ABSTRACT. In key numbers of The Federalist Publius argues that the only good form of popular government is republican popular government and that the only good form of republican popular government is federal republican popular government. Essential to both arguments is the distinction between "democracy" and "republic": By the former Publius means a form of popular government in which the citizens assemble in person and administer the affairs of government directly, so that such a society must be confined to a small number of citizens and a little spot; by the latter he means a form of popular government in which the administration of the affairs of government is delegated to a certain number of citizens elected by the rest, that is, in which the scheme of representation takes place, so that such a society can be extended over a large number of citizens and a big country. Despite the great quantity of material which has been written on The Federalist, no one has ever doubted the validity of this distinction. But the present study shows, first, that--contrary to that which one universally supposes to be the case--the distinction which Publius tries to make is not a logically valid one; then, it proves that--again, contrary to that which one universally believes to be so--the really decisive distinction is not the one between "democracy" and "republic", but rather the one between 'bad republics' and 'good republics'; next, it demonstrates that--once again, contrary to that which one universally presupposes to be--it is Publius himself in The Federalist itself who says that that is how it is; and finally, it shows what consequences this original and therefore unique, but nonetheless correct understanding of The Federalist entails for Publius' teaching on republicanism and, by implication, on federalism. Therefore, 'the standard interpretation' of The Federalist will never be the same again.
There are two rules of construction dictated by plain reason, as well as founded on legal axioms. The one is, that every part of the expression ought, if possible, to be allowed some meaning and be made to conspire to some common end. The other is, that where the several parts cannot be made to coincide, the less important should give way to the more important part; the means should be sacrificed to the end, rather than the end to the means.

James Madison, The Federalist No. 40

I never expect to see a perfect work from imperfect man.

Alexander Hamilton, The Federalist No. 85

Von den blossen Worten ... zu den Sachen selbst.

Edmund Husserl, Logische Untersuchungen, "Introduction", Par. #2


Ludwig Wittgenstein, Tractatus logico-philosophicus, 4.112

I. INTRODUCTION

On June 21, 1988 the Constitution of the Federal Republic of the United States of America will celebrate its two hundredth anniversary. It was proposed to the States for ratification by the Federal Convention of Philadelphia on September 17, 1787, but then attacked in print by supporters of the Articles of Confederation who--among others--eventually came to be known as "Anti-Federalists". To persuade the citizens of the State of New York to vote for, but also to explicate the meaning of the Constitution, Alexander Hamilton, James Madison and John Jay--under the pseudonym "Publius"--published The Federalist, a series of eighty-five articles appearing in newspapers of that state from October 27, 1787 to August 16, 1788 and in two book-volumes of March 22 and May 28, 1788 respectively. Since then, The Federalist has become recognized not only as the most significant contribution to political Philosophy ever made—or likely to be made—by Americans, but also as the seminal statement on the meaning of the Constitution itself. Despite the great quantity of material which has been written on it, one essential aspect of The Federalist has gone completely unnoticed, namely, a fundamental shortcoming in Publius' theory of republicanism and, therefore, of his federalism.
For in some key papers of The Federalist Publius lets the whole scheme of argumentation depend upon the validity of a distinction which he claims to be able to make between certain forms of government: That is, he attempts to distinguish clearly and distinctly between "democracy" or, more precisely, "pure democracy" and "republic" as two qualitatively as well as quantitatively different kinds of "popular government". In the present paper it is intended, by means of an explication of The Federalist as a text which has to be located in the historical and political philosophical context, first, to show that—contrary to what one universally supposes to be the case—the distinction which Publius tries to make between "democracy" and "republic" is not a logically valid one; then, to prove that—again, contrary to what one universally believes to be so—the really decisive distinction is not the one between "democracy" and "republic", but rather the one between 'bad republics' and 'good republics'; next, to demonstrate that—once again, contrary to that which one universally presupposes to be—Publius himself saw this and said so in The Federalist itself; and, finally, to show what consequences this radically original and therefore unique, but nonetheless correct understanding of The Federalist entails for its teaching on republicanism and, by implication, on federalism.

In order to understand Publius' political Philosophy, it is necessary to grasp how he establishes the relationship between federalism and republicanism. Provisionally, this can be done by considering "the formal division of the subject matter" of The Federalist as it is set down in the very first number, for there Publius proposes "to discuss the following interesting particulars" for the readers: (1) "the utility of the UNION to your political prosperity", (2) "the insufficiency of the present Confederation to preserve that Union", (3) "the necessity of a government at least equally energetic with the one proposed to the attainment of this object", (4) "the conformity of the proposed constitution to the true principles of republican government", (5) "its analogy to your own state constitution" and (6) "the additional security, which its adoption will afford to the preservation of that species of government, to liberty and to property". A comparison of this list with the Papers themselves reveals that numbers 2–14 treat of (1), 15–22 of (2), 23–36 of (3), 37–84 of (4) and 85 of (5) and (6). Thus, of the eighty-five Papers, forty-eight deal with the republican aspects of the Constitution, so that the republicanism of his federalism may be said to emerge as Publius' main concern.

Now it is precisely in The Federalist Nos. 37–84 that one finds the classic commentary on the Constitution itself: For it is here that the text of "the supreme Law of the Land" gets interpreted in such a manner that, e.g., the implication of Article IV, Section 4—according to which "the United States shall guarantee to every State in this Union a Republican Form of Government", i.e., that not only every State, but also the United States itself is to be understood as having a republican form of government, is explicated. The political philosophical presupposition upon which 'the insurance' of the United States to every State as expressed in 'the republican clause' is based might be formulated in three words: 'Federalism "guarantees" republicanism'. So The Federalist may be the best treatise on republican federalism ever written, but—because Publius' federalism is unthinkable without his own peculiar kind of republicanism—it is, too, the best study of federal republicanism. In fact, 'republicanism' seems to usurp the role of 'federalism' as Publius' primary "subject matter": Just as the word 'federal' does not occur in
the Constitution, *The Federalist* does not thematize 'the conformity of
the proposed constitution to the true principles of federal government'.
And, as Publius indicates in No. 10, *The Federalist* might more accu-
rrately have been entitled 'The Federal Republican'.

Yet Publius does not think abstractly about the '-ism's' which are
involved here. For if its own peculiar kind of republicanism is essential
to the federalism of *The Federalist*, this republicanism itself is insepara-
ble from the supposed distinction between "democracy" or, again more
exactly, "pure democracy" and "republic" as it is set down by Publius
in No. 10 and taken up again by him in No. 14: By the former, he means
a form of popular government in which the citizens assemble in person
and administer the affairs of government directly, so that such a society
must be confined to a small number of citizens and a little spot; by the
latter, he means a form of popular government in which the administra-
tion of the affairs of government is delegated to a certain number of ci-
tizens elected by the rest, that is, in which the scheme of representa-
tation takes place, so that such a society can be extended over a large
number of citizens and a big country. Thus, these two kinds of gov-
ernment "by [us] the people" are supposed to be distinguishable from
each other qualitatively by means of the presence, respectively, absence
of representation and quantitatively by means of the presence, respec-
tively, absence of extension. Without this rigorously clear and distinct
differentiation the argument of Nos. 10 and 14, namely, that not a de-
mocracy, but rather only a republic, and an extended, i.e., federal one
at that, would be able to secure popular government from the evil ef-
fects of faction, will substantially lose its cogency.

Now it has never occurred to any contemporary reader of *The
Federalist* to question the validity of the distinction between "democra-
cy" and "republic". For some readers of the text have objected to the
passages in which the distinction is made and applied that "the father
of the Constitution" was a republican, but not a democrat; others have
responded that the "philosopher-president" was both a republican, and
a democrat: In doing so, the former underestimate the fact that, for
"the founding fathers", "democracy" primarily meant a bad form of pop-
ular government; the latter overestimate the fact that, for them, "re-
public" primarily designated a good form of popular government. But
neither have seen that the problems with Publius' use of the expres-
sions "popular government", "democracy" and "republic" are not so
much with the meanings of the first two as with the sense of the last
one. Thus, regardless of whether one has viewed Madison as a propo-
nent of popular, democratical or republican government, one has as-
sumed the validity of the distinction between "democracy" and "repub-
lic". However, to understand *The Federalist* adequately is to see that it
is precisely this distinction which has to be questioned. That this has
not yet been done is due to the fact that all previous attempts at an
understanding of the republican character of Publius' federalism have
been based not upon a 'narrow', but rather upon a 'loose construction'
of the relevant papers.

In fact, a careful explication of the text of *The Federalist* not only
demonstrates that, although originally he tries to do so, ultimately Pub-
lius does not succeed in making any logically valid distinction between
"democracy" and "republic", but also proves that he himself saw and
said exactly that.
The following remarks serve, provisionally, to substantiate this claim: The difficulty with "the standard interpretation" of *The Federalist* is that it cannot do justice to "the battle between the ancients and the moderns" over the answer to the question as to whose "republican constitutions" are superior to whose, a dispute which takes place primarily in Numbers 10, 14, 39 and 63. Namely, in No. 10 Publius establishes "representation" and "extension" as the qualities of "a republic" in order to define it as one kind of "popular government", the other being ("pure") "democracy"; but, assuming that there are systems of representation and that, therefore, there can be republics in modernity, he does not yet indicate whether there were systems of representation and whether, therefore, there could have been republics in antiquity. The problem is that, referring to No. 10 in No. 14, Publius asserts that "the principle of representation" is a discovery of modernity, thereby excluding the possibility that there could have been republics in antiquity: For if a republic is a form of popular government in which the scheme of representation is found, and if the principle of representation is a discovery of modernity, then there cannot have been any republics in antiquity. Yet--aside from this hardly tenable conclusion--it is Publius himself who also mentions, at many times and places, the "republics" among "the popular governments of antiquity": In No. 6, e.g., Publius asserts that "Sparta, Athens, Rome and Carthage were all republics". So, distinguishing between the way in which the term "republic" is applied and the way in which it should be, in No. 39 Publius attempts once again to define "a republic", saying that it is "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, for a limited period, or during good behaviour"; but the only examples which are given here are "the Constitution of every State in the Union" and "the Constitution planned by the Convention." Therefore, as a solution, referring to--among others--No. 14 in No. 63, Publius observes "that the position concerning the ignorance of the ancient government on the subject of representation is by no means precisely true in the latitude commonly given to it", and asserts, for this reason, that "the true distinction between these"--by which he means "other republics", including "the ancient part of them"--"and the American Governments lies in the total exclusion of the people in their collective capacity from any share in the latter, and not in the total exclusion of representatives of the people, from the administration of the former", so that he refers to "the most pure democracies of antiquity" as "republics".

The result is that, although originally there is supposed to be a distinction between "democracy" and "republic", ultimately it is given up in favor of a distinction between "other republics" and "the American republics". Thus, there is no logically valid distinction between "democracy" and "republic" in *The Federalist*, and Publius himself says so.

Of course, the fact that--as Publius indicates in No. 39--the definitions of Nos. 10 and 14 are nominal, stipulative and normative, while those of No. 63 are real, lexical and descriptive, saves Publius from inconsistently and, therefore, incoherently using his terminology. Yet even this will hardly save the original distinction between "democracy" and "republic".

Accordingly, for the Federalist the problem of republicanism is essentially a problem of representation: Why did Publius identify it as
the qualitatively distinguishing mark of a republic in Nos. 10 and 14? Why did he maintain that it was unknown to antiquity and discovered by modernity in No. 14? Why did he substantially revise his position in No. 63? And what follows from this? It is possible to find answers to these questions only by considering The Federalist as a text situated in (1) the historical context of the debates in the Federal and State Conventions (1787-88), the other Federalist and Anti-Federalist literature Madison's own scholarly works on political Philosophy, and (2) the political philosophical context of the tradition from Plato, Aristotle and Cicero to Montesquieu, Hume and Rousseau.

Moreover, a contribution is to be made to the question about the authorship of the so-called "disputed" Federalist Papers: The most exact historical criticism and applied Bayesian and Classical inference have established—beyond reasonable doubt—that Hamilton wrote Nos. 1, 6-9, 11-13, 15-17, 21-36, 59-61 and 65-85, Madison Nos. 10, 14, 37-58 and 62-63, Jay Nos. 2-5 and 64, and Madison—with some very slight assistance from Hamilton—Nos. 18-20. Still, hermeneutical explication indicates that, because of the self-criticism of Nos. 10 and 14 in No. 63, the 'I' who is correcting himself in the latter is not merely Publius, but Publius M.

Finally, the consequences of this approach are to be described: Without the qualitative difference between "democracy" and "republic", i.e., representation, the quantitative distinction, i.e., extension, will not alone be adequate, so that the argument of The Federalist No. 10, namely, that for republics 'more' and 'bigger' mean 'better', will substantially lose its cogency. This number has always been regarded as the fundamental one; it is taken to be the best piece of political philosophical analysis ever written, or likely to be written, by an American. What is true of it in particular is true not only of The Federalist in general, but also of the Constitution: To guarantee the security of popular government against the evil effects of faction, a system of representation, a large number of citizens and a big country are no substitutes for republican virtue.

A general result of this investigation will be that the received interpretation of the political Philosophy upon which the Constitution is founded is going to have to be substantially revised: Since no one who has read The Federalist with understanding could deny that Publius does intend to make a distinction between the rule of the many according to their own opinions, interests and passions and the rule of the many according to considerations based upon the common good, the reader will have to find an answer to the question about which intention it is that the author seeks to bring to fulfillment, first, by trying to distinguish between "democracy" and "republic", and then, by distinguishing between "the other republics" and "the American republics". It is suggested that, in the key numbers on popular government, democracy and republic, Publius' intention is to articulate that which he takes to be special about, unique of or peculiar to the American way of constituting a republic, whereby both the original and the ultimate distinction are means to this end. Thus, it is possible that the author found, so to speak 'scribendo', a more accurate way of expressing that which he wanted to say to the readers, although this entailed a transformation of the decisive distinction to the point where it was no longer the same, but rather a different one. Yet it will remain a Treppenwitz der Weltgeschichte that the readers of The Federalist have, at least so far, insisted upon attaching more significance to just that distinction.
which Publius wanted to put to death by a single qualification than to that one upon which his argument depends.39

In order to retrieve the intention of Publius, it is necessary to apply an *idonea methodus legendi* to *The Federalist*.40 Traditionally, the search for such a method has been expressed as the need to answer the question: Is *The Federalist* merely an extensive piece of political rhetoric, or genuine political science, i.e., Philosophy?41 Clearly, to express the problem so is to put oneself in a false dilemma and, thereby, to renounce in advance any prospects of a solution. For *The Federalist* does not represent either the one or the other, but rather both: Political Philosophy asks the question about the best constitution (ἡ πολιτεία), respectively, about the best one 'under the circumstances';42 political rhetoric, at least the deliberative kind thereof, asks the question about, respectively, employs the possible means of persuasion and dissuasion in reference to the affairs of the 'polis', the most important of which is 'the supreme law of the city';43 Publius, convinced himself and convincing others that the inner goodness and truth of 'the-Constitution-proposed-and-to-be-ratified' are the most effective arguments in favor of it, sees himself as doing both political rhetoric and Philosophy.44 Too often *The Federalist* has been read as mere rhetoric. To read it as Philosophy means, *inter alia*, to analyze its arguments, i.e., to focus on the possible consistency, respectively, inconsistency and the possible truth, respectively, falsity of its premisses and conclusions. Eventually, one has to go back from the demonstrations and propositions to the axioms and—ay, there's the rub—to the definitions. Although Publius, contrasting the obscurity of political with the certainty of mathematical knowledge, renounces all aspirations to a *politica ordine geometrico demonstrata*, nonetheless Publius, comparing the clarity and distinctness which are involved in knowing "the works of nature" with the obscurity and vagueness which are operative in knowing "the institutions of man", warns that there are "three sources of vague and incorrect definitions", namely, "indistinctness of the object" (*definiendum*), "imperfection of the organ of conception" (*definiens*, i.e., the one who is defining) and "inadequateness of the vehicle of ideas" (*definiens*, i.e., that which is defining)—any one of which "must produce a certain degree of obscurity"—, thereby challenging the reader to test the Federalist's own definitions according to Publius' own standards of "perspicuity".45 That is why it is so important to determine the conceptual status of the definitions of "democracy" and "republic" which Publius uses as the starting points of so much of what is said in *The Federalist*. By way of a protreptic, it may be remarked that to read *The Federalist* with the intention of finding an answer to the question as to whether it can be read as political Philosophy means to be always already reading it as such.

II. QUANTITATIVE ANALYSIS

1. INTRODUCTION

After the publication of all of the numbers of *The Federalist* had been completed, Jefferson wrote the following in a letter to Madison: "With respect to the Federalist, the three authors had been named to me. I read it with care, pleasure & improvement, and was satisfied there was nothing in it by one of those hands, & not a great deal by a second. It does the highest honor to the third . . ."46 In fact, Hamilton
systematically and deliberately tried to get others to believe that Madison had contributed substantially less to *The Federalist* than he, the latter, really did—thus starting up the controversy over the so-called "disputed" *Federalist Papers.* But a difficulty with remarks like those of Jefferson is that, once one moves from the general to particulars by specifying the respect(s) in which and the extent to which Publius, PubliusH and PubliusJ individually participated in the common undertaking, it becomes very easy to falsify them. One purpose of the following analyses is to show, for example, that PubliusH had substantially more to do with articulating the republicanism of Publius' federalism than did either PubliusH or PubliusJ, or even both together. It is important to note that this achievement of Madison has never been appropriately recognized or praised. So it will turn out that, at least in this one very central respect, PubliusH—"the second hand"—actually had "a great deal" more to do with *The Federalist* than did "the third".

