



This is “Types of Governments: A Republic or a Democracy?”, chapter 4 from the book [A Primer on Politics \(index.html\)](#) (v. 0.0).

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Chapter 4

Types of Governments: A Republic or a Democracy?

PLEASE NOTE: This book is currently in draft form; material is not final.

In the United States, people often say “This is a democracy!” (which, apparently, justifies whatever they happen to believe at the moment. The logic seems to be that although in a democracy, everybody gets to vote, it’s my vote that counts). And we talk, in broad terms, about states that have open elections as “democracies.”

Of course, that’s not exactly true.

4.1 Direct Democracy

PLEASE NOTE: This book is currently in draft form; material is not final.

LEARNING OBJECTIVES

In this section, you will learn:

1. What democracy means.
2. What the difference is between direct and indirect democracy.
3. Ways that direct democracy plays a role in contemporary government.

The precise definition of **democracy**¹ is direct rule by the people. In a true democracy, the people would vote directly on whatever comes before the state—laws, amendments, and decisions by government. If your class votes for a take-home exam instead of an in-class test, that would be an example of democracy. And anything that invites people to participate in decision-making in some meaningful way, such as elections, can be said to be democratic. But that’s not the same thing as a democracy. Why does this matter? First, words should have meaning, so that when we talk about politics, for example, we’re all speaking the same language. When Americans call their government a democracy, they are also implying that they are directly in control of government. It probably would surprise many of them to learn that the Founding Fathers, about whom so many American citizens like to wax nostalgic if not poetic, thought that ordinary citizens should have a definite but limited role in directly controlling the government. Calling the government a democracy may also lead to unrealistic expectations of how government works and how quickly it responds. In fact, most of the modern “democracies” are designed to be a little bit slow and a little bit unresponsive. In this chapter, we’ll see why.

The usual example of a true democracy is ancient Athens. The word democracy derives from Greek roots, “demos” (people) and “kratis” (power). Athens, still the capital of modern Greece, was the richest and most powerful of Greek citystates, at a time when Greece was divided into dozens of competing tiny states. Athens had democratic elements in its government from about 500 BCE off and on until the Romans effectively conquered Greece in the Second Century BCE. Other Greek city-

1. Direct rule by the people; also often used to mean any government system in which people get to vote in free and fair elections.

states had democratic governments, but Athens is the one about which we have the best information.

At its peak, ancient Athens had between 250,000 and 400,000 people (estimates vary), of whom as many as two-thirds were slaves. Only free male citizens (who had completed military training) were allowed to participate actively in politics, so that only about 20 percent of the male citizens could actually vote. And, unlike a true democracy, they didn't vote on everything; they elected councils above them to handle some decisions. But big decisions, such as going to war, were made by the assembly, a monthly gathering of eligible citizens. The assembly had a quorum (the minimum number needed to be present for the decisions to count) of 6,000, making it one of the broadest-based governing bodies in history.

This is what we now call direct democracy, in that the people, however defined, make government decisions directly. **Direct democracy**² has the virtue of including more people and giving them a voice, and the people aren't always wrong. Others have suggested that there's a price in giving everybody a voice. The challenge of direct democracy for Athens is the same challenge that direct democracy faces today: Leaving decisions to people who may not be paying enough attention, and may get caught up in the passion of the moment, can lead to bad decisions. For the Athenians, that meant throwing out good leaders in favor of demagogues (candidates and leaders who say what people want to hear, as opposed to, perhaps, what they need to hear), and entering wars that succeeded only in squandering Athens' blood and treasure. So, as with most ideas in politics, direct democracy involves trade-offs.

Contemporary Direct Democracy

Direct democracy is still with us today, nonetheless. In nearly 90 nations, and in the United States, people do sometimes vote en masse on laws. In the U.S., 27 states have some form of initiatives and referenda, which are tools of direct democracy.

Initiatives

Initiatives³ allow people to propose laws directly, either to the voters as a whole (direct initiative) or to state legislatures (indirect initiative). With a direct initiative, the people vote, and if it passes, the measure becomes law. With an indirect initiative, the measure goes first to the state legislature, which typically can pass the measure into law; ignore it, in which case it goes to the people for a vote; or pass their own alternative, which goes on the ballot along with the original measure. This brings voters into a gray area, since state constitutions don't always make clear what happens if both measures pass.

2. Government mechanisms by which citizens can vote directly on laws and financing measures for various levels of government.

3. A proposal for a new law, coming directly from the people and usually requiring a minimum number of signatures from registered voters to qualify for the ballot.

Initiatives usually require some number of signatures of registered voters to make it on the ballot. In 18 states, voters can use the initiative process to amend state constitution.

Direct ballot measures tend to peak when the economy is soft; in the U.S there were 183 measures from the people on state ballots in 2010, but only 34 in 2011. In the latter year, 22 of those passed. In 100 years of initiative history, Oregon (351) and California (329) have had the most initiatives on the ballot, by far.

In the U.S., initiatives grew out of the frustration of voters in the late 19th and early 20th centuries, who found themselves unable to budge state governments on various issues. They saw state government as too beholden to powerful interest groups such as mining and railroads, and saw the initiative process as a convenient end-around maneuver to get past legislatures that appeared to be locked down by lobbyists.

As with everything in government, initiatives have been used for good and for greed (which is which naturally depends on your point of view). Citizens have used the initiative process to make the political process more transparent, to increase funding for schools and various other public programs, and to require more training for child-care providers. They have also been used to cut taxes, raise taxes, decriminalize marijuana, limit abortion, and, in Oklahoma, make English the official language of the state. Citizens certainly have the right to ask for these things. But when citizens in successive years raise spending on schools but cut taxes (as they did in my state, Washington), you should begin to get an idea of the challenges of the initiative process. Voters may not be paying enough attention to recognize that simultaneously raising spending and cutting revenue may not be very good policy.

A good example of the mixed blessings of initiatives is California's Proposition 13, passed in 1978. By this initiative, citizens of California amended the state Constitution to limit future property tax increases by no more than 2 percent. Property taxes tax property owners based on the assessed value of their land and buildings. In some ways, the tax is a relic of the 19th century, when land was indeed a good measure of people's wealth. Now that very few of us are farmers, this might not be the case. Nonetheless, property taxes continue to be a major source of revenue for state and local governments. The trade-offs in Prop 13 should be fairly obvious: Property owners were protected from rising tax rates in the often-booming California real estate market, since rising property values would otherwise mean higher taxes for property owners. Voters also were concerned that retired people could be priced out of their homes as property values and taxes continued to rise. On the other hand, state and local government have been starved for cash ever since, particularly local governments such as cities and school districts. Critics also

say it interferes with the housing market since people are less likely to sell their homes (a change of ownership means a new baseline assessment for tax value; otherwise the baseline is the home value in 1975). So while it might have saved California taxpayers more than \$500 billion, some of that money might have gone to things people say they want, like good schools. Clearly, it's a trade-off.

