



Early Presidents on Happiness, Government, and Public Opinion

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[00:00:00] Jeffrey Rosen: Hello friends. In honor of the 234th anniversary of the ratification of the constitution, We the People continues our exciting crowdfunding campaign. Please join us. Uh, we have so far 543 donations from all 50 states, international donations from Switzerland, Israel, Canada, China, Germany, and Hungary. It's so meaningful to spread this learning and light abroad during these anxious times. And it would be so meaningful for you to join and signal your support and how much it means to you to be part of this great community of lifelong learners. So go to constitutioncenter.org/wethepeople, all one word, all lower case, and please donate what you can.

[00:00:46] Uh, now, onto today's show. Hello friends, I'm Jeffrey Rosen, president and CEO of the National Constitution Center. And welcome to We the People, a weekly show of constitutional debate. The National Constitution Center is a nonpartisan, nonprofit chartered by Congress to increase awareness and understanding of the constitution among the American people. In honor of Presidents' Day, we are going to look at key writings and speeches from America's four first presidents. In particular, we'll focus on text by Washington, Adams, Jefferson, and Madison, and explore their thoughts about public opinion.

[00:01:28] And joining us on this journey are two superb presidential scholars. I'm so excited for the conversation and so excited also friends to encourage you to read the text yourself. It's so meaningful to commune with the texts, and I know you'll benefit as much from it as I have in preparing for this show, which I'm so looking forward to. Colleen Sheehan is professor of politics at Arizona State School of Civic and Economic Thought and Leadership. She's the author of *The Mind of James Madison, The Legacy of Classical Republicanism*. Colleen, welcome back to We the People.

[00:02:01] Colleen Sheehan: Good to be here, Jeff.

[00:02:03] Jeffrey Rosen: And Nancy Isenberg is the T. Harry Williams professor of history at Louisiana State University. Her most recent book is *The Problem of Democracy: The Presidents Adams Confront the Cult of Personality*. Nancy, welcome back to the NCC.

[00:02:18] Nancy Isenberg: Thanks for having me.

[00:02:20] Jeffrey Rosen: Let us begin with President Washington. Colleen, you suggested that we begin not with his farewell address, but with his circular letter to the states, uh, which he issued in June, 1783, where as he's stepping down as general of the army, he says that there are

four crucial keys to the success of the union. First, an indissoluble union of the states under one federal head. Secondly, a sacred regard to public justice. Thirdly, the adoption of a proper peace establishment. And fourthly, the prevalence of a pacific and friendly disposition among the people of the United States, which will induce them to forget their local prejudices and policies to make those mutual concessions, which are requisite to the general prosperity, and in some instances, to sacrifice their individual advantages to the interests of the community. Tell us more about what the circular letter to the states says about Washington and public opinion.

[00:03:16] Colleen Sheehan: Yeah. I think the circular letter might be one of the best pieces by Washington. In it, I mean, just think about that union, justice piece and the relationship that's required among citizens to make, uh, for a decent country. I mean, those are lessons for us today, aren't they? That sometimes we have to forget our own prejudices and come together, uh, with giving to other citizens. Washington says in this circular that the war is over. You know, we formed a government under the Articles of Confederation, but the real work of making a republic is really just beginning. So it's peace time, but how are we gonna be one people? And he says, we have a national character to form. We have to learn how to be fellow citizens.

[00:04:11] And for Washington, this was the most important task of the early years of the American Republic that, that we make what we fought for in the revolution, uh, worth having fought for. That we use it to become a people that shows to the world why that revolution was fought, why liberty hung in the balance, and set an example for the free people for, for the future.

[00:04:41] Jeffrey Rosen: Beautiful. Thank you so much for that. Uh, Nancy, there's so much to focus on in the farewell address, but broadly, Washington is addressing the same theme, how not only the love of liberty, but the unity of government is crucial to the future of the Republic. And he warns in particular against the spirit of party and famously says, "The spirit is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all government, more or less stifle controlled, repressed, but in those of popular form, it is seen in its greatest rankness, and its truly their worst enemy." Tell us more about Washington, the spirit of party and public opinion in the farewell address.

[00:05:25] Nancy Isenberg: Yeah. I think we can see the circular as the more optimistic Washington. By the time we get to the farewell address and after being president and being viciously attacked by newspapers and the media, uh, we see a much more chastened, uh, and less tolerant, uh, perspective. I liken this to Washington as the general with very little toleration for dissent outside the chain of command. Um, it's a very angry piece if you read it closely. It's filled with accusations against designing men and combinations and associations, artful and enterprising minority, cunning, ambitious, unprincipled men. And then this leads, the parties lead to riots and insurrection, uh, foreign influence and corruption. So he is very much hinting if not really hinting at the threat of sedition, at the threat of possible treason.

