A Preface to Democratic Theory

Expanded Edition

ROBERT A. DAHL

50TH ANNIVERSARY EDITION

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EXPANDED EDITION

Robert A. Dahl

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CHARLES R. WALGREEN FOUNDATION LECTURES

A past president of the American Political Science Association, Robert A. Dahl is the Sterling Professor Emeritus of Political Science at Yale University. His numerous books include, most recently, *How Democratic Is the American Institution? Second Edition* and *On Democracy*.

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AUTHOR'S NOTE

Some time ago, I declined an earlier invitation by the University of Chicago Press to prepare a new edition of *A Preface to Democratic Theory,* having concluded that if I began to change the text, it would turn into a different book and that there was certain historical value in keeping the text intact. However, I recently concluded that it might be useful, and would not require changing the text, if I were to draw on my recent writings to add opening and closing essays that reflect on the book and how my thinking has subsequently developed.

I want to take this opportunity to express my deep appreciation to the University of Chicago Press not only for their support in this effort but also for actively maintaining the book in publication for a half century—and, it now appears, for some years to come.

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FOREWORD

Reflections on *A Preface to Democratic Theory*

A Preface to Democratic Theory had its origins in a graduate seminar I was teaching during the early 1950s in which I worked out much of the argument. When I was invited to give the Walgreen lectures at the University of Chicago, I realized that I already had a subject for the lectures and, better yet, a rather well worked-out argument.

Although democratic ideas and practices were of course a mainstay of political science to which innumerable essays, books, and courses had been directed, in 1955 "democratic theory" was not a particularly well-defined subject. Even the term was far from being the commonplace in political science that it has since become. Henry B. Mayo's *An Introduction to Democratic Theory* appeared in 1960, and Giovanni Sartori's influential and pioneering work bearing the straightforward title *Democratic Theory* was published in 1962. A new "field" of political science called democratic theory, embracing a very old subject, was on the way.

Unlike Mayo and Sartori, I entitled my book a preface because it truly was. The opening lines of the book bear repeating:

> I have called these essays *A Preface to Democratic Theory* because for the most part they raise questions that would need to be answered by a satisfactory theory of democratic politics. They do not attempt to suggest all the questions that need to be answered, or even all the important ones, but only some I have found interesting and, I hope, significant.

I had no idea at the time that this book was to be a preface to much of my own subsequent work. I certainly did not think of myself as a "democratic theorist" whose task was to labor in the vineyards of "dem-

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ocratic theory." But sooner or later one book led me to write others. For example, even before I had finished correcting the page proofs of *A Preface,* its level of abstraction made me feel that I would now like to do something less abstract, more descriptive, more immediately concerned with concrete political life. That impulse (combined, to be sure, with an interest in quite abstract aspects of "power") led to *Who Governs?* And so on.

It was only much later, looking back, that I saw something of a pattern. (More pejorative terms would be obsession or repetitiveness.) I suppose it would not be far off the mark to say that off and on for the next three decades, I published essays and books to which *A Preface* was the preface. It was only when *Democracy and Its Critics* was published in 1989 that I felt I had at last approached something like a rounded presentation of democratic theory—though even that book raises nearly as many questions as it answers.

MADISONIAN DEMOCRACY

To what extent do the views of Madison justify the specific constitutional arrangements that came out of the Convention together with the political practices and doctrine that followed? I am now inclined to think that the connection was much looser than I indicated in my chapter on Madisonian Democracy. For example, I believe that Madisonian doctrine would justify a political system that was considerably more majoritarian than the one that has developed; it could justify a parliamentary rather than a presidential system; and its central premises might not even require judicial review.

Given the vigor of my criticism of Madisonian democracy in the first chapter, it is ironical, I suppose, that since the publication of the *Preface* I have grown steadily in my admiration for the extraordinary talents, as political scientists and constitutional thinkers, of James Madison and several of his colleagues at the Convention, particularly James Wilson of Pennsylvania and Madison's fellow Virginians, George Mason and Edmund Randolph. On further consideration of the records of the Convention and their later careers, I concluded in *Pluralist Democracy in the United States* (1967) that these men and several other frequent allies

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at the Convention were more clearly and definitely committed to the democratic component of republicanism than I acknowledged in the *Preface.* They were at various times opposed not only by federalists who wanted to maintain greater constitutional powers for the states but also by delegates who shared their goal of strengthening the national government but were also committed to a more aristocratic version of republicanism than Madison and his allies upheld.

