

CONSOURCE



The Constitutional Sources Project

THE CONSTITUTION IN ACTION: THE EARLY REPUBLIC

Republic or Democracy?

TIME AND GRADE LEVEL

One 45 or 50 minute class period in a **Grade 9-12** US history, civics, or government course.

PURPOSE AND CRITICAL ENGAGEMENT QUESTIONS

History is the chronicle of choices made by actors/agents/protagonists in specific contexts. This lesson places students at the First Federal Congress and asks them to consider whether citizens have the right to instruct their elected representatives on how to vote. This gets to the very heart of what our government is all about. Should we have a *republic*—a representative government in which elected leaders are free to deliberate and decide on their own—or a *democracy*, in which representatives follow the lead of their constituents? Students will engage with this question twice: first, as members of the First Federal Congress, not knowing anything about later events, and second, as modern citizens, taking into account partisan gridlock, media (print, broadcast, social media, and Internet news), and the infusion of money into the political arena.

LESSON OBJECTIVES

* Students will be able to explain the differing philosophies behind a republican form of government, in which citizens elect representatives and trust them to make wise decisions, and a democratic form of government, in which citizens push their representatives to take specific actions. (They will note that *republican* and *democratic*, in this context, do not correspond to today's political parties.)

*Students will be able to discuss the pros and cons of each system, as put forth during the debate over instructions in the First Federal Congress.

*Students will be able to discuss the evolution of the republican form of government established by the Constitution towards a representative democracy.

*Students will be able to discuss ways in which modern media affect the relationship between citizens and their government.

OVERVIEW OF THE LESSON

Prefatory homework:

Handout A: The Right to Instruct

In class:

1. Homework review: 5-10 minutes
2. Simulation of the debate in the First Federal Congress over the right to instruct representatives: 10-15 minutes
3. Debate the right to instruct representatives today, with reference to current realities—partisan gridlock, media (broadcast, Internet, and social), and the infusion of money into the political arena: 15-20 minutes
4. Presentation of the historical outcome: 5-10 minutes

Summary homework / Extended activities

MATERIALS

Background Handout

- A. A Right to Instruct?

Classroom Handout

- B. Historical Outcome: From a Republic toward a Democracy
- C. Vocabulary List

PREFATORY HOMEWORK

Students read and respond to questions in Handout A: “**A Right to Instruct?**”

CLASS ACTIVITY: 45-50 MINUTES

- 1. Homework Review: 5-10 minutes**

Discuss Handout A: “**A Right to Instruct?**”

Ask students to explain the custom of citizens instructing their representatives.

Ask students to describe, in their own words, the different relations between citizens and their representatives in a republican government versus a democratic government.

Ask students to explain how the debate over the right to instruct representatives reflected differences between republican and democratic philosophies of governance. Be sure they understand that this has no bearing on the names of today’s political parties. You might note that the party now called the Democratic Party, under President Jefferson, was called the Republican Party, then the Democratic-Republican Party, and finally the Democratic Party. Today’s Republican Party was formed in 1856 and always bore that name.

2. Simulation of the debate in the first federal Congress over the right to instruct representatives: 10-15 MINUTES

Students become members of the First Federal Congress. Teacher can decide whether to engage in this debate as a class or break into discussion groups. When introducing the debate, go over the challenging questions presented in Handout A: If at first you favor a republic, how do you reconcile your view with the notion that all power ultimately resides with the people? If you favor a democracy, how are the views of constituents to be determined? What if “the people” are divided? Can diverse local instructions lead to effective government for the common good?

At the conclusion of this debate, take a vote of members of Congress. The class’s decision will be compared with the historical decision at the end of this lesson.

3. Debate the right to instruct representatives today with reference to current realities – the role of media (print, broadcast, social media, and Internet news), partisan gridlock, and the infusion of money into the political arena: 15-20 minutes

Ask students to engage in the same debate as they would today, with reference to partisan politics, modern media, and the role of money in political campaigns. Do such phenomena, unknown to the founding generation, change the terms of the original debate in the First Federal Congress? There are two components to this:

A: Descriptive: Would you characterize our government today as a republic? A democracy? Or is it something else?

B. Principled: Regardless of what our government *is* today, what *should* it be? Given what we know about our society today, should it be a democracy, in which representatives follow the will of their constituents, or a republic, in which leaders have more discretion? What steps might be taken to lead it in the direction you prefer?