[00:06:22] Um, and we also have to know that the farewell address wasn't simply a product of George Washington. The first draft was actually written by James Madison and then the later draft was very much rewritten by Alexander Hamilton. Uh, so we always had to take that into account. There's a lot of debate among historians and scholars, how much input Washington had.

But we do know that Washington did blame the republican democratic clubs for inciting the whiskey rebellion. So he had a direct connection between a group. And the reason he disliked the republican, the democratic republican clubs is that he saw them as unelected bodies. So when we get to try to understand Washington's notion of public opinion in the farewell address, it's very narrowly confined. Um, he basically says that public opinion should be limited to the structure of government that gives force to public opinion. So he's narrowed it down where people who are criticizing the government, he says, oh, they want change. They're really using mirror hypotheses and opinion.

[00:07:29] Public opinion for him has become narrowed down to really what representatives or elected officials have to say. Uh, that they're the ones who should have, uh, the strongest voice in reflecting the will of the people and that the government has to 'be ready to, through vigilance, to quench the dangers of party spirit,' which he likens in this piece or Hamilton likens in this piece is to something that could burst into flames. So we get two really different perspectives, which I think show context, how important it is to have context for understanding the opinions of the founders.

[00:08:16] Jeffrey Rosen: Fascinating. Thank you so much for helping us understand that it's the public opinion of the representatives that Washington is most concerned about, and the, that language that you quoted about corruption designing men's sedition jumps out, uh, as a warning for today. Colleen, let's talk now about John Adams and his thoughts on government published in April 1776. Like Washington, Adams is focused on virtue. Uh, Washington had said in the farewell address that the rule is that virtue or morality is a necessary spring of popular government. And Adams says the same thing in his thoughts on government. Upon this point, all speculative politicians will agree that the happiness of society is the end, is the end of government as all divines and moral philosophers will agree that the happiness of the individual is the end of man.

[00:09:12] I've just been looking at the sources of that amazing phrase. Adams is reading Brola Maki and the wig theorist Cato's letter and Montesquieu, all of whom do agree. They keep saying the happiness of society is the end of government. Tell us more about why Adams is stressing that, and why in the thoughts on government he proposes the structure of government that he does.

[00:09:36] Colleen Sheehan: Well, I think, uh, Jeff, that, uh, in thoughts on government, what, one of the things that Adams is doing is juxtaposing the kind of government that he considers good government, decent government, a government that has as its end the happiness of the people. And notice he doesn't say pursuit of happiness. He actually says happiness there. Um, so that would take some unpacking to figure out exactly what he means. But he is juxtaposing that particularly with governments based on fear. And he talks in this piece about principle and passion. So you can't help, but think of Montesquieu there, 'cause Montesquieu changes Aristotle's idea that each government has a particular principle, uh, that activates it to.

[00:10:22] For Montesquieu, it's a passion, fear and despotism, honor and monarchy and virtue and republics. And then of course there's a fourth kind of modern republic in, in Montesquieu

that, um, well, it's interesting, he doesn't tell us what passion is at its base. He says, you know, I leave something for you readers to figure out. Well, Adams was a, was an avid reader of, of Montesquieu. And I just see Montesquieu written through this sort of regime analysis that he presents here. But for, one of the things that I've learned from, from Adams, especially in his defense of the constitutions of the United States, which happens to be four volumes, and anybody who slogs their way through it should, I think, uh, get a particular prize in American history.

[00:11:07] Uh, but, um, well, Adams says over and over and over again and he does not mind at all repeating himself is that the key to good government is balanced government. You've got to have these three prongs. Um, and it, what he means by that is the legislature has to be divided into two houses just like the British model. And then you have to have an executive. And it's this equilibrium that you create, this balanced government that really is the key, uh, for Adams in, in terms of how to achieve, uh, good government, um, that he wants to see in the United States. Now, that will become a bit of point of contention between Adams and the, the Republicans, um, in the 1790s, because, you know, they think Adams, he thinks himself too much, um, at- attached to the British model. Uh, he even wants titles, right? And so they say behind us back, well, we'll give you a title then John Adams. How about his rotundity.

[00:12:13] Jeffrey Rosen: Nancy, your book, *The Problem of Democracy: The Presidents Adams Confront the Personality* discusses this very shift from a public opinion focused on the views of representatives to the new public opinion of the people themselves. Tell us about that shift beginning perhaps with that language in the thoughts on government, where Adam says that the slogan where annual election and their slavery begins will teach representatives the great political virtues of humility, patience and moderation without which every man in power becomes a ravenous beast of prey. Where was Adams at this point in 1776? And, and tell us about this remarkable shift that you write about toward grappling with this new force of public opinion.

