

## Lecture IV: Democracy in Europe and America

France had three republics between 1793 and 1940: the First Republic from 1793 to 1804; the brief Second Republic from 1848 to 1852; and the much longer Third Republic from 1870 to 1940. It has had two more republics since then, the Fourth from 1946 to 1958 and the Fifth Republic from 1958 to the present. Of course during all this time the United States continued to live under the Constitution of 1787 that went into effect in 1788, although it has been amended over twenty times since then, generally in the direction of making it more democratic.

The French “Declaration of the Rights of Man and the Citizen” of 1791, penned in part by the Marquis de Lafayette with Thomas Jefferson’s help, is a foundational statement of universal human rights. It was inspired in part by the American Declaration of Independence of 1776 and by the works of Enlightenment philosophers such as John Locke, the Baron de Montesquieu and Jean-Jacques Rousseau. The French Constitution of 1793, establishing the first French Republic, does not show the same American influence and, perhaps most importantly, explicitly established two categories of citizens: the *active* and the *passive*. Of course the American Constitution left decisions on who could vote and be elected to local and state offices up to the states and they tended to restrict the suffrage to property owners, particularly outside of New England. As in the new United States, the right to vote in France was strictly limited to “active” citizens, with only about 4.4 million out of a population of 25 million citizens having the right to take part in the political system. The others were protected in their persons and property, but had to depend on the “active” citizens to ensure this. Of course women and enslaved people (large numbers of whom were to be found in the French West Indies) could not vote, nor could anyone under the age of 25. Property ownership was the most important dividing line between adult males, with those possessing a substantial patrimony allowed to vote, while the urban and rural poor were excluded from the polls. It is important to remember that these same exclusions applied to American political life in most of the new states at this time.

The Declaration of Rights of 1791, as amended, is given concrete form in many provisions of the 1793 Constitution (and actually forms the preamble to the Fifth Republic Constitution of 1958) and is a ringing declaration of human rights that has served as the basis for the UN Declaration of Human Rights of 1948. Every citizen enjoyed these rights in France under the 1793 Constitution, even if he or she could not vote, i.e., was not an “active citizen.” Thus, at the outset, the two main “republics” in the world in the 1790s accepted the fact that most “citizens” did not enjoy “political” rights. This meant, by today’s measure, that neither nation was a truly “democratic” country.

The main ideological theme of these early republics was their rejection of monarchy as a form of government. The American revolutionaries’ ruling ideology in 1776 was anti-monarchical – Thomas Paine and Thomas Jefferson being the foremost spokesmen of the view that Americans had to reject the rule of King George III, whose oppression of the colonies was described in vivid (and sometimes unfair) terms by these two excellent writers. Of course the French revolutionaries went one better and actually executed their one-time king, Louis XVI, in January 1793 prior to the enactment of the new republican constitution. For the time, this break with the ancient monarchical form of government, even in the limited form found in Great Britain, amounted to a truly revolutionary act, even if it was succeeded by the creation of far from democratic governments made up of white-male property owners in both countries.

In many ways, the domestic history of these two countries throughout the rest of the 19<sup>th</sup> century will center around the expansion of “active” citizenship to wider and wider sectors of the population.

The average citizen, be he “active” or “passive” in the French sense, or a property-owning voter in the American context of the early 1800’s, only slowly overcame the presumption of inferiority when

confronted with a person of aristocratic pretensions, or, in the American case, someone with a college education and higher social standing. In his book *The Radicalism of the American Revolution*, the historian Gordon Wood writes: “We will never comprehend the premodern world until we appreciate the extent to which many ordinary people still accepted their own lowliness.” He further cites studies that showed that only one in twenty-five adult white males in the southern colonies were acknowledged to be “gentlemen,” while in the northern colonies the ratio was more like one in ten. (p. 30). Wood’s purpose in his book is to show how the Revolution changed this mentality over the coming generations, with the common people in America becoming increasingly convinced of their own quality and a concomitant decline in deference toward their “betters.”