Despite the fact that a comprehensive concordance to *The Federalist* has now been available for more than half a decade, there has not yet been an application of this *instrumentarium* to or a corresponding analysis of Publius' use of the termini technici "popular government", "democracy" and "republic". Perhaps this failure is due to doubts, at least on the part of some interpreters, about the explanatory, explicatory power of quantitative data or quantifying approaches in the study of such a text as *The Federalist.* In fact, however, quantitative considerations are absolutely necessary for determining exactly which meanings these expressions bear and whether or not they are being employed unequivocally. On the other hand, selectivity with respect to the passages of the text to be explicated and arbitrariness of interpretation usually go hand in hand, so that there is virtually no presentation of the republican Federalist's teaching which does not rest upon "a one-sided diet of examples".

In general, reservations against quantitative considerations might be calmed by the following remarks: If one looks at 'the table of contents' of *The Federalist* and, in connection with it, at the list of authors of the Papers, then one ascertains how the contributions and the contributors are related to each other—a correlation which is not without significant implications. Such a correlation of subjects, papers and authors could look like this:

<table>
<thead>
<tr>
<th>Subject</th>
<th><em>The Federalist</em> No.</th>
<th>Author</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction:</td>
<td>1:</td>
<td>Hamilton</td>
</tr>
</tbody>
</table>
From this presentation the following facts emerge: Of *The Federalist*, 13 papers (ca. 15%) are on "utility", 8 (ca. 9.5%) on "insufficiency", 14 (ca. 16.5%) on "necessity", 48 (ca. 56.5%) on "conformity" or, more precisely, "the true principles of republican government", 1 (ca. 1%) on "analogy" and 1 (ca. 1%) on "security" (0.5% is lost by rounding). Moreover, PubliusH wrote 51 numbers (60%), PubliusM 29 (ca. 34%) and PubliusJ 5 (ca. 6%). Thus, at least prima facie, PubliusH seems to have written the lion's share, PubliusM only a little more than one-third and PubliusJ hardly anything. Upon scrutiny, however, it turns out that this opinion cannot be held. For if one looks at Publius' primary particular interest, then one sees that—of the forty-eight numbers which were published with the intention of demonstrating "the conformity of the proposed constitution to the true principles of republican government"—PubliusJ wrote 1 (ca. 2%), PubliusH 23 (ca. 48%) and PubliusM 24 (50%). So, one very important qualitative result of the quantitative analysis correlating contentual division of labor and authorship is that it is neither Jay—whose contributions, by the way, for various reasons prove to be not of the same quality as those of the other two 'Publii'—nor Hamilton, but rather Madison who emerges as that Publius who is most interested in the republican character of the Federal Constitution. Then too, those five papers by PubliusM which do not happen to belong to the 'block', i.e., Nos. 37-58 and 62-63, within a 'block', i.e., Nos. 37-84, are not to be neglected: After all, the very definitions of "democracy" and "republic" are found in Nos. 10 and 14, while Nos. 18-20 treat of the history of federal republics. Therefore, it is in fact the case not only that PubliusM wrote the majority of 'The Republican Papers', but also that it is impossible to name a single one of his numbers which does not thematize the Federal Constitution under the horizon of the principles of republican government. Thus, at least in this particular respect, the general opinion that Madison had "not a great deal" to do with *The Federalist* becomes rather implausible. Again, here the quantitative results
could be substantially reinforced by qualitative considerations, but more will be said about this later.

2. ANALYSIS

In particular, the following data aim to provide a comprehensive list of those loci in The Federalist of which one must give an account in order to determine the meanings which Publius bestows upon the expressions "democracy", "popular government" and "republic" (nota bene: to insure complete coverage, the words "democracies", "democracy", "democratic", "popular", "republic", "republican", "republicanism", "republicans" and "republics" have been traced):*

<table>
<thead>
<tr>
<th>Entry no.</th>
<th>Federalist No.</th>
<th>Author</th>
<th>Date</th>
<th>Page/line</th>
<th>Contextual phrase</th>
</tr>
</thead>
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<tr>
<td>1</td>
<td>1</td>
<td>AH</td>
<td>27.10.87</td>
<td>6/8</td>
<td>the liberties of republics</td>
</tr>
<tr>
<td>2</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td>7/3</td>
<td>the true principles of republican government</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>JJ</td>
<td>7.11.87</td>
<td>23/4</td>
<td>split into ... republics or confederacies</td>
</tr>
<tr>
<td>4</td>
<td>6</td>
<td>AH</td>
<td>14.11.87</td>
<td>31/12</td>
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<td>5</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td>31/15</td>
<td>commercial republics, like ours</td>
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<td>6</td>
<td>&quot;</td>
<td>&quot;</td>
<td>31/25</td>
<td></td>
<td>republics in practice</td>
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<td>&quot;</td>
<td>&quot;</td>
<td>32/4</td>
<td></td>
<td>are not popular assemblies ... subject to</td>
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<td>8</td>
<td>&quot;</td>
<td>&quot;</td>
<td>32/20</td>
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<td>... were all republics</td>
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<td>9</td>
<td>&quot;</td>
<td>&quot;</td>
<td>32/26</td>
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<td>a commercial republic</td>
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<td>10</td>
<td>&quot;</td>
<td>&quot;</td>
<td>33/2</td>
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<td>Venice ... this haughty republic</td>
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<td>11</td>
<td>&quot;</td>
<td>&quot;</td>
<td>33/14</td>
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<td>as many popular as royal wars</td>
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<tr>
<td>12</td>
<td>&quot;</td>
<td>&quot;</td>
<td>36/1</td>
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<td>AH</td>
<td>20.11.87</td>
<td>47/6</td>
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<td>14</td>
<td>&quot;</td>
<td>&quot;</td>
<td>47/12</td>
<td></td>
<td>the people of those republics</td>
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<td>9</td>
<td>AH</td>
<td>21.11.87</td>
<td>50/7</td>
<td>the petty republics of Greece and Italy</td>
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<td>16</td>
<td>&quot;</td>
<td>&quot;</td>
<td>51/3</td>
<td></td>
<td>the annals of those republics</td>
</tr>
<tr>
<td>17</td>
<td>&quot;</td>
<td>&quot;</td>
<td>51/5</td>
<td></td>
<td>the forms of republican government</td>
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<td>51/16</td>
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<td>51/32</td>
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<td>51/34</td>
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<td>&quot;</td>
<td>&quot;</td>
<td>52/18</td>
<td></td>
<td>a contracted territory for a republican government</td>
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<td>22</td>
<td>&quot;</td>
<td>&quot;</td>
<td>52/23</td>
<td></td>
<td>a small extent for republics</td>
</tr>
<tr>
<td>23</td>
<td>&quot;</td>
<td>&quot;</td>
<td>53/22</td>
<td></td>
<td>a confederate republic as the expedient</td>
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</tbody>
</table>
the sphere of popular government
the advantages of ... republicanism
the ... advantages of a republican ... government
I mean a confederate republic
a republic of this kind
should a popular insurrection happen
the definition of a confederate republic
the Lycian confederacy ... of ... cities or republics
a model of an excellent confederate republic
the friend of popular governments
the mortal diseases [of] popular governments
the popular models, both ancient and modern
the republican principle ... enables the majority to
the form of popular government
the spirit and the form of popular government
a pure democracy, by which I mean
such democracies ... of turbulence and contention
it varies from pure democracy
the ... difference between a democracy and a republic
the ... difference between a democracy and a republic
whether small or extensive republics
however small the republic may be
proportionally greatest in the small republic
in the large than in the small republic
in the large than in the small republic
the compass of republican ... government
the compass of ... democratic government
the ... advantage ... a republic has over a democracy

the ... advantage ... a republic has over a democracy

the ... advantage [of] a large over a small republic

a republican remedy

the diseases most incident to republican government

we ... being republicans

the popular system of administration

the nature of popular government

other popular governments . . . our own

the practicable sphere of republican administration

the error which limits republican government

the confounding of a republic with a democracy

the confounding of a republic with a democracy

in a democracy, the people . . . in person

in a republic, . . . their representatives

a democracy . . . will be confined

a republic may be extended

the vices and defects of the republican [forms]

the turbulent democracies of . . . Greece, and . . . Italy

to transfer to a republic

observations applicable to a democracy only

most . . . governments of antiquity were . . . democratic

no example . . . of a government wholly popular

the basis of unmixed and extensive republics

the natural limit of a democracy is

the natural limit of a republic is

all the members of the republic

the experiment of an extended republic

the proceedings of popular assemblies
104/32 the contagion of some violent popular paroxism
107/23 the . . . source of popular obedience and attachment
110/11 the Grecian republics . . . the Amphyctionic Council
113/9 the popular leaders of several cities
113/20 the Achaean league . . . society of Grecian republics
114/30 the popular government, which was so tempestuous
114/31 the members of the Achaean republic
115/4 the vicissitudes and fate of the republic
116/18 Callixrates and other popular leaders
124/1 the United Netherlands are a confederacy of republics
125/7 his principle weight and influence in the republic
128/1 the constitutional vices [of] the republic
128/18 unhappy people . . . popular convulsions
132/2 in a popular or representative constitution
139/4 that fundamental maxim of republican government, which
142/16 one of the weak sides of republics
142/26 in republics, persons elevated from the mass
142/34 the . . . foreign corruption in republican governments
153/7 a popular body . . . of the representatives of the people
164/1 in a popular revolution the minds of men
165/12 the popular creed
166/29 the security of popular rights
167/2 the representatives of the people in . . . popular assemblies
176/10 the only admissible principle of republican government
177/25 the continual scourages of petty republics
179/13 to ensure success to the popular resistance
183/17 the spirit of republican jealousy
186/13 the republican contumacy of Massachusetts
to guard the republic
against the violences of faction
in republics, strength is always on the side of the people
in the Roman republic, the legislative authority
the Roman republic... the height of human greatness
the expences... which might be necessary in a republic
the modest simplicity of republican government
under governments of the more popular kind
the... attention due to... the republican form
the genius of republican liberty
a... violation of the maxims of republican jealousy
whether the... form... of the government be... republican
the plan of the Convention... the republican character
the distinctive characters of the republican form
the denomination of a republic
the government of England... one republican branch only
the list of republics
these examples... are... dissimilar... to a genuine republic
we may define a republic to be... a government which
tyrannical nobles... might aspire to the rank of republicans
the honorable title of republic
every other popular government
would be degraded from the republican character
is conformable to the republican standard
proof... of the republican complexion of this system
express guarantee of the republican form
253/12 for the Convention to adhere to the republican form
291/18 to guarantee to every state . . . a republican form of government
291/23 in a confederacy founded on republican principles
291/24 in a confederacy . . . composed of republican members
292/2 the confederate republic of Germany
292/23 a guaranty of a republican form of government
292/25 the existing republican forms
292/27 to substitute other republican forms
292/30 republican . . . constitutions
292/30 anti-republican constitutions
293/12 the most democratic . . . cantons
293/15 to square with the republican theory
294/7 force and right . . . on the same side in republican governments
295/12 among the advantages of a confederate republic
295/13 a popular insurrection . . . in one of the States
300/22 the character of republican government
316/18 the popular bias
317/1 the Federal Council . . . no . . . idol of popular favor
319/16 if an act of a . . . State . . . be . . . popular
333/12 the founders of our republics
333/28 in a democracy . . . a multitude of people . . . in person
333/33 but in a representative republic
335/20 the republic of Venice
338/15 a fervent attachment to republican government
339/11 it seems strictly consonant to the republican theory
341/18 the tendency of republican governments is to . . . the legislative
350/2 in republican government the legislative . . . predominates
350/34 in a single republic
351/4 in the compound republic of America
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164 " " " 351/11 it is of great importance in a republic
165 " " " 351/28 in the federal republic of the United States
166 " " " 352/7 all the ... friends of republican government
167 " " " 352/11 the best security under the republican form
168 " " " 352/30 the popular form of government within such narrow limits
169 " " " 353/1 in the extended republic of the United States
170 " " " 353/13 and happily for the republican cause
171 52 JM 8.2.88 354/8 a fundamental article of republican government
172 " " " 359/10 the House of Representatives ... the popular branch
173 55 JM 13.2.88 377/24 republican principles
174 " " " 378/8 republican government presupposes ... these qualities
175 56 JM 16.2.88 382/28 the guardians and advocates of the popular rights
176 57 JM 19.2.88 384/9 strikes at the very root of republican government
177 " " " 384/17 the characteristic policy of republican government
178 " " " 385/1 violates the principles of republican government
179 " " " 385/14 who are to be the objects of popular choice
180 " " " 387/19 the characteristic means by which republican government ... the fundamental principle of
181 " " " 387/25 in the ancient republics, where ... the people ... in person
182 58 JM 20.2.88 396/6 a republic must suffer from the want of such an institution
183 " " " 396/22 the countenance of the government ... more democratic
184 " " " 397/16 the ruin of popular governments
185 60 Ah 23.2.88 404/23 without occasioning a popular revolution
186 62 JM 27.2.88 416/25 in a compound republic ... both ... national and federal
187 " " " 417/17 consolidation of the states into one simple republic
188 " " " 418/6 a republic must suffer from the want of such an institution
189 " " " 418/8 a misfortune incident to republican government
190 " " " 418/25 the genuine principles of republican government
425/19 popular liberty . . . decreeing . . . hemlock . . . and statues

425/28 the principal recommendations of a confederated republic

426/1 the dangers incident to lesser republics

426/6 no long lived republic which had not a senate

426/13 it is . . . an anchor against popular fluctuations

426/18 the fugitive and turbulent existence of other ancient republics

426/21 distinguish the American from other popular governments

427/4 the difference . . . between the American and other republics

427/16 in the most pure democracies of Greece

427/32 in . . . the popular governments of antiquity

428/23 the narrow limits occupied by the democracies of Greece

430/23 it was . . . crushed by the weight of the popular branch

433/33 to commit the power . . . to a popular assembly

435/6 the secrecy . . . of a large popular assembly

437/16 however useful jealousy may be in republics

448/2 the most popular branch of every government

448/2 every government, partaking of the republic genius

459/9 these most deadly adversaries of republican government

the genius of republican government

471/2 that [Roman] republic

472/7 which constitute safety in the republican sense

472/13 which constitute safety in the republican sense

473/17 many instances of mischief to the [Roman] republic

473/24 the . . . position in which the republic was . . . placed

474/4 the arms of the republic

474/11 the peace of the republic

478/20 in a republic, where every magistrate ought to be
Just to glance at this list of data is to understand why it is necessary to give a comprehensive account of all occurrences of the expressions "democracy", "popular government" and "republic" in The Federalist, in order to be able to ascertain which are their respective meanings for Publius. Otherwise it could happen—and, to be sure, much
more easily than one might tend to believe—that one would overlook precisely those places, respectively, that place in the text upon which the explanation depends not accidentally, but essentially. All of this is a fortiori the case when an answer to the question is to be found as to whether the usages of these expressions and their corresponding meanings are consistent or inconsistent: The test for consistency must not, under any circumstances, be separated from the demand for comprehensiveness.

Of course, there are many different ways in which the data presented by the list can be exploited, and the following remarks do no more than to scratch the surface: The word "democracies" occurs 4 times (for a relative frequency of 0.0021%), of which all are from PubliusM (100%). The word "democracy" occurs 10 times (relative frequency: 0.0052%), of which, again, all are from PubliusM (100%). The word "democratic" occurs 4 times (rel. freq.: 0.0021%), of which, here too, all are from PubliusM (100%). The word "popular" occurs 4 times (rel. freq.: 0.0021%), of which, again, all are from PubliusM (100%). The word "republic" occurs 59 times (rel. freq.: 0.0312%), of which 22 are from PubliusM (ca. 37%), 37 from PubliusB (ca. 63%) and none from PubliusJ. The word "republican" occurs 75 times (rel. freq.: 0.0396%), of which 29 are from PubliusB (ca. 39%), 46 from PubliusM (ca. 61%) and none from PubliusJ. The word "republicanism" occurs 2 times (rel. freq.: 0.0010%), of which all are from PubliusB (100%). The word "republicans" occurs 2 times (rel. freq.: 0.0010%), of which all are from PubliusM (100%). And the word "republic" occurs 29 times (rel. freq.: 0.0153%), of which 16 are from PubliusM (ca. 55%), 11 from PubliusB (ca. 38%) and 2 from PubliusJ (ca. 7%). So, of all the words traced, with a total of 239 occurrences (entry number 144, "anti-republican", here, as everywhere, not counted), PubliusM accounts for 95 (39.7%), PubliusB for 140 (58.6%) and PubliusJ for 4 (1.7%).

