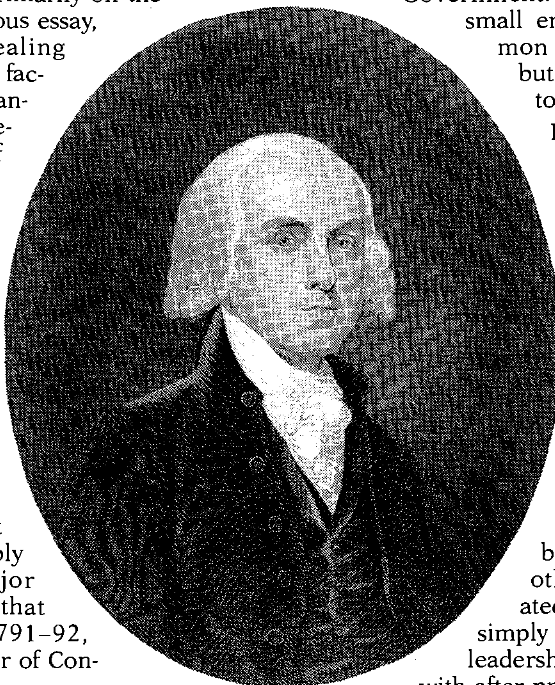
POLITICS & GOVERNMENT

Madison, Mischiefs, And Virtue

"The Politics of Public Opinion: James Madison's 'Notes on Government'" by Colleen A. Sheehan, in *The William and Mary Quarterly* (Oct. 1992), Box 8781, Williamsburg, Va. 23187–8781.

Scholars in recent years have been vigorously debating the intellectual origins of the Founding Fathers' ideas. Did they derive mainly from the liberal philosophy of John Locke, the classical republicanism of Plato and his heirs, the modern republicanism of Machiavelli, or other intellectual sources? The conventional view of James Madison (1751–1836), the "father" of the Constitution, has been that he was most influenced by Lockean liberalism. Scholars who take this view argue, primarily on the basis of Madison's famous essay, *Federalist* No. 10, dealing with "the mischiefs of faction," that Madison abandoned the classical republican ideal of educating and elevating the opinion of the citizenry and instead set out to devise a Lockean system of institutional arrangements to channel largely immutable passions and interests and to prevent injustice. Villanova political scientist Sheehan says that a rarely studied set of notes—quite possibly an outline for a major treatise on politics—that Madison wrote in 1791–92, when he was a member of Congress, shows otherwise.



As presented in the notes, Sheehan says, Madison's practical science of politics does include the arrangement of institutions and the regulation of competing interests, but it also gives "an important role to statesmanship and civic education." Madisonian means are directed toward the classical republican end of "improving the opinions and souls of citizens and developing among them a common republican character."

A government cannot rightly be considered free, in Madison's view, unless it is ruled by public opinion. "Public opinion sets bounds to every Government, and is the real sovereign in every free one," he wrote in the notes. Yet those who govern may seek to shape public opinion. "As there are cases where the public opinion must be obeyed by the Government," Madison observed, "so there are cases, where, not being fixed, it may be influenced by the Government." The nation must be small enough to allow a common opinion to be formed but large enough to allow it to be refined. In the republic that Madison envisioned, public opinion rules, but only in due course, after there has been a general exchange of ideas among the people and political leaders have provided guidance.

The elected representatives thus are responsible for influencing and directing public opinion. "Madison did not believe that he and the other founders had created a machine that would simply go of itself, that active leadership could be dispensed with after proper institutions of government were set in place," Sheehan observes. The structural arrangements of government are important, Madison believed, but public opinion is more important. His notes, Sheehan writes, "decisively show Madison's concern with the formation of a common ethical character among republican citizens and his advocacy of political tutelage to achieve republican virtue." In a free society, he thought, the character of the people is what counts.

Pro-Life Liberals

When it comes to the issue of abortion, left-wing advocates of "choice" refuse to allow any dissent, writer Nat Hentoff charges in the *New Republic* (November 30, 1992).

Nearly 10 years ago I declared myself a pro-lifer. A Jewish, atheist, civil libertarian, left-wing pro-lifer. Immediately, three women editors at the Village Voice, *my New York base, stopped speaking to me. . . . [But] men, women, and teenagers wrote from all over the country that they had thought themselves to be solitary pro-lifers in the office, at school, even at home. They were surprised to find that there was someone else who was against capital punishment, against Reagan and Bush, and dismayed at the annual killing of 1.6 million developing human beings. . . . I felt less alone myself. In time, I found other heretics. For instance, the bold, witty, crisply intelligent members of Feminists for Life of America. There are some in every state, and chapters in 35. Many of them came out of the civil-rights and anti-war movements, and now they also focus on blocking attempts to enact death penalty laws. . . . You won't see much about Feminists for Life in the press. . . .*

[The] disdain on the Left for anything or anyone pro-life has clearly taken a toll on the political process. Liberal/Left politicians who remain true to their philosophy and oppose abortion are virtually impossible to find. Like [Jesse] Jackson, most simply cave in to abortion-rights pressure, fearing that no matter how left-leaning they are on other issues, if they come out against abortion they will be branded as right-wing fanatics. Governor Robert Casey of Pennsylvania, a liberal pro-life Democrat, was forbidden from speaking at [the 1992] Democratic convention. And when the Village Voice *later offered him a forum in New York . . . he (and I, the putative moderator) was shouted down by pro-choicers.*

The Origins of Term Limits

"Undemocratic Vistas" by Garry Wills, in *The New York Review of Books* (Nov. 19, 1992), 250 West 57th St., New York, N.Y. 10107.

Imposing term limits on members of Congress—as 14 states, following the example of Colorado, decided to do last November—represents a return to the values of the Founding Fathers, columnist George Will solemnly maintained in his 1992 book, *Restoration: Congress, Term Limits and the Recovery of Deliberative Democracy*. Term limits were included in James Madison's "Virginia Plan," which was submitted to the Constitutional Convention, but the subject of "rotation" (periodic removal from office) was then set aside, according to Will, so that the delegates could attend to more urgent matters. Imposing term limits today, Will contended, would simply complete the task that the Framers began but were too distracted to complete.

This picture, journalist-historian Garry Wills asserts, "is false through and through. Rotation was not a peripheral concern but a central one. It was a fighting matter raised constantly by opponents of the Constitution and resolutely fought off by the draft's defenders (including Madison)."

It is true, Wills acknowledges, that Madison put rotation in his first draft of the Constitution—but only as part of his initial effort to cut state legislatures completely out of the federal election system. Madison had been frustrated in the Continental Congress by the way in which the state legislatures tied the hands of the delegates they sent. His Virginia Plan proposed that the people elect one branch of the federal Congress, whose members would then elect the Senate. Term limits were to be imposed on delegates elected to the popular branch. When it became clear that the Framers would not go along with efforts to eliminate the state legislatures' role—they were allowed to choose senators in the completed draft—Madison abandoned term limits. Other delegates at the convention, however, favored rotation, especially for the president. The subject, contrary to Will, was not simply dropped by the Framers as a "detail" of no consequence. Although all rotation was excluded from the Constitution finally adopted by the federal convention, the Anti-Federalists continued their fight for term limits in the ratifying conventions of the states. The term limits that Will now advocates, Wills observes, represent a return to the values, not of the Founders but of the Anti-Federalists—the enemies of the Constitution.

"Restoration" was not the sole merit of term