[00:12:58] Nancy Isenberg: Yeah. I think John Adams is such an interesting person. He wore different intellectual hats. He was definitely a historian, which of course is near and dear to my heart. And he had the skepticism of a historian, and he believed you could learn from historical models. And he embraced the theory of moral sentiments. He had an early sense of appreciating psychology, emotions, passions, as Colleen mentioned. Um, but I also feel what's interesting about him when I was thinking about this is that John Adams also saw himself as a school master. He was a school master.

[00:13:33] Um, and for he him, the key for preserving a democracy and the reason he, as you mentioned, he saw annual elections is so important, he felt that the real danger is when a group, and he was very concerned about the creation of an oligarchy, you know, families of wealth lodged in the government, which we have today. And he was very afraid of arison- recreating an aristocracy. And he felt that to counter that tendency, uh, to avoid that slavery, it was essentially that elected officials had to return, and he used this poetic metaphor, kind of returning to the sea, becoming the flotsam, [laughs] becoming part of the people again. That they had to stay in touch with the sense of the people. When they're distant, when they're put up on pedestals, and this is

something he clearly gets into with discourses on de Villa, you know, this fear of creating, turning politicians into celebrities, uh, turning them into aristocrats where we admire their riches and their wealth and their luxuries.

[00:14:35] Uh, but he is very deeply concerned that the, the, the real basis for public opinion for John Adams came from local knowledge. And he, and this is very much the new Englander. This is very much about Massachusetts funded schools. This is the importance to him. The, the key institution was the town hall meeting. And he believed at very early age, citizens have to learn to debate, to discuss, uh, to engage in discourse in a civilized fashion, not what we see today, but in a civilized fashion. Um, and that, that is where you could get a true public opinion. And then that a public opinion, this is where representatives had to listen to those town meetings, and they had to carry that information and treat it, uh, seriously. And therefore, that's why representatives had to return to the people. They, they have to be reschooled in that idea of getting close to local knowledge, and not remain distant from it.

[00:15:41] Jeffrey Rosen: That is so fascinating that you've helped us understand Adams' conception of the true public opinion that only emerges through debate and discourse in a civilized fashion among fellow citizens. And now, I understand Adams' conclusion where he says a constitution founded on these principles introduces knowledge among the people and causes humor, sociability, good manners, and good morals to be generous. That elevation of sentiment inspired by such a government makes the common people brave and enterprising, and the ambition makes them industrious and frugal. Absolutely fascinating. Thank you so much for that.

[00:16:18] Well, we turn next to Thomas Jefferson and to his Virginia declaration of religious freedom, which of course was one of the three documents that he said on his tombstone were among his most important achievements. And Colleen, I'm just gonna read the famous language, which was deleted from the final draft, but which exemplifies his view about why freedom of conscience is a natural right that comes from God or nature, and not from government. Here is Jefferson. Well aware that the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds that whereas Almighty God has created the mind free and manifested his supreme will that free it shall remain by making it all together insusceptible of restraint. Tell us about his conviction, that our opinions are the product of the evidence proposed to our minds and cannot be coerced by any king or tyrant, and how that relates to Jefferson's conception of public opinion.

[00:17:26] Colleen Sheehan: Yeah. Jeff, this is, uh, the core of Jefferson's thought. Um, think of his gravestone. He lists three things on his gravestone, right, the declaration of independence, the Virginia statute for religious liberty, and the founding of the University of Virginia. In the center of those is this Virginia statute for religious liberty. This is most, this is the core of everything in his thought. And of all of those... and, and, and of his life's work, the declaration and the University of Virginia founding. Uh, it has to do with the nature of man, that our minds are free, whereas Almighty God has created man's mind free. That's it. That's, that's the, the, the core of everything, like freedom of speech, freedom of press, freedom of religion, of what it means to be human, and why government must be based on the consent of the governed. Why government

must be free government. Um, and why we have to release ourselves from the, uh, age of superstition and monkish ignorance. Um, and it's a new order of the ages that's dawning, and America is leading the cause, and Jefferson is leading that cause in America, right?

[00:18:42] Um, for all the things that Jefferson does wrong in his life, and there are a lot of them, um, with slavery leading the, you know, leading the list there. Absolutely. All of that is true about what Jefferson did wrong. But, you know, he did do something right. He led the way in terms of these ideas about the freedom of the human bo- mind, which had to be for all human beings, and he knew that. Black as well as white, all human beings, this is the core of humanity. Um, and so, uh, freedom of conscience, it's a natural right. It cannot be taken away from us. So everything, every attempt to impose on us group think, um, or the kind of despotism that makes you toe the line, all ends up in being his hypocrisy, pure hypocrisy.

