Madison v. Hamilton: The Battle Over Republicanism and the Role of Public Opinion

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This article examines the causes of the dispute between James Madison and Alexander Hamilton in the early 1790s. Though Hamilton initially believed that Madison's opposition to the Federalist administration was probably motivated by personal animosity and political advantage, in later years he concluded what Madison had long argued: the controversy between Republicans and Federalists stemmed from a difference of principle. For Madison, republicanism meant the recognition of the sovereignty of public opinion and the commitment to participatory politics. Hamilton advocated a more submissive role for the citizenry and a more independent status for the political elite. While Madison did not deny to political leaders and enlightened men a critical place in the formation of public opinion, he fought against Hamilton's thin version of public opinion as "confidence" in government. In 1791–92 Madison took the Republican lead in providing a philosophic defense for a tangible, active, and responsible role for the citizens of republican government.

The feud between James Madison and Alexander Hamilton that began early in the Washington administration left a lasting impression on the American political landscape. It led to the formation of the first political parties in the United States, to the decisive victory of the Republicans over the Federalists in the election of 1800, and to the establishment of participatory politics in the American republic. Although it is one of the most noted political battles of American history, the cause of the dispute remains to this day a source of controversy among scholars. In 1792 Hamilton himself was unclear about the reasons for the quarrel, expressing surprise at Madison's systematic opposition to his fiscal program. After all, they not only had worked in tandem to produce *The Federalist Papers*, but also had spent considerable time at the outset of the new government exchanging ideas and friendly advice. They must have appeared to those around them, and to themselves as well, as political allies. What, then, occasioned the divergence between them? Was the quarrel grounded in a difference of principle, or was it merely personal or political in the ordinary sense of the term?

The political battles of the 1790s between the primary co-authors of *The Federalist* have often been viewed by scholars within the context of the "Jefferson v. Hamilton" thesis regarding the origins of American party politics. This interpretation owes it origins to Hamilton's initial assessment of the feud. At the commencement of the new government, Hamilton claimed, there existed a similarity of thinking between him and Madison. Despite their disagreement on debt discrimination and the assumption of state debts at the outset of the new government, Hamilton remained disposed to believe in Madison's honesty, fairness, and goodwill. By the spring of 1792, however, he became convinced that Madison acted in cooperation with Jefferson, that he was actuated by "personal and political animosity" against him, and that his character was in fact subtle, complicated, and artificial in a way that the Treasury Secretary had not previously understood (Hamilton 1961–87 [hereafter *PAH*] XI:432–34). Either Jefferson had so influenced Madison that the latter had undergone a material change of mind or Madison was simply a common political calculator, pursuing measures to feed his own political popularity and/or the advantage of his particular state.[1]

Despite Hamilton's initial speculations, he later acknowledged what Madison had long claimed—that the war between Republicans and Federalists stemmed from a difference of principle. "[I]n reality the foundations of society, the essential interests of our nation, the dearest concerns of individuals are staked upon the eventful contest," Hamilton wrote in 1801 (*PAH* XXV:352–53). "[T]he contest between us is indeed a war of principles," though not a war "between monarchy and republicanism" but "between tyranny and liberty" (*PAH* XXV:370). Hamilton's modification of his earlier perspective is often overlooked by scholars, perhaps because it is easy to see it as just another partisan shot at his political opponents. Yet this is precisely what Hamilton warns his contemporaries against: Those who persist in seeing the conflict as nothing more than zealous partisanship and a struggle for power are deceived.

Hamilton's more mature and, I would argue, more trenchant assessment of the party contest provides a valuable insight into the democratic implications of Madison's and the Republicans' agenda. By 1801, and probably earlier, Hamilton recognized that Madison's opposition to him and the Federalists was propelled by a fundamental philosophic disagreement over the

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[1] See, for example, McDonald's endorsement of this thesis (1979, 175, 199–200, 254, 1974, 80–81). In contrast, the more recent scholarship of Banning (1995), Elkins and McKitrick (1993), and Read (2000) views the battle as a real disagreement over constitutional and political ideas.

nature and role of public opinion in a republic. Tied to Madison's and Hamilton's differing perspectives on public opinion were conflicting interpretations of the Constitution and divergent visions of America's economic future. These disagreements between the two leading Publii shattered their Roman alliance of 1787–88.

In 1791–92 Madison took the lead in providing a philosophical defense of the republican opposition to Hamilton's policies.[2] Madison's opposition to the perpetuation of the debt, the national bank, and governmental support of manufactures were tied together by a single philosophic principle—the sovereignty of public opinion. His battles against the Neutrality Proclamation and the Alien and Sedition Acts later in the decade stemmed from the same philosophic source. In Madison's mind, the principle of popular sovereignty meant the recognition of the supremacy of the Constitution, understood and administered in a manner consistent with the sense of the people who ratified and adopted it. It also meant the *ongoing sovereignty of public opinion*, which requires the active participation of the citizenry in the affairs of the political community. For Madison, public opinion was not the sum of fleeting passions and uneducated views, nor was it merely an aggregate of the sentiments of the populace. The "public" was not a mythical entity and public opinion was not a disembodied theoretical construct reflecting a "ghostly body politic" (Miller 1988). Rather, public opinion was the tangible product of a time-consuming process of communication and deliberation throughout the community, grounded in and reciprocally influencing the minds and mores of the people. Like that of other eighteenth century theorists of the subject, Madison's conception of public opinion must be sharply distinguished from the current one which equates public opinion with the results of daily polling aggregates.

Madison did not believe that participatory politics ends with the constitutional ratification process, the amendment process, or even elections. Rejecting Hamilton's and the Federalists' narrow dependence on the wealthy few to produce political stability and strength, Madison advocated the formation of an enlightened public voice that would control and direct the measures of government. Hamilton feared that the Republican agenda embraced the naive democratic optimism of his age, that in fact it had close connections across the seas to the "vain reveries of a false and new fangled philosophy" of the French Enlightenment. In contrast, he advocated a less active, more submissive role for the citizenry and a more energetic and independent status for the executive and his administration. For him, public opinion was the reflection of the citizens' "confidence" in government. While Madison did not deny to political leaders and enlightened men a critical place in the formation of public opinion, he fought against Hamilton's thin version of the politics of public opinion. In opposition to the Hamiltonian view of an economically distracted and politically subservient people, Madison advanced the image an active and responsible citizenry with a substantial role in republican government.

Both Madison and Hamilton considered the contest between Republicans and Federalists to be one that would essentially determine the character and fate of republicanism in America. The ultimate victory of the Republicans meant the triumph of the Madisonian commitment to the sovereignty of public opinion and participatory republicanism in the United States. The outcome of the battles of the 1790s had far-ranging implications for the future of democracy in America and the West, as Tocqueville ([1835 and 1840] 2000, 166–70) recognized and astutely analyzed a generation later. Although Madison's particular conception of participatory politics was intended to circumvent the problem of majority tyranny, it nonetheless encouraged the communication of the citizens' views and the formation of a united public voice, thereby widening the path of opportunity for the power of public opinion. In Hamilton's view, this threatened the checks on majoritarian politics contrived by the framers; it asked more of the people than they could realistically contribute to political life. Madison too was well aware of the potential dangers associated with majority opinion—surely no one of the Founders was more mindful of such dangers. Nevertheless, he consciously took upon himself the role of chief philosophic architect and political coleader of the republican effort to institute the politics of public opinion in America.

The extent to which government should be influenced by public opinion is a perennial question of American politics and a central question of democratic theory. According to contemporary "deliberationist" theorists, the respect due to public opinion depends on whether the processes and conditions of political communications produce an informed and reasonable public opinion. As Benjamin Page and Robert Shapiro (1992) argue, the process of forming public opinion through "collective deliberation is essential to the realization of democratic ideals" (363). Madison would have agreed. Indeed, he was the first democratic theorist in America to make explicit the central importance of public opinion to free government and the conditions that are needed for its proper formation and articulation. Despite its centrality to his political analysis, Madison's theory of public opinion has been neglected by many political scientists and historians. In fact, Madison is often attributed with virtually the opposite view on the subject than the one he actually held. The Founders, including Madison, "tended to take the idea of deliberation in an elitist direction, disdaining public opinion and attempting to insulate leaders from it," Page and Shapiro contend (1992, 363; cf. Jacobs and Shapiro 2000, 299).

The issue of the respect due to public opinion was at the core of the disagreement between Madison and Hamilton in the 1790s. It stamped their divergent views

[2] See Madison's "Party Press Essays," identified in *PJM* as "Essays for the *National Gazette*" (*PJM* 14:117–22, 14:137–39, 17:559–60, 1.302–10, 14:170, 14:178–79, 14:191–92, 14:197–98, 14:201–2, 14:206–9, 217–19, 14:233–34, 14:244–46, 14:257–59, 14:266–68, 14:274–75, 14:370–72, 14:426–27).

of the expectations for the new constitutional order they helped to frame and the new nation they were working to build. The disagreement shook the foundations of the nascent political order and gave definition to the challenge of self-rule in America. Their insights and analyses concerning public opinion are no less relevant to contemporary American citizens than they were to citizens of the early republic. In fact, with extraordinary advances in communications technology over the past few decades, the potential power of public opinion in the United States is today at its historic height. Yet, as Daniel Yankelovich has perceptively noted, in our age there is little attention given to how we might identify and enhance the *quality* of public opinion. There is a critical difference between "mass opinion" and "public judgment," Yankelovich (1991, 15–23) argues, and while we "have learned a great deal about how to measure public opinion (and how to manipulate it) [we]... have almost nothing to say about how to improve it" (Yankelovich 1991, xi–xii).

Yankelovich, Shapiro, Page, and others have sparked a renewed concern in our day over the quality of civic understanding and the content of democracy in America. At the same time, however, they tend to divorce the idea of a rational public from the substantive moral content of public judgment.[3] Both Madison and Hamilton would have considered such an approach insufficient to the achievement of republican ends. In contrast, they consciously sought to overcome the problem of majority tyranny and anchor public opinion in the moral principles of republicanism, albeit with competing visions about the locus of its substantive content, the mode of its formation, and the extent of its influence on government.

MADISON'S OFFENSE

Beginning in October 1791 and continuing through December of the following year, Madison published a series of 19 articles in Freneau's newly established *National Gazette* (Sheehan 1990, 356, *et passim*). In these *Party Press Essays* Madison attacked certain policies of the administration as "anti-republican" and presented his alternative "republican" conception of government. Although Hamilton is never mentioned by name, his role in initiating measures such as the funding system, the national bank, and governmental support of manufactures is clearly implicated in the alleged trend toward monarchy or aristocracy in America. Only a few years earlier at the Constitutional Convention Hamilton had remarked that in his "private opinion" he considered the British government to be the best in the world and doubted whether anything short of it would secure good government in America (*PAH* IV:192; cf. IV:184, 200, 204, 214). Madison had listened to and recorded this daylong, rather brazen speech favoring a high-toned government for America, just as he noted Hamilton's endorsement of the British practice of "influence" and "corruption" in government (Koch 1966, 131–32, 175). Perhaps all this would have been forgotten or chalked up to savvy political maneuvering had not Hamilton's public deeds and unguarded words later revealed otherwise. At the legendary dinner party hosted by Jefferson and attended by John Adams and Alexander Hamilton in April 1791, Hamilton once again demonstrated how audacious he could be. In response to Adams's pedantic remarks on the near-perfection of the British constitution, which, he said, needed only to be purged of its corruption and equality of representation established in its popular branch, Hamilton's riposte must have tested the bounds of his host's civility: "Purge it of its corruption, and give to its popular branch equality of representation," Hamilton purportedly said, "and it would become an *impracticable* government: as it stands at present, with all its supposed defects, it is the most perfect government which ever existed" (Koch and Peden 1972, 126). Almost certainly Jefferson's good Madeira was flowing at table that spring evening, loosening Hamilton's already sassy tongue, and just as surely Jefferson repeated Hamilton's provocative remarks to his friend Madison the next time they talked.

