

## *Madison's Third Way*

"The Madisonian Madison and the Question of Consistency: The Significance and Challenge of Recent Research" by Alan Gibson, in *The Review of Politics* (Spring 2002), Univ. of Notre Dame, P.O. Box B, Notre Dame, Ind. 46556.

James Madison (1751–1836), the cerebral father of the Constitution and coauthor of *The Federalist*, emerges from many scholarly accounts as a disappointing political chameleon: a Hamiltonian nationalist in one decade (the 1780s), a Jeffersonian defender of states' rights in the next. But recent studies show that he was not so inconsistent, according to Gibson, a political scientist at California State University, Chico. Neither Hamiltonian nor Jeffersonian, Madison forged or represented "a third way."

Historian Lance Banning argued in *The Sacred Fire of Liberty* (1995) that Madison shared his fellow *Federalist* author Alexander Hamilton's "contempt for the weaknesses of the government under the Articles of Confederation and his fear of majority tyranny," Gibson writes. But he was "no less repelled than Patrick Henry and other Anti-Federalists by Hamilton's vision of national splendor and consolidated government."

Instead of Hamilton's vision of a manufacturing America, historian Drew McCoy showed in *The Elusive Republic* (1980), Madison clung through the 1780s and 1790s to the ideal of an agrarian republic, albeit one that required land and commercial expansion.

Yet, says Gibson, political theorist Gary Rosen made the case in *American Compact*

(1999) that Madison was "a better defender of the fragile achievement of the American Founding" than his lifelong friend and political ally Thomas Jefferson. "In particular, Rosen observes that Madison opposed Jefferson's proposition that 'the earth belongs to the living' and the specific proposal that constitutions be rewritten every 19 years to reflect the aspirations of the living generation." Such practices would "rob the government of the veneration" it needed, Madison believed, and possibly prevent the present generation from assuming obligations to future ones.

McCoy argued that similar concerns animated Madison's approach to constitutional interpretation. His doctrine of "originalism" led him to oppose creation of a national bank in the 1790s, but his belief that precedent and practice could confer constitutional legitimacy led him as president in 1816 to sign into law a bill rechartering the Bank of the United States.

Taken together, Gibson concludes, the recent studies show that in his political thinking, Madison was relatively consistent, coherent—and independent. He carved out "a third way, between Federalists and Anti-Federalists, strict and broad constructionists, Hamilton and Jefferson, and ultimately nationalists and nullifiers."

## *No Politics, Please*

"How to Make Congress Popular" by John R. Hibbing, in *Legislative Studies Quarterly* (May 2002), Comparative Legislative Research Center, Univ. of Iowa, Iowa City, Iowa 52242.

Why is Congress so unpopular with the American public? Because legislators don't carry out the wishes of their constituents, is the usual response. If ordinary people had more access to the democratic process, they would clasp the institution to their bosom. Poppycock, says Hibbing, a political scientist at the University of Nebraska, Lincoln.

Basing his analysis on data from surveys and focus groups, Hibbing contends that Americans don't feel "shut out" of the legislative process but have happily opted out. The "American populist spirit" is a myth; few people are involved even in local politics. Almost nobody in America trusts the public at large to conduct national



*Congressional reform activists make clear their opinion of legislators at a 1996 Capitol Hill rally.*

affairs—and this includes the public itself. As one focus group participant put it: “We have avenues to contact our representatives; we just choose not to.”

Americans, Hibbing believes, desire a managerial Congress that will look after the public welfare so the public doesn’t have to. Many seem to think that every political problem has a commonsense solution, blocked only by the influence of special interests.

That is the key to the public’s discontent. Many Americans are convinced that legislators act primarily for their own benefit, perhaps to line their own pockets and certainly to ensure their reelection. Surveys demonstrate that Americans “are too cynical to believe that any individual who is granted

decision-making power will be able to resist the occasional self-serving act.” The Supreme Court, on the other hand, consistently ranks as the most respected branch of the federal government because people believe that “the justices do not benefit materially from the decisions they make.”

If Hibbing is correct, restoring faith in Congress may prove more difficult than previously imagined. He favors campaign finance reform, term limits, lower congressional salaries, and a “firewall” between legislators and special-interest lobbies, but he is not optimistic that such measures will help much. As long as Americans interpret even honest political disagreements on Capitol Hill in the worst possible light, the public’s faith will be perpetually undermined.

## *Bureaucratic Deaths*

“The Politics of Agency Termination: Confronting the Myth of Agency Immortality” by David E. Lewis, in *The Journal of Politics* (Feb. 2002), Blackwell Publishers, 350 Main St., Malden, Mass. 02148.

Even partisans of activist government tend to assume that once created, a federal agency is forever. Witness the departments of education and energy, still standing despite countless Republican vows to abolish them. But Lewis, a political scientist at Virginia’s College of William and Mary, says a careful

look at the post-World War II record disproves the common belief.

Of the 426 administrative agencies established since 1946, he found, 251—or 59 percent—had ceased to exist by 1997. Among the dead: the Office of Technology Assessment and the National Biological Service, both