In Britain, meanwhile, the revolutions in her colonies and in France roiled society and led to growing calls to reform the grossly undemocratic nature of parliament. The agitation increased after the conclusion of the Napoleonic Wars in 1815, with organized revolts among workers combining economic and political demands during the 1820s.

Pressure mounted to reform the antiquated parliamentary system in which the House of Commons with over 600 Members of Parliament (MPs) represented before 1832 only 400,000 voters out of a population of ten million people. The Reform Act of 1832 was the crucial first step in this process and fundamentally changed the nature of British politics. It abolished so-called “rotten boroughs,” places where the population had dwindled to nothing due to migration to the cities but where the local lord still had control of a seat or two in parliament. Most of the House of Commons members came from boroughs, although there were also 40 counties which sent one member to the Commons and any county voter with property worth 40 shillings or more could vote. Borough voters had to pay an annual property tax of 30 shillings or more or rent of 10 pounds annually. An example of the extreme unrepresentativeness of the old House of Commons was the 1832 electoral defeat of future prime minister Benjamin Disraeli’s in his first run for a seat in the House. His constituency was High Wycombe, with a population of approximately 3,000, but with only 32 people eligible to vote under the pre-Reform Act suffrage. Disraeli ran in a special election to fill a vacant seat (before the Reform Act came into effect) and lost 20 to 12. While some boroughs might have ten or twelve thousand voters, others might have only a few dozen. There were also cases in which a powerful lord controlled several different boroughs and could essentially hand out seats in parliament to his favored candidates. The Tories opposed the bill and the so-called Radicals and Whigs supported the Reform Act. The conservative argument was that each one of the 658 members of the House of Commons represented all the citizens of Britain, not just the few who had voted for them. This was called “virtual representation” and had been at the root of the American colonies’ dispute with the Mother Country that led to the Revolution. Just as the people in the American colonies had demanded the right to elect their own representatives, so the citizens of England rejected the notion that some country squire or his favored candidate could claim to represent the disenfranchised citizens of Birmingham or Manchester, places that had not even existed or only as small towns when the parliamentary constituencies were laid out hundreds of years before. The electorate in England and Wales expanded from 400,000 to 650,000 and a separate Scottish Reform Act of 1832 expanded the Scottish electorate from 5,000 to 65,000, making about one in five males eligible to vote, according to the Wikipedia article on the Reform Act of 1832.

The agitation for reform continued during much of the 19<sup>th</sup> century, culminating in the women’s suffrage movement of the early 1900s. Other parliamentary reform acts in 1867 and 1884 further expanded manhood suffrage in Great Britain, but at every step of the way the conservative forces, especially those seated in the House of Lords, put up an adamant resistance. Bills to extend the suffrage in 1859 and 1866 were defeated in parliament before Disraeli and his Whig counterpart William Gladstone managed to shepherd the reforms through. In the Parliament Act of 1911, the power of the House of Lords to veto legislation passed by the Commons was abolished and the Lords could only delay passage of acts for three parliamentary sessions. This power was further curtailed in 1949 and in 1958 the hereditary lords

were submerged by a new act which created “life peerages” for distinguished Britons. In effect, the House of Lords ceased to have a meaningful legislative or representative function and became basically an honorary body of distinguished citizens.

By the early 1900s, it had become clear that the old political order built on the Conservative or Tory Party and the Whig Party, renamed the Liberal Party in 1898, was giving way to the growing power of organized labor and its political offshoot, the British Labor Party. Although it still exists, the British Liberal Party is a shadow of its former self; but, oddly, the British Conservative Party, which in its earlier incarnation had fought tooth and nail to defeat the extension of the suffrage, remains the dominant party in the United Kingdom today.