Whether Hamilton actually sought to establish hereditary distinctions in America was not the central issue—though some Federalists probably did, and Hamilton's financial program played into their schemes. Regardless, Hamilton's program provided the chief impetus toward new-modeling the American government on the British system. Hamilton's measures were "more accommodated to the depraved examples" of monarchy and aristocracy than to the genius of republicanism, and, whether intended or not, might well "smooth the way to hereditary government" in America (Madison 1962–91 [hereafter *PJM*] 14:274). In contrast to Jefferson's accusations of monarchism leveled against Hamilton, Madison's implicit attacks on the Treasury Secretary in the *Party Press Essays* are more circumspect; they are couched in terms of the *impetus* or *tendency* of Hamilton's measures toward the establishment of a British-style system in the United States. By early 1791 Madison saw a pattern emerging in the administrative measures Hamilton avidly advocated, and by the end of that year, with an advance

[3] Although Yankelovich (1991) claims to consider the ethical as well as the cognitive dimensions of public opinion, the lack of a moral standard by which to measure the quality of public opinion is lacking in his discussion. Rather, he defines the quality of public opinion by its degree of firmness and consistency and the public's willingness to take responsibility for the consequences of it views (5, 24). Page and Shapiro (1992) justify their claim that collective public opinion is "'reasonable,' 'responsible,' and 'rational'" on the basis of its "general stability, differentiation, and coherent patterning of collective policy preferences, and... responsiveness to new situations and new information" (388). The authors concede, however, that even if public opinion is stable and predictable, this does not "dispose of the Founders' concern that majority opinion might be dangerous to 'rights'" or that some demands of the majority might be "'improper or wicked'" (438). "But in our secular times," they argue, "skeptical of absolutes and sensitive to trade-offs, it is not easy to specify rights that deserve complete protection against majority rule." The unwillingness of many contemporary political theorists to make a substantive moral distinction between just and tyrannical public opinion undermines the defense of popular government and of the United States Constitution set forth by Madison and Hamilton, leaving it with no greater claim of right than any other form of government.

The stability of the British government "is maintained less by the distribution of its powers, than by the force of public opinion" (*PJM* 14:201; cf. 11:298). The Federalists, he believed, failed to recognize the dominant role played by public opinion in the British system and, moreover, denied public opinion its rightful place as sovereign in a free polity. Instead of heeding the authoritative voice of the public, the antirepublicans demanded that the people simply have confidence in their government and submit to its acts (*PJM* 14:426–27). By promoting a political design that would make the government independent of the will of the public, they were denying the right of a republican people to govern themselves.

HAMILTON'S DEFENSE

Hamilton's financial system consisted of three essential elements. First and foremost was the need to establish public credit in the United States. The initial step in accomplishing this was the establishment of an adequate system of funding the national debt. Whereas an unfunded debt is the object of excessive speculation, drains the nation of capital, and diverts funds from useful and productive industry, a properly instituted funding system supplies active capital in a country deficient in capital. Once public securities have acquired an adequate and stable value and the confidence of the community is established, the debt may serve as an engine of credit by promoting the transfer and exchange of funds. With additional capital in circulation, interest rates decrease; the stabilization of public stock moderates the spirit of speculation and directs capital to more useful channels. In Hamilton's view, the depreciated condition of landed property in America resulted from the scarcity of money. The increased quantity and circulation of capital would contribute to improve the state of agriculture. Further, it would unclog the wheels of commerce, thereby promoting commerce and manufacturing as well (*PAH* VI:70–72). While Hamilton conceded that his program benefited the monied men of America, he denied that it created a special monied interest adverse to other citizens. Rather, he argued, investment in public stock promotes the economic growth of the nation, including all the useful industries in which the citizens are engaged. Productivity is increased and employment rises, further increasing the active and actual capital of a nation. Industry in general flourishes, "and herein," Hamilton declared, "consist[s] the true wealth of a nation" (*PAH* II:618).

The second prong of Hamilton's financial program involved the establishment of a national system of banking that would fortify the establishment of public credit. The institution of a national bank was in his opinion more than an optional supplement to the funding system. Whereas banks are "*useful* in Countries greatly advanced in wealth," he argued, they are absolutely "*necessary* in Countries little advanced in wealth" (*PAH* VIII:220). The advantages derived from a national bank include (1) the augmentation of the active and productive capital of the nation; (2) a greater facility by the government to obtain financial support, especially in times of emergency; and (3) the assistance in the payment of taxes (*PAH* VII:306). A national bank increases the supply of active capital by its ability to lend and circulate greater amounts of capital than the actual sum of its stock in coin. For all practical purposes, then, industry and trade would receive an absolute increase in capital infusion, and economic enterprise would be enlarged. In this way, banks are "the nurseries of national wealth" (*PAH* VII:306). Hamilton defended the constitutional authority of the national government to establish a national bank on the grounds that the right to erect corporations is inherent in the very definition of government. The intent of the Constitution was not to be sought in the Framers' intent, Hamilton believed, but in the "instrument itself," based on established rules of textual interpretation that cohere with the "nature and reason of the thing" (*PAH* VIII:111; Hamilton, Madison, and Jay [1788] 1999, 78:436 [hereafter *FP*]). In later battles with Madison over constitutional interpretation, Hamilton would consistently employ his understanding of the nature of government and the practical necessities of political life in construing the United States Constitution. In a private letter to Washington, Hamilton couched his case for the bank in the most practical terms: "[T]he most incorrigible theorist among [the bank's] opponents would in one month[']s experience as head of the Department of the Treasury be compelled to acknowle[d]ge that it is an absolutely indispensable engine in the management of the Finances, and would quickly become a convert to its perfect constitutionality" (*PAH* XII:251).

It was in response to the third prong of Hamilton's financial scheme that Madison mounted a full-scale opposition against his "anti-republican" program and, with his political allies, adopted the appellation, the "republican party." Hamilton's "Report on Manufactures" was premised on the idea that the accelerated growth of manufacturing in the United States was essential to the national interest (*PAH* 230–340). The manufacturing industry, Hamilton argued, enhances the produce and revenue of the community, contributes to the diversification and division of labor, increases employment and productivity by engaging persons not ordinarily working, promotes foreign emigration, furnishes a broader scope for the differing talents and dispositions of persons, increases the demand for agricultural produce, and makes the United States less dependent on foreign markets. Despite the clear and certain economic benefits that the growth of manufactures would produce in the nation, this does not guarantee that it will naturally occur, or occur as quickly as the country requires. Human beings are creatures of habit and tend to adopt untried industries reluctantly and slowly. "To produce the desirable changes, as early as may be expedient," he wrote, "may therefore require the incitement and patronage of government" (*PAH* X:267). The supply of active capital needed to encourage manufacturing in the new republic was already in place via the funded debt and the national bank. Speculation in public stocks could thus be directed to useful purposes and away from its sometimes pernicious

copy of Hamilton's "Report on Manufactures" in hand, Madison's worst fears had been realized. Hamilton meant, by administrative fiat, to undermine the Constitution as ratified and adopted by the American people and to alter the substance, and perhaps the form, of American republicanism. In Madison's perspective, Hamilton's funding system, the national bank, and governmental support of manufacturing were linked together in a clever scheme that mimicked the British financial system and, if successful, would increase the powers of the national government and establish a powerful and influential monied class in America. The pages of the "Report on Manufactures" revealed to Madison that Hamilton intended nothing less than the transformation of the economic and political life of America.

Madison believed that the foundation of Hamilton's plan rested in measures that invested the national government with "influence," thereby enabling it to dispense money and emoluments (*PJM* 14:427, 371, 233). This was accomplished by the institution of a funding system, which would continue to provide the source for political influence as long as the debt was perpetuated. He suspected that Hamilton intended to fund the debt in perpetuity (*PJM* 13:106, 317; cf. 15:474, 14:208, 274–75). Madison regarded the establishment of a national bank as an unconstitutional usurpation of power by the national government, believing it neither *necessary* nor *proper* according to the Constitution, though he fully recognized that it was a necessary element of Hamilton's scheme to establish a class of wealthy industrialists who would wield political power in America. Taken together, the national bank and funded public debt encouraged a "spirit of speculation within and without the government" (*PJM* 14:274). Hamilton's system of public finance appealed to the avidity of public officials, tempting them to substitute the motive of private interest in the place of public duty (*PJM* 14:233). It encouraged a servile dependency on the British, whose discriminatory trade policies with the United States amounted to the continuing treatment of America as a colonial territory (*PJM* 14:164–65; 17:559–60). It directed governmental measures to the interest of the few, providing the monied men with irresistible opportunities for further enrichment (*PJM* 14:371). The wealth accumulated by the frenzy of speculative activity was to be channeled into the manufacturing industry, again by an unconstitutional exercise of power. Governmental manipulation of the choice of occupations via the artificial encouragement of manufactures would promote the interest of this class at the expense of other interests in the society, particularly the agricultural interest. Landholders would be burdened with arbitrary taxes while rich merchants were granted new and "*unnecessary* opportunities" to capitalize on their wealth (*PJM* 14:197). This show of partiality to the wealthy few, though touted as advancing the prosperity and happiness of the nation as a whole, would in time, Madison argued, actually give "such a turn to the administration, [that] the government itself may by degree be narrowed into fewer hands, and approximated to an hereditary form" (*PJM* 14:371). Designed to simulate the practices of the British system, it would introduce corruption and venality into government and encouraged self-interest as its driving force. Madison contemptuously described this governmental model in "Spirit of Governments":

> A government operating by corrupt influence; substituting the motive of private interest in place of public duty; converting its pecuniary dispensations into bounties for favorites, or bribes to opponents; accommodating its measures to the avidity of a part of the nation instead of the benefit of the whole: in a word, enlisting an army of interested partizans, whose tongues, whose pens, whose intrigues, and whose active combinations, by supplying the terror of the sword, may support a real domination of the few, under an apparent liberty of the many. (*PJM* 14:233)

Despite Montesquieu's categorization of this type of government as a republic, Madison argued, it is in reality "an imposter." Such a government is not yet "on the west side of the Atlantic," and "it will be both happy and honorable for the United States, if they never descend to mimic the costly pageantry of its form, nor betray themselves into the venal spirit of its administration" (*PJM* 14:233–34).

Madison believed that Hamilton's measures were intended to reproduce the equilibrium of the British model, if not by the creation of hereditary class distinctions, then by a mimetic equivalent that provided additional checks on the *demos* and presumably enhanced the stability of the political order (*PJM* 14:197–98). This is a perverse understanding of the republican solution to the problem of parties, he argued in the *Party Press Essay* "Parties." Since parties exist naturally in all political societies, legislators and statesmen must find ways to alleviate their baneful effects. The art lies in preventing or accommodating parties to the extent possible and, when not possible, making them mutual checks upon one another. By contrast, the notion of promoting the creation of new parties or strengthening existing ones, in order to achieve additional mutual checks in society, to add "more scales and . . . more weights to perfect and maintain the equilibrium," Madison declared, is "absurd." Though this is the theory that undergirds balanced government, it is not the republican way. Such a political model is analogous to promoting vices in ethics so that they may be used to counteract other vices, and it "is as little the voice of reason, as it is that of republicanism" (*PJM* 14:198).

Madison further pursued the faulty analysis that he believed underlay Hamilton's (and Adams's) praise of the British model with his direct critique of it in the essay, "British Government" (*PJM* 14:201–2). The "boasted equilibrium" of the British government, so far as it is even true, is not primarily due to "the form in which its powers are distributed and balanced" (*PJM* 14:201–2). Stability and liberty are not secured by limiting the share of the people to a third of government and counteracting their influence by two grand hereditary orders with conflicting and hostile feelings, habits, and interests (*PJM* 14:427), or by any simulation of the British model of class warfare or party contestation

effects. Although the encouragement of manufactures in America would be disadvantageous to the other classes of society and to consumers in the short term, Hamilton argued that the long-term, permanent effect would be to the benefit of all classes of society and the nation as a whole.

Hamilton's economic program was designed to stabilize the fiscal situation of the country, stimulate productivity, and set America on the course of prodigious material prosperity. His intent was to establish the economic foundation on which political stability and greatness depended. He had no wish, he repeatedly claimed, to establish monarchy or aristocracy in America or to introduce hereditary distinctions of any kind. That he was bent on corrupting a portion of the legislature he pronounced false and malignant. He rebuffed the charge that he was attempting to overturn the state governments or pervert limited government; there is a good deal of ambiguous ground concerning the demarcation between the general and the state governments over which honest men might disagree, he asserted. Finally, he flatly denied that he and the Federalists were conspiring to overthrow republican government in the United States, or even that their measures would *tend* to subvert the republican form or *prepare the way for* monarchy (*PAH* XII:248–53; cf. XII:131–33). In exasperation Hamilton could only ask in regard to his opponents' accusations: When ever were "men more ingenious to torment themselves with phantoms?" (*PAH* XII:209).