Does Madison's belief that separation of powers is necessary to prevent tyranny *necessarily* require a presidential system or even judicial review? As I pointed out (p. 13), this reading makes Madison silly, or at least a casualty of historical developments, since almost all other democratic countries have rejected the first and some the second. Of course, like all others of his time Madison had to make judgments about constitutional arrangements with very little directly relevant historical experience to go on. Hindsight gives us the advantage of nearly two centuries of later experience, during which most of the stable democracies adopted a parliamentary system, only a few chose a presidential system, and none adopted the American presidential system.

In the course of writing the chapters on the presidency in *Pluralist Democracy,* I re-examined the records of the Convention, paying particular attention to the origins of that office. I came to see that: 1) the delegates had to choose among alternative designs for the executive office in the utter absence of tested models; 2) the Virginia delegation, of which Madison was a member, proposed that a national executive "be chosen by the national legislature"; 3) this proposal was twice adopted, once unanimously, once by a vote of 6 states to 3; and late in the Convention (24 August) a proposal to substitute choice "by the people" was defeated. 4) Two weeks later, by a vote of 9–2 the Convention adopted the solution of electors chosen by each State "in such manner as its legislatures may direct." 5) The records are too incomplete to allow a firm judgment as to why a majority of delegates in nine states came to prefer that solution to election by the national legislature. What the record does reveal, however, is that Madison supported and the Convention came within an ace of adopting a close approximation to a parliamentary system.

We must conclude, then, that Madison's belief in the essential re-

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quirement of separation of powers did not necessarily entail the American presidential system. At the Convention, Madison sometimes had to yield his own views, and even principles, to expediency. Thus while he consistently argued for constitutional principles that would reflect his vision of a national republic based directly on equal citizens (not equal states), in order to achieve agreement on an imperfect but satisfactory Constitution he also accepted compromises on certain features that he wholeheartedly opposed in principle—notably, equal representation of states in the Senate.

I concluded also that Madison had more confidence in majorities than I gave him credit for; or more accutely, that he was somewhat less distrustful and hostile to majority rule than I had supposed.[1]

It is possible too, that later experience caused him to see the potential conflict between minority rights and popular majorities in a somewhat different light. At the Convention, when Madison explained how majorities could harm the rights of a minority, he invariably alluded, as did his allies and opponents, to the rights of property, specifically landed property. Probably because experience with a strong national government based on a broad male suffrage was entirely lacking in 1787, at the Convention and in the *Federalist* Madison may have thought the danger to landed property greater than he did later on, after he had experienced the first several decades under the new Constitution—when, after all, the Democratic Republicans depended on a broad suffrage and majority support.

A fuller statement of his views is partly displayed in a remarkable "note" that he made for a speech on the right of suffrage, more than thirty years after the adoption of the Constitution. The note was "written about 1821," Farrand tells us, "when Madison was preparing his Debates for publication."[2] Madison begins his "note" by confessing that

1. The angle of vision from which I approached Madison may also account for my misreading *The Federalist,* No. 49. I attributed to him three reasons why he believed that "electoral processes" would be inadequate to prevent "tyranny" in his sense (*A Preface,* p. 14). However, he was referring not to electoral processes but to constitutional conventions.

2. *The Records of the Federal Convention of 1787,* Vol. III, ed. Max Farrand (New Haven: Yale University Press, 1966 [1911, 1937]), p. 450.

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certain of his observations on the right of suffrage at the Convention[3] "do not convey the speaker's more full & matured view of the subject . . . He felt too much at the time the example of Virginia."

He goes on to pose again, as he had during and after the Convention, the possibility that the right of suffrage—"a fundamental Article in Republican Constitutions"—might conflict with the right of property. Should a conflict arise, which is the more fundamental right? Madison recognizes that the day may not be far off when freeholders, who are yet "a majority of the Nation," will be reduced to a minority.

With his characteristic rigor and economy he considers alternative means by which property rights might still be protected. He immediately rejects the most obvious solution:

> *Confining* the rights of suffrage to freeholders, & to such as hold an equivalent property, convertible of course into freeholds . . . violates the vital principle of free Govt. that those who are bound by the laws, ought to have a voice in making them . . .

