IS DEMOCRACY DOOMED?

Edited by Austin Sarat

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IS DEMOCRACY DOOMED?

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SOCIETY VOLUME 91

Special Issue

IS DEMOCRACY DOOMED?

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United Kingdom – North America – Japan
India – Malaysia – China

Emerald Publishing Limited
Emerald Publishing, Floor 5, Northspring, 21-23 Wellington Street, Leeds LS1 4DL.

First edition 2026

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British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

ISBN: 978-1-80686-446-1 (Print)
ISBN: 978-1-80686-445-4 (Online)
ISBN: 978-1-80686-447-8 (Epub)

ISSN: 1059-4337 (Series)



INVESTOR IN PEOPLE

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CHAPTER 1

AMERICAN DEMOCRACY MAY BE DOOMED: IT'S A GOOD THING WE HAVE A REPUBLIC

Beau Breslin and Ashley Wilkerson

Skidmore College, USA

ABSTRACT

In this chapter, the authors highlight three celebrated phrases that have had outsized importance in the evolution of America as a republic – the system of popular rule the Founding generation preferred and the political system still in place today – to the current sentiment that the nation is more of a democracy. These passages have contributed to a broadening of the conception of citizenship. They have been leveraged by civil rights leaders and social justice advocates over the past two centuries to fundamentally, and permanently, rebrand the American polity in a different image.

Keywords: Democracy; republic; constitution; founding; evolving meaning

INTRODUCTION

To pronounce America's democracy "doomed" is to forget that the architects of the polity actually scorned democracy. James Madison, Alexander Hamilton, John Adams, George Washington, Gouverneur Morris, James Wilson, even the proto-populist Thomas Jefferson, feared the collective power of the masses.[1] They distrusted the wisdom, instincts, and passions of an uninformed and unsophisticated

Is Democracy Doomed?
Studies in Law, Politics, and Society, Volume 91, 1–15
Copyright © 2026 by Beau Breslin and Ashley Wilkerson
Published under exclusive licence by Emerald Publishing Limited
ISSN: 1059-4337/doi:10.1108/S1059-433720260000091001

populace. They invented complicated structures, including separation of powers and checks and balances, to combat the possibility that democracy – government by the many – would find favor with a scarred and wary populace. They preferred mixed constitutionalism, with some democratic features balanced against aristocratic ones. John Adams even commenced a row with Thomas Paine on this very topic. Paine urged colonists to adopt single-chamber legislatures, democratically elected by the people, and give them absolute power. Adams responded by insisting such a plan is "so democratical, without any restraint or even an Attempt at any Equilibrium or Counterpoise that it must produce confusion and every Evil Work."[2] Democratic institutions (like lower houses of the state and federal governments) must be inhibited, he thought, by non-democratic institutions.

Even with all the evidence pointing toward America as a republic, we now recall the Founding Fathers more as disciples of democracy. Remarkably, we've convinced ourselves that they invented a novel political form made up primarily of democratic features. Consent of the governed, a phrase used powerfully against one of the most famous tyrannies of the modern era, emphasizes democratic elements over aristocratic, or at least that's what we keep telling ourselves. Indeed, the truth about our Founders' opinions on democracy, and contrastingly on republicanism, has given way to myth.

The American Revolution was fought to achieve a fresh and distinct variety of political self-determination and, yes, even an Enlightenment-style liberty captured so lyrically in the words of the Declaration of Independence.[3] But no blood was shed for democracy, no military battle waged to defend universal political participation. America is a republic. It has never been a democracy.[4]

Such was evident immediately following the signing of the Constitution. The date was September 17, 1787. Benjamin Franklin emerged from the Pennsylvania Statehouse – now Philadelphia's Independence Hall – after four grueling months debating the design of a new constitutional text, and he was met at the door by a recognizable, and welcomed, figure. Elizabeth Willing Powel was familiar to Franklin. A Philadelphia socialite, Powel, had frequently mingled that summer with the likes of America's founding brothers. Madison, Hamilton, Morris, Washington, Franklin, and so many others were comfortable in her presence, and she in theirs. But that day Powel had an incisive, pointed question for the famous Philadelphian: "Well, Doctor," she inquired, "what have we got? A Republic or a Monarchy?" Franklin's legendary repose? "A Republic…if you can keep it."[5]

Neither Powel nor Franklin mentioned democracy as an option. That's because it wasn't. As the eminent historian Joseph Ellis remarked, "[t]hroughout the Founding era, the term democracy remained an epithet, used to tar an opponent with the charge of demagogy or popular pandering" (Ellis, 2007). Alexander Hamilton was even more blunt. In a characteristic display of Hamiltonian flair, he penned a letter to Theodore Sedgwick mere hours before he would face Aaron Burr in the duel that would end his life. This correspondence – his last – was deeply critical of democracy. "I will here express but one sentiment," Hamilton pronounced,

> that Dismemberment of our Empire will be a clear sacrifice of great positive advantages, without any counterballancing (sic) good; administering no relief to our real Disease; which is Democracy, the poison of which by a subdivision will only be the more concentrated in each part, and consequently the more virulent.[6]

His sentiments to Sedgwick were an echo of his battle in the Constitutional Convention, where he proposed a radically consolidated national government, the de facto abolition of state governments, and lifetime appointments for the President and Senators, all in the name of curbing the "violence and turbulence of democratic government."

