and despotical form of popular governments*. . . .”<sup>9</sup>

Yet these same men, and others of similar views, were devoted advocates of popularly based government. Alexander Hamilton declared: “The fabric of American Empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority.”<sup>10</sup> Elbridge Gerry maintained that “it must be admitted that a

free people are the proper guardians of their rights and liberties. . . .”<sup>11</sup> Moses Ames said: “The people must govern by a majority with whom all power resides.”<sup>12</sup> A Mr. Lee of Westmoreland in Virginia took a similar position: “I say that this new system shows, in stronger terms than words could declare, that the liberties of the people are secure. It goes on the principle that all power is in the people, and that rulers have no powers but what are enumerated in that paper [the Constitution].”<sup>13</sup> John Marshall “conceived that, as the government was drawn from the people, the feelings and interests of the people would be attended to. . . .”<sup>14</sup> James Madison asked, “Who but the people have a right to form government [sic]? The expression [We the People] is a common one, and a favorite one with me.”<sup>15</sup>

### A Paradox Explained

Apparently, here is a paradox; or worse, outright contradiction. On the one hand, we are told that the people are passionate, turbulent, changing, partial, and self-interested. The direct rule of the

<sup>7</sup> *Elliot's Debates*, Bk. I, Vol. 2, p. 8.

<sup>8</sup> *Ibid.*, vol. 3, p. 87.

<sup>9</sup> Quoted in Russell Kirk, *The Conservative Mind* (Chicago: Regnery, 1960, the rev. Gateway edition), p. 199.

<sup>10</sup> Wright, *op. cit.*, p. 277.

<sup>11</sup> *Elliot's Debates*, Bk. I, vol. 1, p. 493.

<sup>12</sup> *Ibid.*, vol. 2, p. 8.

<sup>13</sup> *Ibid.*, vol. 3, p. 186.

<sup>14</sup> *Ibid.*, p. 420.

<sup>15</sup> *Ibid.*, p. 37.

majority can lead to almost certain despotism. On the other, some of the same men argue for the adoption of the Constitution on the grounds that it provides for popular government. The people are "that pure, original fountain of all legitimate authority." Can such differences be resolved?

They can, at the least, be explained, and the explanation will lead us to the heart of the American tradition of republican government. It must be remembered that we are not dealing with an ideology. An ideologue would almost certainly turn to some other basis of government if he did not trust the people. Moreover, these men are not discussing plans for a perfect society; they are discussing prudent means to very limited ends. They do not have in view final ends, total means, or absolute positions. The very limited character of the undertaking made moderation appropriate. As Governor Edmund Randolph put it during the Virginia Convention:

The gentleman expresses a necessity of being suspicious of those who govern. I will agree with him in the necessity of political jealousy to a certain extent; but we ought to examine how far this political jealousy ought to be carried. I confess that a certain degree of it is highly necessary to the preservation of liberty; but it

ought not to be extended to a degree which is degrading and humiliating to human nature; to a degree of restlessness, and active disquietude, sufficient to disturb a community, or preclude the possibility of political happiness and contentment. Confidence ought also to be equally limited. Wisdom shrinks from extremes, and fixes on a medium as her choice.<sup>16</sup>

These may not be eternal truths, but they are practical possibilities when men are dealing not with ideologies but with limited means to limited ends.

***Man's Natural Right to Life,  
Liberty, the Fruits of His Labor***

Moderate attitudes do not, however, remove the apparent contradictions alluded to earlier; they merely provide favorable conditions for the removal. The problem can be resolved only by reverting to the ideas which informed the belief in popular government. These were ideas of the nature of *man*, not of the behavior of men. The Founders believed that man, by nature, possessed certain rights. These rights were variously described, but it captures the thought behind a common belief to say that they were the right of a man to *life, liberty, and the fruits of his labor*. These rights were believed to be inalienable; that is, they were his

<sup>16</sup> *Ibid.*, p. 70.

by virtue of existence and not subject to being contracted away. Governments exist, legitimately, to protect man in these rights. It is in the common interest and for the general welfare of all men that these rights be protected. Order, security, and liberty are the conditions within which these rights can be assured.