Meanwhile, initiatives have another shortcoming. For most initiatives, you get an up-or-down vote, and the initiative is passed into law, unchangeable for a couple of years before a legislature can refine it. Contrast that with the legislative process, in which a proposed law (a bill) is discussed, debated and amended before it becomes law, and subject to change as soon as somebody recognizes that it doesn't work as planned.

Finally, although they are called citizen initiatives, increasingly they are a tool of people with money. Courts have allowed paid signature-gatherers, a great help when you might need 200,000-300,000 valid signatures of registered voters to get a measure on the ballot. Campaigns are increasingly funded by interest groups with an axe to grind, with money coming from out-of-state both for and against measures that, ostensibly, are to be decided by the people of that state. While everyone has a right to her or his opinion, and the freedom to express that opinion as they see fit, big-money initiative campaigns seem a little different than what the original reformers had in mind.

Referenda

Referenda⁴ (the proper plural of **referendum**⁵, also sometimes called **plebiscites**⁶) are another form of direct democracy, available in 24 U.S. states and more than 30 countries. Referenda allow legislatures to put things before the people for a vote, such as constitutional amendments and tax measures. (Every state except Delaware requires a vote by the citizens to approve constitutional amendments.)

Referenda also allow citizens to force a measure passed by a legislature onto the ballot, usually with an eye to overturning that measure. Often this means there's an interest group that wants a new law changed, because it takes time, live bodies and money to mount a successful referendum campaign. This usually features an expensive campaign in which the law is painted as a threat to mom, decency and the republic, when it may in fact just be a threat to that particular industry. We may be for or against businesses, unions or environmental groups who want to repeal a law, but it is their right to pursue their interests.

Referenda have been used to make big decisions around the world. Voters in Scotland and Wales used referenda to decide to create their own parliaments in

4. A measure referred by a legislature directly to the people, or a measure from the people, seeking to overturn something already passed by the legislature.

5. A measure referred by a legislature directly to the people, or a measure from the people, seeking to overturn something already passed by the legislature.

6. A measure referred by a legislature directly to the people, or a measure from the people, seeking to overturn something already passed by the legislature.

1997. Voters in Norway said no to joining the European Union in 1994. Voters in Quebec, Canada chose not to secede from Canada in 1980 and 1995. Voters in Montenegro voted to leave what was left of Yugoslavia in 2006. And white voters in South Africa in 1992 voted overwhelmingly to formally end the policy of apartheid, in which South Africans of color were not allowed to vote.

In the U.S., in 2011 Maine voters used a referendum to overturn a new law that banned same-day registration for voters (register to vote and get to vote on election day). Voters in Ohio overturned a new law that limited unionized workers' collective bargaining rights. In 2010, in Washington state, voters approved the repeal of a 5-cent tax on bottled water and other "non-food" consumables. So whatever we think of the measures, referenda give voters a chance to just say no.

Bonds and Levies

State and local governments in the United States in particular use direct democracy in another way—votes on special levies and bond measures for schools and other public facilities. **Levies**⁷ are usually additions to the local property tax—so many cents per \$1,000 of assessed value of the property. **Bonds**⁸ are a way in which government all over the world finance projects. If an investor buys a bond, they are lending the government agency money, which means they get an interest payment, plus their original investment back. Governments use this method of financing when they need a lot of cash up front—if the local school district is building a new high school, the contractor has to get paid so he or she can pay for the materials and pay all the workers. Investors may be willing to lend money to the school district because it's a relatively safe investment. So in a bond-issue election, local governments are asking voters to promise to pay additional property tax to pay back the investors who buy the bonds.

U.S. state constitutions often require such votes, which force local governments to explain to voters why they need the money and what they will do with it. Some states add turnout requirements to such special levies, which is fundamentally undemocratic if you think about it. If you are against the levy, and if there's a turnout requirement, the best thing you could do is stay home. Normally, not voting means you have surrendered your voice in this matter; turnout requirements effectively reward not voting. Others argue that it simply puts more pressure on school, water and fire districts to work harder to prove to voters that they need the money. Turn-out requirements for school levies were eased in Washington state after many school districts found themselves getting "yes" votes by as much as 90 percent, only to see the levies fail because not enough voters showed up at the polls. You will have to decide which argument makes more sense to you. Some bond measures also require a super-majority, so that the measure needs a 60 percent yes-vote to pass.

7. A property tax measure put before voters to approve funding, usually for local special purpose governments such as fire and school districts.

8. A way of financing capital projects such as new schools. Local government sell bonds to borrow the money, but only after voters have approved the taxes to pay for the bonds.

KEY TAKEAWAYS

- Democracy literally means “direct rule by the people.” Sometimes this is referred to as “direct democracy.”
- Direct democracy existed only partially in ancient Greek citystates such as Athens.
- Direct democracy is found in initiatives, referenda, and local levy and bond issue votes.

EXERCISES

1. Does your state allow initiatives and/or referenda? If so, how have these been used to change the law in your state?
2. How much do local governments in your area, such as school or fire districts, rely on special levies for funding? Is there a minimum turn-out requirement for approval?

4.2 Indirect Democracy

PLEASE NOTE: This book is currently in draft form; material is not final.

LEARNING OBJECTIVES

In this section, you will learn:

1. What a republic is.
2. The different kinds of republics.
3. Alternatives to republican forms of government.

Republics

The problems and opportunities of direct democracy haven't changed in 3,000 years of written history. At best, they empower the people to make needed changes. At worst, they put important decisions directly in the hands of people who may get carried away by the passion of the moment, or simply aren't paying enough attention.

How then do we create a government that both gives people a voice but still manages to let government be run by folks who are at least paying attention? The answer for some has been the republic. In a **republic**⁹, strictly speaking, people elect others who make decisions on their behalf. When you consider that even in ancient Athens, the assembly of 6,000 still elected a council of 500, you see that most democratic governments have included some features of a republic. Because they typically let a broad range of citizens vote, we might call them **democratic republics**, but as that term was used by so many erstwhile communist states, "democratic republic" can have multiple meanings.

Republics are designed to put a check on the passions of the people, which can make them seem remote and unresponsive. The designers of the U.S. Constitution did not see themselves as "democrats," as democracy to them, from their reading of history, looked like rule by the mob. The party of Thomas Jefferson and James Madison, which eventually became the Democratic Party, originally called themselves Republicans (in some texts, they are referred to as "Democratic-

9. A form of government featuring open elections and, at a minimum, an elected legislative body. Executive and legislative power may rest with that body (often called a parliament), or power may be divided between separately elected executive and legislative branches of government.