The debates during the early republic were not about democracy. They weren't even about popular sovereignty per se. They were more about the distribution of political power among the federal and state governments and, eventually, about the role of political parties in affecting elections and policy. They were about trade and commerce, and about slavery. They were about "the cause" and the threats from foreign powers. They were about fair and equitable representation. But they weren't about democracy. Antifederalists like Patrick Henry "smelt a rat" when contemplating what was going on behind closed doors in Philadelphia, but even he, and they, were skeptical of too much power in the masses.

A number of factors contributed to the Founding generation's distrust of government by the many. To begin, the late 18th-century is often characterized as a time of unique virtue. Many political leaders believed that honorable character would prevail and, as such, a republic – an expanded republic, in truth – was conceivable. Republics depend on the virtue, honor, and selflessness of a people. One had to embody a modicum of faith in an assembly of representatives, far off in the nation's capital, in order to subscribe to a republican style of government. Sticking to the day's conventions, conducting oneself in an ethical and predictable fashion, and maintaining a degree of political decorum were the balustrades of the founding period.

Today, self-interest dominates the political scene. We are told to look out for ourselves and that our representatives are largely in it for their selfish interests. In political circles, private money translates into access and power. Elon Musk can underwrite the Trump presidential campaign to the tune of $285 million and he is rewarded with a place at the table, even if that place contravenes typical Beltway customs and practices. It is no wonder democracy – government by the many, competing for policy supremacy – has eclipsed republicanism as the preferred design of modern governments. Honor and virtue are wanting in the contemporary political setting, and conventions, public decorum, and decency are the instruments of the political weak. This fact runs counter to our popular conceptions of Revolutionary icons.

Over time, republicanism began to seem less virtuous than democracy. Perhaps Richard Henry Lee was on to something when he wrote that state constitutional governments were "very much of a democratic kind."[7] Republicanism eventually fell out of favor. We thus projected our love of democracy onto past heroes. In reality, the nascent country, fresh off the great Revolution and several lesser skirmishes like Shays' Rebellion, was twitchy. It was fragile. Democracy, claimed most political elites at the time, would only make things worse.

THE REPUBLIC FADES AND A DEMOCRACY EMERGES

A quarter millennium later, America is a very different nation. The country's political infrastructure is not fragile, or at least not in the sense that it was at the commencement of this unique experiment in self-governance. The United States today is the most economically prosperous and militarily powerful regime in the world. Nothing has changed to suggest that republicanism has lost its chief position as the keystone of America's constitutional project. America is still ruled by a government of laws and not of men.[8] The institutions of American politics are, more or less, the same as they were conceived. Eligible electors still go to the voting booth to select their representatives. Citizens still recognize the expediency of relying on elected officials to plot the political course for localities, states, and an expansive nation. The common folk still have to work through elected officials to move agendas. Yes, it is true that referenda and ballot initiatives are more commonplace of late, but citizens still rarely engage *directly* in the process of policy making. And, yes, it is certainly accurate to say that money in politics correlates with influence, but that has never been untrue. By all measures, America is still a republic.[9]

So, then, how is it that Americans today so resolutely describe the polity not as a republic, but as a democracy? Over and over again, the United States is labeled the world's greatest "democracy," one worth defending against the forces of authoritarianism, nationalism, and fascism. Almost no one – citizens, politicians, journalists, teachers, commentators – refers to the United States as a republic anymore. *Gallup* and the *Pew Research Center* both frequently survey Americans on their satisfaction with "democracy"; they don't even mention republicanism.[10] The reality that America remains a republic has faded from view and in its place has emerged an almost reverential devotion to the ideal of democracy. This mislabeling raises any number of questions. Is it just laziness on our part? Have we blended republicanism and democracy into one large category and called it popular government? Have we simply conflated the two political forms because they share several basic features, like government by and for the people? Or is there something more at work here?