Confining the right of electing one branch of the legislature to freeholders may be worth trying "for no inconsiderable period; *until* [sic] *in fact the nonfreeholders should be the majority.*" (My italics.) However, "should Experience or public opinion require an equal & universal suffrage for each branch of the Govt., as prevails generally in the U.S." then larger election districts and longer service for one branch of the legislature might work. If not, then

> the security for the holders of property when the minority, can only be derived from the ordinary influence possessed by property, & the superior information incident to its holders; from the popular sense of justice enlightened & enlarged by a diffusive education; and [back to *Federalist,* No. 10!] from the difficulty of combining & effectuating unjust purposes throughout an extensive country . . .

If it should come to a straight choice, the superior right is suffrage, not property:

> . . . [I]f the only alternative be between an equal & universal right of suffrage for each branch of the Govt. and a confinement of the *entire* right to a part of the Citizens, it is better that those who have the greater interest at stake namely that

3. The note failed to specify them. It refers only to observations "in the speech of J. M. See debates in the Convention of 1787 on the . . . day of . . ." ibid.

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of property & persons both, should be deprived of half their share in the Govt.; than, that those having the lesser interest, that of personal rights only, should be deprived of the whole.[4]

It seems to me, then, that Madison's republican views would have been, and are, perfectly compatible with constitutional arrangements and political practices substantially different from those of the American political system as it developed from 1789 onward.

ELUSIVENESS IN POLITICAL THEORY

Every attempt to develop systematic democratic theory has to confront the elementary fact that democracy can be, and in practice has been, interpreted as an ideal political system, perhaps (or probably, or certainly) unattainable in full, and also as an actual, historically existing system, a set of political institutions or processes that are attainable at least under some limiting conditions. What is more, both as an ideal and as an actuality, over two millennia and more democracy has changed. Today, many of us would reject as "undemocratic" a political system that excluded a half or two-thirds of the adult population from full citizenship, as did the Athenians'; we would do so, moreover, in full knowledge of the fact that it was the Athenians, after all, who first applied the word democracy to their own polis. An un-brainwashed Athenian would probably be dismayed by universal suffrage (male and *female,* of all things, not to say naturalized foreign-born residents as well as natives), political parties, and the delegation of legislative power to elected representatives, not to mention the outrageously gigantic scale of a modern democratic country.

Considerations like these were the background for my attempt to formulate theoretical accounts of populistic and polyarchal democracy in chapters 2 and 3. These accounts provided me with an agenda of issues that I continued to wrestle with over the next decades, during which I began to see more clearly what I was trying to do and how to go about it. My best, clearest, and most complete formulation is, I believe, in *Democracy and Its Critics.* Even there, however, I left some issues un-

4. Ibid., pp. 454–55.

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settled. For example, my exploration of the justifications for the majority principle reaches something less than the full closure I evidently thought I had achieved in chapter 2 of *A Preface.*

Another part of the background that is more directly evident in those chapters was a certain attraction to the idea of developing a more formal, explicit, propositional presentation of theory than was customary at the time. (Little did I foresee then how formal modeling and theories of rational choice would, years later, come to occupy their present prominent place in American political science!) Mainly, I was discontented with the elusiveness of many arguments in political theory. Trying to come to grips with an argument in political theory was often like digging for soft-shell clams: the harder I dug the more the argument seemed to disappear into the sand.

During this period I also came across Kenneth Arrow's now famous *Social Choice and Individual Values.*[5] Although I hardly did full justice to that pioneering work,[6] it emboldened me to take a stab at a much more formal presentation than I had encountered in political theory.[7] The form of my two chapters certainly owes something to my having ploughed my way through that book.

For better or worse, Arrow's book must also have influenced my decision to present parts of the argument in a formal notational system (though only in footnotes and appendices). How helpful to the reader that has been now seems to me more than doubtful, as I might have anticipated from my experience during the germination period of *A Preface* when I determinedly inflicted innocent graduate students in political science with blackboard demonstrations of the argument, using the

5. That classic work was even harder going for me than it would have been later on because I had to read it in the original edition (New York: John Wiley & Sons, 1951), where the presentation was somewhat more complex than in his second edition (New Haven: Yale University Press, 1963). Unfortunately, too, I could not consult the beautifully clear expositions in such later works as Alfred F. MacKay, *Arrow's Theorem: The Paradox of Social Choice* (New Haven: Yale University Press, 1980).