Hamilton's economic blueprint for America was designed to achieve both individual security and national strength. His conception of the connection between political stability and economic prosperity was presented most explicitly in his daylong speech of 18 June at the Constitutional Convention. In societies where industry is encouraged, Hamilton argued, individual security is often threatened by the clash of the distinct and rival interests between the few and the many, i.e., between the wealthy, well-born, educated citizens and the mass of the people. If either one group has all the power, it will oppress the other. "Both therefore ought to have power that each may defend itself agst. the other" (*PAH* IV:192). Moreover, given the "violence & turbulence" of the democratic spirit, it is particularly crucial to establish a separate and permanent body to check the unsteadiness and imprudence of the mass of the people (*PAH* IV:185, 193, 200, 204). The principle of representation is not sufficient to resist "the popular current," for the most popular branch of the legislature will predominate, and within it a few individuals tend to prevail (*PAH* IV:185). Dependent on the favor of the people for the continuation of their position and power, these leaders often sacrifice the permanent interest of the nation to the passionate and partial interests of the many.

The problem of the force of majority faction is therefore not solved by the representative principle. Nor is the difficulty overcome by the establishment of a government over a large extent of territory. Although representatives chosen from larger districts may be of some benefit, frequently a small portion of a large district carries an election (*PAH* IV:166). The representatives of an extensive nation still meet in one room and are liable to the same influences of those in a small country, including the charm of a powerful demagogue. The determinant influence of the size of a nation to deter the formation of majority faction is, Hamilton claimed, of doubtful veracity. Combinations on the basis of interest will not be as difficult or unlikely as some may suppose. Geographical and economic factors can and will influence the people and their representatives, and "it is easy to conceive a popular sentiment pervading" one portion, even a major portion, of the legislature (*PAH* IV:165). In essence, Madison's analysis of the problem of majority faction and his proffered solution of the extended republic and representation, which he presented on June 6 on the Convention floor and later summarized in the tenth *Federalist*, was inadequate to the task of remedying the defects of popular government. In Hamilton's view, Madison's proffered solution was not a well-considered solution to the problem at all.

Hamilton contended that the problem of majority tyranny necessitates the establishment of a "permanent barrier" in government that would counteract the passionate demands of the many, particularly their covetousness toward the property of others (*PAH* IV:192). The British provided for this barrier in their House of Lords. Hamilton believed that an equally effectual check on the turbulent and changing multitude was needed in America. Accordingly, he proposed a Senate for life or during good behavior, arguing that the seven-year Senate term supported by some delegates, including James Madison, was not sufficient to answer the purpose sought.[4] But just as there ought not be too much dependence on the popular sentiments, neither ought there be too little (*PAH* IV:214). Hamilton recommended a House of Representatives of enlarged numbers, elected directly by the people every three years. The two branches of the legislature would balance each other in terms of the many versus the few, turbulence versus inertia, and protection of equal rights versus security for property rights. One chamber manifests the "sensibility" of the populace; the other, "knowledge and firmness" in public affairs (*PAH* V:81). It is a kind of balance and "happiest mode of conciliating" contraries, anticipating Jane Austen's felicitous equipoise of *Sense and Sensibility*.

The two-weighted scale protects the few and the many from oppression by each other, thereby contributing to the security of individual rights. Hamilton advocated adding a third weight to the scale in the form of a single elected executive serving for life or good behavior. The executive would possess an absolute negative on legislation and, in turn, would himself be subject to counterbalancing checks by the legislature. Accordingly, the executive would provide an additional check against the passage of laws based on partial interest. In positive terms, Hamilton's executive

[4] See the discussion regarding the Senate of Maryland throughout the Convention debates.

was to serve as the dominant active agency in government. Characterized by unity, duration, and energy, his ambitions would be virtually one with the interests of the nation. He would move government to act with vigor, dispatch, and regularity, providing a sense of national character, strength, and permanency of will. An independent judiciary supplements the checks against the legislature and its natural tendency to dominate in popular governments. This check on legislative power would further increase the proportionate authority of the republican executive.

Hamilton's central objective in his June 18 speech was to demonstrate the need for a "permanent *will*" in the government (*PAH* IV:186). His plan was partly modeled on the British constitution, particularly with regard to a balance between the two great and distinct interests in society and an energetic executive who embodies the interest of the nation as a whole. However, unlike the British model, Hamilton claimed that his plan was fully consistent with the principles of republicanism: In it "the Executive and Legislative organs are appointed by a popular Election, and hold their offices upon a responsible and defeasible tenure" (*PAH* XXV:537). Granted, subsequent to (indirect) election by the people, the Senate and Executive would be as far removed from popular will as republican principles would allow. A democratic assembly simply cannot be properly checked by a democratic senate, and both of these by a democratic executive, Hamilton argued (*PAH* XXV:537). Gouverneur Morris described the problem in earthier tones:

> [T]he members of both Houses are creatures which, though differently born, are begotten in the same way and by the same sire.... The President can ... do what he pleases, provided it shall always please him to place those who lead a majority of the Representatives. (Flaumenhaft 1992, 186)

Hamilton urged his colleagues to see that the only effectual method to secure the ends of republican government was to overcome the contest between the few and the many. Like a host of renowned thinkers before him, Hamilton saw in the British constitution a model that effectually neutralized this struggle at the governmental level. He borrowed from the vaunted British model the idea of achieving an equilibrium of the predominant and rival passions and interests within the legislature, albeit without deriving the competing humors from an hereditary ranking.

The key to the success of the British political system was the creation of institutions and practices that neutralized the destabilizing effects of the rival passions in society and at the same time utilized those passions to energize and bolster the government. Hamilton believed that if the American republic was to succeed, it too must incorporate a political scheme that channels men's selfish passions and interests and utilizes them to support the government (*PAH* V:85). Besides force, Hamilton listed four other factors that prompt men to the support of government, *viz.*, interest, opinion, habit, and influence (*PAH* IV:180). Of these, self-interest is "the most powerful incentive of human action," he argued, explicitly following Hume in his assessment of human nature (*PAH* I:92). No regime derives benefit from neglecting to utilize this dominant force in man, Hamilton declared in 1775. He restated this idea at the Constitutional Convention: The key to constructing a stable and good government is to interest the passions of men and make them serve the public (*PAH* IV:187, 217).

The conjunction between Hamilton's economic and political philosophy occurs at two principal axes. First, Hamilton believed that economic diversification is necessary to the security of individual rights. Second, he held that economic prosperity leads to confidence in government, thereby providing the foundation for public strength. The diversification of occupations throughout the union, he predicted, would contribute significantly to overcoming the rivalry between northern and southern interests, i.e., between industry and agriculture, between free and slave-holding states (*PAH* X:293; see also Brookhiser 1999, 97). Economic diversification would help to control the problem of majority faction by diminishing the most powerful engine of faction in America—interests grounded in geographic/occupational distinctions. Moreover, increased diversification would lead to a preponderance of members of the learned professions—especially the legal profession—in Congress. Unlike men of industry and agriculture, men of the professional ranks "form no distinct interest in society" and are likely to be impartial arbiters between the others (*FP* 35:183; see also Allen 2000, 167–74). Economic diversification also fuels prosperity—and vice versa. Economic prosperity instills in the people an opinion of the benefit of government to their own well-being and inspires in them a confidence in its measures. Public confidence in government stabilizes the regime and endows it with public strength. This is particularly true in republican government, which, even more than other political forms, depends on opinion (*PAH* V:37).

In 1787 the United States was predominantly an agricultural nation. To achieve Hamilton's goals of economic diversification and prosperity meant that America must become a commercial republic. This transformation depended on the institution of his three-pronged fiscal program, beginning with the establishment of public credit and a national bank and culminating in governmental support of manufactures. Accordingly, Hamilton sought to connect the interests of the monied men to the interests of the nation—an idea he never dispensed with.[5] The first wave of his economic program depended on this connection. It would stabilize public credit, wean men from state attachments to support of the national government, and

[5] McDonald (1985, 137) claims that in his maturity, Hamilton rejected the idea of tying the interests of the wealthy to the interest of government, pointing particularly to his 1795 "The Defence of the Funding System" (see *PAH* XIX:40–41; cf. II:248). Hamilton's argument in "The Defence," however, is more nuanced. Although Hamilton claims that the bonding of the interests of the monied men to the national interest was not his primary aim in his plan to fund the debt, indeed that it was the consideration upon which he relied the least, it was nonetheless included in his calculation.

provide the avenue for economic prosperity and the train of events that would usher in a new economic and political era in America. Like Montesquieu, Hamilton believed that in a republic, where all the passions are free and unmodified, it is natural that the passion for material aggrandizement dominates men's souls. A commercial republic allows the passionate pursuit of economic gain and rewards it with success. Commercial prosperity multiplies "the means of gratification," promotes the circulation of charming, shiny metals—"those darling objects of human avarice and enterprise"—and increases prosperity throughout the society (*FP* 12:59). The multiplication of the means of gratifying the acquisitive desire is much more the result of commercial prosperity than the mere size of the territory. By interesting the monied men in the prosperity of the nation, Hamilton sought to start a chain reaction that would promote the commercialization of the entire nation. The consequences of this economic metastasis were far reaching on the political front. By multiplying and diversifying occupations and interests in America the age-old battle between the haves and the have-nots would be replaced by a new and much less dangerous rivalry in society. The likelihood of a majority faction forming would be greatly reduced and the stability of the political order would be significantly enhanced.

At the start of the second Washington administration and the outbreak of war between France and Great Britain, Hamilton feared that the Republicans' emotional attachment to the new French republic and animus against England could result in an American foreign policy that would destroy his entire financial program. Hamilton took measures to prevent this from happening. He was a major force behind Washington's issuance of the 1793 Neutrality Proclamation, he defended the proclamation in a series of "Pacificus" essays, and in 1795–96 he published numerous pieces defending the Jay Treaty, which clarified and ensured continued commercial relations with Great Britain. Going head to head with Madison in the paper wars, he argued for a construction of the Constitution that recognized the conduct of foreign policy as essentially executive in nature; he allowed for the constitutional role of the Senate in making treaties and of the Congress in its power to declare war. He would not agree with Madison, however, that the constitutional powers granted to Congress delimit the constitutional and practical duties of the executive to conduct foreign policy. Once again, in Hamilton's mind the proper construction of the Constitution intersected with political and economic realities. As Stanley Elkins and Eric McKitrick (1993) have argued, for Hamilton the continuance of stable political relations and a dynamic commerce with Great Britain were critical to America's future (123–31). Hamilton considered America's trade with Great Britain "absolutely essential" to the success of his economic plan (Rakove 1990, 118). Great Britain provided a major market for American agricultural produce, and approximately three-fourths of U.S. imports came from Britain. American prosperity—and the civic confidence it inspired in government—depended heavily on the revenues brought into the United States Treasury from impost duties on British goods. If American dependence on commerce with England were to lessen with the rise of a diversified domestic economy, this would only occur over a period of time. Until then, a significant decline or loss of British trade would ruin the United States economy, destroy public credit, and shake the political foundations of the fledgling nation. The policy of commercial discrimination against the British—which Madison had been pushing for in Congress since 1789—would result in British retaliation against the United States and be devastating to the new nation. In a word, it would mean an end to the Hamiltonian dream of commercial greatness for America.

A commercial republic possesses the advantage over other forms of government, Hamilton believed, because it tends "to interest the passions of the community in its favor [and] beget[s] public spirit and public confidence" (*PAH* IV:163). Hamilton viewed human nature as consisting of two very different types of men: the mass of men who are motivated largely by self-interest, and an exclusive class of men whose souls are dominated by the desire for distinction. Hamilton accepted the generality of human nature as it was and did not attempt to transform it into something it could not become. He relied on the average republican citizen to pursue his own economic advantage, neither expecting nor encouraging him to develop a public spiritedness unconnected with his perception of self-interest. The vast majority of citizens were not called to participate actively in the affairs of government, the extent of their peacetime responsibilities essentially limited to electing the better sort of men to political office and supporting the government they had chosen (*PAH* III:102–3, 544–45; cf. Flaumenhaft 1992, 15–16, 216). Their attachment to the new American republic, Hamilton believed, would result largely from their opinion of its necessity and utility.