The confusion infects contemporary politics. Campaign platforms of the major political parties insist that our problems – and there are many – are tied to "the decline of democracy." Indeed, chapter six of the most recent *Democratic Party Platform* begins with these words: "President Biden, Vice President Harris, and Democrats know that democracy has always been America's sacred cause. Whether that's still true is the most urgent question of our time, and it's what the 2024 election is all about."[11] Sacred cause? It wasn't even a sacred cause at the outset (Thomas, 2020).[12]

In the past several hundred years, the concept of democracy has taken on a life of its own, removed from the Founders' actual opinion on the matter. The mythology around democracy being "sacred" has caused today's politicians to champion a made-up, or at least greatly fabricated, version of American history. *Project 2025*, the conservative manual for the Trump presidency, seeks to restore

the core principles of American democracy. Restore? To when? Both sides of the aisle, it seems, have forgotten where we came from. The question is why.

To address this riddle – to accurately understand the story of America's evolution from a proud republic to more of a branded democracy – requires some definitional clarity. Democracy and republicanism are two forms of popular rule that share several features but that differ considerably in their respective primary tenets. Both locate sovereignty in the collective body of the citizenry. Both rely on the principle of consent of the governed. Both safeguard individual freedom, and both reject hereditary authority. These are important harmonies, and yet they only tell part of the story. The major differences between the two forms of popular rule involve the use of representatives – a republic relies on them; a pure democracy does not – and the confidence each places in the will of the majority. Small "d" democrats trust the majority unequivocally; small "r" republicans are more cautious, more wary. They prefer a system that grants minority voices some decibel range as a crucial bulwark against majority will.

A pure or direct democracy, according to the Framers of the American Constitution, is a system of popular sovereignty best captured in the models of the Greek city state and the small, New England village. There, citizens are responsible for their own deliberations, their own collective destiny. They do not depend on the wisdom of elected representatives. There is no intermediary between a populace and political choices, between the demos and power. The generally recognized Merriam-Webster definition of direct or pure democracy is "a form of government in which policies and laws are decided by a majority of all those eligible rather than by a body of elected representatives."

Publius' summarized the Framers' view of democracy in the tenth *Federalist*. "[A] pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person," Publius argued, "can admit of no cure for the mischiefs of faction" (*Federalist* 10). Factions – interest groups and political parties in the modern vernacular – were the nemesis of liberty, the Framers argued. "By a faction," Publius said, "I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community" (*Federalist* 10).

Pure or direct democracy could not work in an expansive nation, Madison insisted. It was impractical because the population was so diffuse and eligible citizens were hard pressed to gather regularly to make community decisions. But more so, Madison thought, democracy suffered from *the* fatal flaw: it cannot thwart the rise of tyranny. He explained:

> A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. (*Federalist* 10)

Democracy can survive for a short time, Madison concluded, but the majority that arises is always hostile to the minority (majorities "sacrifice the weaker party") and there is never an incentive to share power. Tyranny of the majority is the unavoidable consequence of a small-scale democracy. And revolt inevitably follows.

Republicanism is the answer, Madison argued. A republic is a representative form of popular rule, typically constituted by a written charter (and not a monarch), with mechanisms, systems, and structures designed to check, not expediate, the power of the majority. Republicanism, Madison reasoned, cures the "mischiefs of faction." It solves the problem of the sprawling nation and low population density. And it counters the threat of a permanent majority, one unwilling to relinquish power. "The greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government … is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter" (*Federalist* 10). Madison summed up the difference in *Federalist* 14. "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" (*Federalist* 14).

Madison and the constitutional framers had no choice; they had to establish a republic because the size of the nation dictated it. And yet when standing beside democracy, republicanism now appears the lesser. That is so because republicanism shares some common features with an unpopular relative, the aristocracy. Both contend that everyday citizens alone are not fully capable of good government and that a successful polity needs institutions and levers that manage the excesses of popular will. Those levers are bodies like upper legislative houses. State Senates and the national Senate were not originally elected by the general public.[13] If aristocracy is defined as government by the few, the American republic incorporates elements of an aristocracy. The electoral college is probably the best example, but federal court judges (with life tenure and fixed salaries) and the deliberative Senate come straight out of the aristocratic playbook. Make no mistake, the American constitutional Drafters comprehended a "natural aristocracy" based on merit, talent, and virtue, not a European version based on wealth, heredity, and bloodline. Thomas Jefferson said so in a letter to John Adams dated October 28, 1813.[14] But there should be little doubt that the mixed governmental form preferred by Madison and his colleagues leaned on aristocratic principles.

Representation itself is pseudo-aristocratic. Distrust of the common man, fear of tyranny of the majority, and limited governing options over a massive geographical landscape made representative government the only viable design choice. But that meant government by the few: a mere 100 delegates in the first Congress – 65 in the House and 35 in the Senate. Article I, Section 2 of the Constitution says, "the Number of Representatives shall not exceed one for every thirty thousand [citizens]…" Today, members of the House represent somewhere around 750,000. But at 536 elected officials in Washington, for a population around 335 million, Americans are still represented by the few.