[00:19:36] And that's, um, you know, Madison has the same view on this. This is one of the places, I know we'll get to that, but where the two of them absolutely agree on this fundamental idea of the freedom of the human mind.

[00:19:49] Jeffrey Rosen: So beautifully put, and thank you so much for reading that next clause of the sentence. All attempts to punish freedom of conscience by temporal punishments or burdens, or by civil incapacitations tend only to beget habits of hypocrisy and meanness. Nancy, tell us more about the centrality of Jefferson's notion of freedom of conscience as being a natural right that cannot be controlled and related, if you would, to Jefferson's authorship of the Kentucky resolutions objecting to Adams' alien and sedition acts, which insist that the states have the power to not nullify federal laws that they believe are unconstitutional.

[00:20:35] **Nancy Isenberg:** When we think of Jefferson, we have to realize, and, and I'm gonna use another analogy here that the language he uses is, is very much like a medical doctor, and he thinks about nature. And, and I'm gonna say that there's a distinction between Madison and Jefferson and how they think about freedom of conscience, because Jefferson very much imagines the, you know, when we talk about dangerous public opinion, he equates that to heresies. He again sees that as kind of reviving the superstitions of the middle ages, um, and his language is much more hyperbolic than Madison's. Remember in the, in the 1798, '99, he refers to the federalist as the reign of witches. Um, so we know that for him, freedom of conscience is something that's rooted in nature, and it has a bodily side to it.

[00:21:30] Madison is different. Madison is very much influenced by being in Pennsylvania, by the society of friends. And he very much conceived of freedom of conscience is that idea of sanctuary in a church. Um, this is what makes his notion and it was internal. It's something that can't be touched. I mean, both of them have the same end result in terms of protecting religious freedom or freedom of conscience, but they, they kind of define it in, in, in different ways in terms of where does this come from, um, where Madison is linking it to this long tradition of sanctuary, religious sanctuary in a church, and then internalizing it just like the Quakers did.

[00:22:12] Uh, Jefferson very much sees this as a natural right. That it does come from God, that it does come from nature, but this is what also gets Jefferson into trouble. This is why he does endorse slavery. And he does look at women as inferior, because bodily, they do not have the

same vessels, uh, to have the same kind of freedom. And that's what gets him into, that's why Jefferson is this conflicted character. He has the idealism of freedom of conscience, but then the restraints come from the way he imagines the, the, the body of the individuals and how they, those who don't have the right vessels, and this is why he attacks federalists as seeing them as weak nerved, [laughs] emotional, excitable. He kind of feminizes them. Um, but we, we, that's where Jefferson and Madison are really very different. And, and Jefferson nature is connected to the body, and the body can be a source of limitation.

[00:23:18] Jeffrey Rosen: The National Constitution Center relies on support from listeners like you to provide nonpartisan, constitutional education to Americans of all ages. Every dollar you give to support We the People will be doubled thanks to the John Templeton Foundation. And it would be wonderful if you could visit constitutioncenter.org/wethepeople. Thank you so much for your crucial and much appreciated support. Now, back to the show.

[00:23:50] Let's talk now about Madison and public opinion. And Colleen, of course, you've written a superb book on the topic. And maybe we should take it in at least two bits. Let's begin with Madison in the Memorial and Remonstrance Against Religious Assessments in 1785, where he talks about conscience, like Jefferson, as a national right. And he says that religion, or the duty which we owe to our creator and the manner of discharging it can be directed only by reason and conviction, not force or violence. That's the Virginia declaration of 1776, which he and George Mason drafted. And then he says, it's unalienable because the opinions of man depending only on the evidence contemplated by their own minds cannot follow the dictates of other men. That sounds like Jefferson in the Virginia declaration.

[00:24:34] But tell us about the differences. And then how does that relate to Madison's statement in the Virginia resolutions protesting against the alien and sedition acts, where he talks about the crucial need to examine what he calls, um, it's leveled against that right of freely examining public characters and measures, and a free communication among the people there on which has ever justly been deemed the only effectual guardian of every other right.

[00:25:06] Colleen Sheehan: Jeff, there's so much there. Um, you really sort of asked the, the, the question of, of all of the late 1790s and why there's the origin of the party system, why they fight so hard to take over the, the presidency. I mean, it really sort of revolves around all of these issues. Um, in the spirit of civil disagreement, which I think is, is a, is something for us all to, to learn today that we can, we don't have to agree. We can, we can disagree and, and do it with the greatest amount of civility. I think Nancy and I see this somewhat differently. I'm not sure though, 'cause sometimes the more you talk about things, you more, the more you realize that, um, when you understand each other better, it's not sometimes as different as you thought. But I would say that for Madison, um, and for Jefferson, the idea of the right of conscience comes from nature and from God.