You might have students address these components one at a time, starting with the descriptive.

4. Presentation of the historical outcome: 5-10 minutes

Present Handout B, “**Historical Outcome: From a Republic toward a Democracy.**”

Teachers can present this orally or students can read it—or both.

SUMMARY HOMEWORK / EXTENDED ACTIVITIES

Write an essay that brings into play any of the problematic questions we have been considering in this lesson:

*Should the people directly influence actions of their representatives?

*How can the will of the people be determined?

*Would instructions impede compromise?

*How do modern media affect popular involvement in political issues? Is this for better or worse?

*Has the influx of money into the political arena empowered or disempowered the people?

*People will always be divided, but why, in recent years, have political differences resulted in governmental gridlock?

*Has the move toward more popular involvement in politics contributed to the partisan divide, or might popular involvement be part of the solution?

Republic or Democracy Handout A: A Right To Instruct?

Here is one of the propositions that James Madison proposed in the First Federal Congress to add to the Constitution:

“The people shall not be restrained from peaceably assembling and consulting for their common good; nor from applying to the Legislature by petitions, or remonstrances, for redress of their grievances.” – *Annals of Congress*, June 8, 1789¹

Several of the constitutional amendments Madison’s suggested, including this one, echoed those raised in the Virginia Ratifying Convention. Here is what that convention included in its “Declaration or Bill of Rights”:

“That the people have a right peaceably to assemble together to consult for the common good, or to instruct their representatives; and that every freeman has a right to petition or apply to the legislature for redress of grievances.”²

Circle or highlight the phrase that Madison left out. This lesson focuses on whether that phrase should have been included or deleted.

Some background: In late colonial New England, when town meetings chose representatives to their provincial assembly, they often told that person how to vote on certain issues, or even what new issues to raise at the provincial level. In Massachusetts, for instance, the Worcester Town Meeting of 1767 instructed its representative, Joshua Bigelow, to “use your influence to put an end to that unchristian and impolitic practice of making slaves of the human species in this province.” The Worcester Town Meeting of October 4, 1774 instructed its representative, Timothy Bigelow, to push for a new government dependent exclusively on the will of the people, not the Crown—a precursor to Congress’s Declaration of Independence 21 months later.³ In 1780, Massachusetts’s first state constitution guaranteed that “the people have a right...to give instructions to their representatives.”⁴

Virginia’s Ratifying Convention hoped to enshrine this right in the U.S. Constitution, but James Madison thought otherwise and left it out. On August 15, 1789, when Madison’s proposed amendment came before the First Federal Congress for consideration, South Carolina’s Thomas Tucker wondered why “the most material part,” the phrase about instructions, had been omitted. Tucker then moved to reinstate it, and this triggered a debate more heated than that provoked by any other component of what would become the Bill of Rights. For the better part of a day, congressmen declared in favor of either a *republic*—a

¹ [Annals of Congress, June 8, 1789, 1:451.](#)

² [CONSOURCE STATE PROPOSED AMENDMENTS](#)

³ Ray Raphael, “Instructions: The People’s Voice in Revolutionary America,” *Common-Place* v. 9:1, October 2008. <http://www.common-place-archives.org/vol-09/no-01/raphael/>

⁴ [MA CONSTITUTION OF 1780](#)

representative government in which elected leaders are free to deliberate and decide on their own—or a *democracy*, in which representatives follow the lead of their constituents. (The way those words were used at the time has no bearing on the names of today’s political parties.)

Here are excerpts from this debate. In class, you will engage with the issue. To prepare for your own deliberations, ***circle or highlight key portions of the Congressional debate that you might wish to consider.*** Whichever side you take at the outset, consider the problems that side must face. If at first you favor a republic, how do you reconcile your view with the notion that all power ultimately resides with the people? If you favor a democracy, how are the views of constituents to be determined? What if “the people” are divided? Can diverse local instructions lead to effective government for the common good?

[From the Annals of Congress, August 15, 1789⁵](#)

The next clause of the fourth proposition was taken into consideration, and was as follows: “The freedom of speech and of the press, and the right of the people peaceably to assemble and consult for their common good, and to apply to the Government for redress of grievances, shall not be infringed.”

Mr. Tucker [Thomas Tucker, South Carolina] then moved to insert these words, “to instruct their Representatives.”

