



Assumption
University

Digital Commons @ Assumption University

Political Science Department Faculty Works

Political Science Department

2017

After Federalist No. 10

Greg Weiner

Assumption College, gs.weiner@assumption.edu

Follow this and additional works at: <https://digitalcommons.assumption.edu/political-science-faculty>



Part of the [Political Science Commons](#)

Recommended Citation

Weiner, Greg. "After Federalist No. 10." *National Affairs* 33 (Fall 2017): 130-144.
<https://www.nationalaffairs.com/publications/detail/after-federalist-no-10>.

This Article is brought to you for free and open access by the Political Science Department at Digital Commons @ Assumption University. It has been accepted for inclusion in Political Science Department Faculty Works by an authorized administrator of Digital Commons @ Assumption University. For more information, please contact digitalcommons@assumption.edu.

After Federalist No. 10

Greg Weiner

FEDERALIST NO. 10 may be the most debated of all the Federalist Papers, and its winding odyssey through American historiography has indelibly shaped interpretations of it. The essay was not regarded as one of the important numbers of the Federalist Papers until Charles Beard made it the central exhibit in his 1913 indictment of the framers for possessive individualism, setting off a century-long conservative defense of its author, James Madison, against the progressive historian's *lèse-majesté*. But there was a significant sense in which Beard's premise about the essay, if not his conclusion from it, was correct: Madison *was* concerned with the integrity of property and how majorities could be habituated to respect it, and the extended-republic theory of Federalist No. 10—which appears in the great framer's correspondence repeatedly leading up to the Philadelphia Convention and after it—was most certainly central to his constitutional theory. Where Beard erred was in his reflexive equation of property rights with naked greed.

Even more broadly than property rights, Federalist No. 10 pertains to the orientation of personal appetites toward public ends, which include both the common good and private rights. The essay recognizes that these appetites cannot be conquered, but they can be conditioned. Madison's solution to the problem of faction—a solution he confines to the four corners of majority rule—is to place majorities in circumstances that encourage deliberation and thus defuse passion. Significantly, this solution does not depend on any specific constitutional mechanism: When he announces at the end of the essay that he has “remed[ied]” the “disease” of faction, Madison has not mentioned a single facet of the

GREG WEINER is an associate professor of political science at Assumption College and the author of Madison's Metronome: The Constitution, Majority Rule, and the Tempo of American Politics.

proposed Constitution — neither the judiciary nor bicameralism nor the president’s veto. Any republic deployed across an extended territory should be relatively free of faction, at least in the aggregate.

Yet Madison’s solution depends on certain assumptions. Federalist No. 10 assumes politics will occur at a leisurely pace. The regime Madison foresees is relatively passive, not an active manipulator of economic arrangements. And he is able to take for granted a reasonably broad consensus as to the existence if not the content of the public good.

These assumptions are now collapsing under the weight of positive government and the velocity of our political life. Given the centrality of Federalist No. 10 to the American constitutional canon, this collapse demands a reckoning. If a pillar of our order is crumbling, something must replace it. The alternative to outsized appetites is self-control; the political mechanisms that channel passions are set against the moral mechanisms that restrain them. If the assumptions of Federalist No. 10 no longer obtain, it seems necessary to supply the defect with something on which Madison was loath to rely. That challenge may call for a greater emphasis on the sources of civic virtue and on the means of sustaining it.

MADISON’S ASSUMPTIONS

The possibility that virtue might be coded into the essay is evident at its most elemental level: Federalist No. 10’s definition of a faction as a group “united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.” As George Carey noted, this definition hinges on an objective understanding of the public good; one cannot comprehend Madison from the perspective of contemporary relativism.

From the outset, then, Federalist No. 10 makes a demand — a thin one, thus far, but still a demand — in the coin of virtue: Its reader must be committed to a normative concept of the good and occupy a polity in which it is possible for such a concept to be broadly shared. This concept is thin insofar as the demand to this point does not speak to the content of that good, only to its objective existence. As Carey has written, “[T]hose who do not believe in an objective moral order cannot ‘enter’ Madison’s system.” Thus, belief in such an order, even amid disputes as to its content, constitutes a first unstated assumption of Federalist No. 10.

