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Richard K. Matthews

"A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power knowledge gives."
—Madison 1822

Professor Alan Gibson's insightful article contains much that is admirable. He is, in my view, correct in calling scholars' attention—particularly political scientists—to James Madison's often neglected views in his *National Gazette* essays and the foundational role of public opinion on all governments.[1] In addition, Gibson asserts several claims hoping to establish Madison's credentials as a democratic theorist that should be of interest as well. Specifically, he seeks to accomplish four tasks: (1) "to clarify the enduring debate over the credibility of Madison's democratic credentials"; (2) to "examine Madison's role in justifying, popularizing, and understanding...public opinion"; (3) to "highlight some of Madison's neglected insights into democratic theory, especially his understanding of the problem of collective action, and thereby establish him as a prescient democratic theorist"; and (4) to argue the case that Madison "contributed to a developing tradition of political thought in America upon a broad-based conception of freedom of speech and on the belief that political truths best emerge from the full flow of ideas."

While I concur with much of Gibson's position—especially his fourth, indisputable point—I also disagree with him on at least one significant position: James Madison was not a democrat. This does not mean, however, that he failed to make significant contributions to democratic theory: indeed, he did. Madison looked at

1. See my review of *The Papers of James Madison, vols. 15-17, The William and Mary Quarterly*, 3rd Ser., 51, no.1 (1994): 172-174; and *If Men Were Angels: James Madison & the Heartless Empire of Reason* (Lawrence, KS: University Press of Kansas, 1995), pp. 158-164.

the inevitable approach of democracy as a political problem to be forestalled for as long as possible, to be accepted only after all viable alternatives had been exhausted, and ultimately he offered some pragmatic advice for curbing its negative effects.

The topic of suffrage, virtually ignored by Gibson, comprises an issue of monumental import to anyone claiming democratic credentials. In the history of modern political thought, democracy constitutes a revolutionary idea that gets tacked on to liberalism as issues of individual rights, political legitimacy, and social stability begin to preoccupy theorists. The modern concept of democracy slowly develops after the liberal state has been firmly established and a few theorists begin to see that the concept of "one man, one vote" comprised a threat neither to property nor to stabile government.[2] Slowly, but steadily, suffrage expands from universal (often exclusively white) manhood, to manhood, and finally to include women. Numerous scholars of the history of political thought identify universal effective suffrage as a *sine qua non* of liberal-democratic government. "Since the eighteenth century," explains Benjamin Barber, "democratic theory and practice focused on the extension of the franchise, understanding universal suffrage to be a condition of the natural equality of all human beings that was bequeathed by the social contract tradition."[3] Robert Dahl places universal suffrage second in his "criteria for a democratic process;" and C. B. Macpherson lists it first in his "main stipulations" for a democratic process.[4] Acknowledging the primacy of voting, Quentin Skinner laments the fact that some contemporary political theorists seem "content to assume that the act of voting constitutes a sufficient degree of democratic involvement."[5] Describing the history of the development of American democracy, Gordon Wood notes that democracy ultimately required "that no one could be represented in government unless he had at least the right to vote." More significantly in the current context, Wood reminds us of Madison's boast

2. C. B. Macpherson, *Life and Times of Liberal Democracy* (Oxford: Oxford University Press, 1977), p. 10.

3. Benjamin Barber, "Democracy," p. 115 in *The Blackwell Encyclopedia of Political Thought*, ed. David Miller (New York: Basil Blackwell Inc.: 1987). Barber goes on to note that "popular sovereignty" did not meet the standards of democracy.

4. Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 1998), p. 37; Dahl p. 44 differentiates "popular government" from democratic government based on the exclusion of substantial parts of the population from voting. Hence, Madison would be a proponent of popular rather than democratic government; Macpherson, *Life and Times*, p. 7.

5. Quentin Skinner, "The Italian City-Republics," p. 68 in *Democracy: The Unfinished Journey*, ed. John Dunn (New York: Oxford University Press, 1992).

from *Federalist*, No. 63 that "the true distinction" of the American political scheme "*lies in the total exclusion of the people, in their collective capacity*, from any share" in governing. Thus, concludes Wood, for Madison "America ... possessed no democracy at all; it was a republic through and through."[6]

While Gibson might respond that Madison helped establish a political system based on widespread suffrage, this position needs elucidation. As a consequence of suffrage requirements in the Constitution of 1787, Forrest McDonald calculates that "only about one American in six was eligible to participate in the political process, and far fewer were eligible to hold office."[7] Furthermore, in the early 1790s, in his private notes, Madison concludes that "in proportion as slavery prevails in a State, the Government, however democratic in name, must be aristocratic in fact. The power resides in a part instead of the whole: in the hands of property, not of numbers." Turning to the issue relative to his home state, he indifferently notes:

> In Virginia the aristocratic character is increased by the rule of suffrage, which requiring a freehold in land excludes nearly half the free inhabitants, and must exclude a greater proportion as the population increases. At present the slaves and non-freeholders amount to nearly ¾ of the State. The power therefore is in about ¼. Were the slaves freed and the right of suffrage extended to all, the operation of the Government might be very different.[8]

While scholars can only imagine how different Virginia government could have been, what is crucial to recognize is that Madison is not critical of this (nondemocratic) aristocratic situation where one-fourth hold power. In fact, as will become clear later in this essay when his final 1829 thoughts on suffrage are presented, Madison specifically employs the presence of slavery in Virginia to argue against universal manhood suffrage. Madison's America was not democratic, and this he perceived as one of its strengths.