Mr. Hartley [Thomas Hartley, Pennsylvania] wished the motion had not been made... Representation is the principle of our Government; the people ought to have confidence in the honor and integrity of those they send forward to transact their business; their right to instruct them is a problematical subject. We have seen it attended with bad consequences, both in England and America. When the passions of the people are excited, instructions have been resorted to and obtained, to answer party purposes; and although the public opinion is generally respectable, yet at such moments it has been known to be often wrong; and happy is that Government composed of men of firmness and wisdom to discover, and resist popular error...

The great end of meeting is to consult for the common good ... A local or partial view does not necessarily enable any man to comprehend it clearly; this can only result from an inspection into the aggregate.... Were all the members to take their seats in order to obey instructions, and those instructions were as various as it is probable they would be, what possibility would there exist of so accommodating each to the other as to produce any act whatever? Perhaps a majority of the whole might not be instructed to agree to any one point... Is it thus the people of the United States propose to form a more perfect union, provide for the common defence, and promote the general welfare?

Mr. Page [John Page, Virginia]. Under a democracy, whose great end is to form a code of laws congenial with the public sentiment, the popular opinion ought to be collected and attended to. Our present object is, I presume, to secure to our constituents and to posterity these inestimable rights. Our Government is derived from the people, of consequence the

⁵ [American Memory, Annals of Congress, August 15, 1789, 1:759-776.](#)

people have a right to consult for the common good; but to what end will this be done, if they have not the power of instructing their representatives? Instruction and representation in a republic appear to me to be inseparably connected...

The honorable gentleman [Mr. Hartley] has said, that when once the people have chosen a representative, they must rely on his integrity and judgment during the period for which he is elected. I think, sir, to doubt the authority of the people to instruct their representatives, will give them just cause to be alarmed for their fate... Every friend of mankind, every well-wisher of his country, will be desirous of obtaining the sense of the people on every occasion of magnitude; but how can this be so well expressed as in instructions to their representatives?

Mr. Madison [James Madison, Virginia]. I do not believe that the inhabitants of any district can speak the voice of the people; so far from it, their ideas may contradict the sense of the whole people; hence the consequence that instructions are binding on the representative is of a doubtful, if not of a dangerous nature... It obliges us to run the risk of losing the whole system...

If we mean nothing more than this, that the people have a right to express and communicate their sentiments and wishes, we have provided for it already. The right of freedom of speech is secured; the liberty of the press is expressly declared to be beyond the reach of this Government; the people may therefore publicly address their representatives, may privately advise them, or declare their sentiments by petition to the whole body; in all these ways they may communicate their will. If gentlemen mean to go further, and to say that the people have a right to instruct their representatives in such a sense as that the delegates are obliged to conform to those instructions, the declaration is not true. Suppose they instruct a representative, by his vote, to violate the constitution; is he at liberty to obey such instructions? Suppose he is instructed to patronize certain measures, and from circumstances known to him, but not to his constituents, he is convinced that they will endanger the public good; is he obliged to sacrifice his own judgment to them? Is he absolutely bound to perform what he is instructed to do?

Mr. Gerry [Elbridge Gerry, Massachusetts]. But can we conceive that our constituents would be so absurd as to instruct us to violate our oath, and act directly contrary to the principles of a Government ordained by themselves? We must look upon them to be absolutely abandoned and false to their own interests, to suppose them capable of giving such instructions... The friends and patrons of this constitution have always declared that the sovereignty resides in the people, and that they do not part with it on any occasion; to say the sovereignty vests in the people, and that they have not a right to instruct and control their representatives, is absurd to the last degree.

Mr. Stone [Michael Stone, Maryland]. This [the right of instructions] is a power not to be found in any part of the earth except among the Swiss cantons; there the body of the people vote upon the laws, and give instructions to their delegates. But here we have a different form of Government; the people at large are not authorized under it to vote upon the law... Why, then, are we called upon to propose amendments subversive of the principles of the constitution? ... I think the clause would change the Government entirely; instead of being a

Government founded upon representation, it would be a democracy of singular properties.

Mr. Gerry. The gentleman from Maryland (Mr. Stone) had said that the amendment would change the nature of the Government, and make it a democracy. Now he had always heard that it was a democracy; but perhaps he was misled, and the honorable gentleman was right in distinguishing it by some other appellation; perhaps an aristocracy was a term better adapted to it.