[00:26:02] You think of Memorial and Remonstrance, um, that you just, uh, read part of, that for Madison is, uh, very much more than a, a sanctuary in a church. I think it's that these, the rights that we have to other men, the freedom of conscience, he says is a duty to God. That might be the, the, the real difference. Jefferson doesn't stress duty. Uh, Madison stresses that what's a right

here for, of, of that we have as a right and ought to be. He wanted to remember. He wanted it in the first amendment. He was so disappointed that freedom of conscience wasn't one of the rights listed in the first amendment. Uh, he thought freedom of conscience was the most important, the most fundamental, the most, the most pure, the only really pure inalienable, right?

[00:26:50] He says that in a piece called Property, which is very interesting, 'cause in this piece called Property where the core of it is about freedom of conscience. Think about that. A piece called property, and the core of his argument is about conscience, 'cause he says, you know, we have rights of property, but we also have property in our rights and in the free communication of our opinions. And he said the most fundamental of all rights, the purest is the right of conscience. He says, it's more important than, um, thinking of our home as a castle. The castle we really wanna guard is that of the freedom of the mind, the freedom of conscience. And he said, what that freedom of conscience is the very basis of our social compact. It's, we have not only rights of conscience, but we have duties to each other, obligations, a pledge, a promise to each other, to recognize them as fully human and appreciate their freedom of conscience. That's how I interpret what he talks about this pledge of protection, uh, that's at the basis of the social compact.

[00:28:00] In other words, Jeff, what he's talking about is something that we might call the American promise that citizens have actually promised to each other to recognize the humanity in each other and to treat each other with the respect and dignity that that requires, that that's what it means fundamentally to be American. That's Madison's view of that, and that stems from the idea of conscience. And so when you get to the Kentucky and Virginia resolutions, this idea of squelching communication and opinions about what people think are right and wrong, and examining the people in government to keep them beholden to the voice and the opinion of the people, for Madison, that's really just the, the, the beginning of the road to despotism, uh, because public opinion, he says in a piece called Public Opinion, um, public opinion sets bounds to every government and is the real sovereign in every free one.

[00:29:04] Think about that as the preface to what Lincoln would later say, public opinion is everything. Uh, without it, nothing can succeed. With it, nothing can fail. Public opinion goes deeper, uh, uh, than statues and legislation. It makes statues and legislation possible. So you see, for, for Madison and Jefferson, uh, it's not just public opinion by the governmental representatives. It's the representatives as being behold into the opinion of the people. They have to help refine and enlarge those views. But, um, one of the fights between the federalists and the republicans is whether government represents that people should have confidence in the government after they elect him, and that's the end of it. And so we should just submit to the government because we've put them there and they know best. That happened, that was pretty much Hamilton's view.

[00:30:01] And this is what really irks Madison and Jefferson. They think that that's anti-republican. And they say, it's not submission that we want to the government. We want vigilance. We want the government, um, uh, to obey the, uh, dictates of public opinion. Now, remember, I have to put a footnote there. They don't mean popular fleeting opinion. They mean opinion that's been refined and enlarged through this whole complicated process of republicanism in America that we see built into the constitution, separation of powers, checks

and balances, federalism. And so it's a public opinion that's gone through the processes of public deliberation to become what Madison calls the reason of the public.

[00:30:52] Jeffrey Rosen: Wow. Thank you so much for all of that. Nancy, so much to respond to. Thanks for sharing your thoughts on similarities or differences between Jefferson and Madison on freedom of conscience as represented by their pieces on conscience. And also, uh, your thoughts on Madison's Virginia resolution about the crucial need for public examination of public officials, and, uh, and, uh, and, and broadly the shift in, in understanding of, uh, public opinion being represented by the representatives as opposed to the people.

[00:31:28] Nancy Isenberg: No. I think the thing about Madison, and this is again, I, I think that I totally agree with Colleen that the idea of sanctuary in a church still means freedom of conscience is coming from God. That's what the Quakers believed in, the inner light, which comes from God. I wasn't at all denying that it didn't come from God. But the sanctuary notion becomes really important because it becomes a model for defending the rights of freedom of conscience under the first amendment. Um, now what's interesting about Madison, and again, where I see him as different as Jefferson is that he looked at the world as a physical scientist. He liked using the metaphors of physics. So when he wrote federalist number 10, he thought the solution to factions was to disperse people across the country, so dispersion. When he talks about public opinion, the quote that Colleen said, public opinion sets bound. So it's kind of setting boundaries, which is really important.