Precisely who can claim to be the first liberal-democratic theorist remains contested terrain. David Wootton presents a persuasive case that "the Levellers are thus not merely the first modern democrats but

6. Gordon Wood, "Democracy and the American Revolution," pp. 101, 97 in Dunn, *Democracy*. See also Neal Riemer, *James Madison: Creating the American Constitution* (Washington D. C.: Congressional Quarterly, 1986), p. 126 who similarly dismisses the idea of "Madison in 1787 or 1828" being a democrat: "He was not in his life time even an advocate of universal white male suffrage."

7. Forrest McDonald, *Novus Ordo Seclorum* (Lawrence, KS: University Press of Kansas, 1985), p. 162.

8. William T. Hutchinson et al., eds., *The Papers of James Madison*, 17 vols. (Chicago and Charlottesville: University of Chicago Press and University of Virginia Press, 1962--), 14:163. Hereafter cited as *PJM*.

the first to seek to construct a liberal state." Wootton argues that "the Levellers and their supporters were arguing for one man, one vote, or something very close to it."[9] C. B. Macpherson, in contrast, dismisses the Levellers and argues that Jeremy Bentham and James Mill were "the first systematic thinkers" to argue for universal suffrage for the liberal state.[10] While suffrage has always been the lynchpin for all variants of liberal-democracy, theorists have historically disagreed over the *essence* of democracy. As Robert Dahl succinctly put it: "There is no Democratic theory, only democratic theories."[11]

Plato's and Aristotle's distaste of things democratic remains well known; and yet, both philosophers conceptualized democracy as *a way of life* rather than simply a manner of governing. It may be helpful to think of liberal-democratic theorists as residing in two schools of thought. The first conception of democracy was that of a political mechanism for electing a government; even in this minimalist conception, democracy was vitally important in that it gave individuals rights—defensive powers—enabling citizens to protect themselves from each other as well as from the government. The second school conceived of democracy not only as an electoral mechanism but also as a way of life, a type of society. This side believed that participating in politics constituted not merely an activity to be engaged in out of self-protection but rather a humanizing endeavor in and of itself, a fundamental part of living a democratic life as a *zoon politikon*; every person, moreover, must have an equal and effective right to develop his or her own individual powers and capacities and thereby have the opportunity of reaching their potential, of pursuing happiness, of living well. The latter school can be associated with political theorists like Thomas Jefferson, John Dewey, C. B. Macpherson, and Benjamin Barber; the former with Jeremy Bentham, James Mill, Joseph Schumpeter, and given that he foresaw democracy as inevitable, albeit undesirable, James Madison. However, prior to embarking on a discussion of these contrasting schools, a critical analysis of Madison on suffrage is necessary.

Madison's earliest view of suffrage can be found in an August 1785 letter discussing an appropriate constitution for Kentucky. The suffrage question Madison considered "a matter of great delicacy and critical Importance." Once conceptualized, Madison never deviates

9. David Wootton, "The Levellers," pp., 71, 74 in Dunn, *Democracy*.

10. Macpherson, *Life and Times*, p. 11. Macpherson acknowledged that both Rousseau and Jefferson argued for universal (white manhood) suffrage but discounts them because both required a one-class base for their politics.

11. Robert Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), p. 1.

in the manner in which he frames the issue even though over time he expands the number, and types, of individuals to whom he considers it safe to give the vote. Put differently, Madison does acquiesce in expanding the right to vote when circumstances require it, but even then it should proceed as slowly as politically feasible. "To restrain it to the land owners," he notes in 1785 "will in time exclude too great a portion of citizens; to extend it to all citizens without regard to property, or even to all who possess a pittance may throw too much power into hands which will either abuse it themselves or sell it to the rich who will abuse it." The issue securely framed, Madison suggested a favorite divide and conquer compromise: "it might be a good middle course to narrow this right in the choice of the least popular, & to enlarge it in that of the more popular branch." While Madison assumed this idea might "offend the sense of equality which reigns in a free country," he nevertheless saw "no reason why the rights of property which chiefly bears the burden of Government & is so much an object of Legislation should not be respected as well as personal rights in the choice of Rulers."[12] For Madison, it was property and the rule of law that provided individual freedom and political stability, not rule by the *demos*.

At the Constitutional Convention, Madison participated in the debates on suffrage, initially agreeing that "the Senate ought to come from, & represent, the Wealth of the nation."[13] Less than a week later, when the proposal of restricting the origination of money bills to the House was under discussion, Madison countered that:

> The Senate would be the representatives of the people as well as the 1st. branch. If they sh.[ould] have any dangerous influence over it, they would easily prevail on some member of the latter to originate the bill they wished to be passed on. As the Senate would be generally a more capable sett [sic] of men, it w[oul]d. be wrong to disable them from any preparation of the business, especially of that which was most important and in our republics, worse prepared than any other.[14]

Reflecting Madison's class bias, he assumed senators had the capacity to represent "wealth" as well as "the people" and would be "a more capable sett of men." Since money bills ultimately involved the "taking" of property, who better to guard this institution than senators? By the end of June, Madison articulated more fully his fear about suffrage and the future economic changes that he foresaw. "We

12. *PJM*, 8:353.

