

POLITICS & GOVERNMENT

Madison's Futile Argument

"Madison's Audience" by Larry D. Kramer, in *Harvard Law Review* (Jan. 1999), Gannett House, 1511 Massachusetts Ave., Cambridge, Mass. 02138.

Historians and legal scholars seeking to understand the intent of the Framers of the Constitution have long looked to James Madison's *Federalist No. 10*, in which he argued that the "mischief of faction" could be overcome through enlargement of the Republic and the proliferation of interests. They have assumed that his brilliant argument decisively shaped the founding document. But Kramer, a New York University Law School professor, argues that Madison's theory "played essentially *no* role" at all in the making of the Constitution.

The Virginian began to conceive his novel ideas in 1786, the year before the Constitutional Convention. His thinking came in two stages. First, after examining six systems of government, he concluded that all had the same fatal weakness: too little central authority. To prevent encroachments by the states, he decided, the federal government would need independence as well as a veto over all state laws. Then, in April 1787, a month before the convention, he formed the idea of an "extended republic" that would later provide the substance of *Federalist No. 10*: that the very size of the Union would create a Congress of such variety that no faction could dominate, and which could therefore be able, by use of the veto, to dispassionately screen out bad laws produced in states where a factious majority did reign. The national veto was the key to Madison's whole scheme.

Although "the idea that society consists . . . of a multiplicity of competing interests is practically axiomatic today," Kramer notes, it wasn't in the 18th century, when society was usually conceived as "an organic entity" made up of a few "discrete orders or estates." By making faction the basic social force and its regulation "the

principal task'" of government, Madison was performing "an intellectual feat of considerable originality," Kramer notes. It is the idea that led many later observers to conclude that the Framers were taking a bold leap into modernity.

But only George Washington even knew about Madison's theory before the convention, Kramer says. Madison tried to make the case for it in Philadelphia, but he was a poor orator with a weak voice. And his theory "was simply over the heads" of most delegates. "Madison repeatedly presented his theory in the early weeks of the Convention to silence and incomprehension. Thoughtful, vigorous exchanges among the delegates were common, including between Madison and others, but never on [his new ideas], which were simply ignored. . . . With rare exceptions, other notetakers neglected or misrecorded what Madison said in this regard, and other speakers—including Madison's ostensible allies and supporters—continued to make points either uninfluenced by or inconsistent with Madison's theory. . . . Madison lost every proposal he made based on it." He left the convention discouraged.

What the Framers did that summer in Philadelphia, they "did without Madison's theory," Kramer concludes. Nor did *Federalist No. 10* have any significant effect on the ratification of the Constitution. It was not widely read, and its "excessively dry and academic style of writing" further diminished its impact. After ratification, Madison abandoned his argument, and his essay "simply vanished" until 20th-century scholars rediscovered it. They have used it to justify the expansion of federal powers, "usually at the expense of the states," writes Kramer. "If the Constitution embodies Madison's theory it has come to do so only . . . as a reflection of our present intellectual tastes."

Learning from the Christian Right

"Oh, Woe Is Us! Well, Maybe Not" by Paul Starobin, in *National Journal* (Jan. 16, 1999), 1501 M St., N.W., Washington, D.C. 20005.

To hear many pundits and professors tell it, American democracy is ailing, with half the

electorate not even bothering to vote and Big Money's political influence growing ever



Christian Right demonstrators brought their message for America to Washington in 1981.

stronger. How could a grassroots movement these days even hope to get off the ground? Well, says Starobin, senior writer at *National Journal*, “Cast aside all prejudices, and consider the reaffirming achievement of the Christian Right over the past two decades.”

Look at how—despite the continual scorn of the national press and the academy—the Christian Right “has triumphed in placing its signature concern with traditional moral values and behavior at the center of political and cultural debate.” Its footprints are everywhere, from the emphasis on personal responsibility in the 1996 welfare reform law to the declining rates of abortion and illegitimate births.

The Christian Right, says Michael E. McGerr, a professor of American history at Indiana University, Bloomington, “may well have

done more to revitalize grass-roots democratic action than any other group in the last 10 years.”

Starobin limns some lessons for other groups:

- **Institutions are important.** Despite all the talk of televangelism, “[the] Christian Right could not have become a mighty political player without a network of neighborhood churches.” The Christian Coalition, founded by Pat Robertson in 1989, handed out 46 million “voter guides” in churches across the nation in 1996.

- **Think locally.** “Back in the 1970s, when Jerry Falwell of the Moral Majority and other Christian Right leaders began urging their flocks to become politically active, the GOP was dominated by . . . Main Street and Wall Street. Through organizational work at every level of politics . . . the Christian Right became, within a decade, arguably the most powerful faction in the party.” In 1994, when the GOP won control of Congress, evangelicals cast 29 percent of its total vote.

- **Ignore the national media.** The Christian Right was first ignored by the national news media, then subject to largely scornful and uninformed scrutiny after it proved itself a force in the 1980 presidential elections. “The sneers . . . didn’t hurt the Christian Right at all—because the movement possessed its own media subculture of radio stations and cable-television networks.”

- **Count on small donors.** “The Christian Right’s success also shows that, when motivated, small donors can and will participate in a political movement in sufficient numbers to sustain the cause.” In the 1988 Republican presidential primaries, candidate Robertson raised \$19.4 million in individual donations averaging \$106 per contributor, compared with George Bush’s \$22.3 million raised and an average donation of \$695.

“Fans of popular democracy,” Starobin concludes, “should credit the Christian Right with showing that the American experiment is still—happily—alive to the possibility of achieving change through collective action. And rival groups should be studying its playbook.”

FOREIGN POLICY & DEFENSE

A Superpower’s Hubris

“The Lonely Superpower” by Samuel P. Huntington, in *Foreign Affairs* (Mar.–Apr. 1999), 58 E. 68th St., New York, N.Y. 10021.

In the immediate aftermath of the Cold War, the United States briefly stood astride

the world, unchallenged by any other major power. That “unipolar” moment,