

***How Democratic  
Is the  
American  
Constitution?***

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APPENDIX A

*On the Terms  
“Democracy” and “Republic”*

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**T**HE VIEW THAT THE FRAMERS INTENDED TO create a republic, not a democracy, probably has its origins in comments by Madison in Federalist No. **10**. Although there as elsewhere he also used the expression “popular government” as a kind of generic term, he distinguished further between “a pure democracy, by which I mean a society consisting of a small number of persons, who assemble and administer the government in person,” and a “republic, by which I mean a government in which the scheme of representation takes place.” “The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater

sphere of the country, over which the latter may be extended."<sup>1</sup>

Here Madison was making the common distinction that political scientists and others would later differentiate as "direct democracy" and "representative democracy." For it was as evident to the Framers as it is to us that given the size of a nation composed of the thirteen existing states, with more to come, "the people" could not possibly assemble directly to enact laws, as they did at the time in New England town meetings and had done two millennia earlier in Greece, where the term "democracy" was invented. It was perfectly obvious to the Framers, then, that in such a large country, a republican government would have to be a *representative* government, where national laws would be enacted by a representative legislative body consisting of members chosen directly or indirectly by the people.

Madison was probably also influenced by a long tradition of "republicanism" that in both theory and practice leaned somewhat more toward aristocracy, limited suffrage, concern for property rights, and fear of the populace than toward a broadly based popular government more dependent on "the will of the people."

It is also true, however, that during the eighteenth century the terms "democracy" and "republic" were used rather interchangeably in both common and philosophical usage.<sup>2</sup> Madison, in fact, was well aware of the difficulty of defining "republic." In Federalist No. 39, he posed the question 'What, then, are the

distinctive characters (sic) of the republican form?" In response he pointed to the enormous range of meanings given to the word "republic." "Were an answer to this question to be sought . . . in the application of the term by political writers, to the constitutions of different states, no satisfactory one could ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people is exercised, in the most absolute manner, by a small body of hereditary nobles."

In view of this ambiguity, Madison proposed that 'We may define a republic to be . . . a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, or for a limited period, or during good behavior.'<sup>3</sup> By defining a republic as a government which derives all its powers "*directly* or indirectly from the great body of the people," Madison now seems to be contradicting the distinction he had drawn earlier in Federalist No. 10. We might read his struggle with definitions as a further illustration of the prevailing confusion over the two terms.

If further evidence were needed of the ambiguity of terminology, we could turn to a highly influential writer whose work was well known to Madison and many of his contemporaries. In *The Spirit of the Laws*

(1748) Montesquieu had distinguished three kinds of governments: republican, monarchic, and despotic. Republican governments were of two kinds: ‘When, in a republic, the people as a body have the sovereign power, it is a Democracy. When the sovereign power is in the hands of a part of the people, it is called an *Aristocracy*.’<sup>4</sup> But Montesquieu also insisted that “It is in the nature of a republic that it has only a small territory: without that it could scarcely exist.”<sup>5</sup>

Although the Framers differed among themselves as to how democratic they wanted their republic to be,<sup>6</sup> for obvious reasons they were of one mind about the need for a representative government. But as events soon showed, they could not fully determine just how democratic that representative government would become—under the leadership of, among others, James Madison.