13. Max Farrand, ed. *The Records of the Federal Convention of 1787*, rev. ed. 4 vols. (New Haven: Yale University Press: 1937) I:158. Hereafter cited as *Farrand*.

14. *Ibid.*, I:233.

sh[oul]d not lose sight of the changes which ages will produce" he warned his colleagues. The change he most feared—at Philadelphia and throughout his life—was the disproportionate rise "of those who will labour under all the hardships of life, & secretly sigh for a more equal distribution of its blessing." Small wonder that he worried about "agrarian attempts ... of a leveling spirit." As a structural solution, Madison again turned to the Senate:

> our government ought to secure the permanent interests of the country against innovation. Landholders ought to have a share in the government, to support these invaluable interests and to balance and check the other. They ought to be so constituted as to protect the minority of the opulent against the majority. The Senate, therefore, ought to be this body.[15]

Decades later, sometime in the 1820s, Madison attached an extended note on suffrage to his personal copy of the Constitutional Convention debates so as to "convey the speaker's more fully & mature view of the subject." That he chose suffrage as an issue to readdress at this point in his life demonstrates that he still conceived of it as "a fundamental Article in Republican Constitutions." As always, Madison framed the issue in terms of balancing the rights of property against the rights of persons where each category must have a "defence" against the other.

Prior to spelling out five theoretical schemes to address the issue of suffrage, Madison initially runs through arguments right out of *The Federalist*—but not the *National Gazette*—reminding future readers of his particular political worldview:

> Bodies of men are not less swayed by interest than individuals, and are less controlled by the dread of reproach and the other motives felt by individuals.... We must not shut our eyes to the nature of man, nor to the light of experience. Who would rely on a fair decision from three individuals if two had an interest in the case opposed to the rights of the third? Make the number as great as you please, the impartiality will not be increased, nor any further security against justice be obtained, than what may result from the greater difficulty of uniting the wills of a greater number.

Madison suggests solutions to the "vices" of "popular government" that as usual draw upon both political and socioeconomic factors.

> In popular Governments the danger lies in an undue sympathy among individuals composing a majority, and a want of responsibility in the majority to the minority. The characteristic excellence of the political System of the U.S. arises from a distribution and organization of its powers, which at the same time that they secure the dependence on Govt. on the will of the nation,

15. *Ibid.*, I:421-23.

> provides better guards than are found in any other popular Govt. against interested combinations of a Majority against the rights of the Minority.

As before, Madison still relied on the stabilizing advantages provided by the availability of large amounts of "free" land spread over an extended commercial republic. But Madison's Malthusian worldview was creeping further into his thinking about the future.

> The U. States have a precious advantage also in the actual distribution of property particularly the landed property; and in the *universal hope* of acquiring property. This latter peculiarity is among the happiest contrasts in their situation to that of the old world, where no anticipated change in this respect, can generally inspire a like sympathy with the rights of property. There may be at present, a Majority of the Nation, who are even freeholders, or the heirs, or aspirants to Freeholds. And the day may not be very near when such will cease to make up a Majority of the community. But they cannot always so continue.[16]

It is precisely this future day, when the propertyless mass comprise the majority, which Madison most dreads. In 1821, Madison's vision still contains at least "the hope" that most individuals could acquire property. In less than a decade, however, even this hope disappears from his considerations.

His introductory remarks concluded, Madison sketches five voting scenarios. The first restricted suffrage to "freeholders, & to such as hold an equivalent property." Madison rejected it on two grounds: first, it violated "the vital principle of free Government that those who are bound by laws, ought to have a voice in making them"; and second, it seemed "unpropitious" since he thought it would require a standing army to keep the majority in line. The second option recalled the logic of his 1785 Kentucky solution by restricting "suffrage for one Branch to the holders of property, and for the other Branch to those without property." The apparent virtue of this plan remained that it gave each class "a mutual defence" against the other, but the problem with the design was that it only appeared to be equal and fair: "It w[oul]d not be in fact either equal or fair, because the rights to be defended would be unequal, being on one side those of property, as well as those of persons, and on the other those of persons only." Madison next endorses a plan that dealt with his earlier objections:

> Confining the right of electing one Branch of the Legislature to freeholders, and admitting all others to a common right with holders of property, in electing the other Branch. This w[oul]d give a defensive power to holders of property, and to the class also without property when becoming a majority

16. *Ibid.*, 3:450-51 (my emphasis).

> of electors, without depriving them in the mean time of a participation in the public Councils. If the holders of property w[oul]d thus have a two-fold share of representation, they would have at the same time a twofold stake in it, the rights of property as well as of persons the twofold object of political Institutions. And if no exact and safe equilibrium can be introduced, it is more reasonable that a preponderating weight should be allowed to the greater interest than to the lesser.