A train of prosperous events, brought about by a wise and energetic administration, would result in an attachment of the people to their government and instill in them a confidence in its measures (*PAH* V:39–40). Indeed, "the confidence of the people will be easily gained by a good administration," Hamilton contended (*PAH* V:39). "Confidence" results largely from the gratification of men's acquisitive desires, producing habits of obligation and obedience to government. Since all governments, particularly free republics, are dependent on public opinion, the wise republican statesman will cultivate an opinion of confidence by promoting measures that gratify the average citizens' passion for material gain, thereby increasing the stability and strength of the nation. In turn, the statesman himself is rewarded by the favor of public opinion, i.e., by the confidence and esteem of his fellow citizens, thereby gratifying his distinctive desire for fame. In this way the most powerful passions of the many and the ruling passion of the noblest minds are directed toward the support of government.

Hamilton learned from Jacques Necker the importance of directing public opinion to the support of government by means of publicity, particularly

publicity in the area of national finance. Necker's theory emphasized the influence of public ministers on public opinion to produce unity, confidence, and obedience to the government. "A skilful administration," he wrote, "has the effect of putting in action those it persuades, of strengthening the moral ideas, of rousing the imagination and of joining together the opinions and sentiments of men by the confidence it inspires" (Necker [1784] 1785, I.xii). "Confidence" is "that precious sentiment which unites the future to the present" and "lays the surest foundation of the happiness of the people" (Necker [1784] 1785, I.x). Hamilton took Necker's advice and wrote prolifically for the public press in an effort to influence public opinion and inspire a spirit of confidence in the government and obedience to its measures. Although Hamilton believed that the citizens generally possess the ability to perceive their interests with sufficient clarity, he also recognized that they are sometimes misled by opinions built on false appearances of the advantageous (Stourzh 1970, 92–93). During the 1790s his earlier sanguinity about the effects easily gained by a good administration was dashed by the successes of opponents who misjudged and misled the common man.

HAMILTON'S OFFENSE

Hamilton believed that systematic opposition to his economic measures was instigated by naïve projectors and ambitious demagogues. Aaron Burr was clearly of the latter description (*PAH* XXV:321). Jefferson, Hamilton thought, had some of the demagogue in him, but was fundamentally a man whom nature had ill endowed with a "sublimated paradoxical imagination" (*PAH* XII:544). Having drunk too much of French philosophy, his "mind [was] prone to projects... incompatible with the principles of stable and systematic government" (*PAH* XII:581, XI:439). Madison's character was more subtle, complex and difficult to discern. In 1792 Hamilton accused him of changing his mind concerning the public debt. He was not entirely sure, however, about Madison's motivations for the switch. Were personal animosity and the desire for political advantage the cause of Madison's newfound opposition? Or had Madison fallen under the influence of Jefferson and undergone a sincere change of mind?

In later years, Hamilton undoubtedly concluded that Madison was sincere in his attachment to the principles he espoused in the 1790s. He saw that Jefferson was not alone in his "vain reveries of a false and new fangled philosophy" and attachment to a "wild and fatal" political scheme that would destroy sound government in America (*PAH* XII:249, XXVI:740). Like the French writers from whose well of speculative philosophy they were imbibing, the Republicans were bent on a fanaticism in political science that miscalculated the force of the human passions and was "unsuited to the nature of man" (*PAH* XXVI:739). They were simply "too much in earnest" about "democracy" (*PAH* XXV:319). Prostrating themselves before the opinion of the majority, as if *vox populi* were *vox dei*, they encouraged a spirit of anarchy and flirted with tyranny, its natural ally. They stimulated the restless passions of the people and excited a reckless censure, destroying public confidence in the government and its leaders (*PAH* XIII:394–95). Following in the path of their Jacobin cohorts, the Republicans worshiped at the altar of the "Goddess of Reason," rejecting the "mild reign of rational liberty, which rests on the basis of an efficient and well balanced government" (*PAH* XXV:353, 370).

Men are for the most part ruled by their passions, Hamilton believed, and rather more "reasoning tha[n] reasonable animals" (*PAH* XXV:605). Yet his opponents were intent on molding "a wise, reflecting and dispassionate people" (*PAH* XXV:605). They eulogized reason, but in reality they courted men's vanities and cheated the people out of their confidence. Left unchecked, the Republican brand of politics would succeed in "corrupting public opinion till it becomes fit for nothing but mischief" (*PAH* XXV:605–6). Moreover, they claimed for public opinion an unwarranted status and invoked its authority to circumvent the prescribed constitutional amendment process—the only legitimate channel of appeal to the people in their collective capacity (*PAH* XXV:606). The Republican politics of public opinion threatened to undermine all the hard work done by the men at Philadelphia in 1787, and the source of their new creed was none other than the fanatics of the French Enlightenment. Hamilton named names:

> In vain was the collected wisdom of America convened at Philadelphia. In vain were the anxious labours of a Washington bestowed. Their works are regarded as nothing better than empty bubbles destined to be blown away by the mere breath of a disciple of *Turgot*; a pupil of *Condorcet*. (*PAH* XXV:501)

Whatever diminution of respect Hamilton had felt in the early 1790s for the force of Madison's mind and soundness of his judgment, a decade later his opinion of the Virginian's political sagacity sunk lower still. From Hamilton's perspective the loss of Madison as a political and philosophic ally must have been a genuine disappointment. This was the mind that had conspired with him at the Convention, penned with him *The Federalist*, and seemed to understand, if not fully, at least better than most of his colleagues, the age-old dilemma of the few versus the many and the republican road that could overcome it.

MADISON'S DEFENSE

Madison believed that, if successful, the Treasury Secretary's financial plan to perpetuate the national debt, establish a national bank, and enact a policy of governmental favors for select interests would subvert popular government in America. Hamilton's part in the President's Neutrality Proclamation and the Jay Treaty during Washington's second term was part and parcel of the same antirepublican agenda. Madison's assaults on Hamilton's program were not merely measures of resistance to the Federalist agenda, however; his aim was also to pave an alternate economic and political

route that accorded with the principles of republicanism, as he understood them. He attempted to prevent measures he believed were contrary to the sovereign authority of public opinion as expressed in the Constitution *and* to establish and secure a political system conducive to the *ongoing formation of public opinion*, on which government remains dependent in its ordinary operations. If Hamilton believed the attainment of American glory to be contingent on increasing the power of the national government and tying the interests of the monied class to it, thereby achieving economic prosperity and political stability and strength in one fell swoop, Madison believed the glory of America to consist in her discovery of the way to educate public opinion in a republic so that power and right would be on the same side. This fundamental challenge was one Madison wrestled with in the 1780s and continued to think through in the 1790s. He was convinced that the republican solution depended on modifying the sovereignty (*PJM* 9:357, 10:214).

In the early 1790s Madison argued that the institution of a national bank was contrary to the Constitution, as understood by the people who ratified and adopted it (*PJM* 13:372–87, 395–96; Farrand 1966, 3:533–34). He viewed Hamilton's proposal to establish the bank as the attempt to use unconstitutional means to accomplish legitimate ends. Hamilton's "Report on Manufactures" went even further: it proposed the national exercise of power to achieve *ends* not mandated by the Constitution (*PJM* 14:180, 193). Madison viewed the Constitution of the United States as the embodiment of the highest expression of the opinion of the public. No opinion in the regime, however widespread and popular, is superior to the voice of the people expressed in its most sovereign capacity in this document. Only the extraconstitutional invocation of the right of revolution can *claim* moral superiority. The idea of constitutionalism is derivative of the principle of popular sovereignty, which forms the democratic basis for the doctrine of originalism. No one took this doctrine more seriously than Madison. He viewed Hamilton's broad construction of the Constitution as more than a point of legal debate. It struck at the very philosophical basis of republican government. The idea of consent of the governed means that something was consented to—understood and agreed to—by the people in their most sovereign capacity. The people are "the only earthly source of authority," Madison wrote. The charters authenticated by their seal in the solemn act of founding constitute the most sacred of trusts. Constitutions are, in essence, the holy writs of this world, the "political scriptures" of faithful citizens. "They are bound on the conscience by the religious sanction of an oath. . . . [transcending] all other landmarks, because every public usurpation is an encroachment on the private right, not of one, but of all" (*PJM* 14:191). The American founding represents a charter of power granted to the government by a free people. It was a revolution in the annals of human history without parallel, as momentous a part of the American Revolution as the shots fired at Lexington and Concord. Probably even more so. Hamilton's interpretation of the Constitution effectively removed the limitations on the power of government placed there by the sovereign authority of the people, undermining the core principles of republican government.

It has been argued that Madison's altered position on the issue of the national bank during his presidency represents an abandonment of the doctrine of constitutional superiority, that in this instance Madison trumped the authority of the Constitution with the power of ordinary public opinion and legislative precedent (Meyers [1973] 1981, 389–90; Rosen 1999, 140). I believe this is an erroneous reading of the explanation Madison provides for his change of view. Madison was not arguing that ordinary public opinion—even when settled over a course of many years and precedent established—is ever superior to the Constitution. His argument was that for over 20 years public opinion had acquiesced in the decision to establish a national bank, demonstrating that *the generation who ratified the Constitution* were in fact *not* adverse to it and did not understand it to be contrary to the Constitution—even if Madison, in "his solitary opinion," had (Meyers [1973] 1981, 390–93). Accordingly, the bank was not *nor ever had been* unconstitutional. Madison is not here confessing to any weakening of his dedication to the Constitution as the supreme authority in all cases, nor is he admitting to any inconsistency of principle. Rather, he is conceding that he had misread public opinion on the issue in the early 1790s. The establishment of a national bank was not, as he had earlier thought, contrary to the Constitution, as understood by the public who ratified it. Thus, as president, he could respect legislative precedent because the institution of the bank was not an unconstitutional exercise of power, but only an ordinary, legitimate legislative act. His action as president did not represent an exception to the idea of the fundamental authority of the Constitution, and indeed he was, without fail, committed to the doctrine of constitutionalism throughout his life. "A Constitution being derived from a superior authority," he said in 1831, "is to be expounded and obeyed, *not controlled or varied*, by the subordinate authority of a Legislature" (Meyers [1973] 1981, 391, emphasis added).

Given Madison's commitment to the doctrine of constitutionalism, the representatives of the people are bound by oath and sacred trust to abide by the provisions and principles of the Constitution even when a majority of citizens demand measures to the contrary. Nonetheless, Madison's theory of republicanism was no more an elite theory of statesmanship devised to circumvent majoritarian politics than it was a theory constructed to stymie democracy or substitute pluralism in place of justice as the end of government (see Dahl 1956, 1–33; Diamond 1977; Sharp 1993, 2; Wills 1981, 179–264; Wood 1987, 91–93). He had as little confidence that enlightened statesmen would always be at the helm as he had that a simple or aggregate majority of the community would always and only demand those things consistent with natural and political right. Majority faction is the greatest threat and requires the most intense theoretical scrutiny in all polities in which majority opinion actually does reign supreme. In the

1780s he focused his mental energies more on solving the problem of majority faction than minority faction because he was committed to the principle of majority rule *and he envisioned the majority as ultimately determining the law in America.* Madison did not change his mind about this in the 1790s. In the battle with Hamilton and the Federalists he fought against schemes that would undermine the formation and force of the public voice and substitute an independent governmental will. And he fought to establish in practice what he had conceived at his writing desk. I doubt that he was as surprised about the political realities of the new administration with men such as Hamilton and Adams in power as is often thought. He knew a fair amount about their views, though he did not know for certain how they would play out their ideas vis-à-vis the decisions that had been made at Philadelphia and endorsed by the people. Once he saw that Federalist policies ignored the authority of the citizen-founders and threatened to sever the government from the people, he reacted to their "anti-republican" agenda. At the same time, he remained proactively committed to achieving and vindicating majority rule, the architectonic challenge that marked his long career as an American Founder.

