

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

REPRESENTATIVE GOVERNMENT

LESSON 09 SESSION 01

9.1 Early forms of government

Until the eighteenth century the world had little experience with republics. In the ancient world Greece and Rome furnished early examples of attempts to form democratic governments. In Grecian cities popular government was practiced, the free people directly making the laws. In Rome the townsman passed laws to his own advantage. And in the so-called Venetian republic the power was vested in a few nobles.

After the failure of many experiments in free government the ancient world turned to monarchy, believing that the people were unfit to govern themselves. For centuries, political revolutions were struggles for better government, rather than self-government.

At the time of the Revolutionary War the republican form of government was discredited throughout the world, monarchy and oligarchy being considered the proper forms of good government.

9.2 Representative government

9.2.1 The American experiment.

A few races qualified themselves for self-government. To establish that form of government was a long, hard struggle which culminated in the great American experiment.

The United States set up a distinct and different form of government, the product of distinct racial stocks and centuries spent in learning the principles and art of self-government. In practice, our form of government is the most nearly perfect in securing individual rights and ensuring the blessings of liberty.

It differs from previous forms in certain vital and fundamental principles which have come to be known as "American institutions." Among these is that of self-government by representation, which is "the golden mean between autocracy and democracy."

9.3 Comparative analysis

The following comparative analysis shows the principal characteristics of the three forms of government:

9.3.1 Autocracy - Authority is derived through heredity.

People have no choice in the selection of their rulers and no voice in making of the laws.

Results in arbitrariness, tyranny, and oppression.

Attitude toward property is feudalistic.

Attitude toward law is that the will of the ruler shall control, regardless of reason or consequences.

9.3.2 Democracy - A government of the masses.

Authority derived through mass meeting or any other form of "direct" expression.

Results in mobocracy.

Attitude toward property is communistic — negating property rights.

Attitude toward law is that the will of the majority shall regulate, whether it be based upon deliberation or governed by passion, prejudice, and impulse, without restraint or regard to consequences.

Results in demagoguism, license, agitation, discontent, anarchy.

9.3.3 Republic – A government ruled by the people

Authority is derived through the election by the people of public officials best fitted to represent them.

Attitude toward property is respect for laws and individual rights, and a sensible economic procedure.

Attitude toward law is the administration of justice in accord with fixed principles and established evidence, with a strict regard to consequences.

A greater number of citizens and extent of territory may be brought within its compass.

Avoids the dangerous extreme of either tyranny or mobocracy.

Results in statesmanship, liberty, reason, justice, contentment, and progress.

Is the "standard form" of government throughout the world.

A republic is a form of government under a constitution which provides for the election of (1) an executive and (2) a legislative body, who working together in a representative capacity, have all the power of appointment, all power of legislation, all power to raise revenue and appropriate expenditures, and are required to create (3) a judiciary to pass upon the justice and legality of their governmental acts and to recognize (4) certain inherent individual rights.

Take away any one or more of those four elements and you are drifting into autocracy. Add one or more to those four elements and you are drifting into democracy. — *Atwood*.

9.4 Superior to all others

Autocracy declares the divine right of kings; its authority can not be questioned; its powers are arbitrarily or unjustly administered.

Democracy is the "direct" rule of the people and has been repeatedly tried without success.

Our Constitutional fathers, familiar with the strength and weakness of both autocracy and democracy, with fixed principles definitely in mind, defined a representative republican form of government. They "made a very marked distinction between a republic and a democracy * * * and said repeatedly and emphatically that they had founded a republic."

Madison, in the Federalist, emphasized the fact that this government was a republic and not a democracy, the Constitution makers having considered both an autocracy and a democracy as undesirable forms of government while "a republic * * * promises the cure for which we are seeking."

In a democracy the people meet and exercise the government in person. In a republic they assemble and administer it by their respective agents. — *Madison*.

The advantage which a republic has over a democracy consists in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and to schemes of injustice. — *Madison*.

The American form of government is the oldest republican form of government in the world and is exercising a pronounced influence in modifying the governments of other nations. Our Constitution has been copied in whole or in part throughout the earth.

9.5 No direct action

Under the representative form of government there is no place for "direct action." The inherent characteristic of a republic is government by representation. The people are permitted to do only two things; they may vote once every four years for the executive and once in two years for members of the legislative body.

9.6 Methods of representative government

Constitutional government may be set up under either a written or an unwritten Constitution.

9.6.1 An unwritten constitution.

An unwritten constitution consists largely of customs, precedents, conditions, and understandings, and is constantly changing; any party in power may enact legislation materially affecting the methods of government and the political rights of citizens.

9.6.2 A written constitution.

In the United States the rights of the people are fully protected and the functions of government strictly defined in a written document — the Constitution. It is called a "rigid Constitution" because the legislative power has no authority to change it. It is subject to amendment only by the authority and action of the people through their representatives in Congress.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by the Congress; provided * * * that no state, without

its consent, shall be deprived of its equal suffrage in the Senate. — *Constitution, Article V.*

Since the adoption of the Constitution our Nation has increased in population from 3,000,000 to more than 125,000,000 and has developed from a wilderness to the greatest industrial nation in the world. The adequacy of our Constitution is evidenced by the adoption of only 19 amendments to modify the principles set forth in the original document. As a wall of protection our written Constitution stands between the people and those who, through lust for power, or the temporary passions of the moment, or for any other reason, would trespass upon the rights of person or property.

9.7 Consent of the governed

The original desire of the colonists was "only to have a voice" in the affairs of the Government.

Governments are instituted among men, deriving their just powers from the consent of the governed * * *. We have petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated tyranny. — *Declaration of Independence.*

The situation so developed that the colonists totally dissolved "all political connection between them and the State of Great Britain," and established a new form of government based upon the "consent of the governed." "Consent" in the drafting and approval of the instrument of government and its subsequent amendment was a new feature.

9.8 "American Bill of Rights."

When the Constitutional Convention was drawing to a close several members who opposed the adoption of the Constitution suggested a number of amendments, which, they declared, "would make the Constitution acceptable to them."

While the Constitution already contained many provisions for the protection of the rights of the individual citizen, various States desired that it contain further written stipulations that would remove every possibility of doubt and prevent disputes by "leaving no matters to inference, implication, or construction."

It was contended that the provision of the suggested Bill of Rights contained "various exceptions not granted * * *. Why declare that things shall not be done which there is no power to do?"

The tyranny of legislature is a most formidable dread at present and will be for many years. That of the Executive will come in its time, but it will be at a remote period. — *Madison*.

Subsequently, many of these features were incorporated in the first 10 amendments, adopted in 1791 as supplements to the Constitution, and are called the "American Bill of Rights."

The first 10 amendments embodied "guaranties and immunities which are inherited from our English ancestors." — Supreme *Court (1897)*.