[00:32:19] And then he also goes on to say that public opinion needs to create the, the proper intercourse a- across and around through the nation. So it needs to be dispersed, but as she says, Madison is also obsessed with filtration. That was his initial model for the constitution that got rejected, the idea that even the, the, the Congress would be filt- filtrating and purifying, uh, bad laws that came from the states. Um, so we, we have to realize that, that Madison's metaphors are different than Jefferson's. That's what I'm saying, but I still see them, uh, looking at the same end result.

[00:32:59] The Virginia resolutions is really interesting because it's very different from the Kentucky resolutions. The Kentucky resolutions by, that are very much influenced and, and informed from Jefferson's point of view, basically end up saying that each state has the right to judge for itself. And this is why we all know the Kentucky resolutions are dangerous because he also talks about nullification. Um, and as I've argued, uh, is that Jefferson's declaration of independence was a divorce decree. The Kentucky resolutions were in annulment. Uh, this is where he gets... He's, he's a master actually, a very smart lawyer in terms of marriage law. It's kind of central to his thinking. So we have to realize that Jefferson, of course, takes a much harder line than Madison who drafted the Virginia resolutions.

[00:33:49] Now, both of them are equally opposed to the alien and sedition acts, but Madison's language is much softer. When he's writing the Virginia resolutions, he doesn't use the words null or nullify or nullification. He chooses interpose [laughs] much softer, much milder verb. Um, and he goes on to argue that the sedition act was a violation of the first amendment, the rights of freedom of conscience. And here he's saying that public opinion has a constitutional

foundation. And I think that's, again, it's, it's so interesting that, that, and not surprising that, that Madison who, again, even though he introduces the bill of rights, at the time he's doing that, he is much more cautious about where that bill of rights should be placed and how the right of conscience should be framed. Uh, but by the time of the Virginia resolutions, he's trying to set up a constitutional model, um, in how one needs to defend, uh, the f- the freedom of conscience. It can't just be this free floating idea. It has to be institutionalized.

[00:34:58] And that, to me... That's sort of where John Adams and Madison are much more institutional thinkers. Uh, and my, from my point of view, more practical thinkers, because they realize you need institutional solutions to these problems. They can't just be great rhetoric. And Jefferson's solutions, as you know, the idea that the constitution should be written in every lifetime, [laughs] Madison said that was a horrible idea. He had to slog through the original constitutional convention and knew how divisive that would be. Uh, and, and this is, I think is true. I mean, Jefferson is a more pure theorist. Madison changes his opinion over the course of lifetime. He is willing to look at the situation on the ground and make adjustments, uh, to what is needed at that moment, and as I said, look for an institutional solution.

[00:35:46] Jeffrey Rosen: Colleen, you mentioned Madison's national gazette essay, and have written definitively about his essay Public Opinion, uh, where he says that whatever facilitates a general intercourse of sentiments as good roads, domestic commerce, a free press, and particularly a circulation of newspapers through the entire body of the people, and representatives going from and returning among them is equivalent to a contraction of territorial limits and is favorable to liberty. You've written about the significance of that and his claim that a class of enlightened journalist that he called the literaty would slowly diffuse thoughtful public opinion across, uh, the land. And you've talked about the influence of a French political theorist called Puche on his thoughts. So there's so much for you to share with We the People listeners, but tell us what Madison was getting at on that essay and his mature views on public opinion.

[00:36:36] Colleen Sheehan: Thank you for that question, Jeff. Uh, ye- yes, Madison, um, in the 1780s, when Jefferson is in France, uh, Jefferson is sending Madison back cargo of books, boxes and boxes of books. And, um, among these, uh, books that Jefferson is selecting and sending to his friend, Madison, are a number of books on this recent development in French thought of a theory of public opinion. Uh, the, the person in, in history who's written a lot about this on the French side is Keith Michael Baker. Uh, and a fellow named Kent Wright, a student of Keith Michael Baker has also written on this particularly on Mobley. But there was Troy's name, Mobley, Condosey, Trugo. Um, the list goes on and on. Madison was reading all of this.

[00:37:30] But this fellow, Puche, who we don't really know much about today wrote one of the volumes of the encyclopédie méthodique, and it was on police. What, what could that have to do with anything that would be so important to, uh, actually founding the constitution? Well, uh, to think about the police powers is to think about what Madison says in, in, uh, the Federalist papers in the '40s that the things not delegated to the national government or left to the states, for example, education, health, welfare, police, right? Um, police has to do with the root word, polity, that you have in, in the Greek. You know, it has to do with the morals of the people. And

so, uh, Madison is fascinated by this article that Puche has written, in which Puche is talking about public morality and this new phenomena, uh, called public opinion.