The rift between Madison and Hamilton in the Washington administration was not caused by inconsistency on Madison's part, nor was Jefferson responsible for their political estrangement. Madison did not, as Elkins and McKitrick (1993, 266) and Rakove (1990, 100) have contended, seek to insulate national politics from public opinion in the 1780s and then develop "a new feeling for the legitimacy of majorities" and embark on a "new course of theorizing" in the 1790s. Rather, in the 1790s he engaged in a further and more "thorough investigation" of the remedy for majority faction in order to justify popular government and the authority of public opinion (see *PJM* 14:159; cf. 10:212). The philosophical divergence between Madison and Hamilton did not originate in the 1790s, though their prior differences were clearly exacerbated by political events in the formative years under the new Constitution. Certainly, the decisions made in Philadelphia in 1787 and ratified by the people influenced Madison's understanding of the American political system (Banning 1995, 171, 191), but this is fully in accord with his unerring commitment to the idea of the Constitution as the encapsulation of the most sovereign voice of the people. The accusation of inconsistency would in fact be warranted if he had taken the reverse tack, that is, if he had *not* heeded the authoritative intent of the people, who alone infused the Constitution with life and validity. From Madison's perspective, Hamilton's lack of respect for the authoritative opinion that informs the Constitution, and his determination to substitute his own economic and political vision despite the decree of the sovereign public, was the crux of their political division.

Throughout his life, Madison's practical efforts were based on two equally important theoretical maxims: the majority must ultimately rule, and it must have right on its side. In republican government, Madison wrote in preparatory study for the Constitutional Convention, "the majority however composed, ultimately give the law" (*PJM* 10:355). The problem of course is that the majority may have power but not right on its side. Madison insisted on both. Majority rule is a necessary but not sufficient condition of free government. Its legitimacy depends on the respect and protection the majority accords to the rights of the minority. In the manifestation of their freedom the citizens have a moral obligation to extend "that debt of protection" they mutually owe each other in the exercise of natural and positive rights, and for which they, as a "public" pledged their "faith . . . by the very nature and original conditions of the social pact" (*PJM* 14:267). A government independent of the will of the society is unrepublican and illegitimate, but so too is a government that has force, but not right, on its side (*FP* 51:292–93; cf. *PJM* 9:350, 355).

The will of the society is manifested in government through the constitutionally prescribed processes, which give to the legislature preeminence in public policymaking. A frequently elected legislature is more closely aligned with the will of the people than are the other branches of government. In a large republic it is less likely to be the pawn of majority faction than in a small one. Nevertheless, Madison recognized the problem that worried Hamilton: Whatever the size of the nation, assemblies are to some degree susceptible to the influence of demagoguery and the heat of capital politics (*PJM* 9:354, 14:165–66, 13:93–94; *FP* 58:328–29). Madison did think that the clash of arguments in public bodies can contribute substantially to the deliberative process, but he also acknowledged that the advantages are often outweighed by false reasoning and the easy contagion of opinion and passion in a body that meets under one roof in a politically charged city. The problem of securing "the benefits of free consultation and discussion" is especially great in numerous assemblies, where proceedings are often marked by the confusion and immoderation that generally accompany mass gatherings (*FP* 55:310). To counteract these dangers Madison endorsed the auxiliary precaution of separation of powers, including the division of the legislature into two houses and the attendant devices of checks and balances. However, the "primary control" on the government, he declared in *Federalist* 51, is "a dependence on the people" (*FP* 51:290).

Publius' explicit declaration of a reliance on the people as the chief control on government deserves greater attention by scholars. As Madison would later argue in the *Party Press Essay* "British Government," separation of powers and checks and balances are important prudential devices to control the will of the government and protect liberty, but they are auxiliary to a primary dependence on public opinion (*PJM* 14:201; cf. 14:218). This is true both empirically and normatively. Public opinion is more powerful than parchment barriers and institutional arrangements. Madison believed that public opinion is also the fundamental authority in republican government. In the conclusion of the fifty-first *Federalist* he restates his case for a dependence on the people in even broader terms than he

initially had in the essay: The will of the government must be dependent on the will of the society. Accordingly, the public is not only the primary guardian whose watchfulness keeps government within its prescribed boundaries, but also the active agency upon which the movement of government depends. When the assertions in *Federalist 51* are attended to in the context of the two preceding *Federalist Papers*, a nascent idea beats in the ear of Publius' audience. It is reason, not passion, which ought to prevail over legislative decisions. Specifically, it is the reason *of the public* that ought to control the government (*FP* 49:285, 50:287). In the *Party Press Essay* "Spirit of Governments," Madison pounded the republican drum to a rolling cadence. Contrasted with the imposter republican government advanced by some, which is actuated by private interest and avidity and pretends to operate by the liberty of the many, but in fact is supported by the domination of the few, Madison set forth the true republican model:

> A government, deriving its energy from the will of the society, and operating by the reason of its measures, on the understanding and interest of the society. Such is the government for which philosophy has been searching, and humanity sighing, from the most remote ages. Such are the republican governments which it is the glory of America to have invented, and her unrivalled happiness to possess. (*PJM* 14:234)

In the same vein of thought that runs through *Federalist 49*, *50*, and *51*, "Spirit of Governments" reinforces and intensifies the claims of Publius. The spirit of republicanism, Madison emphatically pronounced in the *Party Press Essays*, requires that the will of the government be dependent on, "or rather the same with," the will of the society, and the will of the society be subject to "the reason of the society" (*PJM* 14:207). The process of subjecting the public will to the precepts of reason directs popular government toward the ends of justice and the general good. In turn, the resulting laws inform the citizens' understanding and influence their perception of the public interest. This has been the ambitious quest of philosophy and the ardent longing of humanity for time immemorial, Madison declared. America has answered humanity's call, and upon her soil the greatest of political aspirations are to be realized.

In *The Federalist* Madison argued for a political system that regulates the interests and passions within society, and that itself is dependent on the will and reason of the public. As he continued to think through and hone his theory of public reason in the ensuing years, he gave it added emphasis and clarity. In the 1780s and into the 1790s Madison avidly read French texts on the subject of public opinion. French interest in the subject had emerged about 1770 and captured the minds of the French intelligentsia in the 1780s.[6] Due in large measure to Jefferson's generous shipment of crates of books from Paris to Montpelier during his tenure as ambassador to the French court, Madison studied a host of French authors on the subject of *l'opinion publique* and agreed with them about the undesirability of the British model of corporate political conflict so admired by Montesquieu (and Hamilton and Adams). Though unlike most of the French theorists he did not reject the doctrine of separation of powers and checks and balances, he did agree with them that the key to achieving political stability and individual liberty is not by a system that pits the interests of the few against those of the many, but by the force of an enlightened public opinion that results from a continuing process of communication among men in society.

Madison was in general agreement with the French writers who moved substantially beyond Necker's conception of public opinion as confidence in government and envisioned a more energetic role for the public in the political life of a nation. Theorists such as Turgot, Condorcet, and Peuchet emphasized both the influence of the enlightened men on public opinion *and* the directive influence of public opinion on government, conceiving of public opinion as being both acted upon and itself an active agent. In a complex and layered process of civic participation and communication, the diverse views of citizens are modified to form a united public reason.[7] The enlightened members of society bear an important responsibility to shape the public views, but it is equally important that the public be enlightened, active, and united. When their opinion is fixed and their voice united, it directs the decisions of government. Madison subscribed to this idea of an activated public whose opinion carries political force. Contrary to those who would devise schemes that detach the government from the people, warn it to be vigilant against the centrifugal tendency of the people, and ask of the people only that they obey their wise and enlightened rulers, Madison argued that the goal is to awaken and *enlighten the people*, warn *them* to be united and vigilant, and to obey the government that is of their own making (*PJM* 14:426–27).

Hamilton's allegations of ties between American Republican theory and French Enlightenment thought were not unfounded. Though no mere follower or devotee of French theory, Madison was influenced by the works he read and even adopted key language from them. For example, Condorcet argued that over time public opinion derives force from the effect of "fixed principles" and unites society under "an empire of reason" (Baker 1976, 58). Peuchet said that in the

[6] These authors included Raynal, La Bruyère, Necker, Turgot, DuPont de Nemours, Le Trosne, Louis-Sébastien Mercier, Le Mercier de La Rivière, comte de Mirabeau, Brissot de Warville, Condorcet, Barthélemy, and Peuchet. Madison had in his possession in the 1780s works by all of these writers, and in fact he packed and shipped works by most of these authors to his residence in the temporary capital city of Philadelphia in the summer of 1790 (*PJM* 13:286–89). For a more extensive treatment of the French theories of public opinion, see Sheehan 2002.

[7] Madison believed that, when properly formed, public opinion is tantamount to the reason of the public, but he disagreed with some French authors about what constitutes public reason and how it is achieved, e.g., the physiocrats' and Condorcet's reliance on *évidence* and mathematical calculations to produce public reason. See Sheehan 2002, 939–40, 954–55. In contrast, McLean (2003) and Schofield (2003) see Madison as accepting Condorcet's early form of rational choice theory.

modern world Christian morality has united men as brothers; scientific discoveries have led to an increase in communication and the circulation of knowledge among men and "extended the sovereign empire of reason" (Peuchet 1789, viii). The optimism of the French and their wont for the felicitous expression captured Madison's ear and imagination. "Let it be the patriotic study of all," he declared, "to erect over the whole [society], one paramount *Empire of reason*, benevolence and brotherly affection" (*PJM* 14:139, emphasis added).

"The great desideratum" in government, Madison wrote in preparation for the Constitutional Convention, is the establishment of a "disinterested & dispassionate umpire" which renders impartial judgments between the different passions and interests of the society (*PJM* 9:384; cf. 9:357, 10:214). The achievement of reasonableness and impartiality in republican government, he believed, hinged on a "modification of the Sovereignty." Leading up to the Philadelphia convention Madison conceived of this just umpire determining national policy as well as officiating over state legislation and exercising the power of veto in the case of unjust local laws. Subsequent to the Convention's rejection of his proposed national negative on state laws, Madison continued to seek the establishment of an impartial referee that would sit in judgment on national concerns (*PJM* 10:214). The great problem in popular government, he argued in the tenth *Federalist*, is that the parties to the case must themselves also be the judges (*FP* 10:48). Madison's theory of the extended republic and representation in the tenth *Federalist* has been analyzed by many scholars to demonstrate how he intended to achieve a "disinterested & dispassionate umpire" in republican government. Gordon Wood (1987) attributes a theory of elite statesmanship to Madison and the Founders via their creation of large electoral districts from which the more talented and noble sorts of men will tend to be elected. The use of the term "popular sovereignty" was a democratic rhetorical device used to supplant democracy with aristocracy (Wood [1969] 1998, 562). Joshua Miller (1988) and Robert Wiebe (1984) go further, treating Madison's and the Founders' ascription of sovereignty to the public as a sleight of hand. The Federalists' "public" was "a mere abstraction," "a mythical entity," "a ghostly body politic," which does not participate, deliberate, or take action (Miller 1988, 99, 104, 114; Wiebe 1984, 38–39).

In contrast, Lance Banning (1995) argues that Madison was "adamant that once the proper checks had been imposed and passing passions had been cooled, the will of the majority must rule (372). In order for Madison's republican theory to work, Banning claims, representatives in Congress must reflect the diverse views of their constituents (209). Alan Gibson (1991) finds both of these interpretations lacking and argues that the Madisonian remedy of an impartial umpire consists in the formation of just majorities in Congress, made possible by (1) the inclusion of a multiplicity of interests in a large territory with a diverse population, which obstructs the communication of factious views and leaves representatives fairly independent in the exercise of their trust, and (2) large electoral districts from which impartial representatives are more likely to be chosen. Gibson criticizes Banning for failing to account for the achievement of impartiality in public decision making and ultimately succumbing to the pluralist model he tries to avoid (267–68). Conversely, Banning argues that Gibson does not take account of the importance of the practicable extent of territory and the role it plays in maintaining the rulers' responsibility to the people in Madison's theory (212, n. 61). "Madison *never* argued that the national legislators would be capable of acting as impartial referees over clashing interests at the national level," Banning declares (470, n. 54). I would add that Gibson's combination model does not solve the difficulty of preventing the communication and spread of factious views among the national representatives, who meet in person in the capital city and have open, easy lines of communication and ample opportunity for the formation of factions, which could well prove an overmatch for contrived institutional rivalries. If Gibson's delineation of public opinion is meant to counter the problem of representatives who act from passion and partial interest, then it too ultimately yields to the pluralist thesis. In Madison's mind, Gibson contends, public opinion "was simply a public consciousness formed from the aggregate of individual sentiments" (1991, 285, 2002, 287, 282); his goal was not to reform the citizens of an unjust majority or to educate and form civic character (300–1).