Madison's final two schemes, which he did not endorse, dealt with a distant future when "experience or public opinion require an equal and universal suffrage for each branch." Time and space, the venerable checks from *The Federalist*, were proffered as helpful restraints on the majority. Referring to the House of Representatives, he argued that "a resource favorable to the rights of landed & other property, when its possessors become the Minority, may be found in an enlargement of Election Districts ... and an extension of its period of service." The call for a longer term of office employed one of his favorite tactics of playing for time: he assumed that passion would cool over time and permit "reason & justice" to "regain their ascendancy." "Large districts," recalled Madison, "are manifestly favorable to the election of persons of general respectability, and of probable attachment to the rights of property, over competitors depending on the personal solicitations practicable on a contracted theatre." Lastly, Madison turned to the ultimate, worst case scenario: "Universal suffrage and very short periods of elections within contracted spheres ... for each branch." Madison, it should be observed, never even considered the issue of direct suffrage for either the executive or judiciary branches; he assumed that these already appropriately filtered political bodies would still function as checks to modify the potentially dangerous democratically elected legislature. Although withholding his endorsement of this plan, Madison believed that should this situation ever develop, "security for the holders of property ... 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 from the difficulty of combining and effectuating unjust purposes throughout an extensive country." He concluded this addition to his convention notes with a rhetorical choice: "If the only alternative between an equal and 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 having the greater interest at stake namely that of property and person 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."[17] Fortunately, this provided a choice Madison hoped he would never have to make and he knew his solution to suffrage would remain private until his "Notes" on the Constitutional Convention became public after his death.

In 1829, Madison entered the public arena in Richmond, Virginia, for his final effort in constitution making; again, he decided that the suffrage question was of such fundamental import that it was the only issue on which he addressed the assembly and submitted a "memorandum" thereby ensuring his thoughts were recorded for posterity. As usual, Madison avoided a purely theoretical approach and grounded his proposal in the context of Virginia politics and history—both of which remained deeply stained by slavery. Madison cautioned his audience on two grounds: "We all know," he said, "that conscience is not a sufficient safe-guard; and besides, that conscience itself may be deluded; may be misled, by an *unconscious bias*, into acts which an enlighted conscience would forbid."[18] Next he admonished that careful consideration had to be exercised with regard to "that peculiar feature in our community" by which he meant "the coloured part of our population". While he should have been particularly alert to an unconscious bias on his part, since he considered this "feature" a character issue, Madison counseled his audience "that they should be considered, as much as possible, in light of human beings, and not as mere property." Be that as it may, Madison used race to buttress his case that suffrage had to be restricted: if the "Commonwealth shall be in the hands of a majority, who have no interest in this species of property … injustice may be done to the owners." Ignoring the question of injustice to the slave, Madison then urged the delegates to employ "the Federal ratio … a favorite resource" of his in fixing a secure basis of representation.[19]

His written memorandum, silent on slavery, dealt with his even greater fear when it came to suffrage—the inevitable creation of a growing class that survives on subsistence wages. Echoing Malthus and anticipating Marx, Madison observed:

> It is a law of nature, now well understood, that the earth under a civilized cultivation is capable of yielding subsistence for a large surplus of consumers, beyond those having an immediate interest in the soil; a surplus which must increase with the increasing improvements in agriculture, and the labor-saving arts applied to it. And it is the lot of humanity that of

17. *Ibid.*3:453-455.

18. Gilbert Hunt, ed. *The Writings of James Madison*, 9 vols. (New York: G. P. Putnam's Sons: 1900-1910), 9:361. Emphasis mine. Hereafter *Writings*.

19. *Ibid.*, 9:362.

> this surplus a large proportion is necessarily reduced by a competition for employment to wages which afford them the bare necessaries of life.

Madison then repeated his lifelong perspective of the central problematic, but—given the laws of political economy—finally removes even "hope" from the future of the propertyless: "That proportion being without property, or the hope of acquiring it, cannot be expected to sympathize with its rights, to be safe depositors of power over them." Madison asks apprehensively: "What is to be done with this unfavored class?" Reluctantly, he now extends suffrage to "every description of citizens having a sufficient stake in the public order … and particularly the House keepers & Heads of Families." Even though the latter group crosses the "sufficient stake" threshold due to their "'having given hostages to fortune,'" he stubbornly refuses to embrace universal suffrage. In classic Madison style, he rejects "theory" for prudence. His final words on suffrage are these:

> It would be happy if a State of Society could be found or framed in which an equal voice in making the laws might be allowed every individual bound to obey them. But this is a Theory, which, like most Theories, confessedly requires limitations & modifications, and the only question to be decided in this as in other cases, turns on the particular degree of departure in practice, required by the essence & object of the Theory itself.[20]