6. Arrow's paradox, as it came to be called, is reduced to two sentences in the text and two footnotes, one quite lengthy (pp. 42–43).

7. A notable exception was provided in the work of a colleague, Harold D. Lasswell, and a philosopher, Abraham Kaplan, in *Power and Society* (New Haven: Yale University Press, 1950).

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notational system I later employed in the book. In that prequantitative, premathematical era of political science, when the almost exclusive language of political science was words, I fear the students were often mystified. All the more so, since neither then nor later was I highly adept in symbolic logic or mathematics.

POLYARCHY

During the writing of *Politics, Economics, and Welfare* (1953), Lindblom and I sketched out a theory about modern democracy as a process of control over leaders (as distinguished from hierarchy, or control by leaders, and bargaining, or control among leaders). After consulting the *OED* and a colleague or two in the Classics Department we settled on the word *polyarchy* as an appropriate term for modern approximations to democracy. In *A Preface* I returned to the theme of polyarchy.

Subsequently, however, I concluded that neither presentation was altogether satisfactory. It seemed to me that the theory could do with a sharper separation between the ideal requirements and the modern approximations, and also needed a more empirically grounded statement of the conditions in a country that would favour the emergence and stability of modern democracy. Ultimately I formulated the ideal requirements as a set of five criteria for "procedural democracy" (or "the democratic process").[8] As for modern attempts to approximate these ideal criteria, I realized what probably should have been quite obvious, that one could nicely characterize actually existing modern democracy by a set of political institutions or practices. Taken as a whole, I realized, this set of institutions rather sharply distinguished "polyarchy" not only from all earlier democratic and republican systems but also from all other contemporary regimes. This way of thinking about polyarchy helped me in turn to examine the experience of different countries in order to tease out hypotheses and evidence as to the conditions most favourable, or unfavourable, for the development and persistence of the institutions of polyarchy.[9]

I finally concluded also that I should not leave the ideal criteria stand-

8. "Procedural Democracy" in Peter Laslet and James Fishkin (eds.), *Philosophy, Politics & Society* (New Haven: Yale University Press, 1979), pp. 97–133.

9. In *Polyarchy: Participation and Opposition* (1971), "Polyarchy, Pluralism, and Scale" (1984), *Democracy and Its Critics* (1989).

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ing by themselves. Of course one has to start somewhere, and any starting point is to some extent arbitrary. But it seemed to me that it should be possible to explicate more fully some assumptions that would justify the criteria for a democratic process. Although I hinted at what these foundations might be in "Procedural Democracy" in 1979, it was not until *Democracy and Its Critics* that I arrived at what seemed to me a satisfactory formulation.

A NEW LOOK AT THE AMERICAN CONSTITUTION

While my appreciation for the abilities of Madison and his allies has grown since I wrote *A Preface,* so also has my concern that the Constitution they did so much to create, and the "American hybrid" that was shaped by the constitutional matrix, no longer serve us well. Although I allude to some of the reasons in the final chapter, in at least two respects my discussion there suggests a blander appraisal than I would now think just. The first was in defining

> the "normal" American political process as one in which there is a high probability that an active and legitimate group in the population can make itself heard effectively at some crucial stage in the process of decision.

Even now, I think that characterization is roughly correct. But it is lamentably imprecise and inadequate. To be sure, I immediately appended qualifications (which I later discovered some readers completely ignored):

> To be "heard" covers a wide range of activities, and I do not intend to define the word rigorously. Clearly, it does not mean that every group has equal control over the outcome.

I went on to stress the existence of inequalities in controlling political decisions, and to point out how "the constitutional rules" benefited some groups and handicapped others. But I failed to remark on inequalities stemming from sources other than "the constitutional rules," such as race, education, information, and socio-economic institutions. Although I would turn more explicitly to some of these in later work,[10] I regret their omission from *A Preface.*

10. Particularly differences in access to information, in *Controlling Nuclear Weapons: Democracy versus Guardianship* (1985) and in property and work, in *A Preface to Economic Democracy* (1985).