I take Madison's remedy of a "dispassionate and disinterested umpire" to be something more complex and much more deeply republican. The "great desideratum" for which Madison is searching is informed by the principle that "the majority . . . alone have the right of decision" (*PJM* 9:384; cf. 9:357). When the various components of Madison's thought are viewed as part of a single design informed by an overarching, positive theory of participatory politics, his arguments fit together to form a coherent philosophical vision. He encapsulated this vision in his theory of the politics of public opinion. "Public Opinion," Madison declared, "sets bounds to every government, and is the real sovereign in every free one" (*PJM* 14:170; cf. 14:161–62). In all governments public opinion operates as a force that limits the power of government. In all free governments public opinion is the ground of all legitimate authority; it functions as both a defensive agency that controls government and an active agency that directs the will of the government. As the embodiment of the highest expression of public opinion, the Constitution provides a standard to which officials and citizens can appeal to limit the power of government, as well as a source of instruction concerning individual rights and responsibilities. The latter is what Madison meant by the beneficial effects of a bill of rights over time, as it is sanctified and incorporated into public opinion (Meyers [1973] 1981, 169; *PJM* 14:162–63, 170). In addition to its manifestation in the Constitution, public opinion has three other modes of expression: as the censor of governmental acts, as the constitutional majority, and as the general spirit that permeates

the nation (and perhaps beyond). The censorship of governmental measures by public opinion finds expression via state political organs and by educated men via the print media (*FP* 44, 46; Meyers [1973] 1981, 262–64; *PJM* 10:214). These are essentially defensive measures against political usurpation. The appeal may be to the people of the states or even directly to the people as a collectivity. However, public opinion in these cases does not carry the force of law, though it may well "lead to a change in the legislative expression" of the public will or even to a change in judicial opinion (Meyers [1973] 1981, 270). The directive agency of public opinion manifests itself through the constitutional mechanisms of free elections and representation, by which "the will of the largest political body may be concentered and its force directed to any object which the public good requires" (*FP* 14:68–69). In this expression of public opinion by the constitutional majority the people's agency is not direct, but it is nonetheless their will, and not a government insulated from the actual views of the people, that directs public measures. Finally, public opinion in its broadest sense consists of the settled views and general convictions of the people. Its potential power is prodigious: It can preserve or alter public morality; it can support or scorn the laws. The formation of constitutional majorities occurs within a sphere permeated by an overarching and ubiquitous public opinion. When settled, the opinion of the constitutional majority is absorbed by public opinion, contributing to the ongoing modification and construction of public opinion in a republic (*PJM* 9:355).

Madison discovered the remedy for the apparent dilemma between the problem of majority faction and the ultimate right of the majority to rule in republican government by an analysis of the politics of communication in an extensive republic. On the one hand, a nation should be large enough to include a multiplicity of interests and sects, thereby neutralizing the effects of interest or passion by denying any one of them majority status. The extensive size of the territory makes it less likely that a majority activated by a common passion or interest will be able to communicate effectively and unite for unjust ends. In addition to the general challenge of forming a united voice over so large and populous a land, the consciousness of dishonorable motives and unjust purposes provides an obstacle to the formation of a majority faction, for "communication is always checked by distrust in proportion to the number whose concurrence is necessary" (*FP* 10:51). On the other hand, the territory must not be so large that it precludes the communication of ideas and the formation of public opinion on the basis of justice and the general good. Indeed, Madison's repeated insistence on limiting the size of the territory to a practicable sphere—in both the 1780s and the 1790s—is logical only if he intended a positive political role for a national majority united by a common opinion. The opinion of the constitutional majority is a *modification* of the views of a latent majority. This is achieved through established constitutional processes in an extensive, representative, federal government, which provides the arena in which to collect, temper, and refine the public views into a collective opinion that accords with the rights of others and good of the whole.

When public opinion is fixed, Madison taught, it must be obeyed by the government. When not settled, it may be influenced by those in government. The extensive size of the territory makes it difficult for a faction to "counterfeit" the opinion of the public; the limitation on size to a practicable sphere enables the "real" opinion of the public to form and carry effect (*PJM* 14:170). Madison argued in both *The Federalist* and the *Party Press Essays* that the practicable boundaries of a republic can be stretched without sacrificing the formation of the public voice if conditions that ease intercommunication among the citizens are present. These conditions include good transportation routes, improvements in interior navigation, the free circulation of newspapers, and representatives traveling to and from the capital city, all of which act as equivalents to a contraction of the territorial size (*FP* 14:70–71; *PJM* 14:170, 161). In contrast to a nation that is too small and where a majority faction easily arises, or to one that is too large and in which the public voice cannot be collected, a territory of practicable extent provides the conditions for the communication of ideas, the proper formation of public opinion, and its appropriate degree of influence on the representatives. Under these circumstances the representatives are effectively distanced from the influence of the ephemeral passions and partial interests of the diverse factions within their districts, while simultaneously kept dependent on the will of the society.

Madison's goal was not merely the distillation of the people's will *by representatives in Congress*, but even more importantly, the establishment of "an equilibrium in the interests & passions of the Society itself" in order to create the conditions necessary to refine and enlarge the *opinion of the society* (*PJM* 14:158–59). His advocacy of a large but "practicable sphere" (*FP* 14:68, 51:293; *PJM* 14:170) should be understood within this context. Madison's insight into how territorial size contributes to the positive achievement of the just majority consists of more than a technical dependence on the people via their representatives in Congress. It also entails, to the extent possible, the tempering of factious impulses and the elevation of opinion within the society by means of a dynamic process of communication and deliberation throughout the land. Madison's "modification of the sovereignty" is not merely the alteration of individual state interests and popular views by the national legislature. It is also the modification of public opinion itself.

Madison believed that the authority of public opinion is limited *by* the act of constitutional ratification. But he rejected the idea that it is limited *to* the act of constitutional consent, or that it is merely an intermittent expression of authority at times of elections.[8]

[8] Gary Rosen (1999) is correct that for Madison the Constitution is the manifestation of the sovereign "sense of the community" (165). However, his insistence that "Madison's solution was a kind of constitutional passion, an unthinking attachment to the Constitution as an end in itself" (127) neglects Madison's concern for public enlightenment and fails to take into account his conception of the

While the authority of the Constitution is fixed and its provisions unalterable except through the modes of amendment prescribed in the document itself, there are a myriad of political decisions that do not involve constitutional questions. In these, the government ought to be informed by the considered views of the public. "In no case," Madison declared, "ought the eyes of the people to be shut ... nor their tongues tied." If left uncontrolled by the people, government "ever will be administered by passions more than by reason" (*FP* 49: 285, 50:287; *PJM* 17:238–39; cf. 14:426–27). Contrary to the notion that Madison wanted the people's involvement limited to voting—to kicking the bums out of office when they got out of line (Matthews 1995, 159; cf. 162–63), Madison explicitly argued the reverse. The doctrine that has "so ardently been propagated by many, that in a republic the people ought to consider the whole of their political duty as discharged when they have chosen their representatives" and "that the people ought at all times to place an unlimited confidence in rulers" they have chosen, is false, he protested. Just as he had indicated in *The Federalist* a decade earlier, in "Political Reflections" Madison insisted that the people are the primary control on the government, that they have a real and ongoing role in the political life of their country, and that the manifestation of the reason of the public results from their active political participation and the communication of ideas.

In the contest with Hamilton, Madison routinely applied his theory of the ongoing authority of public opinion to the practical issues of the day. With respect to the issue of the public debt, Hamilton was correct to think that he had Madison's general support for funding, and indeed Madison argued on the floor of the House of Representatives in early 1790 that the debt incurred in the war for independence must be funded. However, Madison's general view was that although funding was at times necessary in the life of a nation, it was nonetheless an evil (*PJM* 13:75). While he assented to those measures necessary to reestablish public credit and retire the debt, he was adamantly opposed to a perpetuation of it and, in fact, had been so for many years (*PJM* 13:106, 317; cf. 13:37; 6:272, 298). The extension of the debt would only further the distance between the national government and the interests of the people. Public debt generally results from the costs of running war and fitting an army, all of which tends toward the increase in executive discretionary power, corruption in government, and governmental independence from the popular will, he argued in the *Party Press Essay*, "Universal Peace" (*PJM* 14:206–9, 274–75, 15:474, 518). Such has been the ploy used by governments to extend and perpetuate arbitrary power throughout human history. The cure for this, Madison declared, is to make the will of the government "subordinate to, or rather the same with, the will of the community" (*PJM* 14:207). Furthermore, to the extent possible, each generation should bear the financial burdens of debt it has taken on, thereby prompting "avarice ... to calculate the expences of ambition" and "in the equipoise of these passions, [leaving] reason ... free to decide for the public good" (*PJM* 14:208). By "permanent and constitutional maxims of conduct" the executive temptation for war must be moderated by the legislative representatives' willingness for war, contingent on the opinion of their constituents. The people's temptation to war is controlled by "subjecting the will of the society to the reason of the society" (*PJM* 14:207).

In the exchange with Hamilton writing as Pacificus, Madison as Helvidius insisted on the legislative nature of the power to declare war and make treaties, as delineated in the Constitution. "Under colour of vindicating an important public act," Helvidius wrote in his first installment, Pacificus "advanced [principles] which strike at the vitals of [the nation's] constitution, as well as at its honor and true interest" (*PJM* 15:66). The violation of separation of powers manifested in the President's proclamation of Neutrality in 1793 was a travesty with respect to "the simple, the received, and the fundamental doctrine of the constitution, that the power to declare war including the power of judging of the causes of war is *fully* and *exclusively* vested in the legislature" (*PJM* 15:108). The Helvidius essays are in part a continuation of the argument Madison presented in "Universal Peace." "War is in fact the true nurse of executive aggrandizement" (*PJM* 15:108), Helvidius wrote. Quoting one of Hamilton's contributions to the *Federalist*, Helvidius argued that a "hereditary monarch ... [is] often the oppressor of his people," though generally he has too much personally at stake in his government to be corrupted by a foreign power (*PJM* 15:109). An elective magistrate, on the other hand, may be tempted both by avarice to sacrifice the interests of his fellow citizens and by ambition to betray his country. Madison feared that Pacificus' construction of the American Constitution drew upon British theory in a most dangerous way, threatening to destroy the rudimentary constitutional conditions necessary to the achievement of an impartial umpire in republican government.

In Madison's analysis of interest and disinterestedness he argued that the advantage of absolute monarchy is that the king is sufficiently neutral towards the different interests and parties of his country, whereas in a republic the will of the majority may sacrifice the interests of the minority (*PJM* 9:357, 9:384). Conversely, the advantage of republics is that the sovereign will is sufficiently restrained from making decisions contrary to the interests of the society; in monarchy it is not, and the king may sacrifice the interests and happiness of his subjects to his own personal ambition and gain. The arbitrariness of republican government is remedied by enlarging the sphere, thwarting the ascendancy of majority faction and providing adequate conditions for the refinement of public views. This remedy, however, is contingent on maintaining the beneficial effects

dynamic character of public opinion and its continuous operation and influence in the everyday life of the polity. Roger Sharp (1993) also gives Madison's conception of public opinion a static quality, arguing that although Madison called for a dependence on an enlightened and watchful public, in the early 1790s he did not suggest how public opinion would be collected and articulated, regarding it as "a fixed entity that was supportive of republicanism but essentially inert" (45).

of republican government, i.e., that the will of the government is dependent on the will of the whole society and controlled from setting up an interest adverse to it. The United States Constitution lodges the question of war and peace with the legislature, and not with the president, and gives the latter only partial, and not the sole, power to make treaties, precisely to weaken the executive temptation to betray the interest of his nation.