3. CONCLUSION

Thus, one very interesting result of these analyses is that Madison has substantially more to say about "democracy", "republic" and "popular government" than either Hamilton or Jay, or even both together (with respect to this subject matter too, at least, the contribution of PubliusJ is, quantitatively as well as qualitatively, virtually negligible). Yet these figures become all the more striking when one remembers that PubliusM and PubliusJ together wrote 56 of the 85 numbers of The Federalist (ca. 66%), but PubliusB only 29 (ca. 34%), for then the latter somehow worked almost 60% of all of Publius' remarks on "democracy", "republicanism" and "popular government" into almost 35% of his, i.e., Madison's contributions. This means that—ceteris paribus, i.e., the individual contributions of the three authors do not vary significantly in terms of length—PubliusM is concentrating extremely intensively on the 'democratical', 'popular' and 'republican' aspects of Publius' federalism and, to be sure, he is doing so not only relatively, but absolutely much more than PubliusB and PubliusJ are. So, at least as far as Publius' federalism as federal republicanism is concerned, the judgment that the contribution of Madison to The Federalist amounts to "not a great deal" cannot be confirmed. In fact, just the opposite is true. It is ironic that Jefferson should have written the remark which he did to—of all people—Madison.49
Again, here the quantitative results can be confirmed by qualitative considerations, for, with respect to content, the most important numbers of *The Federalist* on the republicanism of the Federal Constitution are undoubtedly Nos. 9, 10, 14, 39, 43, 48, 51 and 63. Of these, Madison wrote all except the first one, which Hamilton contributed, the thematic direction of which is evenly divided between republicanism and federalism, and of which the genuinely key passage consists of nothing more than long quotations from Montesquieu's *De l'esprit des lois*. But, since Publius himself warns that "nothing can be more fallacious than to found our political calculations on arithmetical principles", it would be a good idea, at this point, to make the transition from quantitative to qualitative analyses. At any rate, it has by now become transparent that, since it is Madison—and he alone—who uses the word "democracy" and its variants, the distinction between "democracy" and "republic", whether it turns out to be supposed or real, is one which is peculiar to Publius.

### III. QUALITATIVE ANALYSIS

#### 1. INTRODUCTION

Perhaps, however, the most fruitful qualitative application of the quantitative analyses which have been carried out lies in the fact that, starting out from the list, one can conveniently arrive at all of those *loci* in *The Federalist* which have to be investigated in order that one may determine whether or not Publius is engaging in a consistent usage of his *termini technici* "popular government", "democracy" and "republic". Thus, from the beginning, more than one-half, i.e., exactly forty-six of the Papers can be bracketed out of the contentual investigations which are to be undertaken, namely, Nos. 2, 3, 4, 5, 7, 11, 12, 13, 15, 16, 17, 23, 25, 27, 30, 32, 33, 35, 36, 38, 40, 41, 42, 44, 45, 46, 47, 50, 53, 54, 56, 59, 60, 61, 65, 67, 68, 69, 72, 74, 75, 76, 79, 80, 81 and 82. That these Numbers are to be regarded as irrelevant for this purpose does not, of course, necessarily mean that there are no occurrences of the expressions whose meanings are to be examined in them; but it does mean that there are no genuinely pregnant occurrences of them there, in other words, no places where the signs in question are employed in such a manner that their senses get really illuminated. That this is the case is something of which one can convince oneself by considering, e.g., entry number 3 from the list. Obviously, the kind of exclusion which is being performed here in no way compromises the demand that the test for consistency is to be based upon comprehensiveness, for there is a significant difference between the kind of selectivity which is grounded in a prior screening process and that kind which is not. Yet there still remain a great many, i.e., precisely thirty-nine Papers which have to be regarded as relevant to the goals of the investigation, namely, Nos. 1, 6, 8, 9, 10, 14, 18, 19, 20, 21, 22, 24, 26, 28, 29, 31, 34, 37, 39, 43, 48, 49, 51, 52, 55, 57, 58, 62, 63, 64, 66, 70, 71, 73, 77, 78, 83, 84 and 85. In order to be better able to grasp the content of these Papers, it is recommended that one classify them according to criteria measuring their own individual 'degrees of relevance': Papers of the first level are those which contain, at least, fleeting references to, e.g., "the spirit of republican jealousy"; Nos. 1, 6, 8, 9, 10, 14, 18, 19, 20, 21, 22, 24, 26, 28, 29, 31, 34, 37, 39, 43, 48, 49, 51, 52, 55, 57, 58, 62, 63, 64, 66, 70, 71, 73, 77, 78, 83, 84 and 85 are here and earn, at least, one asterisk (**). Papers
of the second level are those which contain, at least, more systematic or specific indications of what it means for a particular political entity to be regarded as, e.g., a "republic"; Nos. 1, 6, 9, 10, 14, 18, 19, 20, 22, 28, 31, 37, 39, 43, 48, 49, 51, 52, 55, 57, 58, 62, 63, 66, 70, 71, 73, 77, 78, 83, 84 and 85 are here and earn, at least, two asterisks (***). Papers of the third level are those which contain, at least, a statement about the principles of republican government or the equivalent thereof, e.g., a reference to "that fundamental maxim of republican government"; Nos. 1, 9, 10, 14, 22, 28, 31, 37, 39, 43, 48, 49, 51, 52, 55, 57, 62, 63, 66, 70, 71, 73, 77, 78, 83, 84 and 85 are here and earn, at least, three asterisks (**). Papers of the fourth level are those which contain definitions—or descriptions definite enough to be regarded as the approximate equivalent thereof—of, e.g., "republic"; Nos. 9, 10, 14, 39, 43, 48, 51 and 63 are here and earn four asterisks (****). As one can see, what emerges out of this ordering of the Papers is a pyramid on which those papers relevant in the broadest sense form the base, those decreasingly irrelevant, respectively, increasingly relevant take up the middle, and those relevant in the narrowest sense are at the top, so that a given paper which is relevant to a higher degree would also meet the criteria of the lower degrees, while the same would not be true vice versa. On the other hand, the classification makes no claim to being absolutely water-tight; rather, it seeks only to offer the reader a first orientation during the arrangement of the whole of material with which the Publii confront him, a whole of material which, for present purposes, has to be ordered according to the relative relevance of its parts with respect to an answer to the question whether, therein, the expressions "democracy", "popular government" and "republic" and their meanings are being used consistently or not. Thus, the plan which has to be followed in the subsequent qualitative analyses is clear, namely, the primary themes are to be The Federalist Nos. 9, 10, 14, 39, 43, 48, 51 and 63, whereby not all, but certain other relevant Papers, each in its own capacity, will serve as the horizon.

2. ANALYSIS

A. STATION NO. 1

In No. 1***, Publius announces that he intends to discuss, inter alia, "the conformity of the proposed constitution to the true principles of republican government". Eventually it turns out that this "particular" is considered to be so "interesting" that substantially more than one-half of all of The Federalist Papers get dedicated to it. Thus, it becomes essential to the whole enterprise that Publius be able to say clearly and distinctly which meaning he wants to bestow upon the expression "republican", respectively, "republic" whenever and wherever he uses it.

B. STATION NO. 6

In No. 6**, Publius states explicitly that "Sparta, Athens, Rome and Carthage were all republics", whereby the context makes it quite evident that he is of the opinion that republican government is a kind of popular government. Thus there is provided what is, perhaps, the most unequivocal assertion in The Federalist that there were republics in antiquity, respectively, ancient popular governments of the republican
kind. On the other hand, since anyone familiar with the complexities of Spartan, Athenian, Roman and Carthaginian constitutional history sees immediately with what vagueness and obscurity Publius's terminology is here infected, it is certain that definite information about what it means for a constitution to be "republican" will have to be sought elsewhere. In other words, No. 6 makes a very important contribution to the determination of the extension of the term "republic", but is very weak when it comes to explicating its intension.

C. STATION NO. 9

In No. 9, Publius makes his most important contribution to the conceptual determination of "republican", "popular" government. Here, he intends "to illustrate the tendency of the Union to repress domestic faction and insurrection". As Publius himself indicates, it was difficult for an American living in 1787-88 to read "the history of the petty republics of Greece and Italy" without concluding that all "free", i.e., popular government—although occasionally well-administered—must be continually torn "between the extremes of tyranny and anarchy". In fact, on the basis of the evidence from "the annals of those republics" some Anti-Federalists were arguing against "the forms of republican government" in general. Thus, Publius is interested in showing that, while these Anti-Federalists might be right about the ancient republics, they are wrong about the American Republic.

In order to do so, he must prove that the latter is significantly different from the former. In No. 9 Publius does not—as Publius will do in No. 10—introduce a nomen novum for bad popular government, reserving "republic" for good popular government. Rather, he argues that "the science of politics" is much better understood by the moderns than it was by the ancients: Namely, the former have various principles "which were either not known at all, or imperfectly known" to the latter, e.g., "the representation of the people in the legislature by deputies of their own election". To emphasize the superiority of the modern science of politics over the ancient, Publius even repeats his claim by saying that he means principles which "are either wholly new discoveries or have made their principal progress towards perfection in modern times". To these principles Publius then adds "the ENLARGEMENT of the ORBIT" within which popular systems of civil government are to revolve, with respect either to a single state or to an association of states into one state: In the one case he is thinking of a republic, in the other of a republic of republics, i.e., a confederate republic. Twice Publius says that he will concentrate on the application of the principle to a confederate republic and leave the application of it to a simple republic as well as the examination of the principle itself to Publius in No. 10. The author of No. 9 is primarily concerned with refuting certain Anti-Federalists who, having read and quoting Montesquieu's teaching that "il est de la nature d'une république, qu'elle n'ait qu'un petit territoire: sans cela, elle ne peut guère subsister", were arguing that a large republic like the United States could not work. Of course, Publius easily demonstrates that their understanding of Montesquieu's meaning is inadequate because they have overlooked those chapters in De l'esprit des lois which treat of "la république fédérateive", i.e., the confederate republic, of which Montesquieu considers Lycia and Hamilton the United States to be exemplars. Although he does not do so for a republic, Publius does try to give a "definition of a confederate repub-
lic", saying—in his own somewhat inadequate repetition of Montesquieu—that it is "an 'assemblage of societies'" or "an association of . . . states into one state".57

Thus, while Publius\textsuperscript{M} asserts that there were ancient republics as well as at least one ancient confederate republic, he very cautiously leaves open the answer to the question as to whether or not there was legislation by means of representation in the ancient popular governments. It will emerge that in No. 9 Publius\textsuperscript{B} has opinions on these two points which differ sharply from those expressed by Publius\textsuperscript{M} in Nos. 10 and 14.

D. STATION NO. 10

In No. 10****, Publius\textsuperscript{M} concentrates on the same subject to which Publius\textsuperscript{B} dedicated No. 9, namely, the "tendency" of "a well constructed Union" "to break and control the violence of faction". At the beginning it is observed that "the instability, injustice and confusion"—the causes of which are " factions"—of the public councils have been "the mortal diseases" under which "popular governments" always and everywhere have perished, thus providing "the adversaries to liberty"—i.e., the Anti-Federalists—with arguments against this form of constitution in general. Not yet talking about the Federal Constitution, Publius\textsuperscript{M} observes that "the American Constitutions" have made "valuable improvements" on "the popular models, both ancient and modern", but also asserts that "the propensity" to the vice of faction has not yet been "effectually obviated".

The problem is that, given "the republican principle" that the majority rules, "the form of popular government" is such that it does not preclude the possibility that a majority and a faction coincide, whereby the rights of other citizens are obstructed and the common good wrecked; therefore, the solution consists in finding a means to the end of making popular government safe for the people. In other words, one has to find a way "to secure the public good, and private rights, against the danger of such a faction, and at the same time to preserve the spirit and form of popular government". From this point of view, Publius\textsuperscript{M} claims that "a pure democracy, by which I mean, a society, consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction". The reason is that, in a society with this kind of government, a faction will almost always include a majority. Thus, "such democracies" have, as a rule, had "short lives" and "violent deaths". To "this species of government" Publius\textsuperscript{M} juxtaposes—evidently as an alternative kind of "popular government"—"a republic, by which I mean a government in which the scheme of representation takes place", claiming that this other form of government "promises the cure for which we are seeking".

Emphasizing "the points in which it varies from pure democracy", Publius\textsuperscript{M} writes the following about republican popular government: "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 country, over which the latter may be extended". On the first point he argues that, while "it may well happen" that representatives better actualize the public good than the people themselves,
factions may nonetheless occur in the representative body as well as in
the citizen body, so that representation alone will not be sufficient to
preserve popular government against the evil effects of faction. "The
question resulting, is whether small or extensive republics" are most
conducive to the election of better representatives of the common good,
the answer being that, in this respect, just as a republic is better than
a democracy, so too is an extensive republic better than a small one:
For in a large republic, according to Publius, there is—ceteris par­bius—a greater 'probability' that "fit" representatives will be elected
than in a small one. On the second point he argues that, "principally",
it is "the greater number of citizens and extent of territory which may
be brought within the compass of republican, than of democratic gov­
ernment" which renders factions less terrible in the former than in the
latter. From this, Publius concludes that "the same advantage which a
republic has over a democracy, in controlling the effects of faction" is
also had "by a large over a small republic" and, therefore, "by the
Union over the States". Thus, Publius claims to have found "a republi­
can remedy" for "the diseases" of "republican government".

Thus too, if the Federalist's distinction between "democracy" and
"republic" is valid, then the Anti-Federalists' arguments against popular
government on the grounds that it is, per se, fatally infected with the
virus of faction, will seem to be unsound and unconvincing. Evidently,
without the rigorously clear and distinct differentiation between "democ­
ancy" and "republic" under "popular government", qualitatively by
means of the absence, respectively, presence of representation and
quantitatively by means of the absence, respectively, presence of exten­sion, the argument of No. 10, namely, that not a democracy, but rather
only a representative and an extensive, i.e., a federal republic would be
able to secure popular government from the evil effects of faction, will
substantially lose its cogency. From a logical point of view, perhaps the
single most important thing about the definitions themselves of No. 10 is
the fact that they are not supposed to be lexical, but rather that Pub­lius unequivocally tags them as stipulative, namely, in that he says "a
pure democracy, by which I mean . . ." and "a republic, by which I
mean . . .".

E. STATION NO. 14

In No. 14, Publius again treats of the Union as "the proper
antidote for the diseases of faction, which have proved fatal to other
popular governments, and of which alarming symptoms have been be­
trayed by our own". This time his intention is to neutralize "an objec­tion, that may be drawn from the great extent of country which the
Union embraces". This supposed "objection" Publius wants to show to
be only "a prevailing prejudice, with regard to the practicable sphere
of republican administration".

Yet in No. 14 Publius does not intend to refute "the error which
limits republican government to a narrow district", since he has already
done that in No. 10. Rather, he wants to explain the causes of which the
error is the effect, mentioning two: (1) "Chiefly", but "accidentally", it
is due to "the confounding of a republic with a democracy, and applying
to the former reasonings drawn from the nature of the latter". For "the
true distinction between these forms", in No. 14 as in No. 10, is "that in
a democracy, the people meet and exercise the government in person; in
a republic they assemble and administer it by their representatives and agents. A democracy consequently will be confined to a small spot. A republic may be extended over a large region. Thus, "the natural limit of a democracy" and "the natural limit of a republic" are not the same. (2)

To this gets added "the artifice of some celebrated authors, whose writings have had a great share in forming the modern standard of political opinion"—PubliusM does not mention any names, indicating only that he means "subjects either of an absolute, or limited monarchy"—and who, trying to make monarchical government seem preferable to republican, have cited as examples of "the vices" of the republican "the turbulent democracies of ancient Greece, and modern Italy". The result is that, "under the confusion of names, it has been an easy task to transfer to a republic, observations applicable to a democracy only, and among others, the observation that it can never be established but among a small number of people, living within a small compass of territory". The fallacy has hardly been perceived, since "most of the popular governments of antiquity were of the democratic species", i.e., they were not of the republican kind.

So far, PubliusM has not said anything which is itself or implies anything else which is inconsistent or false. But then he goes on to assert that it is "modern Europe, to which we owe the great principle of representation", respectively, that "Europe has the merit of discovering this great mechanical power in government". In doing so, PubliusM creates a serious problem for himself and his reader: For if a republic is a form of popular government in which the scheme of representation is found, and if the principle of representation is a discovery of modernity, then there cannot have been any republics in antiquity:

P1 The qualitatively distinctive property of a republic is the presence of a system of representation.

P2 But the principle of representation is a discovery of modernity, i.e., there was no representation in antiquity.

C Therefore, there were no republics in antiquity, i.e., the republican form of government itself is a development of modernity.

This argument is valid, but is it sound? That is, is it true that it is the presence of representation which makes a popular government to be republican? And is it true that there was no representation in the popular governments of antiquity? The first premiss will hold throughout The Federalist. The reader should try to find out whether the second one will or not. Moreover, aside from the fact that the conclusion is not tenable, in No. 6 PubliusM has already emphasized that "Sparta, Athens, Rome and Carthage were all republics". And in No. 18, PubliusM will do something very similar.

On the other hand, in No. 14 PubliusM's intention is also to differentiate the American popular governments from all other popular governments, ancient and modern, respectively, to identify that which is unique of, special about or peculiar to the American republics and—if "her citizens should wish"—the American Republic: It is, namely, that they are governments "wholly popular, and founded at the same time wholly on that principle" of representation, for "America can claim the
merit of making the discovery" of "this great mechanical power in government" "the basis of unmixed and extensive republics". Thus, in No. 14 Publius seems to be able to articulate that which is specifically distinctive about the American republics and the American Republic only at the very high cost of disqualifying all of the Classical republics of antiquity from their claims to republicanism.

So, if No. 10 and No. 14 are to be understood in connection with one another, then Publius is to be regarded as just as much setting up a problem as giving a solution: It is the problem of the relationship between modern or, more precisely, American and Classical republicanism—"a battle between the ancients and the moderns" over an answer to the question as to whose republican principles are superior, respectively, inferior to whose.