[00:38:31] Um, and public opinion is being redefined, because this new thing is being discovered in France, and it's called, Jeff, the public, the public. You know, it's, it's, it's not just because of, because of the new means of communication, that it's not just Paris anymore, it's the salons in Paris. It's, it's reaching out to the countrysides. It's setting the possibility for a revolution, because of the public coming together as a people. And so what was not possible all through history of, of having a large republic, because you could only have a small one if it was gonna be based on the people, because they would have to meet in person in assemblies, right? This is what the Greek said. You've got to limit it to 5,040 citizens according to Plato, because they have to meet together in the assembly. It's all, uh, uh, face to face communication.

[00:39:30] Through these new means of communication, and you mentioned some of them, better roads, uh, uh, newspapers throughout the land, communication spreading throughout a much larger territory, this makes possible a large republic. A large republic in which what's happening, uh, is deliberation, communication and deliberation, the formation of public opinion, of a public voice that goes through something like that, we, we want to happen in education. This is a kind of civic education. Think of what happens in schools. Uh, this thing called Socratic method, put ideas up against each other, bounce them off each other, weed out the ones that are inconsistent, that don't work, that you get rid of those, and you keep refining and enlarging the public views is the way Madison puts it in Federalist 10. And so, um, the idea is that this, if Louis is a king of the old world, public opinion is the queen of the new world. Uh, Madison learned that from his fellow, uh, travelers in the theory, in the politics of public opinion in France.

[00:40:45] Jeffrey Rosen: Nancy, tell us more about Madison's conception of the role of the literaty in refining public opinion.

[00:40:53] Nancy Isenberg: This is another example of where Jefferson and Madison differed. They had a battle, a fight over funding the post roads. [laughs] Um, and this is kind of where Jefferson assumed, you know, again, more into the, the states can take care of themselves attitude where Madison, no, we ne- we have to have national funding of the post roads. Uh, the post office, my good friend Richard John will always defend it. Uh, basically it, it was essential because not only when newspaper, newspapers circulated through the, the post, but so was money, so was commerce, so was every transaction that was important, but it's another key difference between the two of them, of how they felt, um, about institutional structures and how they were important to preserving the system.

[00:41:42] You know, the other thing about Madison that I think... The, the other thing we have to realize when we talk about the language of public opinion and this again, reflects my other interest, which is on class hierarchy. Uh, we still have to remember that, that idea of refinement still leads to a sort of elitist solution. Um, and we also have to remember that the newspapers in the 1790s, uh, were not filled with educated public opinion. I wanted to mention the two Jameses today, James Calendar and James Cheetham. One in New York, uh, one first in Philadelphia,

then in Virginia. Uh, these are the men who had been schooled in scandal mongering in England, came to the United States. Um, James Calendar, you know, he's the one who exposed, uh, the Reynolds' affair, uh, Hamilton's adulterous affair. Uh, he's the one who exposed the relationship between Jefferson and Sally Hemings. And he also calls John Adams a political hermaphrodite. [laughs] James Cheatham went after Aaron Burr's followers using homosexual slurs.

[00:42:51] So the political newspapers, this is the danger, the political newspapers were filled with political venom, character assassination, uh, lies, uh, innuendo. Uh, we have to kind of keep that in mind, the context for how difficult it is to create public of educated public opinion. It's extremely difficult, because... And, and all th- all of these founders were afraid of passions, people aggregating power to themselves, people using their power to shape public opinion that would distort it. So, you know, they, they were up against a very difficult environment, and we need to keep track of that as well.

[00:43:33] Jeffrey Rosen: Let's take stock of the relevance of this Madisonian conception of public opinion for today. Colleen, when we read Madison's language about the class of literaty or 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, it's natural to think it's, that's, that's such a heavy burden for journalists from the Atlantic to carry today. And, uh, gi- um, given the fact that the public discourse in the age of Twitter and Facebook seems the opposite of this slow diffusion of the commerce of ideas that Madison thought the media would produce, uh, how relevant is Madison's conception of public opinion today?

[00:44:24] Colleen Sheehan: I think it's incredibly relevant if for no other reason, but to show us, to point out very vividly the problem we're, we're facing today, because in a sense, the large republic that's meant to allow for this time and space for the, uh, refinement and enlargement of the public views. We're sort of back to square one, because all of these new developments in technology are equivalent, as Madison would say, to a contraction of the territorial, uh, boundaries. So we're sort of... Um, you know, we, we, we use that phrase today, it's a small world. The world is getting smaller and smaller. And what we mean is not the geography is, is shrinking, but because of communications and the speed of communications, we can know things the world over and communicate with people, uh, in, in seconds on an entirely different continent. That means that not only opinions, but passionate opinions and prejudices can spread like wildfire. Uh, what is it called on, on the internet? When something goes viral.