Thus, a popularly based government is, from one point of view, a government based on the nature of man. In this sense, the voice of the people might truly be said to be the voice of God. For God had implanted this nature in man, and He gave final support to these natural rights.

### **Broadly Based Control**

But this does not touch the practical problems of constitution-makers. Theoretically, all men have rights and an interest in governments which will secure them. Why not rest all government directly upon popular action? Will this not be the best of all means for securing men in their rights? Here and there a man might be found — Patrick Henry, a budding ideologue, for instance — who thought so at the time of the founding of these United States. But most men were hardly of this persuasion. In founding and operating governments, men as they actually are, not simply what they

have by nature, must be reckoned with. In their actual behavior, men frequently seek their selfish interests, try to gain power over others, yield to their passions, and become intolerant.

Had they angels to govern them, the problem might be readily solved. But alas, they have only fallible men to govern them and fallible men to be governed. Some men, it is true, are more nearly dispassionate than others, better learned, more given to appeal to reason, more conscious of the general welfare. Even they are but men, however, and given a free rein they may ride roughshod over their fellow men. History is replete with instances of this consequence of entrusted power. No, the broad body of the people must retain control over the government. Even though men at large are capable of great mischief, particularly when gathered in groups, the government must have an actual popular base.

### **Limitations Sought**

The task, as conceived by the Founders, was a difficult one. They believed that men's rights would be secure only if they kept watch over them. But if all power were conceded to men in the aggregate, they might abuse it and become tyrannical. At any rate, they might group into factions and use



government for partisan ends. Also, they wanted a government with sufficient energy to provide that order and security within which men might enjoy their liberty. To do this, they would have to concentrate power to some extent. This would be dangerous, of course. How could the general welfare of all be discovered but by the best of men?

### ***Indirect Control***

A significant part of the means to these ends was the representation principle. According to the mode of the United States Constitution, the people are the source of authority. The Constitution was referred to delegates for adoption. The Preamble opens with "We the people." All authority can be traced backward to its popular source. Thus, the members of the House of Representatives were to be chosen directly by popular vote. The Senate was to be chosen by state legislatures, some portion, or all, of which, was to be chosen by the electorate. But there were definite checks on the exercise of power by the electorate. The Senate was elected indirectly, so far as the populace was concerned. The President was to be elected by special electors, chosen for that purpose as the states might designate. The members of the federal courts are appointed by the Presi-

dent by and with the consent of the Senate.

No law can be passed without the concurrence of a majority of Representatives, chosen directly by the populace. But it was equally true that no law could be passed without the concurrence of a majority of Senators, not at that time directly elected by the populace. In this manner, the people are the source of authority. But by making most of their voice indirect, there was an attempt to prevent either factional use of the government or a too ready response to the turbulence of the crowd. By having authority exercised by representatives, and most of them chosen by a winnowing process, the hope was to obtain reasonable government rather than one based upon passion. These representatives serve for different terms and are balanced against one another in separate branches of the government.

### ***Reliance on Reason***

The conception which many of the Founders had of the role of reason needs to be made clear also. Reason was thought to be the means by which man discovered his natural rights. In like manner, he discovered by reason the nature of good government and of the kind of society appropriate to man. Thus, reason was thought to be

particularly important to the security of men in their lives and property. Representation was also conceived as the best means, or the best hope, for getting reason to prevail in political affairs. By selection a considerable number of the most reasonable men might be chosen; by making it cumbersome to take action the delays would give men time to "come to their senses"; by counterpoising branch against branch men might have to recur to persuasion.

In debates in representative assemblies, men are drawn toward a reasonable position, for by aligning himself with reason a man stands higher in his opinion of himself. It should be noted, too, that the great ages of belief in reason have more often than not been the great ages of representative governments. The debates of parliaments make little sense if men are not subject to yield to the better reason. When belief in reason declines, as in our day, parliaments and congresses become increasingly anachronistic. Thus, attacks on Congress mount, and more and more ways are devised to evade the necessity for congressional action.