Having thus defined factions, the essay proceeds to the crisply binary mode of analysis for which it is famous. Madison presents a series of choices, repeatedly eliminating one, then bifurcating the other in turn, and eliminating again until he arrives at his solution. One can remove the causes of factions or control their effects. The causes cannot be removed because the propensity to disagree is “sown in the nature of man,” arising particularly from the fact that man is “fallible” and his “opinions and his passions . . . have a reciprocal influence on each other.” Precisely because this influence arises from the link between “reason” and “self-love,” the latter of which distorts the former, property accounts for “the most common and durable source of factions,” the key being its durability.

Whereas David Hume’s analysis of parties said that those based on self-interest were the most excusable while those based on passions were the most dangerous, Madison warns of the reverse. Those rooted in emotion—including “an attachment to different leaders ambitiously contending for pre-eminence and power”—are the least worrisome precisely because they are based on passions, which Madison believes to be transient. By contrast, factions based on meaningful skin in the game—that is, property—endure. A second assumption of Federalist No. 10 is consequently that irrational passions, which Madison understands to be those not based on interest, are inherently unsustainable and thus are naturally fleeting. The demagogic leader whose sole or even primary appeal is rooted in personality rather than some tangible benefit he delivers to the people will be unable to sustain his popularity.

Narrowing his options for solving the problem of faction, Madison next distinguishes between majority and minority groups, brushing the latter off in two sparse sentences.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views, by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution.

From this dismissal, we can mine the assumption that the government Madison anticipates will not be actively involved in distributing small economic advantages to vocal minorities (be they interest groups or industries). The reason is that the “republican principle” cannot operate

to control minority groups in a regime that traffics in such subsidies. As Madison has just explained it, this principle assumes direct conflict between majorities and minorities that is susceptible to ultimately irresistible majoritarian influence.

The distribution of small economic advantages by a positive state dissolves that assumption by making it less expensive for each taxpayer to finance his minimal share of a given subsidy than it would be to organize the majority to resist it. An extensive territory actively undermines the incentive for conflict by further concentrating benefits and diffusing costs. Madison, of course, did not know Mancur Olson, who recognized that majorities would not form to resist subsidies under those conditions. It is Madison's emphasis on the "great desideratum" of a government that would be impartial between competing interests that supplies the best evidence for his assumption that the regime will not involve itself in economic minutiae.

Having dismissed minority factions, Madison turns his attention to abusive majorities. He aims, first, to impede their formation with the size of the republic: Because there will be so many people and interests in an extended republic, as Federalist No. 51's restatement of the thesis explains, "a coalition of a majority of the whole society could seldom take place upon any other principles than those of justice and the general good." In other words, if a group is impelled by ill motives, the intrinsic conditions of an extended republic will make it difficult for it to become a majority.

If such a majority should exist, it will be inhibited by the difficulty of communicating across a large territory—one postulate here being the diffusion of passions with time—and by the need to communicate its views through representatives, a higher quality of whom will be drawn from a larger population and who, operating at a proper constitutional distance from the immediate influence of the populace, will then "refine and enlarge the public views." A third assumption, then, is that both geographic and constitutional distance will permit the passions to dissipate before their translation into policy.

Finally, Madison cautions Jefferson in correspondence about a month before Federalist No. 10's publication that the extended-republic theory "can only hold within a sphere of a mean extent. As in too small a sphere oppressive combinations may be too easily formed agst. the weaker party; so in too extensive a one, a defensive concert

may be rendered too difficult against the oppression of those entrusted with the administration.” While this warning about a “mean extent” is not specified in the essay itself, it is an auxiliary of the “republican principle” that we can identify as another latent assumption of Federalist No. 10.

To recapitulate, the assumptions are as follows: The people will share a belief in the existence of an objective moral order, even if they dispute its content; passions, especially when they pertain to attachments or aversions to political leaders, will be unsustainable; government will not dictate the distribution of small economic advantages; geographic and constitutional distance will operate to dissipate passions; and, finally, the territory will not be so large that public opinion cannot form.

Like dominos, these assumptions have toppled, one against the other. It would not be too much to observe that none of them stands in a form that would be recognizable to Madison today.

ASSUMPTIONS UNDONE

It is almost universally acknowledged that moral relativism is ascendant in contemporary American society. It is also ascendant in readings of Federalist No. 10. In his *Preface to Democratic Theory*, Robert Dahl apparently thought he was doing Madison a genuine service by substituting social-scientific definitions for Madisonian terms where it seemed obvious that the founder’s would not do. The result mauled Madison’s thought. Having circumvented Madison’s system by assessing it from the perspective of Weberian scientism— “[a]s to the ‘permanent and aggregate interests of the community,’” Dahl wrote, “so far as I am aware no political group has ever admitted to being hostile to these”— he was surprised to find it wanting.