Establishing a republic in the United States also meant government by the *distant* few. All of us may enjoy representation in our congressional districts, but the locus of political decision making is decidedly *not* in our congressional district. Antifederalists were the first to raise concerns about a center of political power being planted far, far away. The nation's capital located in New York or Philadelphia, or ultimately Washington DC terrified citizens from Georgia to New Hampshire because the bond between representatives and constituents would inevitably be geographically remote. Robert Yates, writing as the Antifederalist "Brutus," described the wide-ranging concern:

> In a republic, the manners, sentiments, and interests of the people should be similar. If this be not the case, there will be a constant clashing of opinions; and the representatives of one part will be continually striving, against those of the other. This will retard the operations of government, and prevent such conclusions as will promote the public good. If we apply this remark to the condition of the United States, we shall be convinced that it forbids that we should be one government… . (Brutus *Essay Number* 1)

In some sense, America's representative government has become even more aristocratic over time. The Framers did not envision the professionalization of elected officials. Campaigning for office, to begin with, was unseemly in the late 18th century. If you actively sought a position in government, much less saw it as your calling or vocation, you'd be ostracized from power. The Articles of Confederation even included a provision that worked directly against political professionalization: congressmembers had term limits. Article V of that charter states, "no person shall be capable of being a delegate for more than three years in any term of six years." The Framers preferred the citizen-politician, the civic-minded official. Each representative should periodically return home to connect with the land and the community. Congressman was meant to be a temporary title; congressmembers were encouraged to be impermanent leaders.

That is no longer the case. Politics is now a career path. The average length of term for America's congressmembers has steadily *increased* since the Founding (Congressional Research Service, 2023). Given their considerable electoral advantage (name recognition, taxpayer-funded mailings, etc.), more than nine out of 10 members of Congress can expect to be reelected as many times as they like. Turnover happens mostly when retirements occur and not when voters turn out their representatives. Members of congress also specialize in particular subject areas now; they get professional training for public speaking, dealing with the media, "messaging" their constituents. The incumbent advantage is real. Indeed, the deck is stacked in favor of the professionally elected official (Polsby, 1968).

It is no wonder Americans are quick to describe their country as a democracy rather than a republic. They want to feel better about a political system that most agree is not working all that well. Democracy, as a term and a concept, is more palatable than republicanism. Claiming a political system with an aristocratic tint would go against everything America has come to stand for. We tell ourselves we champion the common man, the Davy Crocketts and Johnny Appleseeds. Calling ourselves a democracy is more in-line with this perception.

MAGA Republicans deride elitism, while Democrats condemn (ironically) the undereducated, working class.[15] Each side thinks that if they are the "party of

democracy," they'll win over those independents and undecideds that just want to feel as if they have a voice. Ron Elving, of NPR, got it right when he said that each political party claims allegiance to the core principles of democracy and that both sides want to convince voters that they are the champions of popular sovereignty. He continues, "[t]he relationship between the democratic and republican elements of this equation has been a dynamic and essential part of our history. But it has not always been easy, and in our time the friction between them has become yet another flashpoint in our partisan wars" (Elving, 2022). The very concept of democracy in America is now contested space.

ROOTS OF THE DEMOCRATIC TAKEOVER

The evolution of America's polity from one defined as a republic to the more common tag of democracy takes root, ironically, in the very founding era that so distrusted democracy. It is a story in three parts. Over the course of a single generation – from 1775 to 1788 – key figures in the birth and early development of America used their pens in ways that made possible the recession of republicanism and the rise of democracy. None of these figures intended to submerge republicanism. In fact, all defended the idea of building a republic. But what the three had in common was a prose style that broadened America's conception of citizenry.

These famous figures helped to enlarge the tent by giving us the gift of memorable passages. They invited later Americans – Abraham Lincoln, John Bingham, Sojourner Truth, Elizabeth Cady Stanton, Susan B. Anthony, Martin Luther King, Jr., Dennis Banks, and on and on – to fight for those who traditionally were not allowed to participate in the political process. Their enduring words – enduring because they were so unforgettable – were used by civil rights activists and social justice warriors who wanted to embrace the common man, the common woman, the tragically enslaved, the young, and others.[16] In many ways, their language would take on a life of its own; their phrases would become stanzas in the song of the nation. These words shaped America, and they played a crucial part in forming the myth that America is a democracy.

Remember the Ladies

The first brings us back to 1776. The Revolutionary War was in full bloom and the delegates to the Second Continental Congress contemplated their next move. Richard Henry Lee, a respected congressman from Virginia, had a plan. It was actually a plan in several parts, and he stood on one June afternoon to announce the three resolutions. The first was as obvious as it was terrifying: immediate independence from Great Britain. The second was aggressive: the individual colonies, Lee said, should form "foreign alliances" with as many European powers as possible. The third had to do with constituting an American nation. Let a "plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation," Lee proposed (Resolution of June 7, 1776, Continental Congress). In other words, let's draft a Constitution!