*Final word should belong to the people*

It’s a question that goes to the heart of the American experiment: Is this a republic or a democracy?

Founder Benjamin Franklin’s famous quote comes to mind. While exiting the Constitutional Convention, Franklin was asked by a citizen what sort of government had been created. He is reported to have replied, “A republic. If you can keep it.”

Consider, though, Franklin’s statement regarding his misgivings about human nature and the importance of character among those who would govern. “When you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views.”

A republic’s reliance on representative government intends to temper the passions of the people. Pure democracy, absolute majority rule, was thought to embrace the emotions of the moment in such a way that character and deliberation might be overwhelmed by the mob.

The constitutional experiment has worked imperfectly, but has survived for nearly two and a half centuries through checks and balances that promote sober reflection to cool populist passions.

Genius.

But what happens when government representatives elected to reflect the will of the people do just the opposite, instead thwarting directions favored by strong majorities? How does that fit in a system designed to draw its legitimacy from the consent of the governed?

Short answer: It doesn’t fit. And it threatens the foundation of freedom.

Those readers who have been paying attention, though, can see the solution at work in several states that allow citizens to reassert their control over rebellious representatives who insist on imposing policies that lack public support.

Let’s pause a moment to take stock of the divisiveness of the issue at hand, which is abortion. For 50 years Roe v. Wade established a constitutional right for women’s choice. In Dobbs v. Jackson, that ruling was overturned and the Supreme Court handed the issue back to the states. Since then, a number of states have adopted strong restrictions nearly amounting to outright bans, while others have established policies mostly leaving the decision up to women and their doctors. Clearly, that’s inconsistent. Just as clearly, it’s what the court intended under the principles of federalism.

What’s interesting, though, is what happened next. In states where the law allows citizens to petition and weigh in, the people have been overruling elected representatives. The most recent example comes from Ohio. Citizens petitioned to place an abortion-rights referendum on the November ballot. The state, in this instance controlled by Republican representatives, placed a hurry-up question on a special election ballot to raise the referendum threshold from 50% to 60% for passage, counting on a low-turnout vote to carry the day. Instead, turnout was more than four times the normal rate and the proposed change went down in flames. It’s logical to conclude the November referendum will pass and deep-red Ohio will become the latest state where the people’s voice is heard.

Referendum details vary from state to state, but where voters have weighed in abortion rights generally have won. It’s happened in blue states like California and Vermont, in purple states like Michigan, and in red states like Kansas, Montana and Kentucky.

I use the abortion issue to illustrate a point. It’s fair to say my thoughts lean toward pro-life positions, while reflecting the widespread ambivalence evident in the country. Polling clearly shows most people do not like abortion. At the same time, most people are not comfortable with the government imposing its will and standing between a woman, her family and her doctor.

The proper answer, in this writer’s view, is what we’ve been seeing. When an issue is so divisive, and when elected representatives appear to be acting against the people’s will, there should be a safety valve to settle matters. Citizens should be able to gather sufficient signatures to force a binding referendum onto the ballot, where the people can assert themselves.

Empowering the people could bring about changes that politicians of both parties fiercely resist. Balanced budgets. Term limits. Gerrymandering. Voting rights. Gun rights. Big-money meddling in elections.

Even staunch conservative U.S. Sen. Ron Johnson has advocated for an abortion referendum in Wisconsin, so this is not just another blue versus red conflict. To Johnson’s point, though, Wisconsin does not allow binding petition-and-referendum practices. That’s wrong and needs to change.

Leaving policy up to elected representatives generally works. Not so much, though, when those elected representatives take stands that, essentially, tell the people to shut up and go away.

Republic or democracy? Neither one applies if the system is rigged against the people.

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