This extended presentation of Madison's slowly evolving views of suffrage demonstrates both his liberal essence as well as his clear anticipation of the inevitability of democracy being attached to his Republic. The question remains: Is Madison a "prescient democratic theorist"? Arguably yes: he predicted its inevitability and offered suggestions to tame its vices. Madison hoped that the auxiliary precautions he had helped build into the Republic, aided by widespread education and a more enlightened citizen base, might be sufficient safeguards to the unstoppable entrance of the propertyless masses. However, the role of the voter remained simply to select for representatives individuals who would function as a non-instructed delegate, a trustee "whose wisdom may best discern the true interests of their country."[21] Given all of these views and the clarity of his words, it becomes an extraordinarily difficult task to metamorphose him into an advocate of democracy. Where James Mill also observed and feared the rise of the propertyless masses, he accepted a universal and equal democratic franchise; Madison did not. In terms of the American context, Madison's strict liberal (nondemocratic)

20. *Ibid.*, 9: 359-60.
21. *PJM*, 10:268.

political theory becomes even more obvious when contrasted to the radically democratic theory of Thomas Jefferson.[22]

Madison's insightful writings on public opinion, a free press, and a vigilant citizenry, cogently discussed by Professor Gibson, need to be placed in historical context to understand his shift in perspective from writing *The Federalist* to the *National Gazette*. A pragmatic political leader, Madison rarely indulged in the luxury of theorizing about philosophic abstractions. His political thought, while grounded in the moment, often contained keen insights that would remain valuable for generations to come. Still, his own political fortunes, in my view, played an enormous part in his discovery of the power of public opinion, the value of a free press, and the pressing need for "citizen-centinels" to curb the rise of what he shrewdly labeled Anti-Republicanism.

When Madison and Alexander Hamilton were preoccupied with the great collaboration of drafting a new constitution, constructing a liberal state, and selling both to the public, he enjoyed the benefits of being in *de facto* power. Once the Constitution was ratified, and Jefferson returned from France, Madison began to witness the unanticipated rise of the Federalist Party and Hamilton's ascendancy as President Washington's most influential advisor. Hamilton and Madison, much to the surprise of both, felt betrayed by each other; and their collaboration ended. After Hamilton's hermeneutic wins the debate with Madison and Jefferson over not merely the constitutionality of "the Bank" but how the Constitution would be interpreted, Madison had to confront the new difficulties surrounding the now emasculated check of "enumerated powers"—the virtues of which he discussed four times in *The Federalist*. Perhaps even more significantly, Hamilton's brilliant reading of "the necessary and proper" clause planted the seeds for the ultimate transformation of Madison's "negative" state into the modern "positive" state. For a brief period, Madison even had to change his mailing address back to Montpelier where he now suffered through the discontents of being, in effect, "out" of power. As the Washington administration changed into Adams's, Madison and Jefferson became convinced that the Washington-Hamilton-Adams regime consisted of Anti-Republicans and the historic experiment in popular government teetered on the edge of genuine danger. Consequently, Madison looked for creative ways to use the system he helped design to re-balance the political machine; he rediscovered the states as "defensive" fortresses and public opinion as a tool to

22. See my *The Radical Politics of Thomas Jefferson* (Lawrence, KS: University Press of Kansas: 1986).

be used to check the administration. Moreover, in a short period of time his solutions worked like a charm. But note well, with the smashing success of the Jeffersonian "Revolution of 1800," and Madison back in power, he had much less to say on the virtues of public opinion or the need for citizen-centinels now that the nation rested securely in Jeffersonian-Republican hands.

Madison's views on the critical roles of a free press, public opinion, and a watchful citizenry in a Republic can be traced through several of his *National Gazette* essays.[23] Looking at these essays as a whole, it would not be too far off the mark to call a major thematic of them "Lectures on the Necessity of Republican Citizenship." Do not be misled: This citizenship remained that of a dedicated liberal who believed in defensive, negative power and the role of fear and mutual distrust in the creation of the protective, negative state. Madison's political theory required that every actor, or institution, in the system have some degree of protective power, "a defensive armour for each," as he described it in his "Notes for Essays."[24]

On December 3, 1791 Madison argued in "Consolidation" that there existed a distinct advantage "in proportion as uniformity is found to prevail in the interests and sentiments of the several states, will be the practicability of accommodating *Legislative* regulations to them, and thereby of withholding new and dangerous prerogatives from the executive." In direct contrast to the equilibrium produced by his theory of counterpoise in *The Federalist*, Madison now asserted that "the less the supposed difference of interests, and the greater the concord and confidence throughout the great body of people, the more readily must they sympathize with each other" and "the more certainly will they take the alarm at usurpation or oppression, and the more effectually will they *consolidate* their defense of the public liberty."[25] In fact, this did not signal a change of heart. Rather, it reflected Madison's acute understanding that his balancing governmental machine required shifting emphasis to meet the changing demands of time.[26]

In an essay published later that year, Madison astutely identified "Public Opinion" as setting the "bounds of every government," and

23. It is noteworthy that at the time of *The Federalist* Hamilton pays far more attention to both freedom of the press and public opinion than Madison.

24. *PJM*, 14: 167; see also 14:218.

25. *PJM*, 14:138-139.

26. See my *If Men Were Angels*, p. 23 where I use the metaphor of a child's seesaw: government, with authority and power rests on one side and individuals with liberty and rights sit on the other; reason functions as the fulcrum and Madison shifts his emphasis from one side to the other as conditions warrant to keep the toy in balance.