F. STATION NOS. 18, 19 AND 20

In Nos. 18, 19 and 20**, Publius—with some very slight assistance from Publius—provides the reader with some 'notes on confederacies, ancient and modern'. The general purpose of these Papers, according to No. 18, is to illustrate "the tendency of federal bodies, rather to anarchy among the members, than to tyranny in the head", thus furnishing the Federalist with yet another argument for strengthening the Union in the light of the weaknesses of the Articles of Confederation. In No. 18, two examples of "the confederacies of antiquity", namely, "the Grecian republics" of the Amphyctionic Council and "the society of Grecian republics" of the Achaean League are examined; in No. 19, "the Germanic body", i.e., the Holy Roman Empire of the German Nation—the feudal and monarchical character of which gets emphasized—is studied; in No. 20, the Confederacy of the United Netherlands is the main subject, whereby its republican character is downplayed while its aristocratical aspects are brought out.

The flow of the argument in these Papers is clear, namely, from the ancient republican via the medieval monarchical to the modern aristocratical confederacies, the only genuine precedents for confederacies of republics being those of antiquity. Of course, if there were confederacies of republics in antiquity, then there must also have been ancient republics:

P₁ If there were confederacies of republics in antiquity, then there were also republics.

P₂ But there were confederacies of republics in antiquity.

C Therefore, there were republics in antiquity, i.e., the republican form of government is not a development of modernity.

Thus it is, in No. 18, not Publius, but rather Publius himself who more or less explicitly says that there were republics in antiquity, i.e., he asserts 'p', although the conclusion of his premises from No. 10 and No. 14 had to be 'not p'. So there appears to be an 'antimony of practical, political reason' infecting Publius' attempt to philosophize about the relationship between Classical republicanism and American republicanism.
G. STATION NO. 39

In No. 39****, Publius proceeds to pose the quaestio quasestionum, i.e., "whether the general form and aspect of the government be strictly republican". For--so Publius--if the Federal Constitution "be found to depart from the republican character", then the Federalists themselves "must abandon it as no longer defensible". Thus, it is in Nos. 37-84 (Nos. 37 and 38 form the introduction, No. 39 begins "a candid survey of the plan of government reported by the Convention")--in those which are, as a block, the thematically republican Federalist Papers--that this question is to be decided. Obviously, however, first the answer to an even more basic question has to be found: "What . . . are the distinctive characters of the republican form?"

Here Publius outlines two basic approaches to a conceptual determination of a republican constitution: (1) On the one hand, one might seek an answer to the question "not by recurring to principles, but in the application of the term by political writers, to the constitutions of different states". To illustrate this method, Publius names four examples: Holland has been called "a republic", although there none of "the supreme authority" is "derived from the people"; Venice has also been named "a republic", yet there "power over the great body of the people" is exercised "in the most absolute manner" by "a small body of hereditary nobles"; Poland, too, is a so-called "republic", but it is "a mixture of aristocracy and of monarchy in their worst forms"; finally, "the government of England, which has one republican branch only, combined with a hereditary aristocracy and monarchy, has with equal impropriety been frequently placed on the list of republics". For Publius, these examples--"which are nearly as dissimilar to each other as to a genuine republic"--show nothing more than "the extreme inaccuracy with which the term has been used in political disquisitions". The only logical conclusion is that, if one were to seek an answer to the question by following this method, then "no satisfactory one would ever be found". Although Publius himself does not do so, this method of definition could be characterized as 'lexical', 'real' and 'descriptive'.

(2) On the other hand, one could "resort for a criterion, to the different principles on which different forms of government are established". If one were to do so--and here Publius is speaking in propria persona--, then one "may define a republic to be, or at least may bestow that name on, 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, for a limited period, or during good behavior". To clarify this methodus definiendi, Publius distinguishes between necessary and sufficient conditions, i.e., criteria which any 'supposed republic' must fulfill if it is to be legitimated as a 'genuine republic': "It is essential to such a government, that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. It is sufficient for such a government, that the persons administering it be appointed, either directly or indirectly, by the people, and that they hold their appointments by either of the tenures just specified; otherwise every government in the United
States, as well as every popular government that has been or can be well organized or well executed, would be degraded from the republican character". Again, although Publius himself does not do so, this method of definition could be described as 'stipulative', 'nominal' and 'normative'.

Thus, as Publius here ascertains, the fact that there are two essentially different ways of using the term "republic"—one which is infected by "the extreme inaccuracy" with which it has been de facto used by "political writers" in "political disquisitions", and another which is based upon 'criteria' derived de jure from "the principles" on which "forms of government" are established—means, inter alia, that there can and will be quite a difference between those governments, respectively, those forms thereof which are called "republican" according to the first set of 'standards' (lucus a non luceo!) and those which are so called according to the second set of "principles". One does not have to read No. 39 very carefully to see that, of the two alternative ways of defining "the distinctive characters of the republican form" of government, Publius clearly chooses not the first, i.e., the lexical, real and descriptive one, but rather the second, i.e., the stipulative, nominal and normative one to be that manner in which he himself wants to "define a republic". That in No. 39 Publius operates with such a modus definiendi is thoroughly consistent with the procedure which was selected for No. 10 and repeated in No. 14. This does not, of course, preclude the possibility that Publius or, less exactly, Publius might, in other papers, use the word 'republic' in the 'inauthentic' way in which 'others' or 'one' used it in the heat of the debate on the Constitution, especially if such a usage would help him to formulate better his own arguments ad captum vulgi. All in all, the conclusion reached by Publius in No. 39 is that "on comparing the Constitution . . . with the standard here fixed, we perceive at once that it is in the most rigid sense conformable to it".

But still, a serious problem remains: Again, it follows from No. 14, the definitions of which are identical to those of No. 10 and composable with that of No. 39, that there cannot have been any republics in antiquity, while in No. 18 it is explicitly said that there were "confederacies of republics" as well as "republics" in antiquity. By the way, the claim of Publius in No. 6 that "Sparta, Athens, Rome and Carthage were all republics" is, too, still outstanding.

Of course, it is very tempting to offer the discrepancy which has been ascertained with respect to the different modi definiendi in No. 39 as the solution also to the problem of the relationship between American and Classical republicanism. After all, one could apply the remarks on defining made by Publius in No. 39 to the problem which is posed by references of Publius, respectively, Publius himself in other papers to "ancient republics": 'The solution' would then be that, when Publius speaks precisely in the sense of Nos. 10 and 14, then he thinks that there is no such thing as 'a Classical republic', whereas, when he does, in fact, mention such "republics", then he, in adapting himself to a more 'traditional' manner of speech, is just speaking imprecisely—here, the end would justify the means, since in doing so Publius would only be trying to make himself better understood by his readers. Thus, as No. 39 indicates, the fact that the preferred usages here and in Nos. 14 and 10 are stipulative, nominal and normative would, in the light of an actually concurrent, respectively, consecutive application of the term "republic" lexically, really and descriptively—e.g., in Nos. 6, 18, etc.—,
point to the possibility that neither PubliusM nor Publius need necessarily be employing his terminology inconsistently and, therefore, incoherently.

Yet perhaps this way out of the difficulty is too easy. Indeed, in No. 39 PubliusM himself does not seem at all interested in an answer to the question as to whether "political writers" in "political disquisitions" have properly or improperly used the term "republic" in reference to Sparta, Athens, Rome or Carthage. For the reader must not overlook the fact that, in this Paper, PubliusM gives exclusively examples of modern republics—namely, Holland, Venice, Poland and England—as cases which, in an 'inauthentic' mode of speech, are viewed as republics, but, in an 'authentic' one, may not be regarded as such. In other words, in this context he does not, explicitly or implicitly, associate the ancient "republics" with the modern ones; ipso facto, he leaves open the answer to the question about the 'republican' status of the ancient popular governments. On the whole then, one gets the impression that in No. 39 PubliusM is not yet ready to make a final decision about the outcome of the battle between the ancients and the American moderns as to whose republican principles are superior, respectively, inferior to whose.

One last thing about the definition of "a republic" in No. 39 is very important: A comparison of it with the one which is given in No. 10 and No. 14 shows that, of the two properties 'representative' and 'extensive', the only one which plays a significant role in the last of the three Papers is the former; this is all the more remarkable since it was precisely to the latter that PubliusM attached his greater expectations in the earlier two. In fact, in the course of The Federalist it is the issue of representation which will be increasingly identified as the crux of the dispute as to whether and how the ancient popular governments are to be grasped as 'republican'.

H. STATION NO. 43

In No. 43****, PubliusM gives a systematic treatment of Article IV, Section 4 of the Constitution, i.e., of that clause according to which "the United States shall guarantee to every State in this Union a republican form of government", a clause which is to be understood as an assurance on the part of the Union to protect the States from foreign "invasion" and "against domestic violence". This, along with the prohibition of titles of nobility, had already been mentioned in No. 39 as "further" and "the most decisive" "proof" of "the republican complexion" of the Constitution.

Unfortunately, as far as the conceptual determination of 'republic' is concerned, No. 43 does not contribute as much as Nos. 10, 14 and 39 have. Still, in No. 43 PubliusM allows a subtle shift of emphasis from one aspect of 'the republican guarantee' to another to take place, a shift which is very revealing: Only at the beginning of the explication is he concerned with the constitutional right of the Federal government "to defend the system against aristocratic or monarchical innovations"; in the middle and at the end, it becomes plain that his principle concern is with the right of the Union to interfere in the internal affairs of the States in order to protect them "against domestic violence", it being clear that, by this, he primarily means "popular" or "democratic" "insurrection". Thus, in this Paper—which is, again, the definitive inter-
pretation of Article IV, Section 4 of the Constitution in The Federalist—, the most basic sense of "anti-republican" constitution is neither 'monar-chical', nor 'aristocratical', but rather 'popular in the bad sense', i.e., 'democratical'. In other words, by guaranteeing to every State in the Union a republican form of government the Federal government shall, ipso facto, protect each one from a democratical form of government. It is Papers such as this one which serve to keep alive the fundamental opposition between "democracy" and "republic" in The Federalist, even in those in which this difference does play only a subordinate role.

I. STATION NO. 48

In No. 48****, Publius deals with a phenomenon which he takes to be peculiar to republics, namely, with what he takes to be the fact that—as he puts it in No. 51—"in republican government the legislative authority, necessarily, predominates". This "tendency of republican governments" to "an aggrandizement of the legislative, at the expense of the other departments" is formulated in the following passage:

In a government, where numerous and extensive preroga-tives are placed in the hands of a hereditary monarch, the executive department is very justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to inspire. In a democracy, where a multi-tude of people exercise in person the legislative functions, and are continually exposed by their incapacity for regular deliberation and concerted measures, to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended on some favorable emergency, to start up in the same quarter. But in a representative republic, where the executive magistracy is carefully limited both in the ex-tent and the duration of its power; and where the legisla-tive power is exercised by an assembly, which is inspired by a supposed influence over the people with an intrepid confidence in its own strength; which is sufficiently numerous to feel all the passions which actuate a multitude; yet not so numerous as to be incapable of pursuing the objects of its passions, by means which reason prescribes; it is against the enterprising ambition of this department, that the people ought to indulge all their jealousy and exhaust all their precautions.

The only possible solution to the problem which is posed by the lengthy quotation is that "we the people" must constitute, respectively, construct the government in such a manner that the legislative part of it will be 'checked' and 'balanced' by the executive and judiciary parts.

Except, of course, for those Papers in which formal definitions are given, this is, perhaps, that passage in The Federalist in which the distinc-tion between 'personal democracy' and "representative republic" fig-ures most explicitly.
J. STATION NO. 51

In No. 51****, Publius intimates his most significant thoughts—ones which he himself with great understatement refers to as "a few general observations"—on how one can be sure of "maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution". Again, "the only answer that can be given" is "that as all ... exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places". In constructing a constitution which is to be administered "by men over men", "the great difficulty" is this: "You must first enable the government to control the governed; and in the next place, oblige it to control itself". In a word, "ambition must be made to counteract ambition"—legislative, executive and judiciary.

The single most important fact about No. 51 is, perhaps, that in it Publius tries to perfect the argumentation of No. 10. For only in the later Paper does the conception of 'checking and balancing' develop in its manifoldness: (1) According to No. 10 and No. 51, already at the level of the citizen body the extension of the American Republic means that many and different factions will serve to mutually 'check' and 'balance' each other in the interest of the common good. (2) Then, as No. 51 mentions, at the 'level' of the "single republic", i.e., not yet at that of "the compound republic", the branches of the State governments will mutually 'check' and 'balance' each other. (3) Although it is already implicit in No. 10, No. 51 makes it explicit that the proper powers distributed between the levels of the Federal government and the State governments will do the same. (4) But, in addition to what could be formulated in No. 10, No. 51 shows that, at the level of the Federal government itself, the legislative, the executive and the judiciary will 'check' and 'balance' each other. (5) Moreover, according to No. 51, even within the legislative department itself, power is to be divided between two branches, so that at this level, too, 'checking' and 'balancing' will take place. (6) Finally and most importantly, it lies in the nature of the republican—as opposed to the democratical—form of constitution that it is based upon the principle of representation: Thus, the representatives and the represented will mutually 'check' and 'balance' each other, and this will take place at that 'level' deeper than which there just is no other.

The result is that, with No. 51, Publius provides The Federalist with that Paper which, without ever even mentioning either "democracy" or the distinction between "democracy" and "republic", brings the reader to appreciate the preferability of the republican constitution to the democratical more cogently than any other paper does: Pure, personal, direct democracy, i.e., popular government stripped of the structural relation between the representatives and the represented, has simply no means of 'saving the people from themselves'.

K. STATION NO. 52

In No. 52***, Publius tries, once again, to come to terms with the ignorance, respectively, knowledge of the ancients on the subject of representation. In doing so, he makes an extremely interesting remark when he writes that "the scheme of representation, as a substitute for a
meeting of the citizens in person, being at most but very imperfectly known to ancient polity; it is in more modern times only, that we are to expect instructive examples’. (He then quickly confines himself to the example of the House of Commons of Great Britain, which he takes to be "the first"—in this context he evidently means ‘historically’—representative body.)

What makes this remark so conspicuous is the fact that it looks much more like it is consistent with that which Publius writes in No. 9 than with that which Publius himself maintains in No. 14: For the former is open to the possibility that there might have been something like representation in antiquity, while the latter is not. The qualification by Publius in No. 52 of his remarks in No. 14 is, inter alia, an indication that he is re-thinking his position on the subject of representational structures in antiquity; because of the essential role of the property ‘representative’ in his theory of what makes “a republic” to be what it is, this cannot go without consequences for his definition of "republic" itself.

L. STATION NO. 58

In No. 58**, Publius confirms, in a certain limited way, the suspicion awakened by himself in No. 52. In the latter Paper, he is arguing "that in all legislative assemblies, the greater the number composing them may be, the fewer will be the men who will in fact direct their proceedings". In "popular governments" the addition of representatives above a certain proportion will make the government only seem "more democratic", while it will be "more oligarchic". As a concrete example Publius asserts that "in the ancient republics, where the whole body of the people assembled in person, a single orator, or an artful statesman, was generally seen to rule with as complete a sway, as if a sceptre had been placed in his single hands". The point is that "on the same principle the more multitudinous a representative assembly may be rendered, the more it will partake of the infirmities incident to collective meetings of the people".

Thus, in No. 58 Publius—for the very first time in The Federalist—refers to "the ancient republics" in a context in which his distinction between democratical popular governments and republican popular governments, according to whether the people assembled in person or a representative assembly conducts the affairs of government, is immediately given. Here it is a matter of a direct conflict with the conceptual determination of "a republic" as set down in No. 10 and No. 14 taken together. The result is that the reader cannot help but get the impression that—from paper to paper—Publius’s understanding of ‘republic’ or, more precisely, of ‘Classical republicanism’ is undergoing some gradual revision.

M. STATION NO. 63

In No. 63****, Publius does, in fact, substantially revise that account of the relationship between the American republics, including the American Republic, and the Classical popular governments which he has given in earlier papers, so coming to an understanding of American republicanism with respect to Classical republicanism which is remarkably
different from that which is supposed in, e.g., No. 14. That is, whereas his version of American republicanism in No. 14 did not leave the reader any other choice but to conclude that there could be no such thing as "Classical republicanism" because—for what better reason would one ask?—there cannot have been any such thing as 'a Classical republic', in the presentation of No. 63 Publius asserts emphatically that, whatever the difference between the American popular governments and the ancient ones might be—and this is obviously a distinction which, too, will need to be re-examined in this Paper—, it surely does not justify one's affirming the former and denying the latter to be "republican".

This happens in the following way: On the question as to whether representation or extension would better be able to mollify the evil effects of faction in a republic, Publius had conceded the primacy to the latter over the former in No. 10; while in No. 63 it is by no means the case that extension gets underestimated—on the contrary—, it is clear that there is a shift of emphasis from it to representation as a factor in controlling factions. Here, the most relevant part of No. 63, which treats of the Senate as the indirectly, mediately representative part of the legislative branch, is aimed at showing that "such an institution may be sometimes necessary, as a defense to the people against their own temporary errors and delusions". In other words, a principle task of the Senate is to save the people from themselves, as the following negative example is meant to illustrate: "What bitter anguish would not the people of Athens have often escaped, if their government had contained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens, the hemlock on one day, and statues on the next." After this cautionary note that the Senate will serve to tone down the popular character of the Constitution, the reader is all set for another exposition indicating the advantages of modern republicanism over and against ancient democracy.