Republicans,” but they apparently never referred to themselves as such). Hence the many layers of government, and checks and balances, that one finds in various republics—all designed to slow the whole process down.

This, of course, can be maddening if what you want is government to do something—anything—make a change. On the other hand, making government work more slowly, forcing the governors to deliberate and discuss, isn’t lacking in virtue either. Governments are full of people, and people are simultaneously capable of flights of inspiration and genius as well as complete foolishness. So in a republic, the goal tends to be to stop things from happening as much as it is to make things happen. What we also hope for in republics is that an idea that becomes a law is hammered, recut and welded until the idea is so compelling that everyone says yes.

Of the 192 recognized sovereign nations in the world, only about 10 are not some kind of republic, in which people vote for representatives who in some way make up the government. Not everyone is called a republic—there are around 40 constitutional monarchies, in which they still have a king or queen who remains head of state in a ceremonial role. The United Kingdom, Spain, Norway and Sweden are constitutional monarchies. Despite the presence of a monarch, it is the people who are elected to office who make the real decisions.

In some republics, such as the United States, power is divided between executive, legislative and judicial branches. In other countries, such as Canada and the United Kingdom, the legislative branch (parliament) holds both legislative and executive power.

A handful of states call themselves republics, and also still call themselves communist, such as China and Vietnam, which should be an oxymoron. Republics rely on elections, and communism does not allow meaningful elections.

True republics are distinguished by elections, in which people seek office and citizens decide by voting who gets in office. A republic also features an elected legislature, such as an assembly, a congress or parliament, whose job it is to make laws. A republic may have a separately elected president, or a prime minister who is chosen from the majority party in parliament. Some parliamentary republics also have a separately elected president, whose job is largely ceremonial.

10. A republic in which electoral outcomes are suspect and political freedom may be limited.

Some republics are categorized as **illiberal democracies**¹⁰. They have elections, which aren’t necessarily free and fair. They tend to have less meaningful preservation of civil rights and liberties. They also tend to control the media. Russia

tends to be the prime example of such a state. People who oppose sometime president, sometime prime minister Vladimir Putin keep ending up in jail. Singapore is sometimes considered an illiberal democracy, because a single party tends to dominate the government and citizens there lack some civil liberties. Mexico was an illiberal republic for much of the 20th century, as the Institutional Revolutionary Party (the PRI, in its Spanish-language acronym) dominated elections, even when they probably weren't winning.

Some are in between the parliamentary and president/congress models. France is a **semi-presidential republic**¹¹. Power is divided between executive, legislative and judicial branches. But the president shares some powers with the prime minister, who represents the majority party in the French parliament and is appointed by the president. This is no problem if the president and the majority in the National Assembly are from the same party, and quite a bit trickier if they're not. The president can dissolve the assembly and call for new elections, but if the new elections don't change the balance of power, the president can expect to have an even more difficult time with an assembly dominated by his or her opponents. (And if that wasn't enough complexity, there's an appointed constitutional council to rule on the constitutionality of new laws.)

Other Forms of Government: Monarchy

Monarchy¹² means rule by a monarch, a king, a queen, a sultan—whatever title fits the language and tradition of that country. As we just noted, most monarchies that remain in the world—around 40, depending on who's counting—are constitutional monarchies, in which someone maintains the title and the job of “head of state” but all real political power rests with some elected portion of government, such as a parliament or other-named legislative body. For example, in 1892, William Gladstone was chosen as prime minister (head of government of Great Britain) when his Liberal Party won a majority in the House of Commons. Queen Victoria (1819-1901) didn't like Gladstone (who had qualms about Britain's growing empire, and the queen found herself liking this idea of empire more and more as it grew), but she was effectively bound by law to name him prime minister.

11. A system in which a separately elected president shares some power with a prime minister, who represents the majority party in parliament.

12. A system of government in which most power resides in the hands of a monarch—a king, queen, emperor, etc.—who assumes power based on having been descended from a previous ruler.

Four nations in the world (Brunei, Oman, Qatar and Saudi Arabia) are still absolute monarchies. In several states, Swaziland, Kuwait, Bahrain and the United Arab Emirates, are mixed, in which the monarch shares some power with elected officials. In each of these countries except Kuwait, legislative bodies are partially elected and partially appointed by the monarch. In Jordan, Morocco, Monaco and Lichtenstein, the monarch still plays an active role in government. You will note that aside from Lichtenstein, Swaziland and Monaco, are all these are Middle Eastern states, most of which are relatively wealthy from oil.

Consider Saudi Arabia. It may be the only state in the world that is named after its ruling family, the Sauds. Abdul-Aziz Ibn Saud created the kingdom by force in 1932, and his descendants have ruled ever since. Normally, royal succession proceeds from generation to generation; the kings of Saudi Arabia to date all have been brothers. Abdul-Aziz ibn Saud had 22 wives, and 37–45 sons (estimates vary). As a consequence, he is survived by about 15,000 family members, including 2,000 more-or-less direct descendants who help run the country. It was only in 2006 that the ruling family agreed that subsequent kings would be chosen by a council of 32 top-ranking family members, who are to consider the skill, experience, popularity and religious sentiments of eligible candidates.

How does this all work? Saudi Arabia has 13 provinces, all governed by royal princes (of whom there may be as many as 7,000). Royal family members hold all of the top offices, such as head of defense, foreign relations, and minister of the interior. The king is both head of state and head of government.

We might also ask how such a state maintains legitimacy. Public protests against the government are officially banned, and the royal family justifies its rule as sanctioned by the Quran, the Moslem holy book. In fact, Abdul-Aziz ibn Saud gained power in part by allying himself with leaders of the Wahabbist/Salafi sect of Islam, thus adopting a fairly strict interpretation of the Quran. Religious authorities still have a great deal of influence on government and policy. Women can't vote, but then again, not much of anybody else can either. The country had local elections in 2005 and 2011, and King Abdullah has said that women will be able to run for office and vote in local elections in 2015.

Legitimacy comes in part through the elevation of faith; the Quran and other holy documents are regarded as the national constitution. Some public participation in governance is possible through the court system, in which separate court systems deal with religious matters (the Sharia courts), grievances, and local matters. The government also maintains some of its tribal heritage, in that anyone can petition the king to discuss a grievance, and members of the royal family are regularly employed in hearing such petitions.

The state also attempts to provide higher standards of living by investing its oil wealth in education and economic development, with some positive results. But citizens sometimes complain that some members of the royal family treat national wealth as personal wealth. So the monarchy, while absolute, must balance the competing demands of citizens, religious authorities, other wealthy families within the country, and forces within and without the country that would prefer to see some other form of government there. This may be part of the reason why the great majority of monarchies evolved into constitutional monarchies—the challenges of

maintaining legitimacy are greater when citizens lack enough of a voice in the affairs of state.