Mr. Sherman (Roger Sherman, Connecticut]. It appears to me, that the words are calculated to mislead the people, by conveying an idea that they have a right to control the debates of the Legislature. This cannot be admitted to be just, because it would destroy the object of their meeting. I think, when the people have chosen a representative, it is his duty to meet others from the different parts of the Union, and consult, and agree with them to such acts as are for the general benefit of the whole community. If they were to be guided by instructions, there would be no use in deliberation; all that a man would have to do, would be to produce his instructions, and lay them on the table, and let them speak for him. From hence I think it may be fairly inferred, that the right of the people to consult for the common good can go no further than to petition the Legislature, or apply for a redress of grievances. It is the duty of a good representative to inquire what measures are most likely to promote the general welfare, and, after he has discovered them, to give them his support. Should his instructions, therefore, coincide with his ideas on any measure, they would be unnecessary; if they were contrary to the conviction of his own mind, he must be bound by every principle of justice to disregard them.

Mr. Page. [The amendment is] strictly compatible with the spirit and the nature of the Government; all power vests in the people of the United States; it is, therefore, a Government of the people, a democracy. If it were consistent with the peace and tranquillity of the inhabitants, every freeman would have a right to come and give his vote upon the law; but, inasmuch as this cannot be done, by reason of the extent of territory, and some other causes, the people have agreed that their representatives shall exercise a part of their authority. To pretend to refuse them the power of instructing their agents, appears to me to deny them a right. One gentleman asks how the instructions are to be collected. Many parts of this country have been in the practice of instructing their representatives; they found no difficulty in communicating their sense.

Handout B. Historical Outcome: From A Republic Toward A Democracy

Only 10 members of the House of Representatives voted to guarantee the right to instruct, while 41 voted against it. (*Annals of Congress*, 1:776) That is why the First Amendment protects “the right of the people peaceably to assemble, and to petition the Government for redress of grievances,” but not the right of the people to tell their representatives what to do. While some states still protected the right to instruct representatives within state governments, citizens would not have the *right* to instruct an elected federal official. A representative could choose how to act, at the risk of being turned out of office in the next election.

This view was shared by the majority of the framers of the Constitution. While all framers believed government must be *rooted* in the people, most felt, in the words of Roger Sherman, “The people *immediately* should have as little to do as may be about the Government. They want [lack] information and are constantly liable to be misled.” Elbridge Gerry agreed. “The evils we experience flow from the excess of democracy,” he pronounced. While not all delegates were so blunt, most were wary of democratic forms in which the people either rule directly or control the acts of their representatives. They had seen state legislatures succumb to popular pressures for paper money and debtor relief, and they hoped to minimize this danger in the new government.⁶

This view was not shared by many of the founding generation. The [Pennsylvania Constitution of 1776](#), for instance, tried to involve the people “*immediately*” in their government. That document required the state to print weekly reports on roll-call votes, and the chambers were to “remain open for the admission of all persons who behave decently.” To give ordinary citizens an opportunity to participate in the governmental process, “all bills of public nature” had to be “printed for the consideration of the people” before coming to a vote, and no bill could be passed until the session after it was introduced; this gave citizens a chance to weigh in. But such measures were controversial, and the revised [Pennsylvania Constitution of 1790](#) omitted them.

In the second quarter of the Nineteenth Century, with the movement often called “Jacksonian Democracy,” citizens began to claim more influence in government. Almost a century later, in 1913, the Seventeenth Amendment empowered the people, not state legislatures, to choose senators. Still, however, the focus was on broadening participation in elections, not necessarily controlling the acts of elected leaders.

We have been considering an even deeper question: How much do people influence the decisions of the people they elect? Has the nation moved from being a republic towards something we might call a “representative democracy”? In your extended activity questions, you can weigh in on this.

⁶ [Madison, Notes of Debates, May 31.](#)

Republic or Democracy Handout C: Vocabulary List

1. **Constituency:** A body of voters in a specified area who elect a representative to a legislative body.
2. **Remonstrance:** an earnest presentation of reasons for opposition or grievance, especially a document formally stating such points.
3. **Sovereignty:** Supreme power or authority
4. **Aristocracy:** A form of government in which power is held by the nobility.
5. **Representative Democracy:** A system of government in which elected officials represent what they see as the will of the people.