But that is not quite the way things turn out, for the peculiar nature of the topic 'senate' causes Publius to get involved in politically scientific investigations of a historical tendency which lead him in a very different direction. So, trying to formulate the "quality" of a senate as "an anchor against popular fluctuations", Publius starts by asserting that "it adds no small weight to all these considerations, to recollect, that history informs us of no long lived republic which had not a senate", adding—he has just excluded Athens from this class—that "Sparta, Rome and Carthage are in fact the only states to whom that character can be applied". This is, for Publius, a rather surprising modus scribendi and one which he deliberately avoids in those Federalist Papers in which he gives thematically formal definitions of "a republic", i.e., in Nos. 10, 14 and 39. In fact, except—for Athens, this list of 'ancient republics' is identical to the one provided by Publius in No. 6. The further course of No. 63 shows that Publius is not committing a lapsus manus here. With respect to the 'republics' referred to, he continues: "These examples, though as unfit for the imitation, as they are repugnant to the genius of America, are notwithstanding, when compared with the fugitive and turbulent existence of other ancient republics, very instructive proofs of the necessity of some institution that will blend stability with liberty." Thus, Publius's insistence that American republicanism can find nothing in Classical republicanism worthy of imitation, i.e., that the former has at best nothing, at worst little to learn from the latter, gets tempered by the realization of the reader
that PubliusM, far from continuing to deny that there were republics in antiquity, is—not too—suddenly affirming not only that there were ancient republics, but also that there were good ones and bad ones, i.e., ones which had a senate and were stable and long lived, and ones which did not and were "turbulent" and "fugitive".

Again—not too—suddenly PubliusM becomes aware of the fact that his particular remarks in this context have general implications for all other contexts of The Federalist in which he has attempted to articulate clearly and distinctly his thoughts about what makes the American way of constructing, i.e., constituting a republican form of popular government to be specially, peculiarly or uniquely American. That is the reason why he immediately says: "I am not unaware of the circumstances which distinguish the American from other popular governments, as well ancient as modern, and which render extreme circumspection necessary in reasoning from the one case to the other. But after allowing due weight to this consideration, it may still be maintained that there are many points of similitude which render these examples not unworthy of our attention." It is ironic that it is precisely the concern of PubliusM with that which the "other popular governments"—here he primarily means the "ancient" ones—and the "American" popular governments have in common which leads him in this, the very last of his twenty-nine Numbers of The Federalist, to discover finally the specific difference between the ancient and the American "popular governments" and to express it in such a way that it is possible to qualify the latter as "republics" but not necessary to disqualify the former as such, thus achieving 'a peaceful co-existence' of both.

At any rate, PubliusM has prepared the reader for the confession that he himself, as author of earlier numbers of The Federalist, might not have exercised "circumspection" "extreme" enough "in reasoning from the one case to the other". This is just what he does admit in the following four statements, which together comprise the first of the two decisive paragraphs in No. 63, i.e., the one in which PubliusM retracts his earlier opinion concerning the presence, respectively, absence of "the scheme of representation" in ancient popular governments. Firstly, PubliusM formulates that which is or, more precisely, was supposed and, to be sure, as supposed: "The difference most relied on between the American and other republics, consists in the principle of representation, which is the pivot on which the former move, and which is supposed to have been unknown to the latter, or at least to the ancient part of them." By grasping this doxa qua doxa PubliusM neutralizes it as such; for him, at least, it is given no longer as 'believed', but rather as 'having been believed'. Secondly, PubliusM explicitly admits that he himself has been one of those who falsely supposed, he has the right to try to suppose once again, this time—hopefully—truly: "The use which has been made of this difference, in reasonings contained in former papers, will have shown that I am disposed neither to deny its existence nor to undervalue its importance." By "former papers" PubliusM means, e.g., Nos. 58, 48 and—above all—14 (but not yet No. 10). Although he still claims that he is "disposed" neither "to deny" nor "to undervalue" it, it is certain that "this difference" will never be the same again and, in fact, will be quite different when PubliusM is presently done with it. Thirdly, PubliusM notes that, precisely because he himself has been one of those who has falsely supposed, he has the right to try to suppose once again, this time—hopefully—truly: "I feel the less restraint therefore in observing that the position concerning the ignorance of the ancient government on the subject of representa-
tion is by no means precisely true in the latitude commonly given to it”. There one has it, i.e., Publius grasps that which he himself has supposed, respectively, the supposed as supposed as having been not truly, but rather falsely supposed. Thus, he is no longer of the opinion that there was no representation in the popular governments of antiquity and, since he still is of the opinion that the presence of the scheme of representation is a necessary, essential property of a republic, he is now free to regard the popular governments of antiquity as republics. Fourthly, in order to show that this is not a dispute about mere words, Publius is anxious to get to the things themselves: "Without entering into a disposition which here would be displaced, I will refer to a few known facts in support of what I advance." These four statements do explicate what it is that Publius finds wrong with, respectively, worthy of revision in his former suppositions and, insofar, they do represent the via negativa, but they do not yet make clear how he expects to go about communicating the genuine difference between the ancient republican popular governments and the American republican popular governments—i.e., positively.

Yet at least the last statement takes a first step in this direction, and the examples which are then given serve to execute the approach: The beginning is made with the general statement that "in the most pure democracies of Greece" many of the executive functions were performed not by the people themselves, but by officers elected by them and "representing the people in their executive capacity". Since it would be gratuitous to understand No. 10 as focusing exclusively on legislative representation and untenable to interpret No. 14 in that manner, it is clear that Publius is here referring to "the most pure democracies of Greece" as having had an unequivocally representational, i.e., republican aspect. But the point is just that Publius is no longer interested in trying to maintain the distinction between popular government as "democracy" or, more precisely, "pure democracy" and as "republic" as it was laid down in No. 10 and repeated in No. 14. If he were, then the chaos would be complete then—at the latest—when he would refer to one and the same form of popular government as "the most pure democracy" and as "a republic". In fact, the particular examples of No. 63 range from the Archons of Athens (their representational function is obscure) to the Athenian assemblies first of four and then of six hundred members ("elected by the people, and partially representing them in their legislative capacity"), the senate of Carthage, the Ephori of Sparta and the Tribunes of Rome (both "elected by the whole body of the people, and considered as the representatives of the people") and the Cosmoi of Crete. "Similar instances", concludes Publius on the subject of representation in general and legislative representation in particular, "might be traced in most if not all the popular governments of antiquity".

The careful reader can only compare this statement of No. 63 that, according to the criterion that it is the presence of "the scheme of representation" which provides the qualitatively distinctive feature of a republic, "most if not all the popular governments of antiquity" were of the representational and, therefore, of the republican character, with the statement of No. 14 that, according to the very same criterion, "most of the popular governments of antiquity were of the democratic species". Perhaps more than anything else, this ascertainment proves beyond a reasonable doubt that in Nos. 10 and 14, on the one hand, and in No. 63, on the other, Publius actually is operating with two different sets of
The final results of his new and improved version of the relationship between American and Classical "popular government", respectively, 'republicanism' is formulated by Publius M in the following five statements, which together comprise the second of the two decisive paragraphs in No. 63, i.e., the one in which the reader gets most systematically informed about which distinction is to be substituted for the shattered distinction of Nos. 10 and 14. Firstly, without wanting to exhaust the available historical evidence Publius M comes to a 'final' conclusion on the subject of representation in antiquity: "From these facts, to which many others might be added, it is clear that the principle of representation was neither unknown to the ancients, nor wholly overlooked in their political constitutions." Thus, as has already been ascertained, one will no longer be able to use the criterion of the absence, respectively, presence of representation to divide the ancient, respectively, the American "popular governments" into "democracies", respectively, "republics". But what, then, is supposed to be the decisive difference which the Federalist is trying to convey? Secondly, Publius M tells the reader just this: "The true distinction between these and the American governments lies in the total exclusion of the people in their collective capacity from any share in the latter, and not in the total exclusion of representatives of the people, from the administration of the former". As far as the attempt of Publius M to articulate that which is special about, peculiar to or unique of the American republics and the American Republic with respect to the Classical republics of antiquity is concerned, this is undoubtedly the single most important sentence in The Federalist. It is also that one which is most ignored. So the real difference between the ancient and the American "popular governments" is not that the former were purely democratical, i.e., purely personal or direct and not at all republican, i.e., representational, while the latter would be just the opposite, but rather that the former were partly democratical but also partly republican, i.e., partly personal or direct but also partly representational, while the latter are not at all purely democratical but "wholly", "unmixedly" or—as Publius M will remark in Nos. 71 and 73—"purely" republican. Thus, Publius' continuum of distinctions ranges from Publius M's "pure democracy" in No. 10 to Publius's 'pure republic' in No. 73. In other words, in keeping with Publius' deep conviction that—in the light of the great republican principle that "salus populi suprema lex esto"—it is the people themselves who pose the single greatest danger to their own safety, Publius is for a "republican" form of "popular government" in which the people themselves are completely prevented by the representatives from personally, directly participating in the administration of the affairs of government. Thirdly, Publius M takes a position on how the distinction which was made in No. 10 and repeated in No. 14—but gets 'aufgehoben' in No. 63—enables one to decide which party has won 'the battle between the ancients and the moderns' (or, at least, 'the American moderns') over whose republican constitutions are superior, respectively, inferior to whose: "The distinction however thus qualified must be admitted to leave a most advantageous
superiority in favor of the United States." Here, PubliusM is claiming that, although one cannot simplify to the extent of asserting—without further ado—that the ancient popular governments were bad forms thereof, i.e., "democracies" and the American popular governments are good forms thereof, i.e., "republics", nonetheless there is an important difference between the two kinds of popular government and, to be sure, one which concedes the primacy to "the United States". For with their constitutions and Constitution the American moderns are supposed to have the better republics, the ancients are supposed to have had the worse republics. Fourthly, shifting his attention one last time from "representation" to "extension", PubliusM cautions the reader not to rely on the former alone, even if a government is to be based "wholly", "unmixedly" or "purely" upon it: "But to ensure to this advantage its full effect, we must be careful not to separate it from the other advantage, of an extensive territory". After all, the United States will enjoy this "advantage". Fifthly, PubliusM points out that there were popular governments of antiquity which did not and that they suffered the fate which was to be expected: "For it cannot be believed that any form of representative government could have succeeded within the narrow limits occupied by the democracies of Greece". This is the old theme from No. 10, namely, that a 'good' small republic is supposed to represent a contradictio in adjecto. At this point, PubliusM prudently chooses not to turn to those ancient popular governments which had both a system of representation and an extended territory, e.g., the Roman Republic. (Curiously, in his last two statements PubliusM has concentrated one-sidedly on the mere extension of territory, totally forgetting the other quantitative aspect, namely, the great number of citizens which could be encompassed by means of extension. For this reason, too, the appeal to 'the quantitative part' of the distinction between "democracy" and "republic" in Nos. 10 and 14—representation was 'the qualitative part'—just does not any longer have the force of conviction in No. 63 which it seems to have had in the earlier papers.) It is, then, these five statements in general, but the second one in particular which PubliusM uses to express clearly and distinctly that distinction between the ancient popular governments, on the one hand, and the American popular governments, on the other, which he lays down as his ultimate distinction in The Federalist.

Therefore, in No. 63—i.e., in that Paper which, again, contains his last word on this subject within the hermeneutical limits of The Federalist—PubliusM himself says that there is no distinction between bad popular government as "democracy" or, more exactly, "pure democracy" and good popular government as "republic" in the sense in which this supposed distinction was laid down in No. 10 and repeated in No. 14. But this does not, of course, mean that there is no distinction at all between bad popular government, i.e., the rule of the many for their own 'good' and good popular government, i.e., the rule of the many for the common good in The Federalist. For there still is the distinction between "the other republics"—some ancient ones of which PubliusM insists upon calling "the most pure democracies"—and "the American republics", both of which are forms of "popular government", the former worse ones and the latter better ones. As a matter of fact, it has been proved, i.e., demonstrated not only that PubliusM substantially revises the original distinction to the point where it is, as such, hardly recognizable—one who disputes this strong formulation has the burden of explaining why this shift has never yet been recognized—but also that for the original distinction he substitutes a different one which then becomes his ul-
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timate distinction. It might not be too fruitful to spend a lot of time trying to determine exactly when the distinction in question stops being the same, respectively, starts becoming a different one—after all, once the difference between the distinction in Nos. 10 and 14 and the distinction in No. 63 is pointed out, it is perfectly 'nachvollziehbar'. Obviously, the very subtle difference between the two distinctions exists only by virtue of the even more profound identity which supports them, an identity which has its source in the fact that it is one and the same primary intention of Publius, which is operative in Nos. 10, 14 and 63, namely, to say what it is that distinguishes the American republics and the American Republic, in particular, and American republicanism, in general, from the Classical republics of antiquity and Classical republicanism. Thus, although it is the American moderns and not the ancients who win 'the battle between the ancients and the moderns', i.e., the republican constitutions of the former are conceded the primacy over the latter, it is the Classicists who win the war, i.e., their republics do ultimately win that recognition which is due them as republics. In other words, the republican tradition emerges as remarkably indifferent to Publius's stipulations in the early numbers of The Federalist. It is not only possible, but necessary that the reader understand Nos. 10 and 14 in the light of the revision in No. 63; in fact, it is a necessary condition for retrieving Publius's intention as something which remains identically the same throughout all of his twenty-nine contributions to The Federalist.

3. CONCLUSION

Therefore, first, it has been proved, i.e., demonstrated that—contrary to that which one universally supposes to be the case—the distinction between "democracy" and "republic" which Publius tries unsuccessfully to make is not a logically valid one; then, it has been proved, i.e., demonstrated that—again contrary to that which one universally believes to be so—the distinction between "the other republics" or, more exactly, the ancient ones thereof and the American republics or, again more precisely, the American Republic which Publius does successfully make is the really decisive one; finally, it has been proved, i.e., demonstrated that—once again contrary to that which one universally presupposes to be—it is Publius himself in The Federalist itself who says that that is the way it is. Thus, it has also become hermeneutically evident that these and such conclusions are the results not of 'an interpretation' of The Federalist, but rather of an explication of the text the end of which is to retrieve the author's intention for the reader by letting everything in the text be as it is, i.e., by letting Publius speak for himself: In the final analysis, it is he himself who indicates to the reader that and why the shift from the original distinction to the ultimate distinction must take place, i.e., that both the former as well as the latter are means to the end of the fulfillment of one and the same intention, namely, to articulate clearly and distinctly that which is special about, peculiar to or unique of 'the American way of republic'. Consequently, not to understand Publius in that manner which has been set forth means not to understand him as he understands himself and as he intends to be understood by others.

As a by-product of the investigations which have been carried out, it may be regarded as certain that, with respect to the attempt on the part of Publius to offer his reader a determination of the concepts,
respectively, a definition of the terms "democracy" and "republic" which would be both rhetorically convincing and philosophically tenable, a significant development or evolution from The Federalist No. 10 via Nos. 14 and 39 to No. 63 did take place. After all, although as a whole The Federalist was written at the astonishing rate of ca. 1000 words per day, everyday in eighty-five parts over a time of eight months by three different authors, nonetheless it displays a remarkable consistency and coherence—if and only if, however, the proper modus legendi is applied to it. To want to get at a solution to the problems which are connected with the Federalist's distinction between "democracy" and "republic", respectively, between "the other republics" and "the American republics" or "Republic" by appealing to psychological categories such as "split-personality", "schizophrenia", "Janus-head", etc. means—self-destructingly—to render the intentional content, which it is a matter of retrieving, inaccessible by taking it out of the text of The Federalist and—somehow, who knows how?—relocating it 'in the head' of Publius. That is, since the problem with the distinction in question and the solution thereto are strictly matters of Publius and of him alone anyway, the psychological approach would—at least in this case—be accompanied by precisely those difficulties which it is supposed to explain away, thereby reducing itself ad absurdum and making 'a clinical case' out of someone who had made an honest mistake and, by virtue of his moral integrity and intellectual curiosity, did the best he could to correct himself. 'The split-personality thesis" about Publius and The Federalist might be 'only' a metaphor, but here it represents a vague and obscure way of thinking about things with respect to which the Federalist thought that there should and could be "perspicuity".

**ADDENDUM**

**THE REASONS FOR THE NOVELTY OF THIS MODUS LEGENDI**

In any case, there are two principal reasons why the shift which Publius or, more exactly, PubliusM performs from the original distinction to the ultimate distinction has not yet been recognized.

Firstly, by virtue of its contents, The Federalist No. 10 has established itself as by far the single most important Paper: to the degree that it has attracted attention to itself, the first contribution by PubliusM, it has distracted from No. 63, the last by this Publius. And apparently those readers who have looked at the later of the two Papers have thought: "What's in a name?" That which PubliusM calls "a republic" "by any other word" would still be the same. But that is not so.