"the real sovereign in every free" one. He observed that while "there are cases where the public opinion must be obeyed by the government; so there are cases, where not being fixed, it may be influenced by the government." With public opinion playing an increasingly active role in setting the limits to government, the political system would not necessarily have to wait for an election to send an unmistakable message to those in power. But the relationship between the government and public opinion remained dialectical: in some cases, "public opinion must be obeyed by the government"; and in other cases, public opinion "may be influenced by the government." Often concerned with the side-effects of size, Madison argued that a free press would become especially significant to ascertain the "real opinion" of a public spread over a vast territory. In contrast to his perspective in *Federalist*, No.10, Madison now argued the benefits of shrinking the political space:

> Whatever facilitates a general intercourse of sentiments, as good roads, domestic commerce, a free press, and particularly a *circulation of newspapers through the entire body of the people, and Representatives going from, and returning among every part of them*, is equivalent to a contraction of territorial limits, and is favorable to liberty, where these may be too extensive.[27]

In his final essay of the year, "Government," he articulated his views on the necessity of a vigilant citizenry. Since "a republic involves the idea of popular rights," which Madison assumed individuals would naturally be interested in protecting, he advocated that "every good citizen will be at once a centinel over the rights of the people; over the authorities of the confederal government; and over both the rights and the authorities of the intermediate governments."[28] While a sense of civic virtue alone could not be counted on to produce this individual resolve, a keen sense of self-interest could.

"Charters," published early in the new year and one of Madison's finer *National Gazette* essays, continued his call for an active citizen-centinel to watch over the rights of the nation. The opening lines convey Madison's sense of the central distinction between European and American politics: "In Europe, charters of liberty have been granted by power. America has set the example and France has followed it, of charters of power granted by liberty." Power and liberty were not an either/or choice; good government always involved a balancing of the two. Madison reinforced his notion of guardianship, extending it to both the private and public arenas. In this way he openly linked the factors of public opinion, a citizenry on

27. *PJM*, 14:170.
28. *PJM*, 14:179.

guard, and the need for citizens to be enlightened. "How devoutly is it to be wished," wrote Madison, "that the public opinion of the United States should be enlightened." He closed his essay with this eloquent admonition: "Liberty and order will never be *perfectly* safe, until a trespass on the constitutional provisions for either, shall be felt with the same keenness that resents an invasion of the dearest rights; until every citizen shall be an *Argus* to espy, and an *Aegeon* to avenge, the unhallowed deed."[29]

Madison's essay "Government of the United States" reinforced the above arguments. This time Madison urged "those who love their country, its repose, and its republicanism" to "study" their government so as to "avoid the alternative" of schism, or consolidation. In words consistent with the spirit if not the letter of *The Federalist,* Madison wrote:

> In bestowing the eulogies due to the partitions and internal checks of power, it ought not the less to be remembered that they are neither the sole nor the chief palladium of constitutional liberty. The people who are the authors of this blessing, must also be its guardians. Their eyes must be ever ready to mark, their voice to pronounce, and their arm to repel or repair aggressions on the authority of their constitutions; the highest authority next to their own, because the immediate work of their own, and the most sacred part of their property, as recognizing and recording the title to every other.[30]

Again, a couple of things must be noted. First, Madison's position, although emphasizing the ultimate power of the people, remained simply to have them exercise their voting power to pick men of wisdom. He, unlike Jefferson, did not want the *demos* intimately involved in politics. They were neither to set the agenda nor discuss policy choices; their power was restricted to kicking the bums out of office when they got out of line. Unless, of course, the situation deteriorated to such a point that the legitimate right to revolution arose. Clearly, this radical course of action Madison always acknowledged as a corrective measure of last resort but never relished it as a healthy exercise in politics and liberty in the style of Jefferson. Second, Madison now had a clearer appreciation of federalism as a check against tyranny as his reference to "their constitutions" makes apparent. This view is a significant departure from the earlier Madison who lamented the absence in the Constitution of the "legislative veto" over the policy decisions of the unruly democratic state legislatures.

29. *PJM,* 14:191-192, JM's emphasis.
30. *PJM,* 14:218.

By the late 1790s, Madison's animosity and alarm at the "Anti-Republicans" had yet to crest as the Alien and Sedition Acts pushed him into direct conflict with Adams. Upon learning of the preliminary details of the legislation, he told Jefferson that it represented "a monster that must for ever disgrace its parents."[31] Of course, given Madison's vacillating opinion of the capacities of the people for self-government, relying upon them to save the republic would be a risky business. Newspapers could help; so too could the state governments, and Madison moved on the Virginia legislative front in an effort to spur other state legislatures to check the tyrannical federal government. In 1799, Madison penned two essays for the Philadelphia-based *Aurora General Advertiser*, which are germane to the topic. In "Foreign Influence," Madison turned the administration's arguments against French influence in the United States back against the regime itself. On the issue of a free press, Madison drew some sophisticated and rather modern conclusions about both domestic and British influence over the press even though he still had a naïve view of the possibility of an impartial press. While the administration could exert direct pressure on the press, the British had to be far more cunning. Nevertheless, Madison called it "deplorable that this guardian of public rights, this organ of necessary truths, should be tainted with partiality at all. How bitter the reflection, that it should be subject to a foreign taint." In our contemporary age where major corporations own and control far too many news agencies, Madison's critical analysis of inappropriate influences on a free press should still be heeded by all:

> The inland papers it is well known copy from the city papers: and the city more particularly, as the center of politics and news. The city papers are supported by advertisements. The advertisements for the most part, relate to articles of trade, and are furnished by merchants and traders. In this manner British influence steals into our newspapers, and circulates under their passport.[32]

As in the past, Madison argued that the citizens had to be ever vigilant to watch for usurpations of power. When violations occurred, the people must exercise their defensive power and then return to their daily routine. In vivid, instructive prose Madison decoded for his readers "the true lesson" taught by French politics:

> That in no case ought the eyes of the people be shut on the conduct of those entrusted with power; nor their tongues tied from a just wholesome censure on it, any more than from merited commendations. If neither

31. *PJM*, 17:133-134.
32. *PJM*, 17:219-220.

> gratitude for the honor of the trust, nor responsibility for the use of it, be sufficient to curb the unruly passions of public functionaries, add new bits to the bridle rather than to take it off altogether. This is the precept of common sense illustrated and enforced by experience—uncontrouled power, ever has been, and ever will be administered by the passions more than by reason.

Madison pushed his position directly to Adams's doorstep, where he mocked "the fashionable doctrine of the present day, that elective and responsible rulers ought never to be deemed capable of abusing their trust, much less does it favor the still more fashionable doctrine, that *executive influence* in a *representative government* is a *mere phantom* created by the imaginations of the credulous, or the *arts of the hypothetical friends of liberty*." He closed his well-reasoned diatribe with two "momentous truths" in the "whole field of political sciences" that should be "engraven on the American mind." "First. That *the fetters imposed on liberty at home have ever been forged out of the weapons provided for defense against real, pretended, or imaginary dangers from abroad*. Secondly, That *there was never a people whose liberties long survived a standing army*."[33]

With the enormous success of the "Revolution of 1800," Madison's attention shifted away from the need for freedom of the press and an energized citizenry to the pressing affairs of the new government. Though he never again spilled as much ink on these issues, neither did he ever forget the lessons of his immediate past. In an 1822 letter, Madison noted that "the liberal appropriations made by the Legislature of Kentucky for a general system of Education cannot be too much applauded." In a rather eloquent statement of the rationale for this position, he concluded: "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power knowledge gives."[34]

In an 1828 letter to Nicholas Trist, commenting on the less than favorable state of newspaper publishing, Madison reminded Trist that "falsehood and slanders must always be controuled in a certain degree by contradictions in rival or hostile papers where the press is free." Then in the logic of John Stuart Mill's celebrated *On Liberty*, he colorfully suggested to Trist that:

> It has been said, that any country might be governed at the will of one who had the exclusive privilege of furnishing its popular songs. The result would be far more certain from a monopoly of politics of the press. Could

33. *PJM*, 17: 239, 242, JM's emphasis.
34. *Writings*, 9:103.

> it be so arranged that every newspaper, when printed on one side, should be handed over to the press of an adversary, to be printed on the other, thus presenting to every reader both sides of every question, truth would always have a fair chance.[35]

The *National Gazette* and *Aurora General Advertiser* essays present Madison appreciating the defensive power inherent in the powerful combination of public opinion, a free press, and an informed, vigilant citizenry. For those who held full rights of citizenship, the task remained simply vigilant guardianship, not the active citizen-participation model of Aristotle requiring citizens to fulfill the functions of ruling and being ruled. Madisonian citizens were to let the government know that they were watching, and if need be, willing to change rulers. Beyond that, their political function remained solely to participate in a process of selection designed "to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society."[36] Shortly after the conclusion of the Jefferson presidency, Madison metaphorically captured the essence of the reconstituted American political system now that its republicanism had been secured: "A Government like ours has so many safety-valves, giving vent to over heated passions, that it carries within itself a relief against the infirmities from which the best of human Institutions cannot be exempt."[37] To be sure, he now considered a free press, enlightened public opinion, and vigilant citizen-centinels among the safety-valves that helped provide equilibrium to politics.

Returning briefly to the opening topic of the contrasting schools of democratic theory, it seems appropriate to situate Madison as a reluctant theorist of the mechanistic view of democracy, what Benjamin Barber aptly calls "thin" democracy.[38] George Carey, among others, has appropriately argued that "it is critical to note in this connection that Madison subscribed to a model of 'democracy' articulated by Joseph Schumpeter."[39] In his influential (1947) *Capitalism, Socialism, and Democracy*, Schumpeter sketched the outline of his

35. William C. Rives and Phillip R. Fendall, eds., *Letters and Other Writings of James Madison*, 4 vols. (Philadelphia: J. B. Lippincott, 1884), 3:630.

36. *PJM*, 10:521.

37. *Letters and Other Writings*, 3:190.

38. Benjamin R. Barber, *Strong Democracy: Participatory Politics For a New Age* (Berkeley:University of California Press, 1984), p. 4.