The most recent expression of British democracy was the referendum on whether or not to remain in the European Union, the so-called Brexit referendum of June 2016. Much to the chagrin of the Conservative government of Prime Minister David Cameron, who had proposed the referendum thinking the motion to exit the EU would be defeated, the referendum gave the “exit” voters a small majority (51.9 per cent in favor of leaving the EU) and although it was non-binding, the Cameron government had promised to abide by the outcome and found itself forced to proceed with the process, which is now somewhat complete. The use of the referendum and the recall of elected officials are the most important examples of “direct democracy” and have had a controversial history in both Western Europe and the United States. These “angry initiatives” undercut representative democracy by taking decision-making out of the hands of elected officials and turning it over to – at times – highly motivated special interests who succeed in arousing the electorate on an issue that elected governments showed themselves reluctant to address.

We should remember that the American Constitution of 1787 was crafted by men with a limited faith in democracy, but who also realized that the democratic spirit issuing from the War of Independence could not be totally restrained. State governments in the years directly after the war’s end were notoriously dominated by popularly elected legislatures which usually kept the governor to a term of one or two years in office in order to prevent executive overreach. These legislatures frequently passed debt forgiveness bills that favored debtors at the expense of creditors, thereby undermining the legal framework needed for a successful capitalist economy. Distrust of the popular will led the drafters of the new national constitution of 1787 to make the new presidential office indirectly elected by state legislators voting for independent “electors.” Also, making the senators elected by the state legislatures rather than directly by the people was supposed to act as a brake on irresponsible popular measures passed by the House of Representatives. The more conservative members of the Constitutional Convention feared that a widespread suffrage would lead to voters selling their votes to the highest bidder. Thus men like Gouverneur Morris of New York believed states should impose a property qualification for voting, but, instead the Constitution specified only that the qualifications for voting for federal representatives should be the same as those for voting for the “most numerous house of the state legislature.” Ironically, Morris, who penned the final draft of the Constitution, is credited with writing the Preamble which opens with the famous words: “We the people . . .” The Constitution was also to be ratified by special state conventions directly elected by “the people” for that purpose. So, in effect, despite the general distrust of the popular will, the Framers ultimately decided they had no choice but to establish the new national government explicitly on the sovereign will of the people.

The key distinction in both the new French and American republics was between those who owned property and paid taxes, and those who did not. In France, the law excluded from “active citizenry” anyone who could be defined as a “servant.” Citizens had to pay taxes equivalent to three-day’s work, but that was in addition to owning property. Later amendments to the constitution actually increased the property qualification for voting in France. In the new United States, voting qualification remained (and remains) largely a state affair and the popular vote, at least for presidential elections, was not even calculated on a national basis until the 1824 election.

Both France and the new United States in the 1790s saw the emergence of political parties – the Jacobins and the Girondins in France and the Federalists and the Republicans or Democratic-Republicans in the U.S. This unexpected development signaled the beginning of political competition for office and influence among competing groups or factions. George Washington denounced this deviation from what he considered virtuous republicanism, but Jefferson and Hamilton quickly recognized the importance of such groups in the conduct of elections. In the U.S. during the 1790s, so-called Democratic-Republican clubs sprang up in towns small and large. These groups were inspired in part by developments in France, but they also represented an authentic grass roots participation in politics. Partisan newspapers also made their appearance and public issues and personalities were heatedly debated and character assassination became a common tactic. Jefferson and Madison soon came to appreciate that these organizations and newspapers were crucial to winning and holding political power. The Federalists, with their disdain for the common herd, were much slower to organize their voters and suffered from a distaste for the rough and tumble of democratic political combat. By 1800 in the U.S. it was clear that the future of democracy lay with these organizations and with a kind of politics many leaders of both parties considered largely disreputable. Of course, by 1800 in France, democracy had been snuffed out by the new Bonapartist regime and the only political party allowed was Napoleon’s own group of loyalists.