Authoritarian Governments/Dictatorships

Including monarchies, the world still has a fistful of **authoritarian governments**¹³, but that is slowly changing. The popular uprisings of the Arab Spring in 2011 toppled authoritarian governments in Tunisia, Libya and Egypt. Syria is suffering through what amounts to a civil war between opponents and supporters of rule by the Assad family. Myanmar (Burma) finally allowed elections after 40 years of military rule. Turkmenistan, a former Soviet republic in Central Asia, is effectively a one-party state, as is Belorussia, another former Soviet republic.

But others remain. The magazine *The Economist*, using a method that relies heavily on surveying “experts,” counted 53 states as authoritarian, plus 37 as “hybrid,” 53 as “flawed democracies,” and only 25 as full democracies. The Economist looked thing such as for “free and fair elections,” political participation, and whether government works the way it’s supposed to (such as civil servants being able to perform their jobs fairly). So flawed democracies don’t score well on all categories, and hybrid states have authoritarian and well as democratic elements at work.

Only two states, North Korea and Cuba, still operate the collectivized economy typical of 20th century communist states such as the Soviet Union. And from time to time, a state is ruled by its own military, such as recently in Fiji and Guinea-Bissau, while the Vatican City and Iran are theocracies—states ruled by a church.

Whereas the remaining monarchies attempt to remain in power by sharing enough of their oil wealth that citizens are willing to put up with rule by a hereditary monarch, authoritarian governments tend to hang on through force and propaganda. Authoritarian states do not have meaningful elections; public dissent is discouraged if not forbidden. They tend to grow out of responses to public unrest and dissension, but hang on because of fear, greed and a lust for power. Many authoritarian states are poor. Modernization theory suggests that states will not become democratic until they become wealthy enough; a state’s chance of becoming and remaining democratic improves greatly after per capita GDP surpasses \$5,000. Mexico did not have truly free elections until 1993, when a candidate from a party other than the PRI won the presidency and control of the Mexican Congress (and Mexico has had competitive elections ever since). The key difference seems to be Mexico’s growing wealth. When people are wealthy enough, they seem more willing to let democratic institutions work.

13. A system in which power is held and the state is ruled is held by one person or by a small group of people, such as senior military leaders. Elections, if held, are not meaningful.

The two most authoritarian states, according to rankings of The Economist, are North Korea and the Central African Republic. The Central African Republic has suffered from 150 years of slave raids, colonial oppression, and the last 50 years of uncertain elections, military coups and general misrule. And it's still probably a more free place to live than North Korea.

North Korea, at the bottom of nearly every ranking, is the better known of the two. Korea, since about 700 CE, was one country, even when it was under the thumb of China or Japan. During World War II, communist guerrillas fought the Japanese, along with non-communists. After the war, the country was divided, north and south, with the communists ending up in the north. The south, formally the Republic of Korea, was not a very liberal state, but its economy grew and eventually it entered the ranks of true democracies with real elections in 1993. By at least one measure, it has the world's 13th largest economy.

North Korea attempted to reunite with the south by force in the Korean War (1950–1953). Things went downhill from there. The Democratic People's Republic of Korea turned inward, using the United States (and the rest of the world) as a bogeyman to keep people in a perpetual state of fear. Members of the Kim family have ruled the country throughout its history. The nation spends 25 percent of GDP on defense (the U.S. spends less than 5, which is high by world standards), including developing a nuclear weapons program, even as malnutrition and starvation plague much of the population. South Korea has roughly twice as many people as North Korea, but its economy is 17 times larger than the north's. One report said that a third of North Korean children show visible effects of malnutrition. "Millions of North Korean children suffering from malnutrition, says UN," <http://www.guardian.co.uk/world/2012/jun/12/north-korean-children-malnutrition-un>

*Figure 4.1 graphic
TK...satellite photograph of
the two Koreas at night*

So how does the government stay in power? Geography plays a role—North Korea is bordered only by South Korea and China, so it's a little harder for people to flee. The government has eliminated all potential sources of opposition—the only real interest group is the military, and it is well supported by the state. There are no unions, no business groups, no other political factions. The state apparatus sniffs out any hint of dissent, which is dealt with brutally. People are either "re-educated" or simply executed, and under the "three-generations" policy, entire families are punished if one member makes a mistake. North Korea's constant saber-rattling at the rest of the world keeps the military happy and many people apparently believing that whichever Kim is currently in power is the only thing that stands between them and annihilation by foreign powers. Meanwhile, other nations continue to give North Korea aid, in between nuclear tests. Economic sanctions

designed to force change only affect the ruled, not the rulers; China, South Korea and the United States avoid sanctions that might hurt the elites who run the country because nobody wants to see North Korea collapse (a cure that might be worse than the disease). Daniel Bynum, et al, “Keeping Kim: How North Korea’s Regime Stays in Power,” http://belfercenter.ksg.harvard.edu/publication/20269/keeping_kim.html

Authoritarian governments rarely make people better off, and yet they persist. Some scholars distinguish between totalitarian and authoritarian governments. Totalitarian governments are seen as more extreme, with a single ruler relying on charisma to convince the people that he’s really on their side. Authoritarian governments have a higher level of corruption (raiding the public treasury for private gain, or simply accepting bribes). Totalitarian governments are ideological—there’s an overriding, underlying philosophy that drives the system. Sondrol, P. C., “Totalitarian and Authoritarian Dictators: A Comparison of Fidel Castro and Alfredo Stroessner”. *Journal of Latin American Studies*, Vol. 23, No. 3, 1991. So, Benito Mussolini’s Fascist rule of Italy was totalitarian; the military dictatorship of Myanmar/Burma was not. Totalitarian governments don’t usually have elections. Authoritarian governments might, but the results are often in doubt—the elections may not have been free and fair.

Figure 4.2 TABLE TO COME

TMS graphic TK...chart detailing the different kinds of government in states around the world

KEY TAKEAWAYS

- Most governments in the world are some kind of republic, although they don’t all work the same way, or even work as advertised.
- Republics usually feature open elections, and some kind of elected legislative body.
- The world still has a handful of monarchies, and a number of authoritarian governments in which political freedom is limited.

EXERCISES

1. Pick any country other than the one you live or are from. Visit a source such as the CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook>. What kind of government do they have? Is it a republic? Do they have political liberty there?
2. Some people have campaigned for a national initiative process for the United States. How would that work? What might be better or worse about that?

4.3 Constitutions

PLEASE NOTE: This book is currently in draft form; material is not final.

LEARNING OBJECTIVES

In this section, you will learn:

1. How a constitution can establish the framework for a government.
2. Constitutions are broad statements of principle, although some are very specific.
3. Constitutions often guarantee civil rights and civil liberties.