Secondly, traditionally No. 10 has been accepted as a Paper by Madison, while it has taken almost two hundred years for No. 63 to become regarded as such. The problem of the authorship of the so-called "disputed" Federalist Papers can be simplified by noting that the authorship of only fifteen of the eighty-five Numbers is questioned. According to expert opinion it has been accepted that Hamilton wrote Nos. 1, 6–9, 11–13, 15–17, 21–36, 59–61 and 65–85, Madison Nos. 10, 14 and 37–48, and Jay 2–5 and 64. The authorship of only 18–20, 49–58 and 62–63 has been disputed, all of them being claimed by both Hamilton and Madison. Now the most exact historical criticism and applied Bayesian and Classical inference have established—beyond reasonable doubt—that Madison wrote, with some very slight assistance from Hamilton, Nos. 18–
20 and, all by himself, Nos. 49-58 and 62-63. Moreover, on the basis of the hermeneutical explication which has been carried out here, all indications are that, because of the self-criticism of Nos. 10 and 14 in No. 63, the 'I' who is correcting himself in the latter is not merely Publius, but PubliusM: It just makes substantially more sense to read The Federalist No. 63 as a Paper in which PubliusM makes one last attempt to express clearly and distinctly that which he has been trying to communicate to his reader in so many of his key contributions than as one in which PubliusM suddenly and unexpectedly, for the first and last time gets very interested in the intricate task of formally defining "democracy" and "republic", i.e., in something with respect to which he displays a supreme indifference in all of those Papers which are definitely attributable to him.

IV. PROSPECTUS

1. INTRODUCTION: THE ANTINOMY OF PRACTICAL POLITICAL REASON

Thus, either the text of The Federalist can be interpreted in such a way that PubliusM is seen as having one and only one distinction, i.e., that of "popular government" into "democracy" and "republic", or it can be explicated in such a manner that he is regarded as performing a transition from this distinction to the distinction of "popular governments" into "other republics" and "the American republics", respectively, "the American Republic"—whereby the second distinction may legitimately be taken as an essential re-definition of the first. The second possibility of understanding Publius or, more precisely, PubliusM makes eminently more sense than the first. The reason for this claim is to be found in the very definition of "a republic" as it is given in No. 10 and repeated in No. 14: That is, it is the presence of a system of representation which is supposed, at least qualitatively, to distinguish a republic as a form of popular government from the other form of the same, namely, from democracy. For then the difficulty is that not only does the definition of "a republic" from the earlier get repeated in the later Paper, but also it gets connected with the new assertion that the principle of representation is a discovery of modernity. So, the definition of "a republic" is no longer a mere definition, but rather it becomes the first premiss of an argument of which the conclusion is that there cannot have been any republics in antiquity. This argument might be formulated as follows:

P1 The qualitatively distinguishing property of "a republic" is the presence of a system of representation.

P2 But the principle of representation is a discovery of modernity. (Thus, there was no representation in antiquity.)

C1 Therefore, there were no republics in antiquity. (Thus, the republican form of government itself is a development of modernity.)

It is true that this argument is not explicitly stated as such in The Federalist, but it is implicitly there for the careful reader to find. Obviously, although the argument is valid, it is unsound, because the falsity of the second premiss makes the conclusion false too. In the light of the
fact that the first premiss is never taken back or substantially revised, to insist that Publius makes the distinction between "democracy" and "republic" in the way in which he does, and this distinction only, means to assume that he is and remains ignorant of the unacceptable consequences of his principle theses from the first to the last of his Papers. Yet again, there is another strand of argumentation to be found in The Federalist--e.g., in No. 18--and it might look like this:

\[ P_3 \] There were confederacies of republics in antiquity.

\[ P_4 \] But if there were confederacies of republics in antiquity, then there were also republics.

\[ C_2 \] Therefore, there were republics in antiquity. (Thus, the republican form of government is not a development of modernity.)

Here too, this argument is not explicitly stated as such in The Federalist, but it is implicitly there for the careful reader to find. Although it is intimated in No. 39 that the expression "republic" might very well have a different meaning in the first and in the second conclusion, this is only the beginning, but not the end of the solution to the problem which is posed by the--apparent or real? (that is the question)--contradiction between these conclusions. What eventually happens is that Publius becomes very much aware of the difficulties which are expressed by the relationships between these arguments and their respective conclusions; this is also the reason why he reconsiders both of them. By introducing the distinction between "other republics" and "the American republics" in No. 63, Publius is able to retain the definition of "a republic" and, at the same time, to extend it in such a way that the term "republic" can be applied to ancient popular governments. (It would, after all, be very ironic if Publius--i.e., Plutarch's Plutarch Valerius Publ cola--really and ultimately were asserting that which the conclusion of the first argument has him saying.) The decisive preliminary step is, of course, that Publius rejects the second premiss of the first argument. In the final analysis, one can do without the distinction of Nos. 10 and 14 because the one of No. 63 is the much more suitable means to the end being pursued, namely, to say what is qualitatively distinctive about American republics, respectively, the American Republic as compared with all others, respectively, the ancient ones thereof. So, the best advice towards understanding his Numbers of The Federalist Publius gives the reader in No. 40: "There are two rules of construction dictated by plain reason, as well as founded on legal axioms. The one is, that every part of the expression ought, if possible, to be allowed some meaning, and be made to conspire to some common end. The other is, that where the several parts cannot be made to coincide, the less important should give way to the more important part; the means should be sacrificed to the end, rather than the end to the means". Thus, as a writer Publius is no more careless, respectively, less careful than the less careless, respectively, more careful reader takes him to be. Hermeneutically speaking, it is a matter of understanding Publius neither worse nor better than, but rather as well as he did himself.

Accordingly, for the Federalist the problem of the relationship between American and Classical republicanism is essentially a problem of representation: Why did Publius identify it as the qualitatively distinguishing property of a republic in Nos. 10 and 14? Why did he maintain
that it was unknown to antiquity and discovered by modernity in No. 14? Why did he substantially revise his position in No. 63? And what follows from this? Some believe that "... one need not go outside The Federalist... to understand the philosophy underlying the papers...". But this is certainly not true. In fact, it is possible to find answers to the questions which have been posed here only by considering The Federalist as a text situated in (1) the historical context of the debates in the Federal and State Conventions (1787-88), the other Federalist and Anti-Federalist literature and Madison's own scholarly works on political Philosophy, and (2) the political philosophical context of the tradition from Plato, Aristotle and Cicero to Montesquieu, Hume and Rousseau. Whether, e.g., there was representation, or something like it, in antiquity is a historical question to which there is a correspondingly historical answer; whether and why Publius thought that there was or was not is a question for the history of ideas, to which there is also an answer from that discipline; whether and how he uses the assertion that there was or was not in his arguments is a philosophical question to which there is a philosophical answer. A satisfactory answer to the last question can be given only in connection with answers to the other two questions. In other words, the hermeneutical fundamentalist who, insisting upon the immediate, unmediated givenness of the text of The Federalist, wants to try to understand Publius or, even worse, PubliusM as though it were a matter of understanding that which appeared in this morning's newspaper, or even in the most recent issue of a philosophical journal, has dim prospects of gaining access to what Publius said and meant. For the text of The Federalist has to be 'contextualized'.

2. THE CONTEXTUALIZATION OF THE TEXT

The task with which PubliusM is wrestling in those Papers in which he distinguishes between "democracy" and "republic", respectively, between 'partial republics' and 'whole or pure republics' as 'bad' and 'good' forms of "popular government" is the problem of differentiating between the 'bad' and the 'good', respectively, between the 'worse' and the 'better' rule of the many, a problem to which there are both Classical solutions and ones from the Enlightenment: For example, at one point Plato lets Socrates describe "demokratia" per se as bad, while at another he lets the Stranger and Socrates name both kinds of rule of the many by the same name, i.e., "demokratia"; in one place Aristotle calls the good kind of rule of the many "timokratia" and the bad "demokratia"—acknowledging that "most" label the former "politeia"—, while in another he himself adopts the distinction between "politeia" and "demokratia"; in order better to harmonize philosophical and ordinary usage, Theophrastos preferred to speak of "demokratia" as good popular rule and of "ochlokratia" as bad: in this sense too, Polybios makes a distinction between "demokratia" and "ochlokratia" or "cheirokratia"; Cicero has the distinction between "civitas popularis" and "factio". It was, above all others, Rousseau who, with the distinction between "democracy" and "ochlocracy", re-awakened the theoretical interest in this question shortly before the Declaration of Independence. It might be thought that, because of Cicero's reception of Plato's Greek "politeia" into Latin as "res publica", the Founding Fathers would have had no difficulty with rendering the Aristotelian distinction between "politeia" and "demokratia" as "republic" and "democracy". In fact, however, in the American Colonies before the year 1776 it was thoroughly usual for one to use the words "democracy" and "republic" synonymously and,
especially for opponents of independence, to use them derogatorily, i.e., to employ both to refer to the rule of the many as a bad form of popular government. Unfortunately for both the Federalists and the Anti-Federalists, much of the occasionality connected with these expressions and their meanings was still very much alive during the debate of 1787-88. In Nos. 10 and 14 of The Federalist Publius lets his argumentation depend upon the distinction between "democracy" as 'bad' and "republic" as 'good' "popular government" precisely because he is writing to refute the arguments of Anti-Federalists who use the two key expressions synonymously and derogatorily. Thus, at least according to the Federalist, his own arguments rest upon "perspicuity of expression", those of the Anti-Federalists upon "confusion of names".

3. THE ASSOCIATION OF THE IDEAS "REPUBLIC" AND "REPRESENTATION"

It is not difficult to explain why Madison identified representation as the qualitatively distinguishing property of a republic. After all, the Colonists had perceived the Revolution as a move away from a primarily monarchical, royal and aristocratical form of government in which they were not represented—as best expressed in the slogan: "No taxation without representation!"—to a republican form of government in which they were—"taxation with representation". For example, just as The Federalist was the single most important contribution to the debate over the Constitution, Thomas Paine's Common Sense was the one most influential piece of writing to appear in connection with the Declaration: Calling for "a declaration for independence", the author pointed out that there was only one branch of the English government which could properly be regarded as "republican", namely, the House of Commons, i.e., the same one in which the people were represented (insofar as they were at all). This means, by the way, that Madison's association of the ideas "republic" and "representation" in The Federalist Nos. 10 and 14 is hardly original. After all, in No. 9 Publius twice anticipates the content of No. 10. The former Paper (21.11.1787) is undoubtedly a reaction both to Cato's "Letter III" (25.10.1787) and to Brutus' "Essay I" (18.10.1787), both of which appeared in New York newspapers. Obviously Hamilton and Madison discussed the contents of Nos. 9 and 10 together. Thus, in preparing No. 10 for publication (22.11.1787), Publius could define "democracy" or, more exactly, "pure democracy" and "republic" in the way in which he did knowing very well that Brutus, alias Robert Yates (?), had described these forms of government as follows: "... In a pure democracy the people are the sovereign, and their will is declared by themselves; for this purpose they must all come together to deliberate, and decide. In a republic, although all laws are derived from the consent of the people, yet the people do not declare their consent by themselves in person, but by representatives, chosen by them...". Surely, either Publius took over the distinction of "popular government" into ("pure") "democracy" and "republic" from Brutus, or both did so from a tertius. In any case, in the wake of the American and French Revolution, it became a commonplace to see in representation an essential property of a republic.
4. THE CONNECTION BETWEEN REPUBLIC AND REPRESENTATION IN ANTIQUITY AS SEEN FROM THE PERSPECTIVE OF THE ENLIGHTENMENT

In the same way, the question as to where Publius got the idea that there was no representation in antiquity also poses no problems incapable of solutions: For in the context in which the text of The Federalist took shape, 'one' said, i.e., virtually everyone was saying that representation was a discovery of modernity; no one was maintaining the antithesis. For example, following his famous analysis of the Constitution of England in De l'esprit des lois (1748), Montesquieu says: "Les anciens ne connaissaient point le gouvernement fondé sur un corps de noblesse, et encore moins le gouvernement fondé sur un corps législatif formé par les représentans d'une nation." Concerning constitutional developments in England in the year 1265 in the History of England (1754-1762), Hume says: "This period is commonly esteemed the epoch of the house of commons in England; and it is certainly the first time that historians speak of any representatives sent to parliament by the boroughs." Talking about "députés ou représentants" in Du contrat social (1762), Rousseau says: "L'idée des représentants est moderne: elle nous vient du gouvernement féodal, de cet inique et absurde gouvernement dans lequel l'espèce humaine est dégradée, et où le nom d'homme est en déshonneur. Dans les anciennes républiques et meme dans les monarchies, jamais le peuple n'eut de représentants; on ne connaissait pas ce mot-là." Glossing the "Principle of Representation" in the Commentaries on the Laws of England (1765/1771), Blackstone strongly implies that it is—inter alia—the presence, respectively, absence of representation which distinguishes the Constitution of England from ancient Greek and Roman governments. Quoting Montesquieu in the article on "République" in the Encyclopédie (1765), the author (D.J.) says: "Je dois remarquer ici que les anciens ne connaissaient point le gouvernement fondé sur un corps de noblesse, & encore moins le gouvernement fondé sur un corps législatif formé par les représentans d'une nation". Finally, in "An Examination into the leading Principles of the Federal Constitution" (10.10.1787), Noah Webster writes: "Another idea that naturally presents itself to our minds, on a slight consideration of the subject, is, that in a perfect government, all the members of a society should be present, and each give his suffrage in acts of legislation, by which he is to be bound. This is impracticable in large states; and even were it not, it is very questionable whether it would be the best mode of legislation. It was however practiced in the free states of antiquity; and was the cause of innumerable evils. To avoid these evils, the moderns have invented the doctrine of representation, which seems to be the perfection of human government." Thus, it is quite natural to expect Publius to have claimed that representation was unknown to the ancients, respectively, discovered by the moderns. After all, when in No. 9 Publius exhibits caution on this point and does not commit himself to either the one or the other of two possibilities, namely, that the principle of representation is one of those which "were either not known at all, or imperfectly known to the ancients", respectively, "are either wholly new discoveries or have made their principal progress towards perfection in modern times", he is like 'a voice crying in the wilderness'. At any rate, the thesis of Publius in No. 14 that the principle of representation is a discovery of modern Europe is hardly an original one.
Furthermore, perhaps not even the general approach—characterized by a somewhat dogmatic reliance on the principles of "representation" and "extension"—which is adopted by Publius in *The Federalist* Nos. 10 and 14 can be regarded as very original. For *The Federalist* Nos. 9, 10 and 14 do not by any means exhaust the Federalists' replies to such anti-federalist papers as Cato's "Letter No. III" and Brutus' "Essay No. I". In fact, another, almost completely unknown Federalist gave what was essentially the same argument as Publius was to give in *The Federalist* No. 10 on November 22, 1787 and, to be sure, almost three full weeks before Madison's contribution appeared and in the very same newspaper, namely, on November 2, 1787 in *The Daily Advertiser* of New York. There, under the pseudonym "Americanus", John R. Stevens, jr. of New Jersey (?) sought to refute those Anti-Federalists who were quoting Montesquieu's *De l'esprit des lois* (Book VIII, Chapter XVI) to substantiate their claim that a republic can have only a small territory by advancing, *inter alia*, the following unified argument:

"A Republic must have only a small territory, otherwise it cannot long subsist." But I utterly deny the truth of this "axiom" of the celebrated civilian. This ought not to be deemed arrogant in me, or in any man, at this time of day, and on this side of the Atlantic. The learned Frenchman formed his principles of Government in conformity to the lights he possessed. Had he been an American, and now living, I would stake my life on it, he would have formed different principles. A collection of smaller states, united under one federal head, by a Constitution of Government similar to the one at present under consideration, is capable of a greater degree of real permanent liberty, than any combination of power I can form an idea of. The grand evil which all popular governments have hitherto labored under, is an inveterate tendency to faction. We are naturally inclined, without the aid of reason and experience, to suppose that in a free government every man should have a right to a personal vote on every measure. This is the rock on which all Democratic Governments have split. And, indeed, were we to admit this principle in the formation of a Republic, Mr. Montesquieu's maxim would be perfectly just; for it would be utterly "impracticable" for a people to exercise this right, who were not confined to a "small territory". But reason and experience have at length convinced us of the impropriety of the people themselves interfering, in any shape, in the administration of Government. The powers of Government must, of necessity, be delegated. It was the English who first discovered the secret, of which the ancients were totally ignorant, of Legislation by Representation. This is the hinge on which all Republican Governments have split. And, indeed, were we to admit this principle in the formation of a Republic, Mr. Montesquieu's maxim would be perfectly just; for it would be utterly "impracticable" for a people to exercise this right, who were not confined to a "small territory". But reason and experience have at length convinced us of the impropriety of the people themselves interfering, in any shape, in the administration of Government. The powers of Government must, of necessity, be delegated. It was the English who first discovered the secret, of which the ancients were totally ignorant, of Legislation by Representation. This is the hinge on which all Republican Governments must move. But we must proceed a step farther. It has also been discovered, that faction cannot be expelled ever from a Representative body, while possessed *singly* of the whole of the Legislative power. Hence two distinct Legislative bodies have been contrived, farther to check this turbulent spirit. But even this, too, has been found insufficient. To give, therefore, the last finish to this beautiful model of Republican
Government, it has been found necessary to place one more check, by giving the Executive and Judicial a revisory power. But, as prone is the spirit of man to party and faction, that even this admirable system will not prevent their mischievous effects, in a state possessing a "small territory". The next expedient, then, is to unite a number of these lesser communities under one Federal Head. The chain of dependence, thus lengthened, will give a permanency, confidence, and uniformity to a Federal Government, of which that of a single State is, in its nature, incapable. The gusts of passion, which faction is ever flowing up in "a small territory", lose their force before they reach the seat of Federal Government. Republics limited to a small territory, ever have been; and, from the nature of man, ever will be, liable to be torn to pieces by faction. When the citizens are confined within a narrow compass, as was the case of Sparta, Rome, etc., it is within the power of a factious demagogue to scatter sedition and discontent, instantaneously, thro' every part of the State.

