Polis and Participation: Jefferson Had it Right

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The United States of America was established as a large federal republic of states, each sovereign as well as subject. The citizens residing therein are assured representation by way of a filtering system that allows for the most virtuous citizens to be elected to positions of authority. However, this Constitution was not the only option. The opponents of the Federalist Constitution proposed instead a system of small republics, each one subject to its inhabitants through a system of participatory democracy yet still held under the umbrella of a general government charged primarily with matters of security and international relations. This paper is an exploration of what could have been had the Constitutional Convention gone the way of the Anti-Federalists. The citizens of this country could have had a system that truly gave them a voice and a place to use it. The United States of America would have looked much different, dare I say “better,” than it does today had we only listened to Jefferson.

The Constitution of the United States was written with the end of providing political freedom and an institution of republican self-government for all. On the eve of the Constitutional Convention, under the pseudonym of “Publius,” Alexander Hamilton, James Madison and John Jay inaugurated a set of papers geared toward securing republicanism for the country and persuading the states to ratify the Federalist Constitution. Their papers spurred a debate between the supporters of large scale, representative democracy, the Federalists, and the supporters of small scale, participatory democracy, the Anti-Federalists.
Ultimately the Federalists won out, the Constitution was ratified, and representative democracy became the method of governance under which the citizens of the United States would remain. But, who is to say that the Federalists got it right? Does the Federalist Constitution provide and preserve political freedom and self-government for the citizens of the United States? This paper will argue that Hamilton and his brood got it wrong and that, in fact, the Anti-Federalists’ polis-type participatory democracy would have been the best method with which to preserve, for the citizens of the United States of America, political freedom and self-governance.

The Federalists initiated a constitution that would become the center of the ideology governing the United States of America for centuries to come. The principle argument in the debate over acceptance of this document was whether a large or small territory would be most conducive to preserving liberty and political freedom for the citizens of the colonies. The Federalists were primarily concerned with creating a representative body that would keep in mind the best interests of the nation as a whole. They felt that representation should serve as a filter; a way to “…refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom [would] best discern the true interest of their country…”1 They believed that screening the masses for the most able men would result in a body of representation more qualified to make decisions impacting the good of the whole. The proponents of the Federalist Constitution did not trust the average citizen with the administration of any part of the Union. They felt that the lower, debtor classes did not have the wherewithal to decide for themselves what was best for their own country. A large republic, then, would “…present a greater option, and consequently a greater probability of a fit choice”2 which, in turn,

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2 Ibid., 127
would be “...more consonant to the public good than if pronounced by the people themselves...”

Additionally, The Federalists felt that a large territory would guard against factions and, in turn, against majority tyranny by keeping dominant groups of citizens from gaining control of government. The Federalists pointed to disparities in the distribution of property as the most influential factor contributing to the potential development of factions. They attributed this discrepancy in wealth-holding to the difference in aptitudes existing among people. According to the Federalist argument, some people have the knowledge and ability to accumulate wealth and power and some do not. John Madison stated that there were two ways of dealing with the potential for factions and majority tyranny: the first by removing its causes, the second by controlling its effects. Neither of these options is viable. He claimed that to remove this disparity between social classes would be to remove liberty itself and was therefore not an option. Furthermore, the homogenization of society is as impracticable as it is criminal. His solution was to mitigate the effects of factions through the implementation of representative democracy. *Federalist Nine* and *Federalist Ten* state that in order to guard against “...factious leaders...” and keep their “...wicked [and] improper project[s]...” from “...pervading the whole body of the Union,” a system for filtering representation must be in place. By preventing the implementation of these “wicked and improper projects” his intention was to keep the middle and lower classes from robbing the Union of its Lockean values. It seems, then, that with this system of checks and balances, the Federalists’ plan was to keep elite, propertied citizens in power and non-propertied and debtor classes from gaining any direct representation in government. Sadly, the Federalists got their wish. The social realm of the United States is dominated by the lower and middle

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3 Ibid., 126  
4 Ibid., 123  
5 Ibid., 128  
6 Ibid.
classes, yet the political realm is dominated by an elite class. How does this provide adequate representation for all citizens and address the issues facing the middle and lower classes that make up the greatest portion of the country? It does not. Essentially, the Federalist Constitution removed governmental control from the hands of the general citizen and placed it in the hands of elites where, one could argue, it still resides today.

In direct opposition, the Anti-Federalists felt that the power in preserving political freedom and self-government belonged to a conglomeration of small republics in the *polis* tradition. Their primary concern was ensuring that the act of governance came directly from the citizens of each territory such that each person, through direct participation, would truly be represented in government.\(^7\)

Central to the Anti-Federalists’ argument is the idea that the earth should always belong to the living.\(^8\) Government should always be suggestive of the time and place over which it presides and the citizens over which it governs. “Each generation is as independent as the one preceding, as that was as all which have gone before. It has then, like them, a right to choose for itself the form of government it believes most promotive of its own happiness…”\(^9\) The Anti-Federalists felt it was inappropriate to subject all generations to a system put in place by a particular constituency for a distinct moment in time and that “…the opportunity of [re-constitution] every nineteen or twenty years, should be provided by the constitution…”\(^10\) Jefferson felt that as society progresses so should the laws which govern it.\(^11\) One could certainly not expect that the current generation of United States citizens, would be amenable to the torturous methods of

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9 Ibid.  
10 Ibid.  
11 Ibid., 215.
punishment common in the eighteenth-century or that we would sanction the power of a modern-day “Vlad the Impaler” to hold dominion over us. The same applies to the document that provides the foundation of our country. Why should we, contemporary U.S. citizens, be forced to live by laws that are relevant to the colonies of 1776? Those who are bound to live according to a contract should have some part in the creation of it. After all, “the dead have no rights…[w]here there is no substance, there can be no accident.”

