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## THE EMERGENT IDEAL OF DEMOCRACY

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### **From Liberty to Equality**

Part 1 of 2

**T**HERE IS ONE POLITICAL IDEAL that does not make its appearance in the Constitution's Preamble. That is the ideal of democracy, the first step toward which was taken by the amendments adopted immediately after the Civil War.

But that was not the moment in history when the first step toward democracy occurred. That happened in England in 1647, almost 150, years before the Constitution was drafted. Before going into that event, let me comment on the words “republic” and “democracy” as used by our Founding Fathers, for that has a bearing on their devotion to liberty and their indifference to or denial of equality.

James Madison was right in insisting on the distinction between a republic and a democracy and also in maintaining that the Constitution's being submitted for adoption by the states set up a republic and not a democracy. But he was right on both points for the wrong reasons.

The governments of the Greek city-states in antiquity were certainly republics but never democracies, even when, as under Pericles in Athens in the fifth century B.C., men with very little property were admitted to citizenship. Even then that amounted to only about 30,000 individuals in a population of 120,000. Slaves, women, and artisans were disfranchised.

Although Pericles praised Athens as a government by the many, it was in fact government by the relatively few. In spite of that fact, compared with the ancient oligarchies in which citizenship was restricted to men of vast wealth, that few was larger than usual.

The mistake that Madison made was to think that the Greek city-states were democracies because the few who were citizens met in the marketplace or forum to debate and decide the political issues of the day. He incorrectly thought democracy involved direct participation by citizens in public affairs, as contrasted with indirect participation through elected representatives. As well as referring to the Greek city-states in antiquity as examples of democracy, he might have pointed to New England town meetings in his own century. Since the Constitution created a representative system of government, the result, according to Madison's view, was a republican form of government rather than a democracy.

Madison's mistake, shared by many of his associates in the Constitutional Convention, was egregious. He failed to recognize that every society under constitutional government, without any admixture of monarchical institutions, is a republic. Hence the Greek city-states, which had introduced constitutional republics into the world, were the very first republics in recorded history. He also failed to recognize that none of them, not even that of Pericles, was a democracy because the franchise was so severely limited. Direct participation versus participation through elected representatives has no bearing at all on the distinction between republics and democracies.

All constitutional democracies are republics, but not all republics are constitutional democracies. A republic exists when some members of the population enjoy political liberty by virtue of their being citizens with suffrage, even if these citizens make up a small majority of the population as was the case in all the ancient city-states as well as in eighteenth- and nineteenth-century America.

No republic, ours among them, becomes a democracy until universal suffrage is established, until all human beings, except the very

few who are justly disfranchised for mental incompetence or felonious action, are accorded the equal political status of citizenship.

Only then do all equally enjoy political liberty and other forms of freedom that are theirs by natural right.

This nation began to become a democracy only in the twentieth century, with the institution of truly universal suffrage and with the equal possession of political liberty by all members of the population (with the few exceptions noted above). All the steps needed to bring that ideal to its fullest realization have not yet been taken.

In the political philosophy of the West, the initial espousal of the democratic ideal and the first affirmation of constitutional government as the ideal polity, the only perfectly just form of government, occurred as recently as 1863, with the publication of John Stuart Mill's great essay on Representative Government, the title of which, unfortunately, reverses Madison's error and identifies democracy with representative government.\*

\*For an explanation of why it took so long for the ideal of democracy to emerge in political theory, and for the reason why it will take still longer for that ideal to be fully realized, see Chapter 7 of my book *A Vision of the Future*.

The definition of the democratic ideal stated above is inadequate in one respect. Equality with respect to suffrage—the enjoyment by all of the equal status of citizenship and the equal possession of political liberty—is not enough. For a republic to become a democracy it must extend the protection of inalienable human rights from the political to the economic sphere. This was intimated in an earlier chapter on the general welfare. It will be more fully discussed and defended in the chapter to follow.

The transition from a merely republican form of government to one that is a democratic republic is a transition from an exclusive concern with liberty to an additional concern with equality, or to an enlargement of the concern for liberty to a concern for the equal enjoyment of liberty by all. Indispensable to that transition is putting equality on a par with liberty among political ideals, and regarding both not only as secured but also as regulated by justice in its concern with human rights.