#### **A Traditional Concept**

Americans did not, of course, invent republican government at the time of the writing and adoption

of the Constitution. They were working within a centuries-old tradition. Both popular and representative government can be traced backward to the late Middle Ages in England. In the authoritarian and feudal surroundings of that time, representatives started out as advisers to the king, served sometimes to counterbalance the power of the monarch, and represented before the king the various orders of men in the realm. The House of Lords represented the nobles and the clergy; the House of Commons represented the gentry and the townsmen. Thus, the earliest English settlers in America were familiar with representative government when they came. As soon as they were able, they established representative assemblies in the New World, beginning with the House of Burgesses in Virginia in 1619. These developed apace in most colonies, and Americans usually governed themselves in most respects long before they broke from England.

The idea of government deriving from the people had yet another source. It is found in the various compacts and covenants by which communities constituted themselves bodies politic, i.e., the Mayflower Compact, the Fundamental Orders of Connecticut, and so forth. These not only served as

forerunners of our constitutions but also as prototypes for the belief that governments derive their powers from the people.

### **The Form Remains**

Apparently, some people are shocked to learn it, but the United States still has a republican form of government. There have been some alterations, of course. The Senate is now elected by direct popular vote. Electors who vote for the President are now regularly chosen by popular vote, whereas, at the beginning some of them were chosen by state legislatures. The elective franchise has been much extended, but that in itself does not alter the republican character of the government.

This would not be in the least amazing had not the United States been known for more than a century as a democracy. This designation began to catch on around the middle of the nineteenth century, and by World War I there were few, if any, to deny its descriptive accuracy. Children in the schools were taught that they lived in a democracy; preachers verified it in their prayers; and politicians proclaimed it to their constituents. Meanwhile, democracy was coming to stand for an ideology. Shaped by John Dewey and others, it picked up collectivist ideas and comprehensive and unlimited ends

for the government it was supposed to describe.

In the early twentieth century when these latter developments were getting under way, there was a great deal of dissatisfaction with the government. The notion was spread that America was supposed to be a democracy—that was its aim and end—but this had not yet been achieved. Reforms were pushed in the name of making the country more democratic. For a time, there were efforts to make the government more responsive to direct popular pressure through such devices as the initiative and referendum. Actually, these devices made some headway at the state level, but the impetus toward this sort of thing faded during World War I, and there has not been a great deal of interest in reviving it since the reformers got control of the executive branch of the government in 1933. They have turned their efforts since that time to the positive use of government to accomplish substantive “democratic” — i.e., largely collectivistic — reforms rather than formal ones. Democracy became an end in the midst of this rather than a means. Voting — the most obvious “democratic” activity — became an end also.

These changes do represent major departures from the American

tradition, though not so much by changes of institutions as by changes in belief. The republican form is still there to be understood and used. It still acts to inhibit precipitate action and to slow down the pace of change. But it

will serve its full and rewarding purpose again only when we view it as a limited means to limited ends, namely, order, security, and liberty, *not* as a poor substitute for democracy, which it was not intended to be. ◆

• *The next article in this series will treat "Of Federalism."*



# Government Relief

RAE C. HEIPLE, II

*The Honorable Mr. Heiple, a member of the Illinois State Legislature from Washington, Illinois, recently reported his minority view to the Committee on Public Aid, excerpts from which are here presented.*

IF THE PROBLEM of government relief were not so important, if it were not so expensive, if it were not so destructive to morality, and if it were not so tragic in its long-term consequences, I could remain silent. But, how can one remain silent in the face of such serious social evils?

The philosophy behind public relief is that it helps people who "need" help through no fault of their own and permits them to live a dignified and normal life, thereby facilitating their return to independence as soon as possible.

This philosophy is completely

and utterly false for the reason that it fails to take human nature into consideration.

The cold, hard fact of life is that man works out of necessity, not because he likes to work but because he has to. It is the choice of eating or going hungry—the choice of being warm or cold that makes man work.

If the government is going to feed, clothe, provide a home and fire, without the necessity of work, many people won't work. It is that simple.

It may be true that *you* would not quit work just to get govern-