The majority of the world's governments are some kind of republic. Republics often are established via constitutions. In fact, only three states—the United Kingdom, New Zealand, and Israel—have no formal written constitution. But even those states have collections of documents that function, more or less, as constitutions. Every U.S. state has a constitution of its own. The oldest constitution in the world could be that of the tiny Republic of San Marino (written in 1600); it could be that of the state of Massachusetts (1780, but the oldest in continuous use). India has the longest constitution, more than 110,000 words; the United States has the shortest, at 4,543 words. That's according to the U.S. Government Archives; many sources list it at around 7,000. http://www.archives.gov/exhibits/charters/constitution_q_and_a.html#cite More than 100 states around the world have rewritten or written new constitutions in the last decade.

As concise and philosophic as the U.S. Constitution is, U.S. state constitutions are not. Most are too long and too specific; scholars say what's in them would be better off in laws passed by state legislatures and hence easier to amend. Many states have had multiple constitutions. Vermont's is the shortest at 8,295 words long. Alabama, now on its sixth constitution, weighs in at 357,157 words long. Generally, there's too much detail. For example, the constitution of the state of Georgia, now on its 10th version, has 11 articles, beginning with a Bill of Rights and ending with "Miscellaneous Provisions." It's 113 pages long, which is actually on the short side for U.S. State Constitutions. While the U.S. Constitution left the details up to Congress and the citizens, the Georgia State Constitution tells lawmakers, in Article

VII, Taxation and Finance, how to treat mobile homes, cars and stands of timber for tax purposes. Now those are actually very important items for the conduct of state government. But it's an open question as to whether they belong in a constitution, or if they should just be matters of statute law. If nothing else, constitutions are harder to change than are regular laws, and that often ties the hands of state legislatures that may be forced to consider different policy choices.

A **constitution**¹⁴ is a statement of general principles, the blueprint, the foundation of a government. A constitution establishes a government and its rule, usually with an eye to defining citizens rights and limiting the power of government. It establishes the structure of the state. A properly adopted constitution is the supreme law of the land, and political debate often begins and ends with the question of constitutionality. Constitutions establish governments, and what they can and can't do. A constitution can set the standards for elections, who can run for office and who can vote; it can set terms of office for elected officials; it can prescribe the rights and responsibilities of people in office.

A nation governed by impartial law is a western invention that has slowly spread around the globe, even though it isn't always applied equally at all times and in all places. What that means is that the law doesn't play favorites. It is to be applied equally to everybody. Law decides what is permitted and what is not. Everyone is expected to obey. Law is there to settle disputes, protect human rights, and to proscribe and prescribe various behaviors.

An alternative to constitutional law could be law that derives from custom and tradition, from clan and tribe, or from religious authority. Traditional societies in Africa and Asia created order by internal regulation—people got together and dealt with issues as they arose. This works in part because these decisions are based on ongoing relationships. Under this scenario, people are known to each other, and understand that they must get along tomorrow as well as today.

Constitutions (and the laws that derive from them) may be better at dealing with situations where everybody doesn't know each other. They establish impartiality and predictability, and set the state as the sole legal authority. This can pose problems as states become more diverse, bringing together people whose legal traditions are different. For instance, an immigrant from a conservative Moslem state may have been used to the structure of Sharia (Islamic) law, and may find that western law is different and differently applied. Constitutions and laws must also be viewed as legitimate, including the processes by which they are made and amended.

14. Basic statement of principal about governments and citizens' rights and roles within that government.

The U.S. Constitution

The U.S. Constitution was ratified in 1788 and took effect on March 4, 1789. It is the supreme law of the land; all state constitutions are subservient to it. It has only seven articles, laying out the duties of the states and the national government, of the three branches of the national government—overall, how the government is supposed to work. Its brevity makes it pretty vague, which is both a strength and a weakness. For example, the Second Amendment says “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” What does that mean? According to some folks, it means most people can own a gun, any kind of gun. Then again, a bunch of folks with Saturday-night specials doesn’t sound like a well-regulate militia, does it? And what would the Founding Fathers have thought if there had been automatic assault rifles instead of muzzle-loading flintlocks? We can’t know for certain, so to some extent, American citizens must decide for themselves.

Some judges and scholars in the U.S. say they are “strict constructionists”—the Constitution as written, sometimes with reference to the intent of the Founding Fathers. Supreme Court Justice Antonin Scalia has said that anyone who thinks the Constitution is a flexible document is “an idiot.” Scalia espouses a view of the Constitution called **originalism**¹⁵, in which the Constitution is to be applied as it was written and intended at the time. In the case of the Second Amendment, that might mean that Congress is incapable of putting restrictions on gun ownership.

The other theory is sometimes called the **living constitution**¹⁶, in which it is regarded as an organic document that needs to be reinterpreted as times change. That might mean, for example, that Congress might put limits on gun ownership because bad things can happen when anybody can buy a fully automatic Uzi or AK-47.

Who is right is to some extent a matter of opinion; one could justify either interpretation without too much trouble. To say that we must interpret the Constitution as written and intended has the benefit of giving words meaning. If words mean whatever we want them to mean, the law is no protection for anybody. The law might mean one thing for you and one for me.

15. The idea that the U.S. Constitution should be interpreted as written and applied as its authors intended.

16. The idea that the U.S. Constitution was intended as a flexible document, to be reinterpreted in light of changing times and conditions.

On the other hand, the Founding Fathers clearly were not all of one mind on government and the law. They were not, for example, all devoutly Christian; about half of them were Deists. Deism was a then-popular philosophy that acknowledged the existence of God, but argued that He didn’t give a darn. The other thing we might note is that there’s some evidence that James Madison, the chief architect of

the Constitution, thought it should be flexible. For example, he didn't allow the publication of his constitutional notes and journals in his lifetime.

The other problem with originalism is that nobody seems to apply that idea consistently. For example, the First Amendment says that "Congress shall make no law ... abridging the freedom of speech, or of the press..." And yet in the United States there is an entire body of law limiting freedom of speech and of the press, beginning with you can't yell fire in a crowded room (unless there is one), through government's ability to withhold sensitive information, to laws that affect what can be reported about various classes of people. In one case, the late Supreme Court Justice Hugo Black said "I read 'no law . . . abridging' to mean no law abridging." And yet Justice Black served on a court that expanded the power of the federal government in a way that some people have argued was outside what the Founding Fathers intended. So what the U.S. Constitution means often comes down to what somebody thinks it means.

Civil Rights and Liberties

The first 10 amendments to the U.S. Constitution form the section known as the Bill of Rights, wherein we find among the most explicit guarantees of civil liberties in U.S. government. And that is another area of constitutional concern the world over—what are the rights of the citizen with regard to government and politics? In the case of the United States, promised adoption of the amendments that became the Bill of Rights was a key element in securing ratification from the 13 original states. Across the world, constitutions are a place where we might find how a state views the question of rights and liberties.