Madison clearly understood that continued commercial relations between the United States and Great Britain were critical to the success of Hamilton's financial program. If Hamilton was willing to maintain America in a position of economic subordination to the British and sacrifice national honor and interest in order to advance short-term economic gains, Madison was not. In the long run, Madison believed, the economic, political, and moral strength of the United States was tied to achieving a nonsubservient economic position. At the outset of the first Congress, and time and again in subsequent years, Madison argued that the establishment of a beneficial or at least more equitable commercial policy with the British would take fully into account American preeminence in agriculture and Great Britain's dependence on American produce. While England depended on the United States for the raw materials used in her manufacturing industry, her West Indian colonies—from which she drew an immense income—depended on us for the necessaries of life. There was no good reason to adopt Hamilton's servile response to British commercial dominance and allow the Empire to treat the United States as a British colony. Commercial retaliation against the British would force a change in trade policy; other markets, particularly France, could substitute for losses in Anglo-American commerce. During the war between England and France Madison attempted to counteract the "Anglican Party" and the false appearance that public opinion endorsed its prejudices for England and against France. He and James Monroe produced a model resolution to be distributed at country meetings, the object of which was to provide a means to mobilize, collect, and manifest "the genuine sense" and "real sentiments of the people"—that is, "the agricultural" and "commanding part of the society"—and to negate the counterfeiting of public opinion coming from the nation's commercial centers (*PJM* 15:92–93; cf. Banning 1995, 377–78).

A nation whose citizens depend for their livelihood on the manufactured production of superfluities and the whims of fashion and fancy, Madison claimed, is one in which one class of citizens lives in servile dependence on another. "In proportion as a nation consists of that description of citizens, and depends on external commerce, it is dependent on the consumption and caprice of other nations" (*PJM* 14:258; cf. 14:164–65; 17:559–60). Madison did not share Hamilton's dream that America become an industrial prodigy. Instead, he believed that agriculture was the most beneficial object of human employment in the United States and the industry most productive of real wealth in a nation. The way of life of the husbandman, he argued in 1792, is "the most truly independent and happy" (*PJM* 14:246). A nation predominant in agriculture is most favorable to the health, virtue, intelligence, competency, liberty, and safety of the greatest number of individuals. A manufacturing nation, by contrast, courts the dangers of wantonness and waste, inviting into its environs the wretchedness of the Bridewells and Bedlams (*PJM* 14:244–46; cf. 14:186–257–59). As the population increases, a proportion of the inhabitants of a nation will gradually and naturally shift their employment from agriculture to the manufacturing, mechanical, and commercial industries, but this diversion ought not be artificially encouraged. Rather, "it ought to be seen with regret as long as occupations more friendly to human happiness, lie vacant." Domestic manufactures would develop naturally, he said, at the stage when "hands [are] not called for by agriculture" (*FP* 41:230). Governmental encouragement of manufactures artificially diverts human industry from a more to a less beneficial course and therefore ought to be limited to considerations regarding existing establishments that would otherwise perish (*PJM* 12:70–72).

Madison believed that privileging one industry over another violates both the rights of property and the rights of persons (*PJM* 14.266–67). Property is not secure, he asserted, when unequal taxes burden one kind of property and reward another; nor is it protected when a part of the citizenry is denied the free exercise of their faculties and the free choice of their occupations. Building on *Federalist 10*'s claim that the rights of property originate in men's free exercise of their diverse faculties, he claimed that the individual's free use of his faculties and choice of occupation not only constitute his property, but also are the "means of acquiring property" (*PJM* 14:267). Viewed in this context, Madison's alarm at Hamilton's Report on Manufactures seems understandable. The protection of these different faculties, Madison had written in *The Federalist*, "is the first object of government" (*FP* 10:46).

Stemming from the free exercise of his faculties, man has a property "in his opinions and in the free communication of them" (*PJM* 14:166). When the power of government is excessive and unjustly interventionist, no man is secure in his opinions or in the effective communication of them. This is a particular danger in a large republic, since the size of a nation has the effect of making intercommunication and the discovery of a united purpose more difficult. If public opinion is to exert adequate and proper control on the government it must, Madison contended, have sufficient channels through which it can be expressed, formed, and enlightened. The process of collecting, coalescing, and shaping public opinion is accomplished by a variety of conditions and processes, including state and local governmental bodies, educational institutions and the learned professions, the circulation of newspapers throughout the nation, and the exchange of views between representatives and their constituents as well as among themselves at the seat of government.

That the people had, by their sovereign authority, established a partition between the national and the

state governments was sufficient to insist on respect for the constitutional limitations on power. Madison's defense of the powers reserved to the states is properly understood as part of his commitment to constitutional government, the anachronistic account that attributes a Calhounian view of states' rights to Madison, notwithstanding. But as Adrienne Koch and Harry Ammon (1948) long ago pointed out, Madison had an additional reason to stress the importance of the federal character of the American republic: he considered the state and local governments essential to the collection and articulation of the public voice (see *PJM* 17:247). Without a due degree of power at the state and local levels of governments, the extent of the territory would make it impossible for the people to communicate effectively and convey a united voice by which to control government (*PJM* 14:138; cf. *FP* 46). Conversely, "the most arbitrary government is controuled where the public opinion is fixed" (*PJM* 14:192). Federalism is a critical element in maintaining governmental responsibility to the people; it contributes significantly to shaping an environment conducive to the communication of ideas and the mobilization and expression of public opinion in a large republic.

Madison would apply his long-held conception of the importance of the states in marshalling public opinion later in the 1790s, in his battle to overturn the Alien and Seditions Acts. Both acts, he declared, constituted clear violations of the United States Constitution; in the one case the national government assumed a power not granted by the Constitution, and in the other it exercised a power expressly forbidden by the First Amendment. What is particularly interesting in his discussion of the Sedition Act is that over and above his charge of unconstitutionality—which he believed must decide the matter—he also provides an explanation of the reasoning that informs the American Constitution in this matter. In free governments, he argued, "it is the duty as well as right of intelligent and faithful citizens, to discuss and promulgate [the proceeding of government] freely, as well to control them by the censorship of the public opinion, as to promote a remedy according to the rules of the constitution" (*PJM* 17:342). In an extensive republic in which the central government possesses a magnitude of powers and where the great body of the people is far removed from the seat of government, the state governments serve as "intermediate" bodies. The purpose of the Virginia Resolutions, he explained, was to utilize the states as vehicles to excite public reflection and mobilize public opinion (*PJM* 17:348). Furthermore, the difficulty of circulating knowledge about governmental proceedings throughout the large nation and of maintaining responsibility to the people by public officials requires a particularly high degree of liberty of the press (*PJM* 17:341). The Federalist measure restricting the freedom of the press was based on a different and nonrepublican political model, yet another manifestation of their proclivity to imitate the British. Driven by a desire to "extend the ground of public confidence" (*PJM* 17:346), Hamilton, Adams, and their cohorts would place a censorial power in the government over the people. Madison's concern was that the government demonstrate responsibility to the people; in "republican government . . . the censorial power is in the people over the government, and not in the government over the people" (*PJM* 15:391; cf. 11:163; Read 2000, 69–70). A free press "alone can give efficacy to [the national government's] responsibility to its constituents," he wrote. It is the means for freely examining public characters and public measures, and for the free communication of these opinions, that is "the only effectual guardian of every other right" in a free society (*PJM* 17:189–90, 345).

The advent of circulating newspapers significantly increased communications among men and contributed to the power of public opinion in the eighteenth century, a phenomenon clearly grasped by Madison and many of his contemporaries abroad. The rise of the mass media also made communication over a large territory possible for the first time in history. It was now possible to found a nation large enough to impede the formation of majority faction and at the same time establish the circumstances that make possible a genuine "commerce of ideas" throughout an extensive territory. To my knowledge, this original, momentous insight belonged to James Madison. Madison envisioned newspapers serving as vehicles for the circulation of the ideas of the literati to the people of the extensive American republic, resulting in the refinement and enlargement of the public views and the emergence of an enlightened public opinion. The literati, in fact, occupy a central place in the process of civic education and public enlightenment Madison hoped to see in America. They are "the cultivators of the human mind—the manufacturers of useful knowledge—the agents of the commerce of ideas—the censors of public manners—the teachers of the arts of life and the means of happiness" (*PJM* 14:168). In Madison's view, their role is absolutely indispensable to the proper formation of public opinion. Their influence on the ideas and manners of the people can serve to anchor a republican citizenry in the moral principles of free government. Madison's use of the language of agriculture and manufacturing in his description of the highest aims of the new republic was clearly no accident. He intentionally meant to contrast his vision of the American commercial republic and its hero, the merchant of ideas and mores, with the narrower Hamiltonian emphasis on commerce as material exchange and profit.

The energy Madison expended to stop Hamilton's economic and political policies was proportionate to the threat he perceived: Hamilton's program would destroy the limitations on government established by the Constitution and undermine the rightful authority of public opinion in the American republic. The thrust of Hamilton's financial package was the creation of a system that promoted inequality of property by governmental fiat and tied the interests of the favored opulent class to the national government. Madison believed that this clever scheme would have the effect of strengthening and consolidating the powers of the national government and undermining the constitutional and practical limitations placed on its authority. The concentration of power at the national level would

diminish the power of the state governments. Since a single national legislature is not competent to regulate all the objects of government over so large a territory, the power of the national executive would unduly grow; this would open the way for legislative corruption and render less effectual the voice of the people and their control on the legislature (*PJM* 14:138). Hamilton's plan would eventually transform the executive office into one of "unlimited discretion," in opposition to the will and subversive of the authority of the people (*PJM* 14:274). Ultimately, it might even produce a "universal silence," leaving the national government to act independent of the will of the society and free to pursue a "*self directed course*" (*PJM* 14:138).

Madison's advocacy of the politics of public opinion was his sustained attempt to solve the problem of majority opinion in a manner fully consistent with the form and spirit of popular government. The *spirit* of free government cannot be attained by achieving the people's consent and then disassociating them from the acts of government. The spirit of republicanism is present only when it is embodied in the minds and mores of the citizens and sustained by the activity of political participation and the commerce of ideas throughout land. The construction of public opinion involves a process of instructive dialogue and deliberation that permeates the whole society, from the influence of the literati and statesmen on the mores and views of the citizens, to the communication of ideas throughout the great body of the people, to the influence of the settled opinion of the community on the representatives in government. The process of forming public opinion is a time consuming and complex one, much like the process of establishing precedents in courts of law. Majority opinion in a republican polity is constantly in the process of constructing itself within an intellectual, moral, and psychological milieu larger than itself. This architectonic influence over the minds and morals of the public in turn influences the decisions of government and the laws of the land, which further operate on the understanding and interest of the public. This is Madison's solution to the difficult challenge he set himself when preparing for the Federal Convention, i.e., how to achieve a "modification of the Sovereignty" (*PJM* 9:357). Public opinion is the sovereign authority in a genuine republic whose mild voice of reason is capable of transforming the will of a nation. It is no surprise, then, how often Madison himself put pen to paper in the public press or that he urged his fellow citizens, despite all artificial and circumstantial distinctions, to come together as one people under the mantle of the "Empire of reason" (*PJM* 14:139).

CONCLUSION

The disagreement between Madison and Hamilton that led to the formation of the first political parties in the United States cannot properly be understood as merely personal or partisan. It was a battle over the very character of republican government and the extent to which the people are capable of governing themselves. Hamilton did not think Madison's solution of the extended republic and representation went far enough to prevent the problem of majority tyranny. Madison thought Hamilton's measures substituted private interest for public good and undermined the sovereign authority of public opinion. Interestingly, scholars have generally attributed the vision of a modern commercial republic composed of diverse and rival economic interests actuated by the untutored passion of acquisitiveness to James Madison. But this was not, nor ever had been, Madison's vision of republicanism. It is closer to Hamilton's.[9] In fact, Hamilton fits better the description that has traditionally been reserved for Madison, while Madison was a more unhesitating democrat than is generally believed. Hamilton is the chief American theorist of the modern commercial republic; Madison, the philosophic architect of the politics of public participation and republican self-government in America.