But inside the Madisonian system, of course, one need not confess to such hostility any more than a criminal must confess to his crime to be guilty. Guilt is an objective condition; so is opposition to the public good. There will always be dispute as to the public good’s content, but the rejection of it as an ontological category coarsens public conversation, turning all controversies into questions of power and advantage alone.

There are some who read Federalist No. 10 in precisely this way: as a proto-pluralist brief that forecasts acquisitive interest groups pursuing their appetites and the public good arising from the clashes between them. But Madison does not say this. On his account, factions are inherently, definitionally bad and ought to be inhibited. The operation of the republican

principle assumes that a public good exists and that a majority, placed in conditions favorable to deliberation, will be able to discover a reasonable approximation of it.

That is linked with Madison's second assumption, which is that passions will be inherently fleeting, especially impassioned attachments to leaders that defy either evidence about them or one's own self-interest. In Madison's psychology, passion is best understood as a force that intervenes between the individual and his perception of the evidence reason presents to the mind. It distorts, scrambling the signal and preventing its reception. It is sudden and intense, but its force is ephemeral.

It would not be surprising on Madison's analysis if voters were briefly enthralled to a political leader such that they were impervious to reasoned argument about him, especially with respect to his effect on their own interest. It is also possible, of course, that Madison's psychology is simply wrong as an empirical matter, but within the confines of his system, the test of his thesis would be whether demagogic leaders today are able to sustain impassioned loyalty.

Clearly there is ample room for disagreement as to who precisely these leaders might be, but the technology of communication — from Twitter to email to the 24/7 information environment — provides tools for constantly stoking passions while leaving little space for them to cool. One has hardly processed one tweet before the next arrives. President Trump in particular has proved to be an artist at timing these to sustain the enthusiasm of his movement each time it appears in danger of waning. Each is greeted almost immediately with thousands if not tens of thousands of retweets, and the more emotional — in Madisonian terms, impassioned — the appeal, the stronger the response.

Third, Madison assumed the regime would not involve itself in the distribution of small economic advantages. Yet in post-New Deal America, this assumption about a relatively uncomplicated regime in which majorities and minorities do transparent combat also collapses. Despite the occasional gnashing of rhetorical teeth, there are few assumptions more broadly accepted in the actual practice of contemporary politics than that it is legitimate and even imperative for the national government to concern itself with small economic allocations. There are, of course, important disputes as to the mechanism of delivery (for example, the tax code or appropriations). The point is that the

accumulated mass of these advantages changes the calculus on which Madison relied in flatly assuming that, under the “republican principle,” minority factions would lose head-to-head battles with majorities. Under conditions of positive government, it is far likelier that this combat never occurs because, as students of Olson know, majorities have a positive disincentive to show for the fight.

The most casual glimpse at the absurdity of the federal tax code illustrates the point. Any one of its tens of thousands of pages is apt to contain a targeted tax break that aspires to incentivize, discourage, or otherwise manipulate economic behavior. Each provision individually is a single Lilliputian’s string applied to Gulliver: hardly worth the cost of resistance. The problem is that the taxpayers do not comprise a single body with a single will. If they did, they could decide together to resist the aggregate aggression of Lilliput. The question instead, Olson teaches, is whether each of them individually bears enough cost for each individual string to justify the cost to each of cutting it. The answer is that they do not: The cost of a micromanagerial tax subsidy spread over the entire population is unlikely to incur complaints from individual taxpayers, not because they regard it as just but rather because resisting it costs more than paying their fractional share of its price.

Fourth, Madison had assumed that geographic and constitutional distance would also operate to dissipate passions. Yet, as Yuval Levin predicted 15 years ago in *The Public Interest*, the same technological dynamics that help to sustain passionate attachments to leaders have also consumed the constitutional distance between statesmen and constituents. The webpages of members of Congress now, as a matter of course, refer to them by their first names. Members tweet with their own thumbs (as does the president). They are expected to respond to the public’s views immediately, both in the literal sense that the public expects no intermediation—no refining and enlarging of their views, only their unmediated translation into policy—and in the temporal sense that political figures are expected to do so without delay.