The Anti-Federalists also felt that government should be purely representative of its constituents, that is to say, it should mirror its population rather than filter it in pursuit of the most virtuous members. They felt that representative government should be wholly representative of its constituency. A true representative body should hold the same values, opinions, and interests as its citizens would were they amassed in a body themselves. Furthermore, the representative bodies should be dominated by the middle classes as they possess an “…acquaintance with the common concerns and occupations of the people…” and are less prone to the “…passion[s] of the rich…” This would ensure that citizens from all walks of life would have the opportunity to participate in government, not just the most “virtuous” citizens that would emerge under the Federalists filtering system.

Through the opportunity for real participation in both the design of their governing Constitution and in the mirrored representation system that the small republic system would provide, citizens would come to believe in and trust their government and its laws. Each member of a given republic would feel a sense of ownership in government such that it would become self-enforcing “…where the benefits of the government induce the people to support it voluntarily…”

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12 Ibid., 216, derived from Aristotelian thought.
13 Storing 1985, 39.
14 Ibid., 340.
15 Ibid., 345.
16 Ibid., 40.
investment and trust in government, stability and political freedom would be sustained for posterity.

Ultimately, with the exception of their concession to include the *Bill of Rights*, the Federalists won the debate and the United States of America was constituted as a confederation of states with a great deal of control resting in their sovereign governments while simultaneously being subject to the supreme jurisdiction of the federal government. The question is whether the Federalist Constitution is the best means by which to provide political freedom and self-government to the people who inhabit these United States. I'm not convinced that it is.

According to Aristotle, the condition of human life is to be a “political animal.” Humans are plural beings. In accordance with this Aristotelian conception of humanity, Hannah Arendt affirmed that plurality is the condition that defines each human as him or herself. “In acting and speaking, men show who they are, reveal actively their unique personal identities and thus make their appearance in the human world.” It is through the interaction with others that we, as plural beings, are truly able to disclose our substance as “human.” Political participation and the act of self-governing are, in essence, the manifestation of human plurality in the public realm. Human beings need a place where they can come together for the purpose of demonstrating their plurality through speech and action. In terms of self-governance, each human being has unique ideas concerning the public realm and should be given the opportunity to voice his or her opinions. By all rights, “…the people should make the laws by which they [are] to be governed…”

Currently in the United States, participation in the public realm is largely limited to party caucuses, local political organizations and suffrage. The problem with these forms of

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17 Ibid., 40-41, 213.
political action is that they do not seem to inspire participation among the citizenry. The vast majority of United States citizens are consistently apathetic toward political participation in the available forms. Why? Perhaps because representative democracy does not provide a grand enough forum for speech and action. It merely provides us with the opportunity to choose someone who can speak and act for us. Virtually the only means of political participation available to citizens of the United States comes in the form of casting a singular, solitary vote. Where does this leave the citizen in terms of exercising his or her human capacities of speech and action? Behind the impermeable curtain of the voting booth.

A system of small republics, as the Anti-Federalists proposed, would be most beneficial in this situation. A *polis*-type system would provide citizens with a venue where discussions could be waged over the issues relevant to their republic. Together, they could then devise a system of laws that would provide the most benefit to each individual community member as well as to the community as a whole. This system would also provide the opportunity to discuss the possibility, necessity, and practicality of re-constitution on a more frequent basis, the very thought of which is ludicrous in a territory the size of the current United States. Additionally, the small republic system would attest to the true interests of all classes rather than simply installing a group of elite citizens at its distant helm.

It is important to recognize that while the current system falls short in its ability to provide, for the majority of the citizens of the United States, an opportunity to participate fully in their own government, it is fairly effective in governing the country as a whole. It is from this example that the Constitution-makers should have taken a lesson from Thomas Jefferson. In his *Letter to Samuel Kercheval* of 12 July, 1816, he spoke of a system of participation that would indeed provide a democratic life for all U.S. citizens. Jefferson proposed a system of “wards” to be implemented on a geographical basis throughout the states. These wards would each be self-governing with respect to matters of “…patrol, school, the care of their own poor, their
own...roads... jurors...court... and votes for all elective officers of higher sphere...”21 Jefferson’s wards would, in essence, provide for those citizens who reside within each, a place to exercise their human plurality via self-governance.

Unfortunately, the debate between the Federalists and Anti-Federalists ended with the ratification of the Federalists’ Constitution. Thus, the citizens of the United States were rendered unto a system of representative government that robs them of their political freedom and leaves them alienated from their “substance” as human beings. When the states rejected the Anti-Federalists’ amendments they also rejected all hope of providing true self-governance and political freedom for the citizens of the United States of America.

Bibliography