Democratic politics in the United States in the early 1800s was most intense at the local level, where the participants were well-known and the issues close to home. Turnout for congressional and presidential elections reached barely one in four eligible voters in the first national elections (Wilentz, p. 52), leaving the federal government in the hands of a congress and a president with little connection to most of the population in the still largely rural country. This changed under Jefferson, however, whose popularity, especially in the South, brought out voters in 1804 and 1808 in greatly increasing numbers. In the 1800 election, in states such as New Jersey and Pennsylvania, Jefferson’s large popular vote did not translate into a commensurately large electoral vote because the state legislatures continued to have Federalist majorities and chose electors for John Adams, even though Jefferson had the majority of the vote. In this era, the electoral votes in many states, including New Jersey and Pennsylvania, were allocated by congressional district, so Jefferson and Adams split the votes. Only later did the practice of awarding all the state’s electoral votes to the presidential candidate with the majority of the state-wide vote become the norm.

In his book, *The Rise of American Democracy from Jefferson to Lincoln*, Sean Wilentz summarized the push for suffrage expansion by 1821: twenty-one of the twenty-four states had “approved something approaching a divorce of property-holding and voting” a trend much more marked north of the Potomac than south of it, especially in the original thirteen states. Virginia and North Carolina retained “significant property restrictions” on voting and South Carolina “placed severe property limits on officeholding.” Only six states, all of them in the free North, had approved universal manhood suffrage, but others newly restricted or even prohibited voting by Black citizens. New states admitted further west such as Illinois and Indiana explicitly prohibited Black suffrage. Only New Jersey had originally allowed women to vote, but by 1821 the state’s constitution excluded them from the suffrage. But four states still allowed non-citizens to vote, a practice that had been common in the 1790s and early 1800s. (Wilentz, 203-204). Interestingly, a recent op-ed piece in the *New York Times* by a long-time permanent resident argued for voting rights for “Green Card” holders in the U.S., many of whom have been waiting for years for their citizenship applications to be processed. There are millions of such people. (A.A. Abrahamian, “There is no Good Reason You Should Have to be a Citizen to Vote,” *NYTimes*, 7/28/2021)

The 1824 presidential election brought to the fore the wildcard candidate Andrew Jackson. The conventional wisdom among political insiders was that Jackson was an outsider and unqualified to be president as a four-way race emerged in the months before the election. Long-time statesman John Quincy Adams seemed the insider favorite. As former Secretary of State in the Monroe Administration

he would be following what appeared to be the expected path to the presidency: Jefferson, Madison, and Monroe had all served as Secretary of State before their elevation to the presidency. The prominent young Senator Henry Clay of Kentucky had a devoted following in his home state, but lacked backing in the South, where Jackson enjoyed great support, or in the North, where Adams retained popularity despite his lack of charisma. The fourth candidate, William Crawford, Senator from Georgia, had been nominated by the Republican Party caucus in Congress, the traditional route to the presidency, but this insider-type nomination had lost favor with the increasingly democratic electorate and then Crawford suffered a debilitating stroke during the campaign, essentially eliminating him from contention. In the event, the greatly underrated Jackson came in first in the voting, taking 43 per cent of the popular vote and 99 electoral votes to Adams's 30.5 per cent and 84 electoral votes. But since no candidate got more than half of the total electoral votes, the decision on the winner went to the House of Representatives, where Clay threw his support to Adams, giving him enough votes to claim the White House. This is the first presidential election in the nation's history where popular votes were tabulated for all the states and where voter participation figure – a meager 26.9 per cent of the eligible white, male electorate – enters into the history books.

