Chapter 1: Recognizing Civic Involvement in American Political Life

> "It was an imposing conception—a kinetic theory of politics—such a crumbling of political and social interests, such an atomization of authority, such a parceling of power."
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> —Gordon S. Wood
> *The Creation of the American Republic 1776-1787*

Writing at the end of Federalist 14, Madison described the perfect chaos of an America that had come undone. He found hope in the strength of the American people who refused all temptation to turn away from "the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience."[4] In that moment Madison transformed his opponents' accusations that the proposed Constitution was too novel and too unusual into a question for the American people. He asked if the American people recognized themselves in the proposed constitutional order, if it matched the American people as they understood themselves, their past and its prescriptions for their future. The three components of the Framework for Civic Involvement each take aim at making this recognition possible.

The Framework makes it necessary to address the question that drives the conversation about civic involvement: how does our behavior (or lack of it) support the American federal republic? The political community comes into view as citizens, constitutional principles and government interact with one another over time. The interaction works to make sure they each answer one another with estimates of who they are, who they have been and who they

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[4] Alexander Hamilton, John Jay and James Madison. 1961 [1787-1788]. *The Federalist* ed. Jacob E. Cooke. Hanover: Wesleyan University Press., p. 88., hereafter Federalist Papers (# if not given), pg.

aspire to be. Civic involvement reflects how the Constitution has constituted the American people. This chapter looks at how this kind of interaction is represented in Madison's work to create a shared idea of the American federal republic. The Framework of Civic Involvement is offered as a tool to evaluate our own political behavior with this understanding of how the models of interaction we adopt work to integrate individual citizens in the work of the political community.

This chapter will look at the structure of interaction Madison applied to his own political thought and advocated for when addressing the challenges of the American system of government. He had multiple channels for enlightening popular opinion and turning self-interest to serving the public good. Madison's work becomes a rubric for recognizing when our behavior fails to support the public good and how to reorient it.

Model of Interaction: Interests, Reason and Will

Madisonian republican government relied on the interaction embedded in civic engagement to transform the proposed American experiment into an American experience. In his writing, Madison adapted his study of Aristotle to his own purposes and characterized the different types of government "by the spirit which predominates in each." The republican governments of Americans stood in stark contrast against two other forms— government by "permanent military force" and government by "corrupt influence." In the essay titled "Spirit of Governments," Madison celebrated the American invention of a unique type of republican government that derived "its energy from the will of the society, and operating by the reason

of its measures, on the understanding and interest of the society."[5] Madison's description implies society reasons through its public measures and that those public measures somehow mediate the interaction between society's will and its understanding and interest. His comparison to the other two forms listed implies that this interaction occurs without coercion or corruption. Madison expected government, political actors and other factors to influence popular opinion if we can understand that opinion to be a society's "understanding and interest." Not all influences were equal or even equally welcome, so a popular opinion was something to be questioned and understood rather than something to quickly command government action or to direct "public measures." The way we often talk about public opinion today, as an aggregate measure of individual preferences, ignores how essential the interaction of many influences is to political life.

The interaction Madison believed occurred between society's will, its reason and its "understanding and interest" reveals two different temporal instances of society that work with and against one another. First, the will of society as a whole must be known or knowable. For Madison, the people's charter or constitution expressed this will. Describing the government of the United States in the National Gazette, he described the American people as the authors and guardians of constitutional liberty and their constitutions as "the highest authority next to their own, because the immediate work of their own, and the most sacred part of their property, as recognizing and recording the title to every other."[6] Under another title, Madison explained that these constitutions were "charters of power granted by liberty" where every word "decides a question between power and liberty; …proclaiming the

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[5] James Madison. 2006 [1773-1836]. *Selected Writings of James Madison*, ed. Ralph Ketcham. Indianapolis, Indiana. Hackett Publishing Company, Inc.
[6] Madison, *Selected Writings*, 213.

will, and authenticated by the seal of the people, the only earthly source of authority."[7] He then delineated three aspects of the charters as compacts, trusts and "metes and bounds of government." In each instance, the charter is prior to all other considerations:

> As compacts, charters of government are superior in obligation to all others, because they give effect to all others. As trusts, none can be more sacred, because they are bound on the conscience by the religious sanctions of an oath. As metes and bounds of government, they transcend all other landmarks, because every public usurpation is an encroachment on the private right, not of one but of all.[8]

According to Madison, these popular charters made it possible for fixed public opinion to control government. This fixed opinion, however, is different from society's understanding and interest that can be influenced by public measures. More permanent and less likely to change due to circumstance, fixed public opinion, according to Madison, is the source of all power, the stability of governments and the security of all rights.[9] This places fixed public opinion in the same realm as superior obligations, sacred trusts and principles of government.

In the same essay, Madison offered his devout wish, "that the public opinion of the United States should be enlightened; that it should attach itself to their governments as delineated in the great charters, derived… from the legitimate authority of the people."[10] These representations of fixed public opinion would make society's will not just knowable but also aspirational. Society's will, or what Madison called fixed public opinion, known through charters and constitutions could then, "guarantee, with a holy zeal, these political

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[7] Madison, *Selected Writings*, 214.
[8] *ibid*
[9] *ibid*
[10] *ibid*

scriptures from every attempt to add or diminish from them."[11] The popular opinion of the day would be made to contend with these ideas of who the American people would be for all time.