39. George W. Carey, "James Madison (1751-1836)," p. 63 in *Midwest Studies in Philosophy: The American Philosophers*, ed. Peter A. French and Howard K. Wettstein (Boston: Blackwell Publishing, 2004); Macpherson, *Life and Times*, pp. 77-78; and, David Ingersoll, Richard Matthews, and Andrew Davison, *The Philosophic Roots of Modern Ideology* (Upper Saddle River: Prentice Hall, 2001), pp. 81-82.

theory: democracy is not a kind of society or a way of life but simply a mechanism for selecting governments. It is a political method that helps guarantee a certain type of institutional arrangement for arriving at political, legislative, and administrative decisions. The mechanism must consist of competition between at least two sets of self-chosen political elites. And most importantly in the present context, the voter's role is not to decide political questions but simply to elect the individuals who will decide both the questions and the answers. Political participation has no intrinsic value. Schumpeter matter-of-factly asserts that "the electoral mass is incapable of action other than a stampede."[40] This sounds a lot like what Carey McWiiliams calls Madison's "striking, even shocking assertion" that "Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob."[41] Arguing a position echoing Madison's claim that the "true distinction" of the American system "*lies in the total exclusion of the people, in their collective capacity,* from any share" in governing, Schumpeter summarized his own position thusly: "democracy does not mean and cannot mean that the people actually rule in any obvious sense of the terms 'people' and 'rule.' Democracy means only that the people have the opportunity of accepting or rejecting those who are to rule them."[42] As Madison put it at the Virginia ratifying convention: "But I go on this great republican principle, that the people will have virtue and intelligence to select men of virtue and wisdom."[43]

The other view of democracy, what Barber calls "strong democracy," has also been the normative choice of modern theorists such as John Dewey and C. B. Macpherson. "As soon as democracy is seen as a kind of society, not merely a mechanism of choosing and authorizing governments," writes Macpherson, "the egalitarian principle inherent in democracy requires not only 'one man, one vote' but also 'one man, one equal effective right to live as fully humanly as he may wish.'" To emphasize the ancient philosophic tradition that politics is about how individuals live, Macpherson explains that "Democracy is now seen ... as a kind of society—a whole complex of relations between individuals—rather than sim-

40. Joeseph Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper and Row, 1947), p. 283.

41. Wilson Carey McWilliams, "Democracy and the Citizen: Community, Dignity, and the Crisis of Contemporary Politics in America," p. 90 in *How Democratic is the Constitution,* ed. Robert A. Goldwin and William A. Schambra (Washington, D.C.: American Enterprise Institute, 1980); *PJM,* 10: 505.

42. *PJM,* 10: 548; Schumpeter, *Capitalism, Socialism, and Democracy,* pp. 284-85.

43. Jonathan Elliot, ed., *The Debates of the Several State Conventions on the Adoption of the Federal Constitutions,* 5 vols. (Philadelphia: J. B. Lippincott, 1830-1836), 3:536.

ply a system of government."[44] Thomas Jefferson may well be the most eloquent, if unsystematic, advocate of this view of democracy. Having previously articulated Jefferson's radical democracy in *The Radical Politics of Thomas Jefferson*, I will remind readers of just two points that separate him categorically from his friend Madison. Jefferson believed "that the earth belongs in *usufruct* to the living" to be yet another "self evident" truth which Madison flatly rejected.[45] Every generation, consequently, had the natural right, in Hannah Arendt's phrase "to begin the world over again."[46] Each generation had to have the opportunity to make its own laws and constitutions to safeguard against their being "ever under the regimen of their barbarous ancestors."[47] To keep the republic virtuous, Jefferson wanted maximum politics—with minimal government—through mass citizen participation rooted in the political space created by his beloved ward republics, what he called the "wisest invention ever devised by the wit of man for the perfect exercise of self-government, and for its preservation."[48] Jefferson fervently believed:

> Where every man is a sharer in the direction of his ward-republic, or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the state who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than his power wrested from him by a Caesar or a Bonaparte.[49]

In this spectrum of democratic theory, it remains Jefferson who represents the quintessential strong democrat. The brilliant, and arguably more realistic, Madison all too keenly feared the predetermined rise of a propertyless majority who could not be denied political participation forever. And when finally given the vote, their role was primarily to pick those who were to rule. And so, the logic of Madison's mature worldview casts him in the awkward position of being a reluctant as well as prescient theorist of "thin" democracy who arrived at this position because he too was "held hostage by fortune."

44. C. B. Macpherson, *Democratic Theory: Essays in Retrieval* (Oxford: Clarendon Press, 1973), p. 51.

45. Merrill D. Peterson, ed., *The Portable Jefferson* (New Rork: Penguin Books, 1975), pp. 444-51. Jefferson never gave up on this idea and his last expression of it was two years before his death. See *Portable Jefferson*, p. 580.

46. Hannah Arendt, *On Revolution* (New York: Viking Press, 1973), p. 235.

47. *Portable Jefferson*, p. 559. This idea puts Jefferson in full compliance with Rousseau's conception of moral freedom.

48. *Portable Jefferson*, p. 557.

49. Adrienne Koch and William Peden, eds., *The Life and Selected Writings of Thomas Jefferson* (New York: Radom House: 1972), p. 661.