The reason why liberty rather than equality was the earlier of the two ideals can be easily explained. Constitutional government, by replacing despotic rule, brought political liberty into existence. It did so in ancient Greece. It did so again in the eighteenth century

when the American colonies threw off the despotic imperial rule of Great Britain and, after winning their independence, adopted a republican form of government.

Hence our Founding Fathers, who framed a constitution and established a republic on this continent, were, first and last, proponents of liberty, with either no thought about an equality of conditions for all or, worse, with obstinate prejudices against it.

How, then, shall we interpret Alexis de Tocqueville's vision of American society as one committed to an equality of conditions as early as 1835, when his book *Democracy in America* was published?

The brilliance of that vision stemmed primarily from its conception of the democratic ideal in terms of equality, not merely equality before the law or equality of opportunity, but an equality of conditions, economic and social as well as political.

Did that vision also stem from de Tocqueville's observation of the realities of American life in the 1830s? Was it a description of the American scene as it then actually existed, or was it rather a prophetic vision of what the United States would some day become because of tendencies deeply implicit in its origin as the first nation that had no feudal past to outlive?

Only one answer is possible. Although de Tocqueville was visiting America and writing about it in the wake of Jacksonian populism, his statements cannot be accepted as true descriptions of the actual state of affairs in this country at that time. For this vision of America to have any hold on the truth, his extraordinary book must be read as a prediction of a future state of affairs rather than as a description of institutions that then existed.

It should be added that the truth of this prediction rested on de Tocqueville's extraordinarily perceptive observations about tendencies and predilections in American life. De Tocqueville had the sagacity to see in them causes that would inevitably lead to the establishment of democracy in this country.

Some years later Lincoln had something of the same prophetic vision when he spoke of the Declaration of Independence as a pledge to the future rather than as a statement of political ideals capable of being realized at the time the Declaration was written. The first, and perhaps the only, self-evident truth in the Declaration's second paragraph asserts the equality of all human beings by virtue of

their common humanity. If their common human nature is not only the basis of their being by nature equal but also of their inalienable natural rights, then it inexorably follows that all equally possess those rights.

All have an equal right to life, liberty, and whatever else anyone naturally needs for success in the pursuit of happiness. Should individuals be unable to secure for themselves whatever is thus needed, then a just government is called upon to secure for them their right to these goods.

I said at the beginning of this chapter that the first strivings toward the idea of democracy occurred in England in 1647. It occurred in Cromwell's army when a group of his officers, who called themselves the Levellers, appealed for an extension of the suffrage from the propertied class to the unpropertied working class of the country.

Supporting that appeal, Major Rainborough and Sir John Wildman declared that no man is politically free unless he is governed with his consent and also with a voice in government. In the event that Cromwell succeeded in deposing the despotic Stuart monarch, the Levellers demanded that, with the restoration of parliamentary government, the working poor as well as the landed rich should be in a position to enjoy the political liberty to which the Levellers claimed all men were entitled by natural right.

The Levellers did not prevail in their debate with Lord Cromwell and his son-in-law, Colonel Ireton. Nor did their revolutionary views have any effect on British political life until more than two centuries later when, in 1863, Parliament passed the second Reform Bill that extended the suffrage to the laboring masses of a recently industrialized England.

Only a few years later, after the end of the American Civil War, the United States took its first steps in the same direction by adopting the Thirteenth (1865), Fourteenth (1868), and Fifteenth (1870) Amendments.

The Thirteenth Amendment provided that

. . . Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The Fourteenth Amendment provided that

. . . All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Fifteenth Amendment provided that

. . . The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Having abolished chattel slavery and conferred citizenship upon the blacks in the nineteenth century, the country waited until the second decade of the twentieth century to extend the franchise to the female half of the population. This occurred with the adoption of the Nineteenth Amendment in 1920, which provided that

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

The country waited still longer for the removal of a property qualification for the exercise of suffrage, which had disqualified from voting almost all the blacks and many of the poor whites in the southern states. This obstacle was removed in 1964 with the adoption of the Twenty-Fourth Amendment, which provided that

. . . The right of citizens of the United States to vote in any primary or other election for President or Vice-President, for electors for President or Vice-President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

The equality of conditions achieved by these successive amendments was purely political. Enjoyment of the equal status of citizenship by all human beings regardless of their gender, racial color, or possession of wealth established the almost—universal suffrage that justice requires in order to honor and secure the inalienable human right to political liberty.