Rights and liberties don't mean precisely the same thing. Here are a couple of definitions:

- **Civil liberties**¹⁷ are personal freedoms inherent in each individual, guaranteed by a constitution or other laws.
- **Civil rights**¹⁸ are legal claims aimed at restraining the government to seek equal protection before the law.

The original American conception of civil liberties was not unique for its time, but was perhaps the broadest application to date. The key is the idea of them being inherent. That means you are born with them. The Constitution literally grants Americans no liberties; it seeks to stop the government from taking them away. But while Americans often support the abstract notion of rights and liberties, yet they frequently don't favor the idea in the concrete.

17. Freedoms inherent in each person.

18. Claims aimed at compelling the government to treat all citizens the same.

It has taken hundreds of years to get them to apply equally to all citizens. For example, despite all the fine language about the inherent freedom and equality of all men, the Constitution acknowledged slavery when, in Article I, section two, it counts three-fifths of all “other persons” (slaves) when apportioning seats in the U.S. House of Representatives, and again in Article IV, section two, when it promises that escaped slaves will be returned to their owners. (These sections were eclipsed by the 14th and 13th amendments, respectively.) The Founding Fathers reserved the original right to vote for property-owning males. We didn’t really pound the last nail in the coffin of property qualifications until passage of the 27th amendment in 1964 outlawed the poll tax (another way of keeping people of color from voting in the south). Women didn’t get the right vote across the country until passage of the 19th amendment in 1920. Around the world, New Zealand gave women the right to vote in 1893, and Switzerland waited until 1971. The United Arab Emirates granted women the right to vote in 2006, and Saudi Arabia, as we noted earlier, has its eye on 2015.

Who gets what rights is always a subject of debate and dissension, for a wider dispersion of liberties is a wider dispersion of power. For much of the 19th century, the U.S. Supreme Court applied the Bill of Rights only to the federal government. It was believed that the states, being closer to the people, would not violate citizens’ rights. They did it a lot, however, and it wasn’t until the 20th century that the High Court finally applied the Bill of Rights to the legal behavior of state governments. Some states complained that this was an unwarranted intrusion into states’ rights. Until recent times, “states’ rights” was largely a code phrase for the ability of states to discriminate against some of their citizens solely on the basis of skin color.

In the United States, the Civil Rights movement of the 1960s was largely about getting government to treat all of its citizens the same way. Although the Civil War had ended slavery, across the country laws remained that made it harder for African-Americans to vote, to live wherever they wanted, or to even use the same public facilities as white people. President Andrew Johnson, who took office after Abraham Lincoln’s assassination, basically told the southern states it to ignore the 13th, 14th and 15th amendments, which outlawed slavery. They did, and things went downhill from there. That noted champion of democracy, President Woodrow Wilson, upon taking office in 1913, barred the hiring of African-Americans by the federal government. Throughout the first half of the 20th century, states increasingly passed laws that barred citizens of color from full participation in society.

One thing that changed the nation’s view on civil rights was World War II. It demanded the full participation of everybody in the country, so that women and people of color were called upon to work in jobs and perform tasks that they

previously had been excluded from. The generation that came home from the war had different expectations about how society would treat them.

The wall began to crack in 1954 when the Supreme Court ruled in *Brown vs. Board of Education*, a school desegregation case, that separate facilities and programs for black and white Americans were inherently unequal, and therefore illegal. Following that, civil rights leaders began to campaign for an end to all such legalized discrimination, culminating with the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

The Union of South Africa had its own internal struggle over racial equality. From 1948 until 1994, the country operated under the policy of apartheid, in which people of color were excluded from all meaningful political participation. By this device, the white minority ruled the black majority, buttressed by enforced residential segregation. Nearly five decades of protest, violence and international pressure finally forced an end to apartheid with the first election to include all South Africans in 1993.

This issue of who gets to participate and who doesn't hasn't completely gone away. Convicted felons in many U.S. states are not allowed to vote, which disenfranchises a disproportional amount of non-white citizens. In the 2000 presidential election, the state of Florida just started purging voter rolls, affecting mostly African-American voters. They started repeating this in 2012, before bad publicity and the U.S. Department of Justice compelled them to stop. Although the United States is notable for its lack of voter fraud, several states have toyed with and passed measures requiring photo ID for voters (all to stop voter fraud), which also disproportionately affects poor people and citizens of color. (Then again, how hard is it to get official photo ID?) Republicans for years tried to bar laws that would create motor-voter registration, figuring that such a plan was likely to register more new Democrats than Republicans. But Republicans have achieved greater electoral success since motor-voter laws became widespread, so perhaps they weren't accurate in their predictions.

What should be included among civil liberties? During World War II, U.S. President Franklin Delano Roosevelt pushed for "the four freedoms"—freedom of speech, freedom of assembly, freedom from fear, and freedom from want. (The first two of those are included in the U.S. Constitution; No. 3 is alluded to and No. 4, not so much.) This evolved into the United Nations Universal Declaration of Human Rights, adopted by the assembly in 1948. It says everyone has a right to "life, liberty and security of person"; bans slavery and torture; guarantees rights of equal standing before the law and of a fair trial, including being regarded as innocent until proven guilty; bans "arbitrary arrest, detention or exile"; right to "freedom of

thought, conscience and religion”; education; equal pay for equal work; right to marry and have a family; and more. You can find the entire text at <http://www.un.org/en/documents/udhr/index.shtml> Obviously, these are goals because U.N. declarations lack the force of law within the sovereign states, despite most of the nations of the world having voted for the measure.

So, as a planet, how are we doing? Freedom House, a non-profit advocacy group, in its annual report (2009) lists 89 countries as free; 58 as partly free; and 47 as not free. In its 2012 survey, it listed Norway, Luxembourg, San Marino, Sweden and Finland as the most free. North Korea scored zero once again. You can find the full report at <http://www.freedomhouse.org/report-types/freedom-world> On the plus side, the percentage of “electoral democracies” has risen from 41 percent of the world’s nations in 1989 to 60 percent in 2012.

KEY TAKEAWAYS

- Constitutions are statements of general principles that set the terms of operation of government, and the rights and liberties of citizens.
- The world has become a more democratic place in the last 50 years.

EXERCISES

1. Take a look at the U.S. Constitution at http://www.archives.gov/exhibits/charters/constitution_transcript.html. Does anything surprise you about what it says? Do you see places where different people might see different things?
2. Would you favor an originalist or an organic interpretation of the Constitution? Why? What would be the trade-offs for each choice?
3. What would it mean for your country to adopt the U.N. Universal Declaration of Human Rights? Would changes to existing law be necessary?
4. If you live in the U.S., find your state’s constitution at <http://www.thegreenpapers.com/slg/links.phtml>. Take a look: How is it different and/or similar to the U.S. Constitution?