[00:45:37] Could that happen with political ideas? Yes. And that's the danger. We have essentially recreated the problem of the small republic, the problem of faction ruling rather than a deliberate, refined public opinion. We've got to find a way, a new way today. I mean, if Madison were, were here, he'd be rethinking this right now, how do we solve this problem we have before us today, this new problem that communication has helped to solve, but then created another problem. Um, and so this before us today is really in a sense the problem of democratic politics. If we want, if we want democratic politics to be good politics, if we care about justice and the general good, then we've got to find a way, a new way, something very, very novel that hasn't been thought of before to address this problem of faction in our time.

[00:46:38] Jeffrey Rosen: Nancy, what are your thoughts about how to address this problem of faction in an age of warp speed, viral technologies? How did transitional figures like John Quincy Adams address it since he struggled with it as well? And what like, does history teach us on how to resurrect thoughtful deliberation in an age of thoughtless technologies?

[00:47:03] Nancy Isenberg: I, I think the, the language of the founders still plays, because if you think about the word, uh, viral, that comes virus. And here, we're again into Jefferson's vocabulary of the pathology. And as I said, all of the founders were deeply concerned about passions out of control. And as we know, Facebook gears messaging toward the most emotional, uh, toward the most non-thinking, toward just the gut reaction, uh, fears. Um, and this is the, this is something that John Adams, uh, was, was deeply aware of, this, this idea that, um, human passions will always be with us. We can't escape them. They're part of the human constitution. Um, and that's why for me, [laughs] I'm, I'm returning to Adams again, because there needs to be an institutional so- solution, because as we know, the internet has not been regulated. When it first appeared, it was presented as this kind of, uh, you know, wonderful invention that would only produce positive results. Um, and that to me is the utopian thinking that at times our country engages in, like Jefferson, the utopia, but you need institutional laws.

[00:48:24] I mean, this is kind of why John Adams said, we are a government of laws, not men. Um, and we need to have the kind of intelligent regulation, uh, that doesn't allow what is the other life brought out of America, which is commerce and making money. We can't pretend that that hasn't always been central to the American way. Uh, but we have to find that balance. We have to find that balance between the interests of commerce, uh, versus the interest of the public good. And that's where I get depressed. Nobody talks about the public good anymore. Um, and that's what we have to return to in order to, you know, cure the disease. And it is a disease, because people believe complete and utter lies, but I will say in the 1790s, they also believed in lies, [laughs] uh, because this is the problem.

[00:49:19] Conspiracy theories, fears, uh, are very easy to trigger. Unfortunately, reason thought is harder. Uh, and that, and that's where the media themselves find, get into problems, because they want simple answers. They want sound bites. Um, and they often toss complexity aside. You know, as academics, we think complexity has to be part of the answer, an awareness of, uh, realizing that you can't, you know, there's never gonna be one single solution, but we first have to diagnose the problem, um, which I think is beginning now. I think people are really talking about it, but how far it gets in terms of legislation is a whole other issue.

[00:50:04] Jeffrey Rosen: Thank you so much. Colleen Sheehan and Nancy Isenberg for such an illuminating discussion. You've well diagnosed the problem of, uh, democracy in our time, which is the resurrection of this spirit of party, as Washington called it, rooted in what Washington called the strongest passions of the human mind. And you've helped us understand how this antithesis between reason and passion, which the framers considered the essence of virtue, which they got from Cicero and Seneca and Locke and Montesquieu. And the enlightenment remains one that we have to turn our attentions to constantly. Thank you so much We the People friends for learning with us. Give yourself a treat and read these texts. They're so inspiring. You'll learn so much. You've seen how much Colleen and Nancy and I have learned

together. Happy Presidents' Day to all, and Colleen Sheehan, Nancy Isenberg, thank you so much for joining me.

[00:50:59] Today's show was produced by Melody Rao, and engineered by Dave Stacks. Research was provided by Kevin Kloss, Ruben Agar, San Desai, and Lana Ulrich. Homework of the week, friends, please read the texts. It'll take you less than an hour, and you'll learn so much. We're putting them on the resource page, and give yourself a treat by returning to these inspiring words that we've been discussing today. And always remember that the National Constitution Center is a private nonprofit. Our crowdfunding campaign continues. And if you've learned something from today's conversation, give any amount, \$5, \$10 or more to signal your support for this wonderful community of lifelong learning.

[00:51:46] Wasn't it exciting to hear both of our guests talk about how this, uh, learning through conversation was so crucial to the future of the republic? And that's what we're doing. We're listening to different points of view and we're learning together, and it would be wonderful for you to signal your support for that by going to constitutioncenter.org/wethepeople. All one word, all lowercase, and donate what you can. Most of all. Thank you so much for educating yourself about the constitution and joining me in this wonderful weekly journey for learning and light. On behalf of the National Constitution Center, I'm Jeffrey Rosen.