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Secondly, the concluding paragraphs sound more complacent to my ears now than they must have then. I was, I suppose, trying to strike a balance. If the American political system

> . . . is not the very pinnacle of human achievement, a model for the rest of the world to copy or to modify at its peril, neither, I think, is it so obviously a defective system as some of its critics suggest . . .
>
> Probably this strange hybrid . . . is not for export to others. But so long as the social prerequisites of democracy are substantially intact in this country, it appears to be a relatively efficient system for reinforcing agreement, encouraging moderation, and maintaining social peace in a restless and immoderate people operating a gigantic, powerful, diversified, and incredibly complex society.

Again, true enough. But today I would want to emphasize more sharply some problems resulting from the evolution of the American presidency.[11] And I would call attention to the fact that other stable democracies appear to do very well with a constitutional system quite unlike our own, which indeed has not proved to be a popular American export. If we count as stable democracies all twenty-one countries in which the institutions of polyarchal democracy have existed uninterruptedly since 1950 or earlier, then all save three—France of the Fifth Republic, Finland, and Costa Rica—rejected a presidential system entirely, while two of these three exceptions chose a blend of presidential and parliamentary systems.

If the Madisonian democratic republicans had been able to foresee the later experience with constitutions in democratic countries, including the experience of the United States, would they have made the choices they made in 1787? I very much doubt it.

11. As I had stressed earlier in *Congress and Foreign Policy* (1950) and to which I returned in "The Pseudodemocratization of the American Presidency," in *The Tanner Lectures on Human Values X,* 1989, and a slightly shorter version "Myth of the Presidential Mandate," *Political Science Quarterly,* Autumn 1990.

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Introduction

I have called these essays *A Preface to Democratic Theory* because for the most part they raise questions that would need to be answered by a satisfactory theory of democratic politics. They do not attempt to suggest all the questions that need to be answered, or even all the important ones, but only some I have found interesting and, I hope, significant.

It is anomalous, perhaps, that after so many centuries of political speculation, democratic theory should continue to be—if I am right in my basic assumption—rather unsatisfactory, whether the theory be regarded as essentially ethical in character or essentially an attempt to describe the actual world.

One of the difficulties one must face at the outset is that there is no democratic theory—there are only democratic theories. This fact suggests that we had better proceed by considering some representative democratic theories in order to discover what kinds of problems they raise; such a procedure is followed in these essays, although I have made no effort to survey all or most of the traditional theories about democracy.

That there are so many different approaches to democratic theory is partly, although not wholly, a result of the fact that there are so many possible approaches to any social theory, and in dealing with democracy a good case can be made out for almost all of these possibilities. A list of some of the alternative ways by which one might attempt

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to develop a theory about democracy is quite intimidating. I list some of them simply to indicate the appalling range of possibilities:

1. We might try to construct a maximizing theory, one that takes some state of affairs (such as political equality) as a value or goal and asks: What conditions are necessary to attain the maximum achievement of this goal? Or, alternatively we might try to construct a descriptive theory, one that in effect states something like this: Here is a set of social organizations that have this and that characteristic in common. Now what conditions are necessary in order for social organizations like this to exist?

2. If we choose a maximizing theory, we might try to construct one that is essentially ethical, in the sense that it seeks to justify, explain, or rationalize the values or goals to be maximized. Or we might try to construct one that is ethically neutral, in the sense that the goals or values are taken as given, at least for the purposes of the theory.

3. If we choose to construct an ethically neutral theory, we might seek an axiomatic theory or one that asks in effect: What logical prerequisites can I deduce from the description of the goal itself? Or we might seek an empirical theory, one that asks in effect: By observing the real world in some sense, what can I discover as necessary conditions (in the real world) for the maximization of the postulated goal?

4. We might be satisfied with a non-operational theory or demand that it be operational. (By operational I mean that the key definitions in the theory specify a set of observations about the real world, or a set of operations to be made upon the observations, or both.)

5. We might be satisfied with a theory that does not require any measurement, or we could demand that some of the phenomena be measurable. (By measurement I mean, at a minimum, the establishment of an order among the phenomena, so that A can be said to be greater than, equal to, or less than B, or some equivalent logical relation.)

6. We might construct a theory that lays down only constitutional prerequisites, or we could try to build one that includes the necessary social and psychological conditions.