Madison and Hamilton did not differ about the need to filter the interests, passions, and opinions of the citizens or about the need to achieve a reasonable, impartial, and durable will in government, but they did very much disagree about who or what legitimately gives voice to this will and whether the process involves modifying the actual views of the citizens. Hamilton attempted to solve the problem of the predominance of partial interests, the contagion of passion, and the danger of demagoguery in the legislature by establishing a system of institutional counterbalances within the government of a diversified, commercial nation. He sought to achieve a reasonable and permanent will via an independent and energetic executive whose administration would advance the interest of the nation and inspire in the people an opinion of confidence and habits of obedience. By contrast, Madison's solution was to call the representatives to stand before the bar

[9] For example, Martin Diamond (1972, 1977) attributes to Madison the theory that a large republic supplies the remedy for faction only if it is also a *commercial* republic (54–55, 648). However, I would argue that Diamond's presentation of the commercial republic theory is actually a much more apt interpretation of Hamilton's political and economic thought. According to Diamond's interpretation, the historical battle between the haves and the have-nots was to be replaced with a new factional struggle based on the diversity of economic interests. This required magnifying the operation of interest (and taming or devitalizing passion and opinion), so that citizens would divide themselves on the basis of narrow and particularized economic interests, thereby allowing the society to evade the fatal kind of factionalism caused by opinion and class interest in the past. Diamond further argued that the proponents of this theory rejected any attempt to refine and improve the citizens' opinions of the advantageous and just. Instead, they accepted as "irredeemably dominant" the self-interested passions sown in human nature. In light of this, they sought to channel the powerful passions and interests of the society by way of shrewd institutional arrangements rather than engage in the futile attempt to form the character of the citizenry. While the commercial republic theory presented by Diamond captures much of Hamilton's thought, it does not correctly characterize Hamilton's vision in one important respect. Hamilton's theory of the commercial republic did not merely rest on a multiplicity of rival interests to effect the common good, nor did it advance the notion of a multiplicity of factions. At the New York Ratifying Convention Hamilton proclaimed that the objective was "to abolish factions, and to unite all parties for the general welfare" (*PAH* V:85). Like Necker, Hamilton sought to achieve public confidence and unity of national sentiment via the effects of a good administration.

of public opinion. He sought to establish an equilibrium of passions and interests in the society in order to reduce the likelihood of majority faction as well as to shape an environment conducive to the formation of a public will tempered and modified by the commerce of ideas.

Hamilton relied on the people to pursue their own material advantage and to support a government that benefits them economically. He did not see the wisdom in encouraging political hyperactivity among the citizenry, which only invites demagoguery and civil unrest—as the French example too perfectly illustrated. For Madison, the citizens' political duties were substantial and ongoing. They did not end at choosing the better sorts of men to represent them; their guardianship over public affairs was not an intermittent responsibility. Both Hamilton and Madison relied significantly on an educated elite to accomplish their ends. However, in the one case it was a type of statesmanship that sought to inspire respect and confidence more than to teach. In the other case it was a kind of civic leadership that aspired to cultivate civic understanding, refine mores and manners, and educate the people for their indispensable role in a self-governing republic.

At least by the time of the election of Jefferson to the presidency, Hamilton understood clearly that the attachment by leading Republicans to the theory of public opinion had had much to do with the rifts and party battles of the past decade. He also saw that their philosophy translated into a political strategy, and that that strategy was winning. The Federalists had lost political ground by relying too much on the good effects of their administration; all the while the Republicans gained ground by appealing directly to the American people. Reluctantly, Hamilton reconciled himself to the fact that he and his fellow Federalists would also have to give much more attention to cultivating public opinion. However, he refused to do so in a way that he considered humiliating and unworthy of a republican statesman, though he did admit that it would be necessary to countenance some modes of action that "may be denominated irregular, such as in a sound & stable order of things ought not to exist" (*PAH* XXV:606). Accordingly, he proposed the establishment of a Christian Society, whose object was to support the Christian religion and the Constitution and to collect a public force that could significantly influence the outcome of elections.

Hamilton's political ally and correspondent, James Bayard, cautioned Hamilton against such a measure. The type of organization that can accomplish the goal Hamilton had in mind must be grounded upon a stronger motive in man than reason, or even common interest, he argued. Be patient, Bayard counseled, and the Republicans will in a short while demonstrate to all the country the soundness of Federalist doctrines and the imbecility of their own. In free governments such as the United States, he continued, there must always be a degree of "agitation and vibration of opinion," for it is "in the nature of things . . . impossible to fix public opinion" (*PAH* XXV:613). Good men would do better to exert themselves against the evils of selfish and ambitious demagogues and, otherwise, wait patiently for the Republicans to self-destruct. Hamilton could only wish his friend were right, but he knew that he was not. The advent of the new politics of public opinion had forever changed the face and fabric of republican government. The unrivaled power of public opinion that Tocqueville observed decades later was already fast becoming a political reality in America. Hamilton continued to resist the new politics but knew that his brand of patriotism was of "the old school" and that the disciples of the new creed had won the battle to make public opinion queen of the world (*PAH* XXV:594).

REFERENCES

Allen, William B., with Kevin A. Cloonan. 2000. *The Federalist. A Commentary*. New York: Peter Lang.

Baker, Keith Michael, ed. 1976. *Condorcet: Selected Writings*. Indianapolis: Bobbs–Merrill.

Banning, Lance. 1995. *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic*. Ithaca, NY: Cornell University Press.

Brookhiser, Richard. 1999. *Alexander Hamilton: American*. New York: Free Press.

Dahl, Robert. 1956. *A Preface to Democratic Theory*. Chicago: University of Chicago Press.

Diamond, Martin. 1972. "The Federalist." In *History of Political Philosophy*, ed. Leo Strauss and Joseph Cropsey. Chicago: Rand McNally, 631–51.

Diamond, Martin. 1977. "Ethics and Politics: The American Way." In *The Moral Foundations of the American Republic*, ed. Robert H. Horwitz. Charlottesville: University Press of Virginia, 39–72.

Diamond, Martin. 1992. *As Far as Republican Principles Will Admit*, ed. William A. Schambra. Washington, DC: AEI Press.

Elkins, Stanley, and Eric McKitrick. 1993. *The Age of Federalism: The Early Republic, 1788–1800*. Oxford: Oxford University Press.

Farrand, Max, ed. 1966. *The Records of the Federal Convention of 1787*. Vol. 3. New Haven, CT: Yale University Press.

Flaumenhaft, Harvey. 1992. *The Effective Republic: Administration and Constitution in the Thought of Alexander Hamilton*. Durham, NC: Duke University Press.

Gibson, Alan. 1991. "Impartial Representation and the Extended Republic: Towards a Comprehensive and Balanced Reading of the Tenth *Federalist* Paper." *History of Political Thought* 12 (2): 263–304.

Gibson, Alan. 2002. "Ancients, Moderns and Americans: The Republicanism–Liberalism Debate Revisited." *History of Political Thought* 21 (2): 261–307.

Hamilton, Alexander, James Madison, and John Jay. [1788] 1999. *The Federalist Paper*, ed. Clinton Rossiter, intro. Charles R. Kesler. New York: Mentor Books.

Hamilton, Alexander. 1961–87. *The Papers of Alexander Hamilton*. XXVII vols., ed. Harold C. Syrett. New York: Columbia University Press.

Jacobs, Lawrence R., and Robert Y. Shapiro. 2000. *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness*. Chicago: University of Chicago Press.

Koch, Adrienne, ed. 1966. *James Madison's Notes of Debates in the Federal Convention of 1787*, ed. Adrienne Koch. Athens: Ohio University Press.

Koch, Adrienne, and Harry Ammon. 1948. "The Virginia and Kentucky Resolutions: An Episode in Jefferson's and Madison's Defense of Civil Liberties." *William and Mary Quarterly* V: 145–76.

Koch, Adrienne, and William Peden, eds. 1972. *The Life and Selected Writings of Thomas Jefferson*. New York: Modern Library.

Madison, James. 1962–91. *The Papers of James Madison*, 17 vols., ed. William T. Hutchison, William M. E. Rachal, Robert A. Rutland, et al. Chicago: University of Chicago Press (Vols. 1–10); Charlottesville: University Press of Virginia (Vols. 11–17).

Matthews, Richard K. 1995. *If Men Were Angels: James Madison and the Heartless Empire of Reason*. Lawrence: University Press of Kansas.

McDonald, Forrest. 1974. *The Presidency of George Washington*. New York: W. W. Norton.

McDonald, Forrest. 1979. *Alexander Hamilton*. New York: W. W. Norton.

McDonald, Forrest. 1985. *Novis Ordo Seclorum*. Lawrence: University Press of Kansas.

McLean, Iain. 2003. "Before and After Publius: The Sources and Influence of Madison's Political Thought." In *James Madison: The Theory and Practice of Republican Government*, ed. Samuel Kernell. Stanford: Stanford University Press, 14–40.

Meyers, Marvin, ed. [1973] 1981. *The Mind of the Founder: Sources of the Political Thought of James Madison*. Hanover: Brandeis University Press.

Miller, Joshua. 1988. "The Ghostly Body Politic: *The Federalist* Papers and Popular Sovereignty." *Political Theory* 16 (February): 99–119.

Necker, Jacques. [1784] 1785. *A Treatise on the Administration of the Finances of France*, Vol. I, trans. Thomas Mortimer. London: J. Walter.

Ozouf, Mona. 1988. "Public Opinion at the End of the Old Regime." Trans. Lydia C. Cochrane. *The Journal of Modern History* 60 (Supplement): S1–S21.

Page, Benjamin I., and Robert Y. Shapiro. 1992. *The Rational Public: Fifty Years of Trends in Americans' Policy Preferences*. Chicago: University of Chicago Press.

Peuchet, Jacques. 1789. "Discours préliminaire." In *Police et municipalities*. Vol. 9, *Jurisprudence, Encyclopédie méthodique*. Paris: Charles Panckoucke.

Rakove, Jack N. 1990. *James Madison and the Creation of the American Republic*. Glenview, IL: Scott, Foresman/Little, Brown Higher Education.

Rakove, Jack N. 1996. *Original Meanings: Politics and Ideas in the Making of the Constitution*. New York: Alfred A. Knopf.

Read, James H. 2000. *Power Versus Liberty*. Charlottesville: University Press of Virginia.

Rosen, Gary. 1999. *American Compact: James Madison and the Problem of Founding*. Lawrence: University Press of Kansas.

Schofield, Norman. 2002. "Madison and the Founding of the Two-Party System." In *James Madison: The Theory and Practice of Republican Government*, ed. Samuel Kernell. Stanford, CA: Stanford University Press, 302–27.

Sharp, James Roger. 1993. *American Politics in the Early Republic: The New Nation in Crisis*. New Haven, CT: Yale University Press.

Sheehan, Colleen A. 1990. "Madison's Party Press Essays." *Interpretation: A Journal of Political Philosophy* 17 (Spring): 367–71.

Sheehan, Colleen A. 1992. "The Politics of Public Opinion: James Madison's 'Notes on Government.'" *William and Mary Quarterly* XLIX (October): 609–27.

Sheehan, Colleen A. 2002. "Madison and the French Enlightenment: The Authority of Public Opinion." *William and Mary Quarterly* LIX (October): 925–56.

Stourzh, Gerald. 1970. *Alexander Hamilton and the Idea of Republican Government*. Stanford, CA: Stanford University Press.

Tocqueville, Alexis de. [1835, 1840, in 2 vols.] 2000. *Democracy in America*, ed. Harvey C. Mansfield and Delba Winthrop. Chicago: University of Chicago Press.

Wiebe, Robert H. 1984. *The Opening of American Society: From the Adoption of the Constitution to the Eve of Disunion*. New York: Alfred A. Knopf.

Wiebe, Robert H. 1995. *Self-Rule: A Cultural History of American Democracy*. Chicago: University of Chicago Press.

Wills, Garry. 1981. *Explaining America: The Federalist*. Garden City, NY: Doubleday.

Wills, Garry. 2002. *James Madison*. New York: Henry Holt.

Wood, Gordon. 1987. "Interests and Disinterestedness in the Making of the Constitution." In *Beyond Confederation: Origins of the Constitution and American National Identity*, ed. Richard Beeman, Stephen Botein, and Edward C. Carter. Chapel Hill: University of North Carolina Press.

Wood, Gordon. [1969] 1998. *The Creation of the American Republic, 1776–1787*. Chapel Hill, UC: University of North Carolina Press.

Yankelovich, Daniel. 1991. *Coming to Public Judgment: Making Democracy Work in a Complex World*. Syracuse, NY: Syracuse University Press.