Needless to say, Jackson's loss to the establishment candidate John Quincy Adams aroused both his ire and that of his numerous followers. Cries of "corrupt bargain" echoed through the land when it became clear that Clay had thrown his votes to Adams in return for appointment as Secretary of State in the new administration. Jackson's crushing 1828 victory over Adams was sweet vindication. Wilentz's description of the popular campaign that lifted Jackson in 1824 captures many of the new, more democratic aspects of America's politics:

*The Jacksonians . . . invited mass participation in the campaign. Voters and spectators turned out on short notice for frequent rallies and parades, staged to invigorate the faithful and display that Jackson was the outsider candidate whose legitimacy could only come from the people at large, and not from any club of Washington fixers. (p. 248)*

It is not surprising that Donald Trump identified with Jackson, however inaccurate this comparison might appear to many.

By coincidence, the Marquis de Lafayette, Washington's young French aide de camp during the Revolutionary War, returned to the United States in 1824 at the invitation of President Monroe and initiated a grand tour that was supposed to last four months but ended up lasting some eighteen months during which he visited every one of the nation's twenty-four states. La Fayette, now 67 years old and a hero of both the American and French Revolutions, enjoyed almost mythical status as one of the last links with the Founding generation (he had been barely twenty years old when he joined Washington's army) and he had gone on to be a hero of the early years of the French Revolution before being imprisoned after his capture by the armies opposing the French regime. He served over five years in prison before gaining freedom after Napoleon came to power. He refused Napoleon's offers of office, seeing in him an enemy of true democracy, and retired to his small estate at La Grange. With the restoration of the Bourbon dynasty after Napoleon's defeat in 1815, La Fayette took a seat in the new parliament elected in 1816, but eventually realized that the Bourbon king, Louis XVIII, intended to rule without consulting parliament. With the Chamber of Delegates viewed as too liberal by Louis and his advisers, in 1820 the king rammed through the Chamber a new election bill, known as the "Law of the Double Vote" which created 172 new seats in the Chamber elected by the richest constituents in the various Departments (the political units created by the revolutionary governments), who could also vote for the election of the regular delegates. This highly rigged electoral system swamped the more liberal delegates with members loyal to the king and ensured the royalists' control. La Fayette managed to gain election even so, but in the 1824 election he, along with most of the liberals in parliament, went down to defeat "thanks to censorship, manipulation of the voter rolls, threats, bribes, and outright fraud," according to a recent biography of the French hero

(Duncan, *Hero of Two Worlds*, p. 379). This defeat enabled him to accept President Monroe's invitation to visit the United States.

To Americans, La Fayette embodied the democratic spirit of both the American and French Revolutions, even though he actually favored a form of constitutional monarchy similar to that in Great Britain. His triumphal progress through the twenty-four states east of the Mississippi River (including Louisiana, which is bisected by the river, but where a city was named in La Fayette's honor) was greeted by the populace with an ecstatic outpouring of patriotic and democratic fervor. He even managed to have cordial meetings with both the new president John Quincy Adams and his bitter enemy, Andrew Jackson. La Fayette represented the republican ideal that most Americans had come to embrace, even though it clearly only meant equal rights for white men and did not challenge slavery, of which La Fayette heartily disapproved.

American and French democracy in the modern world differ in many respects, with the French system a hybrid of the parliamentary and presidential system. The 3<sup>rd</sup> and 4<sup>th</sup> French Republics suffered from parliamentary instability, with no government able to hold a parliamentary majority for long. The multi-party proportional representation system in which citizens vote for a party list rather than a particular individual, means that a party with as little as five per cent of the national vote can elect members to parliament. In the United States (and the United Kingdom), a "first-past-the-post" or "horse race" sort of election system means that the candidate with the most votes wins, even if it is less than a majority, or requires a run-off election between the two top vote-getters. Government instability led the French to alter their Constitution in 1958 under Charles de Gaulle and create a separate office of president with a five-year term. Upon election, again usually in a multi-party election, the winning presidential candidate appoints a member of his party as prime minister but actually serves both as head of government and head of state. In the UK, despite the first-past-the-post system, the strong two-party tradition provides a check on the proliferation of parties that characterized the French and other party systems (especially Italy's) and has given the prime minister almost as much stability of tenure as in a presidential system.