I hope no one will be frightened off by this rather formidable set of alternatives, for I have no intention of subjecting the reader to a critique of each. Instead I shall take up a few representative types of democratic theory, beginning with one that is familiar to Americans: Madisonian theory. In the course of examining each of these types I shall also consider a few of the advantages and shortcomings of the principal alternatives mentioned above.

I do not propose to define "democracy" rigorously, for each of the chapters is to some extent an essay in definition—although each is, I

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feel, considerably more than that. But at a minimum, it seems to me, democratic theory is concerned with processes by which ordinary citizens exert a relatively high degree of control over leaders; this is a minimal definition that can be easily translated into a variety of more or less equivalent statements, should the reader not care for the particular language I choose to use.

Certain details that I find interesting and believe to be important, but which would mar the development of the argument for the reader concerned with the key points, I have put in the footnotes or in appendixes. In clarifying the argument to my own satisfaction, I found symbolization helpful, and because others may also find it helpful, I have included some of this material in the footnotes or appendixes. Like the other footnotes and appendixes these too may be ignored by the reader without significant loss to his grasp of the main argument.

I wish to express my deep appreciation to the Charles R. Walgreen Foundation for the Study of American Institutions for inducing me to prepare these chapters which were originally presented as Walgreen Lectures. I wish also to note here my debt to C. E. Lindblom, who not only read the manuscript in draft but gave me the benefit of many detailed criticisms and suggestions, all of which I benefited from, most of which I have tried to meet, and some of which I have rejected only at my great peril. Finally, I wish to record my thanks to Mrs. Suzanne Kernan, who did the typing and the seemingly endless retyping with skill and unlimited patience.

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CHAPTER 1

Madisonian Democracy

I

Democracy, it is frequently said, rests upon compromise. But democratic theory itself is full of compromises—compromises of clashing and antagonistic principles. What is a virtue in social life, however, is not necessarily a virtue in social theory.

What I am going to call the "Madisonian" theory of democracy is an effort to bring off a compromise between the power of majorities and the power of minorities, between the political equality of all adult citizens on the one side, and the desire to limit their sovereignty on the other. As a political system the compromise, except for one important interlude, has proved to be durable. What is more, Americans seem to like it. As a political theory, however, the compromise delicately papers over a number of cracks without quite concealing them. It is no accident that preoccupation with the rights and wrongs of majority rule has run like a red thread through American political thought since 1789. For if most Americans seem to have accepted the legitimacy of the Madisonian political system, criticism of its rather shaky rationale never quite dies down; and as a consequence, no doubt, the Madisonian theses must themselves be constantly reiterated or even, as with Calhoun, enlarged upon.

It would be misleading to ascribe all the propositions that follow directly to James Madison himself. For though Madison articulated most of the basic elements of the theory, before and at the Constitu-

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tional Convention and later in certain of the "Federalist Papers," his relation to the propositions that follow must be qualified in three ways.

First, despite dissents of varying sorts, much of what he set forth or implied was widely shared by other political leaders of his time. Madison, however, had the rare gift—doubly rare among political leaders—of lucid, logical, and orderly exposition of his theoretical argument; perhaps in no other political writing by an American is there a more compactly logical, almost mathematical, piece of theory than in Madison's *The Federalist*, No. 10. Hence it is both convenient and intellectually rewarding to turn to Madison to discover a basic rationale for the American political system.

Second, even Madison did not always articulate his assumptions as to fact, definition, or value. I have therefore found it necessary from time to time to supply what seem to me these implied assumptions. This is a risky business, and in defense I can only say that in every instance I have sought to make his position as orderly and coherent as possible and not to weaken it. In brief, I rely on Madison where he seems to make his own case most logical, consistent, and explicit, but in all other cases I try to formulate a proposition that seems to me more logical, consistent, and explicit. It is a style of argument I am concerned with, not a perfect reproduction of Madison's words.

Third, it is a little unfair to treat Madison as a political theorist. He was writing and speaking for his time, not for the ages. He was up to his ears in politics, advising, persuading, softening the harsh word, playing down this difficulty and exaggerating that, engaging in debate, harsh controversy, polemics, and sly maneuver. He was a great man, intelligent, principled, successful; and he built well. To take his ideas apart and examine them piece by piece is, undoubtedly, a little unfair. As an admirer of Madison the man and statesman, I would be content to let Madison the theorist lie in peace—if it were not for the fact that he so profoundly shaped and shapes American thinking about democracy.