Although this other 'federalist paper'--"Americanus No. I"--has, apparently, never yet been published as a source of explication for The Federalist, it is easy to see that it contains virtually all of the principal theses and ideas of The Federalist Nos. 10 and 14: namely, (1) that popular governments have an inveterate tendency to faction, (2) that democracy is the direct, personal form of popular government, (3) that republic is the representative form of the same, (4) that modern Europe discovered, respectively, antiquity was ignorant of legislation by representation, (5) that, at least qualitatively, it is representation which makes a republic to be what it is, (6) that, since representation alone will not be sufficient in guarding against the bad effects of faction, extension is also needed, etc.

6. THE GENUINE ORIGINALITY OF PUBLIUS' CONTRIBUTION TO THE DEBATE

If The Federalist Nos. 10 and 14 can be understood as having premises which forced Publius to the conclusion that there cannot have been any ancient republican forms of popular government, then No. 63 must be comprehended as an attempt to enable him to avoid this inference. It is not so easy to explain why Publius changed his position substantially on the possibility of the Classical republics of antiquity by removing one of the conditions for the impossibility of the same. After all, in the complete anti-federalist literature--prior to the appearance of The Federalist No. 63--there is only a single reference by someone to the fact that the Federalists' claim that representation was discovered by modernity, respectively, unknown to antiquity, should be questioned. Namely, in the "Essay by a Farmer, II", the author writes: "There is nothing solid or useful that is new--And I will venture to assert, that if every political institution is not fully explained by Aristotle, and other ancient writers, yet that, there is no new discovery in this the most important of all sciences, for ten centuries back. ... Our politicians of an hour, of an empire of a day, boast of government by representation, as a most important improvement; and whilst they discant on its excellencies they do not scruple to assert, that it was unknown to the ancients.--Some, indeed, have confined it to the British and their descendants..."
Government, by representatives, freely chosen by the body of the people, is as old as the history of mankind, and once formed the basis of every European government now existing; . . . The reasoning on this progress is not essential at this moment, but as to the antiquity of government by representation, example must be produced to expose an error as general as it is surprising. The anti-federalist author, probably John Francis Mercer of Maryland, was contradicting Federalists who, having read The Federalist No. 14, were habitually asserting—especially at the State ratifying conventions in late 1787 and early 1788—that representation was discovered by modernity but was unknown to antiquity. Although Mercer and Madison knew each other and even corresponded regularly, there is no evidence that it was 'a Farmer' who brought Publius to change his views on the presence, respectively, absence of representation in antiquity: For one thing, there is no letter from the former to the latter to that effect; for another, the "Essay by a Farmer, II" appeared on February 29, 1788—one day before and, therefore, much too late to have had any effect on the content of The Federalist No. 63, which was published on March 1, 1788. By the way, neither 'a Farmer' nor Publius was able to convince the Federalists of 'their' error. For the Federalists set a precedent for all later readers of The Federalist by quoting the straightforward distinction of No. 14 and ignoring the subtle distinction of No. 63. In the final analysis, therefore, it can only have been the systematic analysis of representation itself in The Federalist Nos. 52-66—besides his own intellectual curiosity and ethical integrity—which gave Publius the impulse 'to get it finally right' in No. 63, i.e., by saying that there was, as a matter of fact, representation in antiquity, thereby providing a necessary condition for the possibility that there were Classical as well as American republics.

Thus, contrary to that which is universally supposed to be, it is in No. 63 that Publius provides a presentation of the relationship between "republic" and "representation" which, at least when it is measured according to the standard of what 'one' was or others were saying in the context of The Federalist, is much more original and correct than the one given in Nos. 10 and 14. Therefore, by relying one-sidedly upon Nos. 10 and 14 while ignoring No. 63, 'the accepted interpretation' of The Federalist completely overlooks what Publius is doing differently from other political philosophers of his time.

7. PUBLIUS AND CICERO ON "REPUBLIC": THE BATTLE BETWEEN THE ANCIENTS AND THE MODERNS

Although it is important that, in the course of The Federalist, Publius re-defines the term "republic" in such a manner that, in No. 63—as opposed to that which is the case in Nos. 10 and 14—it can be applied to Classical as well as to American popular governments, it is equally significant that he never really succeeds in retrieving that sense or meaning of this expression which served as the foundation for the genuinely 'Classical' work on republicanism, namely, for Cicero's De re publica. What one finds there, is of course, a 'broad' sense of "res publica" such that the word is applicable to "regnum", "civitas optimatum" and "civitas popularis", i.e., to the 'good'—that means: 'secundum leges'—constituto in general, whether it be of "unus", "pauci" or "multi". In comparison, Madison has only a 'narrow' concept of republic: Working not out of the Classical framework, but rather out of that of the Enlightenment—where, e.g., Montesquieu juxtaposes "monarchy" and
"republic"91 and Hume does the same with "monarchy" and "popular government", "democracy" and "republic"92—he restricts the adjective "republican" to popular constitutions, not being able to bring himself to apply it to that which is monarchical or aristocratical. Thus, with his rather inadequate awareness of the fine points of the Classical republican tradition, "Publius" turns out to be quite a misnomer for the author of The Federalist who is from Virginia.

On the other hand, it is not as if there were no educated Americans in 1787-88 who orientated themselves on the Ciceroonian concept of 'republic'. On the contrary, there was John Adams who, in his controversial A Defence of the Constitutions of Government of the United States of America (1787-88),93 tried desperately, but in vain to make it evident to his countrymen that there can be "monarchical or regal republics" and "aristocratical republics" as well as "democratical republics".94 Long after "The Great Debate" had ended with a victory for the Federalists, Adams wrote—in connection with the publication of the definitive Madisonian edition of The Federalist by Jacob Gideon in 1818—the following in a letter to a friend: "The Federalist is a valuable work, and Mr. Madison's part in it as respectable as any other. But his distinction between a republic and a democracy cannot be justified. A democracy is as really a republic as an oak is a tree, or a temple a building. There are, in strictness of speech and in the soundest technical language, democratical ... republics ..."95 Yet, as he was in 1787-88, even today Adams is literally ridiculed for his 'broad', Ciceroonian concept of "republic" and his corresponding usage of the term by historians, political scientists and philosophers who are as little able to understand it as were most Americans of 1787-88—including Publius.96

8. CONCLUSION AND CONSEQUENCES FOR THE ARGUMENT OF THE FEDERALIST NO. 10: TWO DOGMAS OF REPUBLICANISM

Finally, the consequences of the modus explicandi which has been applied to The Federalist on the present approach have to be worked out in detail: Without the qualitative difference between "democracy" and "republic", i.e., representation, the quantitative distinction, i.e., extension, will alone hardly be adequate, so that the argument of The Federalist No. 10, namely, that for republics 'more' and 'bigger' mean 'better', will substantially lose its cogency. In other words, to guarantee the security of popular government against the evil effects of faction, a system of representation, a large number of citizens and a big country can be no practical substitutes for republican virtue. In the following remarks the aim is to show several points on which the apparently ineluctably logical argumentation of The Federalist No. 10 just might not, after all, be all that which one generally opines it to be. These remarks are divided into two groups, the first of which are expository and the second critical.

A. EXPOSITION

The first set of remarks retraces the principal theses of Publius in the expectation that, in doing so, his argument will be made more accessible to analysis (each one of the following statements 'corresponds' to one paragraph of The Federalist No. 10—each to each other in the order of their appearance):
The most valuable advantage of the Union under the Constitution will be its tendency to control the violence of faction, the 'summus malum' of popular governments. "By a faction" is meant "a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community", i.e., per definitionem something bad, respectively, evil for the political community. There are two methods of curing the diseases of faction: the first, by removing its causes; the second, by controlling its effects. Again, there are two methods of removing the causes of faction: the first, by eliminating liberty, which is essential to its existence; the second, by giving to every citizen the same opinions, interests and passions. The first 'cure' is worse than the disease, for liberty is essential to the existence not only of faction, but also of political life. The second expedient is impracticable, since from the fallibility of mens' reason, the influence of their self-love and the diversity of their faculties there follows a division of society into different interests, parties and factions—according to the possession of different kinds and degrees of property. Thus, the latent causes of faction are sown in the nature of man; the regulation of the various interfering interests forms the principle task of modern legislation, involving the spirit of party and faction in the necessary operations of government. No man is allowed to be a judge in his own cause, yet the same does not apply to legislators: In the latter case, the most powerful faction prevails, so that legislation will probably not only regard the rules of justice and the common good. Enlightened statesmen will not be able to adjust the clashing interests and render them subservient to the public good; for such statesmen will not always be at the helm, and even when they are, they will not be sufficiently persuasive. The inference is, then, that the causes of faction cannot be removed and, therefore, that relief is to be sought only in the means of controlling its effects. If a faction consists of a minority, then relief is supplied by the republican principle which enables the majority to defeat its sinister views by regular vote; on the other hand, if a faction consists of a majority, the popular form of government enables it to sacrifice both the common good and the rights of other citizens to its ruling opinion, interest or passion: So the object of enquiry is to secure the public good and private rights against the danger of a majority-faction and, at the same time, to preserve the spirit and form of popular government. This end is attainable by one of two means only: Either the existence of the same passion or interest in a majority at the same time must be prevented; or the majority, having such co-existent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. From this it may be concluded that "a pure democracy", by which is meant "a society consisting of a small number of citizens, who assemble and administer the government in person", can admit of no cure for the diseases of faction, for a common passion or interest will, almost always, affect a majority, communication results from the form of government itself, and there is no system of checks and balances. On the other hand, "a republic", by which is meant "a government in which the scheme of representation takes place", opens up a different prospect and promises the cure which is being sought. The two great points of difference between a democracy and a republic are firstly, the delegation of the government, in the latter, to a small number of citizens elected by the rest, and secondly, the greater number of citizens and sphere of country over which the latter
may be extended. The effect of the first difference is, on the one hand, to filter out the public views by passing them through the medium of a chosen body of wise, patriotic and just citizens who may happen to be less factious than the people themselves; on the other hand, the representative body might happen to be as factious as, or more so than, the citizen body; therefore, the question which results is whether small or large republics are more favorable to the election of proper guardians of the public weal. The answer is decided in favor of the latter by two considerations: In the first place, however small the republic may be, the representatives must be raised to a certain number—in order to guard against the cabals of a few, whereas, however large it may be, they must be limited to a certain number—in order to guard against the confusion of a multitude, whence it follows—the number of representatives in the two cases not being in proportion to that of the constituents, and being proportionally greatest in the small republic—that, if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option and, consequently, a greater probability of a fit choice. In the second place, since each representative is to be chosen by a greater number of citizens in the large than in the small republic, it is more likely that men of merit will be elected in the former than in the latter. Of course, there is a mean between the one extreme of too many electors per elected, and the other of too few—a mean which the Constitution meets. The other point of difference is the greater number of citizens and extent of territory which may be encompassed by republican than by democratic government, and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter: For the smaller the society is, the fewer—probably—will be the parties and interests comprising it, and the fewer these are, the more frequently will a majority be found of the same party, and the smaller the number of individuals comprising a majority and the smaller the compass within which they are placed, the more easily will they conspire to execute their plans; but the larger the society is, the more parties and interests there will be comprising it, and the more there are of these, the less frequently will a majority be found of the same party, and the greater the number of individuals comprising a majority and the greater the compass within which they are placed, the more difficult it will be for them to conspire against the common good and the rights of others—again, probably. Thus, the same advantage in controlling the effects of faction which a republic has over a democracy is enjoyed by a large over a small republic and by the Union over the States comprising it. A faction may fester in a State, but be cured by the Union. Therefore, in the extent and proper structure of the Union one finds a republican remedy for the diseases most incident to republican government.

Hopefully, this paraphrase of The Federalist No. 10 summarizes without falsification the essence of its argument. So here Publius is claiming (1) that the only genuinely good popular government is republican popular government and (2) that the only genuinely good republican popular government is federal republican popular government. That is, too, precisely the sense of 'the Federalist Imperative' as it gets expressed in the very last sentence of No. 10, the sense of which is as follows: 'To the extent that you are a Republican, you ought also to be a Federalist'. Since Publius could count on the fact that virtually all of his readers, i.e., the citizens of New York State were republicans, that which he formulates here is closer to 'a Categorical Imperative' than to 'a hypothetical one'.
B. CRITIQUE

By way of criticism, it is a good idea to restrict oneself to a few major points which have not been rendered any the more minor by virtue of the fact that they have traditionally been overlooked by interpreters of The Federalist No. 10: Firstly, the argument is supposed to represent Publius' profoundly philosophical explication of the 'guarantee' of a republican form of government by the Union to the States (Article IV, Section 4), the idea being that 'federalism guarantees republicanism'. Yet the explanation of this 'guarantee' is very unusual—to say the least: Indeed, a closer look at the relationship between the structure and the content of this Paper reveals a marked discrepancy between the two. For what Publius does, in effect, is to lead—à la Hume, from whom he, by the way, took over the main idea of the Number”—the reader by means of apparently rigorously logical associations of ideas to concluding inferences which provide nothing more than probable matters of fact. Thus, even if one were to grant Publius in full every assumption which he requires, one could never be certain that one would be 'better off' in a republic than in a democracy, or in a larger than in a smaller republic—it would only be 'probable' that it would be so. It is true that Publius does not intend to offer the reader any more than this, but that is not the usual way in which the word 'guarantee' is used in this context, and also not the way in which the argument of The Federalist No. 10 is understood.

Next, there are indications that Publius gets so pre-occupied with—indeed, fixated on—the problem of how to control a majority-faction, i.e., a majority comprising a faction, respectively, a majority consisting of a faction, that he completely overlooks the very real—and just as dangerous—possibility of a majority of factions, i.e., a situation in which, although no one faction and no one majority coincide, the majority of the citizens and representatives is nonetheless made up of a plurality of different factions. For the larger the large republic becomes and the greater number of citizens and extent of territory it encompasses, the less likely does it become that those citizens and that territory will be of a homogeneous composition, thereby increasing the acuteness of the problem of a majority of factions. From the instant he starts talking about how to control the effects of factions in the eleventh paragraph of No. 10, Publius brackets out—unjustifiably—the phenomenon of a plurality of minority-factions, mentioning only that a singular minority-faction raises no serious difficulties. Yet it is obvious that a majority-faction is to a majority of factions as Scylla is to Charybdis. So, in a way, Publius is just not addressing the concern of Montesquieu, Brutus (I) and Cato (III), who are most afraid of the fragmentation of private, individual 'goods' to the point where speech about 'the public, common good' becomes meaningless.

Moreover, throughout much of the substance of his argumentation, Publius provides the reader with little more than an exercise in 'abstraktes Denken', to wit, by arguing first on a general plane that extensive republics are better than small ones and then trying to apply the results to the particular situation of the States and the Union. But this mode of argumentation is no improvement at all over that of certain Anti-Federalists who argued that—again, 'in general'—there could be no such thing as a 'good' large, extensive republic. The fact is that
praxis is ultimately a matter of particulars: This means that it is not very purposeful to argue about whether large or small republics are better; rather, the question to which an answer has to be found is whether one would rather be a citizen of this small republic or of that large one. That is, too, why everything turns on how one grasps Publius's *ceteris paribus assumption*, i.e., "if the proportion of fit characters, be not less, in the large than in the small republic". Surely, the prudent man will choose to be a citizen of that republic in which the proportion of "fit characters" to total population is higher, and to be sure, regardless of whether it means living in the larger or in the smaller republic. Fortunately for Publius, it was quite impossible—for purely methodological reasons—for an Anti-Federalist of New York to 'prove', i.e., 'demonstrate' the 'fitness-assumption' to be not valid in favor of the smaller republic; on the other hand, it was just as impossible for a Federalist to show it to be valid in favor of the larger one. Therefore, in the final analysis Publius's argument requires the reader to assume something in general which neither the one nor the other could have even begun to verify, respectively, falsify in particular.

Finally, what is somewhat surprising is the relative importance which Publius attaches in No. 10 to quantitative considerations over qualitative ones: Obviously, he lets the former have the primacy over the latter. Although—as one knows from other sources—Madison was of the opinion that virtue is a necessary condition for a good republic, it is easy to get the impression from The Federalist No. 10 that Publius would consider a system of representation, a large number of citizens and a great extent of territory to be visible substitutes for republican virtue. In a certain sense, Publius does—just as many in his 'enlightened' time did—think of structures like representation and extension as 'invisible hands' serving to derive public virtue from private vice. Yet the difficulty with 'the invisible hand'—any—is that one never really knows whether it is invisible because it seems not to be, but is there, or because it seems not to be, and is not there.

In any case, The Federalist No. 10 and Publius—having already been "revisited" once—need to be 're-revisited', perhaps even perennially.

ENDNOTES


4 See, e.g., Noah Webster, "Review of The Federalist", in *The American Magazine* (March 1788), 260 ff., (June 1788), 506-7, etc. Similar re-
marks can be found by Washington, Jefferson, John Quincy Adams, de Tocqueville and virtually all modern editors of *The Federalist*.