This, however, is not enough for a full realization of the democratic ideal. Economic as well as political rights exist. They, too, are natural rights and have exactly the same basis in the natural needs of human beings in their pursuit of happiness and their attempts to achieve good and decent lives for themselves. Therefore, they, too, must be honored and secured by constitutional amendments if our Constitution is to become perfectly just.

The consideration of these matters belongs to the remaining chapters of this book. It seems fitting to conclude this chapter, in which the democratic ideal makes its first appearance, by quoting a letter written by de Tocqueville to a friend, telling him what he had in mind in writing *Democracy in America*.

To those for whom the word “democracy” is synonymous with disturbance, anarchy, spoliation, and murder, I have attempted to show that democracy may be reconciled with respect for property, with deference for rights, with safety to freedom, with reverence for religion; that, if democratic government fosters less than another some of the finer possibilities of the human spirit, it has its great and noble aspects; and that perhaps, after all, it is the will of God to bestow a lesser grade of happiness upon all men than to grant a greater share of it to a small number and to bring a few to the verge of perfection.

This passage should be accompanied by an equally remarkable passage from the closing pages of his book.

We may naturally believe that it is not the singular prosperity of the few, but the greater well-being of all that is most pleasing in the sight of the Creator and Preserver of men. What appears to me to be man's decline is, to His eye, advancement; what afflicts me is acceptable to Him. A state of equality is perhaps less elevated, but it is more just: and its justice constitutes its greatness and its beauty. I would strive, then, to raise myself to this point of the divine contemplation and thence to view and to judge the concerns of men.

### **From Political to Economic Rights**

THE ISSUE RAISED BY THE LEVELLERS in Cromwell's army and on which they took an affirmative position, with Lord Cromwell and Colonel Ireton on the other side, can be stated succinctly as follows: Should those who are economically unequal be made politically equal?

Stated in eighteenth-century terms, it came to this: Should those who are propertyless, laboring wage-earners be given suffrage and thus made equal in political status with men of property, whose incomes derive from their landed estates?

In the last quarter of the nineteenth century and the first quarter of the twentieth, a remarkably different issue confronted England and the United States. By this time, in the United States, the franchise had been effectively extended to the wage-earning laborers, at least to white males, if not to emancipated blacks in the southern states where they were debarred from voting by poll taxes.

The issues then raised by economic reformers, such as Henry George in the United States and R. H. Tawney in England, can be stated as follows: Should those who are now politically equal as citizens with suffrage also be made economically equal through the recognition and securing of their economic rights?

On this issue, the economic reformers, often charged with being socialists, were opposed by conservatives such as William Graham Sumner who thought that attempts to establish an equality of economic conditions and to acknowledge the existence of natural rights in the economic sphere would infringe on or curtail individual freedom, especially freedom of enterprise.

In the background lay the dispute between Hamilton and Madison about the general welfare clause, both in the Preamble and in the Constitution itself. That dispute had still not been resolved by the end of the eighteenth century, but it came to the fore and was resolved in favor of Hamilton in the first half of the twentieth century. It might be more accurate to say that the twentieth-century revolution, in its concern with the general economic welfare, went further in the direction of economic equality and economic rights than anything that Hamilton would have dreamed of, or could have possibly accepted.

In a speech delivered in 1910, Theodore Roosevelt said:

No man can be a good citizen unless he has a wage more than sufficient to cover the bare cost of living and hours of labor short enough so that after his day's work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load. We keep countless men from being good citizens by the conditions of life with which we surround them.



In that same speech, he also said that “the object of the government is the welfare of the people,” and that he was for “shaping the ends of government to protect property as well as human welfare.”

In 1912, Roosevelt ran for election on the Progressive party ticket. He lost, but most of the political and economic reforms advanced in his platform have since been enacted into law by one or both of the two major political parties.

On the economic front, that platform contained planks calling for the prohibition of child labor; minimum wage standards for working women; the prohibition of night work for women and the establishment of an eight-hour-day for women and young persons; one day's rest in seven for all wage-earners; the eight-hour day in continuous twenty-four-hour industries; publicity as to wages, hours, and conditions of labor; standards of compensation for death by industrial accident and injury and trade diseases; the protection of home life against the hazards of sickness, irregular employment, and old age through the adoption of a system of social insurance; and the development of the creative labor power of America by lifting the last load of illiteracy from American youth and by establishing continuation schools for industrial education under public control. This part of the platform ended with the statement that it favored “the organization of workers, men and women, as a means of protecting their interests and promoting their progress.”