4.4 Divisions of Power

PLEASE NOTE: This book is currently in draft form; material is not final.

LEARNING OBJECTIVES

In this section, you will learn:

1. How power is divided in republics, and why that is done.
2. What the tradeoffs are between federal and unitary systems of government.

How do societies remain free? Constitutions, as we have seen, can declare there are all kinds of freedoms. For them to work, people have to obey the law. One answer has been dividing power within a government, so that there are checks on the power of any one part of government, or on the power of any particular interest group. If the power of the government is limited, citizens see that government is not overstepping its bounds, and are more likely to go along and obey the law.

Power within a government can be divided in various ways. Obviously, in authoritarian governments, power isn't divided, and so there is no check on the power of whoever has the authority. This can create a couple of problems. First, it robs people of the ability to peacefully take action if the government does something they don't like. Second, there are no brakes if the government gets carried away—nothing in the system that could force those in authority to adhere to the laws as written.

Checks on power begin with elections. Elections effectively split power between the people and the government. If citizens don't like something government is doing, they can vote the rascals out. But elections are periodic—they only happen every so often—and in the short term, government can do things that an election will take too long to rectify.

A second check on power is the division of power into different branches. This isn't very common around the world; many republics tend to concentrate power in the

legislative branch. That's especially true of parliamentary systems, where the head of government, the prime minister, is usually the leader of the majority party in parliament. So in that system, there is no separate branch that checks the power of parliament (except, perhaps, a constitutional court that can rule on the constitutionality of a particular law). This is called legislative supremacy—most power in the government rests with the legislative body. It has the advantage of letting things happen more quickly. In a parliamentary system, a new majority party can make changes more quickly, as there is no president to veto new laws, or usually even another legislative chamber where proposed changes can bog down.

That happens in a country such as the United States, where power is divided between co-equal branches of government. In the case of the U.S., that means only Congress can pass laws; the president must sign them to become law; and the court system can declare laws to be unconstitutional and thereby null and void. Of course, the president appoints federal judges, who must be confirmed by the U.S. Senate, and Congress as a whole can impeach and remove any federal official from office for “high crimes and misdemeanors” (one of those maddeningly vague moments in the Constitution—a misdemeanor? Though if the president were caught shoplifting, we might all have some questions). The ancient Roman Republic had even more checks on power, to the point where needed reforms were impossible to push through because somebody nearly always had the power to keep them from happening. American government can sometimes look that way, although when the game is on the line, the system does allow change to happen, such as the passage of civil rights laws in the 1960s. On the other hand, it took nearly 100 years after the Civil War for the question of civil rights to be meaningfully addressed. Consequently, division of power into branches is both a prize and a penalty in government: The checks and balances inherent in such a division make it harder for government to get carried away, and also make it harder to get anything done.

Divisions of Power: Federalism, Unitary Systems, and Confederations

A third way of dividing power is called **federalism**¹⁹, which is a system of government that divides power between different levels of government. A confederacy would give most if not all the power to states that make up the confederation, while a unitary system of government puts all the power in the hands of the central government.

Most of the world's governments (nearly 90 percent) are **unitary**²⁰. A strong central government lends power to subnational governments, who cannot make and execute policy on their own. Unitary governments can create or abolish subnational units of governments. Federal governments typically cannot. The U.S. national

19. Federalism is a system of government that divides and shares power between different levels of government.

20. Power rests with a strong central government. Power is only lent to subnational governments.

government, for example, can't decide that Wyoming would be much better as a part of Montana, or that two Dakotas is just one too many.

The other choice usually is a **confederation**²¹, in which a group of states are equal partners in a government. While this prevents a strong central government from dictating to its members, it also means nobody's in charge. The United States, from 1783-1788, was a confederacy, under the Articles of Confederation. It didn't work very well. The national government couldn't pay its debts, which caused the economy to shrink; the states were on the edge of war over trade and territorial issues. The Confederate States of America seceded from the Union in 1861, leading to the Civil War. They, too, suffered the problem of being unable to fully compel the member states to support the war effort.

The European Union is a confederation. Although there is a freely elected European Parliament, it lacks the full authority to force the 27 member states to do everything it might. The power of the confederation largely exists because the member nations have signed on to the treaties creating it, because they share a common currency (the Euro) and because states such as Germany and France have so much more economic power than the other members (and can't afford to see it all fail). It helps that all the member nations are fairly well-developed states and all republics with regular elections of their own. The EU also seems to be very careful in not stepping on the sovereignty of its member nations. As a consequence, despite EU provisions that require member nations to maintain roughly balanced budgets, big budget deficits in Greece, Italy and Spain have provoked a financial crisis for the entire union.

Federalism divides and shares power between the **national government** (often referred to as the federal government in the U.S.) and **subnational governments**²² such states or provinces. Subnational governments may be bound by a national constitution, but have some ability to work within that framework to create their own particular laws. In U.S. federalism, for example, states have the ability to regulate trade within their borders, but only the federal government can regulate commerce that crosses state borders. National governments usually retain the sole ability to provide for national defense and the conduct of foreign relations, whereas both the states and the national government can create traffic and environmental laws. Both levels have the ability to raise revenues and spend money, while only national governments can address topics relating to international trade. Larger nations sometimes turn to federalism to manage widespread territories, such as the United States, Canada and Australia.

Federalism comes in degrees: In weak federalism, states don't get very much power, as in Mexico or Brazil. In strong federalism, subnational governments have a higher

21. An alliance of sovereign states with no strong central government that can enforce decisions on its members.

22. States or provinces that are part of a country.

degree of power, as in Canada. The United States, if you're keeping score, is somewhere in between. Worldwide, 26 states are federal republics; nine more have granted some local authority to regional governments.

For example, for most of its history, the United Kingdom was a unitary state. England conquered Wales and Ireland, and was united with Scotland when James I became king of both nations in 1603. Ireland won its independence in 1921, but the six counties of what became Northern Ireland voted to remain in the United Kingdom. But then, in 1997, people in Scotland and Wales voted for devolution, by which the central government granted some authority to local assemblies there. Northern Ireland also now has its own local assembly as well. All have the ability to raise taxes, spend money and order their own affairs, but they are not sovereign states.

Creating a federal structure on paper doesn't make one, however. China has 22 provinces, four municipalities, five autonomous regions, and two special administrative regions. Of these, only Hong Kong and Macao, the special administrative regions, can be said to enjoy any sort of self-rule, and a majority of their legislatures are appointed by the central government in Beijing. The autonomous regions include Tibet, where dissatisfaction with Chinese rule has led to violence and unrest.

American Federalism

Being in between strong and weak federalism, the **American version of federalism** is actually a good example of all the challenges and benefits of a federal society.