6 See *The Federalist* Nos. 10 and 14.

7 Thus, the principal theme of investigation in that which follows is more Publius' republicanism than his federalism.

8 Structurally, the approach here is similar to that in Diamond, "The Federalist 1787–1788", 634; contentually, this is not the case.

9 There are three basic manners of speech with respect to the author(s) of *The Federalist*: (1) to emphasize that it is a matter of three different authors—see, e.g., Douglass Adair, *Fame and the Founding Fathers* (Bethlehem, PA: 1967), almost passim; (2) to accentuate 'the unity of Publius'—see, e.g., Diamond, "The Federalist 1787–1788", "Democracy and the Federalist: . . . "; etc.; and (3) the mean between the extreme 'trinitarian' and the extreme 'unitarian' mode—as followed in the present essay. To this end, the new convention is here introduced that Hamilton's pseudonym is rendered as 'PubliusH', Madison's as 'PubliusH' and Jay's as 'PubliusJ'. Thus, while there are three 'persons' in "Publius", the deeper question is whether there is, for purposes of political philosophy, one 'substance'.

10 See *The Federalist* No. 1 (in general, the quotation of the Number is sufficient; the critical edition by Cooke is not very widespread among readers anyway, most using the one by Clinton Rossiter (New York: NY 1961)). The passage quoted represents 'the table of contents' to *The Federalist*. In No. 85, Hamilton repeats it.

11 See the Constitution, Article VI.

12 See, in particular, *The Federalist* No. 43.

13 If one were to summarize the fundamental message of *The Federalist* No. 10, which is generally accepted to be the single most important Paper, then this formulation just might be able to do it.
Cf. The Federalist No. 10, 65, lines 9-14.


See the Constitution, Preamble.

Cf. Willi Paul Adams, Republikanische Verfassung und bürgersche Freiheit. Die Verfassungen und politischen Ideen der amerikanischen Revolution (Darmstadt/Neuwied: 1973), 108 (cf. idem, The First American Constitutions. Republican Ideology and the Making of the State Constitutions in the Revolutionary Era, trans. Rita and Robert Kimber (Chapel Hill, NC: 1980), 115). No one else seems to have explicitly stated the importance of this distinction for the argument in The Federalist No. 10. Of course, neither Adams nor the author of the present treatise can be understood to be implying that, if the distinction between "democracy" and "republic"--or a revised and corrected version thereof--could be shown to be valid, then the argument would have been shown to be sound. After all, the validity of some such distinction is only a necessary, but not a sufficient condition for the soundness of this argument.

On the contrary, everyone defends it. See, e.g., Diamond, "The Federalist 1787-1788", 636 ff.; Adrienne Koch, "Introduction", in Notes of Debates in the Federal Convention of 1787 reported by James Madison, ed. Adrienne Koch (Athens, OH: 1966), XIX-XX; Catharina von Oppen-Rundstedt, Die Interpretation der amerikanischen Verfassung im FEDERALIST (Bonn: 1970), 50-2; Adams, op. cit., 108: Storing, What the Anti-Federalists were FOR, 90, fn. 19; etc. Here the editors of The Federalist, too, are included, i.e., insofar as they say something at all about the distinction: See, e.g., Benjamin Fletcher Wright, ed., The Federalist (Cambridge, MA: 1961), 49.

See, above all, Charles A. Beard, An Economic Interpretation of the Constitution of the United States (1913) (New York, NY: 1986), 154, 161, 189-216, passim, etc. See, too, Vernon L. Parrington, Main Currents in American Thought. An Interpretation of American Literature from the Beginnings to 1920 (New York, NY: 1927), e.g., 287. Some editors of The Federalist read the text this way, too, e.g., Edward Mead Earle, ed., The Federalist (New York, NY: sine dato), V, XVI, XVII, etc.


This is especially true of Beard.

This is especially true of Diamond, at least with respect to the two articles cited.

It is about time, by the way, that this distinction--of which Publius himself was so fond (cf. especially Nos. 78-83, but also No. 44)--got applied to The Federalist itself. In fact, just to formulate the task of understanding this text in this manner is to reveal it to be that which it has always been, namely, a 'hermeneutical' problem.
See, too, *The Federalist* No. 9, 51, where Hamilton seems to want to avoid giving an accurate answer to the question about representation in antiquity.

See *The Federalist*, No. 14, 84-5.

See *The Federalist*, 32.

See *The Federalist*, 251-2.

See *The Federalist*, 426-5. One of the main purposes of the analyses contained in the present essay is to show—for the very first time—not only that No. 63 deserves, in a certain sense, at least as much attention as Nos. 10 and 14, but also that it, again in a certain sense, is worthy of more.

See *The Federalist*, 250-2.

It will surprise the reader to hear that this is the very first time that these questions are being asked: The 'usual' procedure when studying *The Federalist* is to treat of "republicanism" and "representation" as if they had little, or nothing to do with one another. A good example of this is Epstein's *The Political Theory of "The Federalist* (cf. 92 ff., 118 ff., etc.)—which does not mean that it is not, in many other respects, a good book.

the Federal Convention of 1787 (in volume 10) nor those at the Virginia Convention of 1788 (in volume 11) should be ignored.


33 Here is where that which has to be called 'the split-personality thesis' comes into play: Simply put, it is the opinion that "Publius" says substantially different things on the same points, depending upon whether he is Hamilton or Madison. See John Quincy Adams, *An Eulogy on the Life and Character of James Madison* (Boston: 1836), 31-2; Adair, "The Authorship of the Disputed Federalist Papers", in *Fame and the Founding Fathers*, 55; Alpheus T. Mason, "The Federalist—A Split Personality", in *American Historical Review*, vol. LVII, no. 3 (April 1952), 625-43; idem and R. H. Leach, *In Quest of Freedom* (Englewood Cliffs, NJ: 1959), 162, etc. For another view see, e.g., Diamond, "The Federalist's View of Federalism", in *Essays in Federalism*, ed. George C.S. Benson (Claremont, CA: 1961), 34; George W. Carey, "Publius—A Split Personality?", in *The Review of Politics*, vol. 46, no. 1 (January 1984), 5-22; etc. The present essay questions the validity of 'the split-personality' view of Publius by showing that, although there is a substantial difference between what Madison says on a major point in No. 14 and in No. 63, it would never occur to anyone to claim that the latter is suffering from such a personality.

34 In other words, an answer to the question has to be found: What does it mean to read *The Federalist* No. 10 without the distinction upon which the whole argument depends? Again, see endnote #17.

35 It might not be an exaggeration to say that Beard as well as Adair take it to be this: See Beard, *An Economic Interpretation of the Constitution of the United States*, 14 ff. and Adair, "The Tenth Federalist Revisited", passim.

36 In twenty-nine Papers, Madison uses the word "virtue(s)" only four times: in No. 49 (340, l. 34), No. 53 (360, l. 4), No. 55 (378, l. 13) and No. 57 (384, l. 13). On the concept of 'political virtue' in the Enlightenment, see Montesquieu, *L'esprit des lois*, Bk. III, Ch. V; IV, V; V, II; etc.

37 Again, see *The Federalist* Nos. 10 and 14, on the one hand, and No. 63, on the other.

38 Thus, those who defend the original distinction and ignore the ultimate one miss Publius' point.

39 This is true both of Beard's and of Diamond's reading of *The Federalist*. 


In this respect, Publius is more an Aristotelian than a Platonist. Cf. The Federalist No. 49 (340, l. 23-8) and No. 55 (374, l. 19-21).

Cf., e.g., Aristotle, Rhetoric, in particular Bk. I, Ch. VIII. Thus, it is no accident that there is a discussion of constitutions in this work; on the contrary.

See, especially, The Federalist Nos. 1 and 85, passim.

Compare Hamilton's No. 31 with Madison's No. 37.

See The Papers of James Madison, Vol. 11, 353. The letter is dated "18.11.1788".


That which follows is, of course, anything but a repetition of the data contained in the Concordance: For one thing, there the data are given alphabetically—which provides no continuity with respect to the user's need to follow "democracy" and "republic" together through The Federalist; here, the data are provided from No. 1 to No. 85. For another, the Concordance gives no dates for usages; here, these have been provided (the importance of dating will become clear in the course of this essay). Moreover, the slices of text in the Concordance were done—apparently—by computer, the result being that there are countless cases where the line given furnishes the user with no pregnant sense; here, wherever possible, entries were formulated in such a way that the essence of the context could best show itself. Again, the Concordance misses, e.g., the important locus in The Federalist No. 14 where "popular" was added in the book editions (84, l. 22) (see Cooke, apparatus criticus, 615, n. 2); here, the list does not count this occurrence, but the reader is, now at least, aware of it. Etc.

Of course, Jefferson might also be understood as meaning Madison when he writes "the third", and Hamilton by "a second" (hand). But, in that case, he is a priori affirming the thesis which has been defended in this quantitative analysis.

See The Federalist No. 55 (374, l. 5-7). Cf., however, No. 85 (594, l. 1-4).

In the following analyses, all quotations—unless otherwise noted—are taken from that Number of The Federalist in connection with which they occur in the text.

See The Federalist No. 9, 52, l. 8-10 and ibid., 53, l. 12-13.
54 See L'esprit des lois, Bk. VIII, Ch. XVI.

55 Cf. "Essays of Brutus, I" (18.10.1787), in Storing, The Complete Anti-Federalist, Vol. 2, 368; "Letters of Cato, III" (25.10.1787); etc. The reader should also consult Storing, What the Anti-Federalists were FOR (= The Complete Anti-Federalist, Vol. 1), 15-23 ("The Small Republic"). Finally, see Aristotle, Politics, VII, IV-V.

56 Cf. L'esprit des lois, Bk. IX, Ch. I-III.

57 See The Federalist No. 9 (55, l. 19-21).

58 It is, however, not quoted in The Federalist. See Cicero, De legibus, trans. Konrat Ziegler (Berlin: 1984), III, 3, 8, l. 6 (302).

59 Especially Mason, in "The Federalist--A Split-Personality", shows--more nolens than volens--that 'the split-personality thesis' can hold up only as a general one. To particularize it means to give it up.

60 The single person most responsible for this perception of the relative importance of No. 10 is Beard; indeed, he claims to be basing the principle thesis of his book, An Economic Interpretation of the Constitution of the United States, on it. See ibid., 14 ff., 152 ff., etc.

61 Cf. Cooke, "Introduction", in The Federalist, XX-XXI; etc.

62 Cf. Adair, "The Authorship of the Disputed Federalist Papers", passim and Mosteller and Wallace, Applied Bayesian and Classical Inference: The Case of "The Federalist Papers", 263-7. It is especially impressive that scholars working with such different methods have obtained the same results.

63 That is what the editors of The FEDERALIST Concordance assert (XIII). When they do so, they do not only mean Locke, etc.

64 See Politeia, Bk. VIII, 555b ff.

65 See Politikos, 291E-292A.

66 See Nicomachean Ethics, Bk. VIII, Ch. X (12).

67 See, e.g., Politics, III, 7. Not to be forgotten is Rhetoric, I, 8.

68 Apparently he did so in his Politica pros tous kairous. Cf. Paulys Realencyclopaedie der classischen Altertumswissenschaft, ed. Georg Wissowa (Stuttgart: 1940), Supplementary Vol. VII, cols. 1517-19. Even many experts, unaware of this investigation, take Polybios to be the one who coined the terminus technicus "ochlokratia".


70 The Classical Latin "factic" is broad enough to be applied to bad popular government, although Cicero himself usually employs "factio" to designate bad government of the few and "turba", "confusio", etc. for bad popular government. Cf., e.g., De re publica, I, 69 (XLV).
See Du contrat social, Bk. III, Ch. IV–VI and X.


See, e.g., Madison, Notes of Debates in the Federal Convention of 1787, 39–40 (the speeches of Gerry and Mason on 31.5.1787). See, again, Notes, 75–7 (the speech of Madison on 6.6.1787) and The Federalist No. 10 (61, l. 1–8 and 65, l. 9–14): That is, at the Convention even Madison himself, like others, seems to have used "democracy" and "republic" synonymously, not, however, as Publius in Nos. 10 and 14. Cf. Adams, Republikanische Verfassung und burgerliche Freiheit, 92–110 ("Republik und Demokratie in der politischen Rhetorik"). This chapter takes up where the article just cited leaves off.

The first one to raise the issue of "No taxation without representation." was James Otis, in "The Rights of the British Colonies asserted and proved" (1764), in Bernard Bailyn, ed., Pamphlets of the American Revolution 1750–1776 (Cambridge, MA: 1965), Vol. I, 408–82.

Cf. the first part thereof, ". . . With Concise Remarks on the English Constitution". Here Paine tries to refute the view of Montesquieu that the English Constitution, being a system of 'checks and balances', actualizes the liberty of its subjects (cf. L'esprit des lois, Bk. XI, Ch. VI--"De la constitution d'Angleterre").


See again idem, ibid., 363–72.

See ibid., 369. Because Cooke tells the readers of the critical edition of The Federalist that, in No. 9, Publius is reacting--only--to Cato No. III (see Cooke, apparatus criticus, 612, n. 6), it has never been noticed that, in No. 10, Publius probably took his definitions from Brutus No. I.

Cf., e.g., even Kant, Zum ewigen Frieden. Ein philosophischer Entwurf aus dem Jahre 1795 (Berlin: 1985), 26–9.

See Bk. XI, Ch. VIII. Cf. XI, VI.


See Bk. III, Ch. XV.

See # 219.

See Vol. XIV, 150.

86 In his list of "The 'Other' Federalist Papers" Storing gives (242) only an entry for an "Americanus" who published in the *Virginia Independent Chronicle* on the 5.12.1787 and the 19.12.1787. Clearly, these are 'non-pregnant' sources for the interpretation of The Federalist Nos. 10 and 14.

87 See Storing, *The Complete Anti-Federalist*, Vol. 5, 17-18. In an earlier context Madison identified that which was to become the problem of The Federalist too: "The great difficulty lies in the affair of representation; and if this could be adjusted, all others would be surmountable". See his speech of 19.6.1787 in *Notes of Debates in the Federal Convention of 1787*, 147.


90 See, e.g., Bk. I, passim. In this sense, "res publica" corresponds, in a way, to the sense of "politeia" as the counter-concept to "parekbasis" in Aristotle's *Politics*, III, 7: Thus, there are royal, aristocratical, respectively, 'optimate' and democrahical, respectively, 'popular' republics. A necessary condition for denominating any "order" of government as "political" or "republican" is that the laws rule (see Aristotle, *Politics*, IV, 4 (especially 1292a 32) and Cicero, *De re publica*, Bk. III, passim). Because Publius construes this as a sufficient condition, he has no difficulty labelling "the Classical concept of a republic"—or what he takes for it—as a theoretical dream (or nightmare): See The Federalist No. 28, first paragraph.

91 See *L'esprit des lois*, Bk. II, passim. Montesquieu distinguishes three species of government, namely, republican, monarchical and despotic. Further, he differentiates republics into democrahical and aristocratical. Of course, because of the occasionality of the expressions "democracy" and "republic" in America between 1763 and 1787-88, the last thing that Madison would have wanted to do would be to talk about 'a democratic republic'.


94 See, e.g., Vol. I, 8 ff., 35 ff. and 70 ff. Of course, for Adams there were also "ancient republics" (ibid., 97 ff.).
See The Works of John Adams, Vol. X, 378 (letter to J.H. Tiffany, 31.3.1819). Cf. ibid., 378 (letter to J.H. Tiffany, 30.4.1819). From the remarks at the end of the latter letter, it is obvious that Adams considers his Defence to have been underestimated and Madison's The Federalist to have been overestimated in 1787-88 (see ibid., 379).


This is one of the few--but nonetheless important--misunderstandings in Adair, op. cit., 97.

See again the key quote from Montesquieu, L'esprit des lois, Bk. VIII, Ch. XVI.

See, once again, the many references to The Complete Anti-Federalist which are provided by Storing in Volume 1 thereof (15-23 and 83-6).

See, e.g., The Federalist No. 55 (378, l. 8 and 13). Thus, one interpreter goes much too far when he asserts that, of all of the occurrences of the expression "virtue" in The Federalist, "none of these references... can be construed to mean that virtue is a necessary or even a desirable characteristic of modern republics" (see Edward J. Erler, "The Problem of the public Good in The Federalist", in Polity, vol. XIII, no. 4 (Summer 1981), 649-67, 654, fn. 9). Again, see Madison's speech on the judicial powers of the national government on 20.6.1788 at the Virginia Convention: "... But I go on this great republican principle, that the people will have virtue... to select men of virtue... Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks--no form of government can render us secure. To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea...". (See The Papers of James Madison, Vol. 11, 163.)

See again Adair, "The Tenth Federalist Revisited". It has been overlooked--even by scholars like Adair--that both Hamilton and Madison were much more sceptical with respect to 'the probability' that the Union would succeed under the Constitution than Publius seems to be in The Federalist, especially in No. 10. In fact, Hamilton rejected the line of argumentation in this Paper long before it ever appeared: See The Papers of James Madison, Vol. 10, 34, fn. 2 (commentary on and criticism of a Madison speech on 6.6.1787). And towards the very end of the Convention Madison wrote to Jefferson that the Constitution would not work: See The Papers of James Madison, Vol. 10, 163-4 ("To Thomas Jefferson")
6.9.1787); cf. 205-20, especially 210 ("To Thomas Jefferson", 24.10.1787). It is very interesting that part of the latter letter became, shortly thereafter, part of The Federalist No. 10.