All that in the year 1912! It took the next forty years—mainly in the administrations of Woodrow Wilson, Franklin Roosevelt, and Harry Truman—for legislative enactments and Supreme Court decisions to move toward having more and more of the population participate in the general economic welfare, the goal that Theodore Roosevelt had in mind in 1912.

The impact of the Great Depression caused the Supreme Court in the years 1936-1937 to hand down a series of decisions that took Hamilton's side in his dispute with Madison about the power of Congress “to promote the general welfare.” Various entitlements in the Social Security Act of 1935 were upheld by these decisions: unemployment compensation, old age pensions, and the like.

This movement toward the socialization of the economy or, in other words, toward the establishment of what has come to be called a “welfare state” because of its concern with the economic welfare of all its people, reached its climax in Franklin Roosevelt's message to Congress in 1944. In that speech, the President de-

clared that “true individual freedom cannot exist without economic security and independence. . . . People who are hungry and out of a job are the stuff of which dictatorships are made. . . . In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights, under which a new basis of security and prosperity can be established for all.”\*

\*The first Bill of Rights, all political, was enacted toward the end of the eighteenth century through the adoption of the first ten amendments. We had to wait until the mid-twentieth century for the proposal of a second, an economic, bill of rights. If economic as well as political rights are inalienable natural human rights, they must have always existed. They did not come into existence later than political rights. What happened later, under the influence of greatly changed circumstances and greatly advanced technology, was not the coming into existence of these economic rights but the recognition that such rights existed.

Roosevelt then went on to enumerate the economic rights that he asked Congress to find ways of implementing. They include:

The right to a useful and remunerative job in the industries or shops or farms or mines of the nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;

The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;

The right to a good education.

Economic rights, like political rights, are rights to goods that every human being needs in order to lead a decent human life and to suc-

ceed in the pursuit of happiness. In every case they must be goods that are not within the power of individuals to achieve for themselves, as their own moral virtue is. Therefore, a just and benevolent government must do whatever it can to help individuals obtain these goods in order to facilitate their pursuit of happiness.

However, our general understanding of economic goods is not as clear as our well-established understanding of political goods. We have long known that our political goods consist in peace, both at home and abroad, and in political liberty, together with the protection of individual freedom by the prevention of violence, criminal aggression, coercion, and intimidation.

These political goods are among the objectives stated in the Preamble of the Constitution and are also among the inalienable human rights stated in the Declaration. But one of those rights—the right to life—involves more than security of life and limb. It is a right not merely to subsist, but to live well in human terms. The right to a decent human life requires an adequate livelihood. This leads us at once to economic rights—rights to economic goods indispensable to the pursuit of happiness.

What are these economic goods? The error to be avoided is thinking of economic goods solely in terms of money. Money is artificial, not real wealth, which consists in the possession of the commodities we consume, the services we use, and the property from which we may derive income. Money is the economic equivalent of real wealth in the sense that its purchasing power enables us to buy the economic goods in which real wealth consists.

These economic goods include a decent supply of the means of subsistence; living and working conditions conducive to health; medical care; opportunities for access to the pleasures of sense, the pleasures of play, and aesthetic pleasures; opportunities for access to the goods of the mind through educational facilities in youth and in adult life; and enough free time from subsistence—work or toil, both in youth and in adult life, to take full advantage of these opportunities.\*

\*The basic economic right is the right to a decent livelihood by whatever means it can be honestly obtained. The economic goods enumerated above are the essential ingredients of a decent livelihood. The rights listed in Franklin Roosevelt's message to Congress in 1944 are simply another way of describing the ingredients of a decent livelihood to which everyone has a natural, human right. Thus conceived, a decent livelihood involves the comforts

and conveniences of life that are accessory to a successful pursuit of happiness.

I have said that the economic goods we need and to which we, therefore, have a right are needed for a decent human life as an ingredient in our pursuit of happiness. By using the word “decent,” I stress the point that we require more than the quantity of real wealth necessary for bare subsistence. This brings us to the consideration of what is meant by economic equality.

***We welcome your comments, questions or suggestions.***

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