It is little surprise, then, that political campaigns, especially at the national level, are increasingly personality-driven. A slogan like “Feel the Bern” encapsulates the phenomenon—the Bernie Sanders partisan both “feels” his loyalty and gives it to “the Bern,” that is, personally. To be sure, there are limits to the conclusions one can draw from slogans: “Feel the Bern” is simply catchier than “Contemplate Democratic

Socialism.” Still, the evidence is considerable that the former precedes the latter, not the other way around. In other words, partisan affiliation is not based on conclusions drawn from objective information, but rather, affiliations inherited from a variety of sources—childhood, neighborhood, occupation, identity, and so forth—drive the conclusions.

For Madison, conclusions drawn from passionate attachments are the calling card of faction. The idea that we should attach ourselves to political figures and cling to those attachments against what our reason tells us or, failing that, what our interests dictate is foreign to his psychological assumptions about the relationship between reason and passion. Again, the point is not that Madison’s psychology is impeccable. Nor is it certain that we should want feeling altogether banished from the political realm. The question, rather, is whether the foundational assumptions of Federalist No. 10 can withstand the pressure of contemporary communications technology. There is reason to believe they cannot.

These same technological dynamics have accelerated the speed of communication past the measured pace that Madison thought necessary for deliberation. This measured pace is latent in his claim that communicating factious schemes will be more difficult over a large territory. The more than 30 published volumes of Madison’s papers, much of it correspondence, attest to the fact that it was not impossible to communicate political plans—but it was impossible to communicate them quickly. The link between the assumptions is that, in the time required to communicate across an extensive territory, passions will naturally dissipate.

Yet even by the end of Madison’s life, communication had begun to accelerate. His 1834 memorandum “Majority Governments” is sanguine about the prospects for enlarging the union because, due to steamboats, railroads, and other improvements, “the facility and quickness of intercommunication throughout the Union is greater now than it formerly was between the remote parts of the State of Virginia.” In 1791, in fact, he had said as much about newspapers in a *National Gazette* essay: Improvements in communication were “equivalent to a contraction of territorial limits, and [are] favorable to liberty, where these may be too extensive.”

Note the “too extensive.” There is a balance to be struck: Communication is useful insofar as it makes the “mean extent” that was Madison’s final assumption larger by enabling the formation of a “defensive concert” through the cultivation of public consensus against

an abusive regime. But on Madison's account, the returns on rapid communication should diminish beyond this point because there will be no space in which passions can calm before impulse and decision converge.

This, again, is substantially where matters stand today. An idea hatched in a remote corner of the country can be instantly spread by social media and communicated to elected representatives nearly as quickly. This speed, in return, generates expectations at odds with constitutionalism. The contemporary condition is a politics of instant gratification that regards the political order, Congress especially, as abnormally palsied when ordinary constitutional mechanisms slow its proceedings to what is a healthy, republican pace.

The "mean extent" is also too large if the population is so extensive that it cannot occupy the same general realm of opinion with respect to the common good. It is too much to say the United States, sprawling beyond a continent, has reached this point. But the electoral map indicates a growing geographical divide in American politics, one that largely separates the coasts from what is derisively called "flyover country." To call it an urban-rural divide is to paint with too broad a brush: There are large, conservative cities in Texas and small, liberal hamlets in Vermont. The split is deeply cultural, but that culture is undeniably correlated with geography; it is a divide between the coasts and the center. Whether this polarization is a function of the size of the country is questionable, to be sure, but what is clear is that there are enough opinions dividing the country that any project attempting to form a coherent public will seem doomed.

Madison's sweet spot for the size of electoral districts may dictate another "mean extent." Madison argued that one advantage of large districts was that they made it impossible to practice the "vicious arts" by which elections were often decided. He seems in particular to have meant what he regarded as the abominable practice of "treating": liquoring up the public on the eve of a vote. (His stubborn refusal to do so cost Madison his only lost election.) But there are other vicious arts. Demagoguery is one to which both the left and the right are susceptible. Surely electoral districts might surpass a population beyond which appeal to reason on a widespread scale becomes impracticable—a phenomenon that the pressure technology places on attention spans does not help. Even as they stretched on for hours, the Lincoln-Douglas debates drew popular crowds. It is hard to imagine such a scene occurring today.

RECOVERING CIVIC VIRTUE

The good that Federalist No. 10 seeks, again, is conditioning the appetites of either majorities or minorities to the larger goals of the common good and private rights without violating the circumscribing principle of majority rule. If this good still commands our regard, as it should, the question is how to make the underlying assumptions of the essay compatible with the realities of contemporary political life.