You should note a couple of things right away:

1. American federalism divides power between the states and the national (federal) government. That equation does NOT include the many thousands of local governments, which are not mentioned in the Constitution and largely borrow power from the states. Each state is, in effect, a unitary government. Some states have granted limited home-rule charters to large local governments, but that's a state-level decision, and not provided for in the U.S. Constitution.
2. The division of power at the national level into three branches, while an important feature of American government, is NOT a feature of American federalism. A unitary-style government could also have a similar division of power into branches; a federal government could also have no division of power at its upper level.

Federalism is, in some ways, an American invention. Confederacies had existed before, and they lacked central power and hence the ability to get anything done. The Founding Fathers, having lived through four years under the Articles of Confederation, saw that they needed a central government with enough power to do what was needed, but still not so much power that it could oppress the people and the states. And the states, to buy into this, were going to want to retain some of their own power as part of the bargain. This fundamental distrust of centralized power, along with the perhaps grudging admission that some of it was necessary, led to both the division of federal power into three branches, and the division of power between the states and the national government.

So who has the power? The U.S. Constitution does seem to provide some space for a strong national government in a number of places:

- The “necessary and proper” clause (sometimes called “the elastic clause” because of its ability to stretch to cover a lot of ground) of the Constitution (Article I, Section 8, clause 18): This says Congress shall have the necessary and proper authority to do what needs to be done.
- The supremacy clause (Article VI, clause 2): The Constitution is established as the supreme law of the land.
- The commerce clause (Article I, Section 8, clause 3): Only Congress has the ability to regulate interstate commerce.
- The spending clause (Article I, Section 8, clause 1): Congress is expressly granted the ability to raise taxes and spend money.

Couple these features with the power of the presidency and the national government’s greater ability to raise money, and you have a recipe for a strong national government. I don’t think this is necessarily a bad thing. Others disagree.

Then again, there’s the 10th Amendment to the Constitution, and the last piece of the Bill of Rights: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” That can be interpreted in any number of ways, and has been. Does it mean the federal government can only do things expressly described in the Constitution? Does it mean anything not addressed in the Constitution is up to the states? Does it create wiggle room for interpreting the Constitution, or take it away? Some people would tell you they are sure it means one thing or another, and others would simply disagree.

American federalism is said to have gone through a number of phases, including the following:

- Dual federalism: 1790–1932. The federal government did its thing, and the state government did their thing, and there was very little overlap.
- Cooperative federalism: 1933–1980. This featured a much larger role for the federal government, with more money flowing to the states, along with marching orders to go with the cash. States became conduits for federal policy, with federal matching funds there to entice the states to administer programs such as welfare.
- New federalism: 1980–present. Some scholars would divide this up into more than three categories, and probably call this era something else. But these aren't necessarily meaningful distinctions. Sometimes the federal government has pushed programs onto the states (pay for it yourself). At other times, the federal government has attempted to dictate to the states (the Defense of Marriage Act, No Child Left Behind, the continued criminalization of marijuana and hemp). The Feds have given states money via block grants with few restrictions, categorical grants with lots of restrictions, and revenue sharing with no restrictions. Typical federal funding still often involves matching funds for a specific purpose. An unresolved question remains: Should the federal government have the ability to mandate state and local programs based on its ability to provide money for them? What if it provides no money? So it's unclear what New Federalism is precisely, because it is not consistent in how it treats state/federal relations.

And that's typical of U.S. federalism in general. As with so many things in U.S. government, the precise nature of American federalism is ill-defined. Thomas Jefferson, who was not an author of the Constitution, thought that states should be able to just say no to acts of Congress (a term called "nullification"). State governors in our own time are sometimes heard to express such thoughts. The term "states' rights" gets trotted out from time to time, to justify something states want to do or to protest an imposition from the federal government. We should be clear: for most of its history, the term states' rights largely meant only one thing: The ability of states to legally discriminate against citizens of color. So while it has taken on a wider meaning in recent decades, it doesn't have a happy history.

Whatever the issue, the states and the federal government are often at odds at who gets to do what, and who gets to pay for it. So while states tended to favor the reform of the welfare system in the mid-1990s, they certainly didn't want to give up federal funding of the system. Similarly, Congress has used federal funding of the highway system as a carrot and a stick to get states to raise their minimum drinking laws: Raise it to 21, or you lose your federal highway funds. Only tourism-dependent Louisiana did not comply.

Federalism's Strengths and Weaknesses

These kinds of issues underscore both the strengths and weaknesses of the federal system, which are many.

Strengths:

- It allows experimentation and specialization at the state and local level. States are free to try different ways of pursuing policy objectives.
- It allows flexibility and diversity in making policy. States can tailor programs to the particular conditions, needs and desires of their citizens.
- It brings government closer to the people, ensuring responsiveness. All those levels of government mean that there's someone you can turn to for help.
- It helps to protect liberty, by providing a strong national government that can prevent states from usurping liberty, but also making it hard for federal government to do the same. States provide, in effect, another interest group that can contend with the power of the national government.
- Increases opportunity for participation. Once again, there's room amid all that government for people to get involved.
- Improves efficiency. States and local governments may be more efficient at providing public services.
- Helps to manage conflict by providing arenas for its articulation. By giving more people more access to a responsive government, people are more likely to address their grievances without resorting to violence.

Weaknesses:

- It can make government seem more remote—insulating the government from the people. While in many ways the many levels of government can be a good thing, it can also be confusing. Who's responsible for what, and where do you turn?
- Federalism, and all those levels of government, makes elections more complex. The United States has perhaps the longest ballots in the world. Ballot drop-off is a frequent feature of U.S. elections. Citizens get to the bottom of the ballot, decide they don't know anything about either candidate for state superior court judge, and stop voting

- It impedes the adoption of national standards. One state or province might want one set of environmental laws, while another might want fewer protections and more emphasis on economic opportunity.
- And that gets at the heart of the matter: Divisions of power make action more difficult, which can be both a good thing and a bad thing. Federalism's strength is also thereby its weakness. It is a slow system of government, which keeps us from doing really stupid things in the heat of the moment (Prohibition being one of the few bad examples). It also, however, is slow to change, with compromise between the factions represented in Congress, the presidency, the courts and the voters being required for anything to get done. So federalism forces deliberation and caution, which can be both good and bad.

KEY TAKEAWAYS

- Most of the world's governments are unitary. A few dozen are federal; very few have been confederacies.
- Federalist governments share power with subnational governments; unitary governments do not.
- Federalism has both strengths and weaknesses.

EXERCISES

1. If you live in the United States, what does your state allow or prohibit that varies from what the federal government allows or prohibits?
2. How much should a federal government have the power to compel subnational governments to do things? How much should subnational governments have the power to say no?

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