Madison spoke of this type of interaction between political principles and popular opinion when he addressed Virginia's ratification convention in the summer of 1788. Responding to Patrick Henry's claim that there were many dissatisfied Americans in states that adopted the new Constitution, Madison argued "that the satisfaction of those states is increasing every day," and suggested that the proselytism of its supporters had worked so that "principles begin to be better understood." These principles could then counter "the inflammatory violence, wherewith it was opposed by designing, illiberal and unthinking minds."[12] The supporters' proselytizing gave the principles embedded in the Constitution, a representation of the people's will, the opportunity to influence popular opinion and assuage those who were once dissatisfied.

The second temporal consideration in Madison's interactive scheme is the popular opinion of the day or, more whimsically, of the moment. Moved by many factors, including society's will and its political principles as discussed above, popular opinion also exerts its own influence on public measures and the political community. Subsequent to fixed public opinion, popular opinion fluctuates and is more likely to change in response to these many influences. Madison understood the sometimes raw power of popular opinion. Unbridled it threatened liberty and order as much as arbitrary government, but Madison believed it could be cultivated into liberty's strongest defense through shared political principles. Popular

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[11] *ibid*
[12] Madison, *Selected Writings*, 148.

charters or constitutions became a Madisonian tool to challenge capricious popular opinion with shared political principles and the character of the American people as a whole, or the whole people as a political community. Madison relied on the interaction between these two temporally different instances of popular and public opinion to temper the difficulties of popular government. Instability and tyranny of the majority could undo popular government but the interaction of the people articulating fixed public opinion to address or resolve the contests of contemporary opinions could fortify the American model. This process of communication, deliberation and mutual influence could withstand the forces of corruption and coercion.

Enlightened Selfishness Serves the Public Good

Madisonian civic engagement relies on the interaction between citizens through their constitutional commitments of the past and their interests in the future. It also requires their interaction with one another and elected representatives as constituents of the political institutions of that community. On both levels, this interaction yields a vital resource for republican government, turning individual interests toward the public good. The working parts of Tocqueville's "enlightened selfishness" appear in Madison's Federalist No. 10 where he demonstrated that "the latent causes of faction are sown in the nature of man."[13] He pointed to the connection between an individual's reason and self-love that would always allow his passions to direct his opinions. Madison saw the necessity in influencing how an

[13] Federalist Papers, 58.

individual understands the best way to serve his self-love. He looked for mechanisms to direct this calculation of passions and opinions toward the common good.

In Federalist No. 57, Madison traced just this sort of enlightened selfishness at work in the proposed House of Representatives. He had to answer the opposition's claim that the people's chamber would quickly fill with an elite class "most likely to aim at an ambitious sacrifice of the many to the aggrandizement of the few." Madison first articulated the goal of constitutionalism, or limited government, as a dual effort to elect officers "who possess most wisdom to discern, and most virtue to pursue the common good of the society;"as well as "to take the most effectual precautions in keeping them virtuous, whilst they continue to hold their public trust."[14] Madison believed winning an election would itself demonstrate an individual's ability to speak authoritatively and convincingly about the common good. He then discussed term limits and the subsequent "proper responsibility to the people" as the most effective means of those "relied on in this form of government for preventing their degeneracy."[15] Madison understood that popular government began to atrophy when elected officials turned away from the common good to serve their own individual interests, so he employed institutional mechanisms to keep office holders concerned with the common good even after they won office. Madison understood that reason could turn self-love and passions toward the common good when one's interest in maintaining office depended on a reputation for serving the public good.

For Madison, the reputation of elected representatives, disseminated through their constituents and expressed through elections, provided a sort of mooring for popular

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[14] Federalist Papers, 384.
[15] *Ibid*

government, anchored in the relationship between the people and their representatives. With "the great body of the people of the United States" exercising their choice among citizens "whose merit may recommend him to the esteem and confidence of his country," the proposed government provided "every security which can be devised or desired for fidelity."[16] Madison believed elected representatives would respond to the "marks of honor, of favor, of esteem, and of confidence" with "grateful and benevolent returns" while having "more to hope from a preservation of the favor, than from innovations in the government subversive of the authority of the people."[17] Madison believed the interaction between elected representatives and their constituents would ensure that elected representatives understood a necessary relationship between their own self-interest and the public good. The proposed constitution required regular elections that would become what Madison called a "habitual recollection of their [elected representatives] dependence on the people."[18]

An assessment of this relationship between constituents and representatives, however, was also not limited to one individual's experience. Writing several years later, defending his opposition to the Alien and Sedition Acts, Madison described discussion and deliberation among citizens as an essential attribute of popular government. In his political essay, "States' Rights and Freedom of Expression," he referred to regular elections as "the essence of a free and responsible government" that relies on both the constituents' knowledge of the comparative advantages and disadvantages of each candidate and on "the equal freedom, consequently, of examining and discussing these merits and demerits."[19] To vote effectively,

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[16] *Ibid*
[17] Federalist Papers, 387.
[18] Federalist Papers, 386.
[19] Madison, *Selected Writings*, 262.