Impossibilities can be dispensed with at the outset. There are no viable, desirable, or constitutional means of controlling the pace or, worse, the content of political communication. Commentators such as Donald Livingston have questioned whether the republic is too large to cohere and consequently ought to be fractured into more uniform regional blocs, but such plans are neither feasible nor, for a variety of reasons, advisable. The United States is a single country whose citizens share traditions, memories, and obligations to one another and to the outside world arising from a common past and a present fraternity.

The Madisonian impulse is to look first for institutional solutions that can discipline interest groups. Constitutional mechanisms like judicial review, then, might be used to inhibit factions. But judicial review can be done well or poorly. And recall that, under the limiting conditions of Federalist No. 10, “the friend of popular governments” is searching for a solution to the problem of factions that does not “violat[e] the principles” — i.e., majority rule — “to which he is attached.” To this end, again, the essay achieves its result without relying on institutional mechanisms that ultimately inhibit majorities. It relies on speed bumps but not roadblocks, habituation rather than proscription.

The empirical conditions not merely of an extensive republic but of 18th-century reality aided in Madison’s effort. The deliberate pace of communication did not require an institutional midwife. It was a fact of life. It need hardly be said that, 230 years after the essay’s November 1787 publication, this condition no longer obtains. The question is what replaces it.

The answer is that the converse of each assumption on which Federalist No. 10 relies is a restraining virtue. If Federalist No. 10 assumes at least consensus as to the existence of an objective morality, pure moral relativism must be challenged. If the immediate translation of preferences into policy is possible but detrimental, patience must intervene.

If positive government makes it possible to extract goods from others to feed oneself—thereby empowering minority factions—temperance is necessary. If technology has erased the constitutional distance between officeholders and constituents, self-restraint and deference may be required. If it has also shrunk attention spans to 140 characters, an ethic of public spiritedness will have to expand them.

What unites these is civic virtue, and thus the American regime must now get serious about its recovery. The idea that a pillar of the Madisonian order might now rest on civic virtue may seem acutely un-Madisonian. It was Madison, after all, who erected that theoretical system on the basis of “supplying . . . the defect of better motives.” Even within Federalist No. 10, he cautioned that “[e]nlightened statesmen will not always be at the helm.” But it is wrong to see Madison’s anthropology as Hobbesian; the Madisonian view of political man is not one of naked competition for “power after power, that ceaseth only in death.” If it had been, he would have been led to Hobbesian conclusions.

He arrived, instead, at republican ones. Indeed, even to say he “arrived” at them overstates matters, for there is no evidence he ever gave a whiff of credence to any other possibilities. Madison recognized that an excessively bleak portrait of human nature naturally leads to despotism, not republicanism. He wrote in Federalist No. 55:

As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form. Were the pictures which have been drawn by the political jealousy of some among us faithful likenesses of the human character, the inference would be that there is not sufficient virtue among men for self-government; and that nothing less than the chains of despotism can restrain them from destroying and devouring one another.

At Virginia’s ratifying convention, similarly, Madison noted the propensity to assume either the worst or the best from politicians. He replied:

But I go on this great republican principle, that the people will have virtue and intelligence to select men of virtue and wisdom. Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks — no form of government can render us secure. To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea.

Madison recognizes what we have already seen. The demand for virtue among the people is relatively thin. They are not asked to exercise Ciceronian public spirit. Indeed, even in the contemporary context, we do not need to rely on virtue for the long-term suppression of the majoritarian tendency to abuse minorities. If citizens refrain from the impulses to abuse one another or to indulge their short-term appetites, the mechanics of Federalist No. 10 should have room to operate by allowing passions to dissipate and reason to identify long-term interest, including the genuine long-term interest in respecting the rights of others. That — and according public men the space to decide the details — is all the essay asks. This is, to be sure, no small request amid the temptations of technology and other social forces that encourage factious behavior. But neither is it a demand for supererogatory virtue.

Still, the traditional means of inculcating virtue — the family and institutions such as local schools — are themselves under pressure or subject to political capture. A national effort to instill civic virtue would almost certainly careen into the kind of politicization that has been witnessed in Education Department history standards and the like. Consequently, subsidiarity, the diffusion of authority to the most local possible level, would be vital to any effective effort to revive civic virtue. That is, it could not be uniform or imposed from on high. Political leaders could help in cultivating an awareness of its necessity, but not in dictating its precise terms.

On the other hand, it would be wrong to say that civic education is inherently ineffective, and still less that it has been ineffective in the American context. The constitutional “veneration” that Madison sought in Federalist No. 49 has largely been achieved. As far back as the 1830s, Tocqueville observed the “irritable patriotism of the Americans,” according to which they could not bear to hear their political institutions criticized.