The central proposition of the Madisonian theory is partly implicit and partly explicit, namely:

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Hypothesis 1: If unrestrained by external checks, any given individual or group of individuals will tyrannize over others.

This proposition in turn presupposes at least two implied definitions:

DEFINITION 1: An "external check" for an individual consists of the application of rewards and penalties, or the expectation that they will be applied, by some source other than the given individual himself.[1]

DEFINITION 2: "Tyranny" is every severe deprivation of a natural right.

Three comments need to be made about the definition of tyranny supplied here. First, it is not the same as Madison's explicit definition of tyranny in *The Federalist*, No. 47, where he states that "the accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, may justly be pronounced the very definition of tyranny."[2] It seems to me that Madison's explicit definition has been derived from Definition 2 by the insertion of an empirical premise, i.e., the accumulation of all powers in the same hands would lead to severe deprivations of natural rights and hence to tyranny. It seems reasonable, therefore, to reconstruct Madison's explicit argument into the following Madisonian reasoning:

Hypothesis 2: The accumulation of all powers, legislative, executive, and judiciary in the same hands implies the elimination of external checks (empirical generalization).

The elimination of external checks produces tyranny (from Hypothesis 1).

Therefore the accumulation of all powers in the same hands implies tyranny.

As it stands Madison's explicit definition is unnecessarily arbitrary and argumentative, and since it can be derived from a definition that is not only highly congenial to the whole cast of Madison's thought

1. Hypothesis 1 and Definition 1 are a paraphrase, but I think a reasonably accurate paraphrase, of numerous references in Madison's writings. My language may be more modern, but the ideas are, I think, expressed by Madison, e.g., in his "Observations" of April, 1787, in *The Complete Madison, His Basic Writings*, ed. Saul K. Padover (New York: Harper & Bros., 1953), pp. 27–29. Cf. also his letter to Jefferson, October 24, 1787, pp. 40–43.

2. *The Federalist*, ed. Edward Mead Earle ("The Modern Library" [New York: Random House, n.d.]), p. 313. For another analysis of Madison see Mark Ashin, "The Argument of Madison's 'Federalist' No. 10," *College English*, XV (October, 1953), 37–45.

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but, as will be shown in a moment, helpful to the logic of his argument, I propose to adhere to Definition 2.

Second, the natural rights are not clearly specified. Among Madison's contemporaries as among his predecessors there was by no means a perfect agreement as to what "rights" are "natural rights." Such agreement as existed was on a high level of abstraction and left wide opportunities for disagreement in specific cases.[3] As will be seen, the absence of an agreed definition of natural rights is one of the central difficulties of the Madisonian theory.

Third, I have used the expression "severe deprivation" to cover an ambiguity in the thought of Madison and his contemporaries. How far could governments go in limiting natural rights without becoming tyrannical? Here again, neither Madison nor any other Madisonian, so far as I am aware, has provided wholly satisfactory criteria. However, Madison no doubt agreed with his contemporaries that, at a minimum, any curtailment of natural rights without one's "consent" was a sufficiently severe deprivation to constitute tyranny.[4] The ambiguity is so deep-seated, however, that I doubt whether any phrasing can patch it up.

As corollaries of Hypothesis 1 two additional hypotheses need to be distinguished:

Hypothesis 3: If unrestrained by external checks, a minority of individuals will tyrannize over a majority of individuals.

Hypothesis 4: If unrestrained by external checks, a majority of individuals will tyrannize over a minority of individuals.

Or as Hamilton put it more succinctly, "Give all power to the many, they will oppress the few. Give all power to the few, they will oppress the many."[5]

3. Clinton Rossiter has summarized the state of agreement on natural rights at the time of the Revolution in *Seedtime of the Republic* (New York: Harcourt, Brace & Co., 1953), chap. xiii.

4. *Ibid.*, p. 383. Rossiter describes the consensus on this point.

5. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention at Philadelphia, in 1787, Together with the Journal of Federal Convention*, etc., ed. Jonathan Elliot (2d ed.; Philadelphia: Lippincott, 1941), V, 203. Hereafter this will be referred to as *Elliot's Debates*.

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