The success of civic education is nowhere clearer than in the arguably distorting effect it has had in provoking what Mary Ann Glendon calls “rights talk,” the substitution of assertions of rights for persuasive argumentation about politics. Students as early as elementary school routinely learn the virtues of the Bill of Rights, in part because it is shorter and simpler to teach than the main body of the Constitution. This is, in a sense, a Madisonian success: Madison thought one purpose of the Bill of Rights would be pedagogical, insofar as it would educate the people about their rights, even if he arguably would not have wanted that education to substitute for a holistic understanding of the regime.

The point is that civic education can achieve constitutional ends. Of course, rights as contemporarily understood are entitlements; they supply us with something. Civic virtue, by contrast, demands something of us, and as such presents a more substantial political challenge.

Of these virtues, patience will surely be the hardest to restore. This is, to be clear, patience not as a private but rather as a civic virtue. The burden it places on citizens is not that they forgo dessert in favor of vegetables in their personal lives, but rather that they allow the regime the constitutional space to operate at its proper tempo. It asks that they consider issues in dimensions deeper than a tweet or, more precisely, that they demand that those they elect do so and thus do not expect their passions to be regularly fed.

Constitutionalism at its core depends on this civic patience, and Madison’s does in particular. Madison asks that republican citizens lash themselves to the mast as an exercise, not a surrender, of freedom. His system might be best described as one of quantum constitutionalism: Just as quantum physics speaks of the locations of particles in terms of probabilities, quantum constitutionalism cannot guarantee that majority opinion will be heeded—or, for that matter, that minority rights will be protected—in any discrete instance. Rather, it generates greater and greater probabilities, growing with time, that the republican principle and individual liberty will prevail. This constitutionalism cannot withstand a politics of instant gratification.

The restraint of appetites, too, is a considerable challenge. Rolling them backward is almost certainly impossible; November 1787, when Federalist No. 10 was published, is a distant and irrecoverable epoch. Perhaps the best that can be achieved here is refusing to allow the

positive state to reach further into the minutiae of economic life, generating more spaces for minority factions to hide. Civic education and political leadership that simply make citizens aware that one cost of economic micromanagement is breeding minority factions may help to clarify these choices.

As any reader of Lincoln's Temperance Address knows, neither heroic self-restraint nor clobbering, moralistic education will succeed in inculcating such virtues as patience and moderation. A combined educational program is necessary, and politics in any modern sense can only account for part of it.

The first part of this combination is moral virtue, which the ethic of subsidiarity teaches is likelier to come from the home than from school, and from life lessons than from textbooks. The second is a shift in civic education from the entitlement mentality of the Bill of Rights to the constitutional architecture of the overall regime, with the latter engendering an appreciation of the cadences and distances at which it is intended to function and the limited objects it is intended to attain. If the rights regime is a product of, or at least has been significantly shaped by, civic education, there is no reason that—steadily, with a patience appropriate to the subject matter—a new understanding cannot be cultivated the same way.

Such a program, the construction of which must become a new imperative of Madisonian political science, would serve an additional purpose: While Madison's "mean extent" for a republic has, in the modern United States, far exceeded the scope possible for forming a public will with respect to most particular issues, it may still be possible to form a coherent if thin understanding of the regime and, consequently, a defensive concert to safeguard it.

ADJUSTING ASSUMPTIONS

There is at least one clear sense in which a program of renewed civic virtue must be acknowledged to be in tension with Madisonian suppositions. While Madison assumes a people with sufficient virtue to be capable of self-government, he is at no point willing merely to rely on it. However, a recognition that virtue is more necessary now than it used to be—when empirical conditions imposed patience and distance—does not rely on virtue in any blind or total sense. It does not, for example, seek to replace the institutional mechanisms Madison

elucidates elsewhere with virtue. It simply recognizes that the particular assumptions of Federalist No. 10 no longer operate without added assistance. In other words, as Daniel Mahoney has argued, we must theorize the virtue that the founders could presuppose.

The issue, then, is not that civic virtue is all that is important to the Madisonian system; it is that civic virtue is more important than it used to be for one pillar of that system. This is an adjustment of Madisonian assumptions to contemporary political realities. Even if it does not precisely match Madison's suppositions, such an adaptation of enduring principles to changing circumstances—one circumstance being that some of the suppositions of Federalist No. 10 no longer apply as they once did—certainly mimics his method.