

# ISSA Proceedings 2002 - Madison, Mill And The Public Sphere: A Classically Liberal Approach To Public Deliberation



There is something decidedly odd about dominant theories concerning how the public sphere should operate. Public sphere theories focus on how societies make decisions about issues involving the public. They focus on the public in two closely related ways: a concentration on decisions involving issues of public concern and a consideration of how the public participates in those decisions. Although the philosophical underpinnings of the two related foci of public sphere are rarely stated, it is clear that the very existence of the public sphere depends upon a society that is in some broad sense liberal. The public sphere cannot exist in a meaningful way without some sort of democratic system that protects the rights of individuals to speak their minds. The oddity in all of this is that public sphere theorists largely have ignored classical liberalism as a source for their theories of how the public sphere should operate.

Rather than draw on liberalism in order to develop theories to explain and evaluate the functioning of the public sphere, theorists have tended to be quite dismissive of traditional liberalism. For example, in *Liberalism and the Problem of Knowledge*, Charles Arthur Willard discusses what he calls the “crisis of liberal democracy (1996, 15) and eventually calls for “liberalism... to surrender a sweeping problematic: the problem of the public sphere” (1996, 294). In fact, Willard discusses the views of Madison, Mill, Jefferson and other classical liberals in much more detail than do most public sphere theorists, but his ultimate conclusion is to reject their views as inadequate, even antiquated.

In this essay, I argue that argumentation and communication scholars have been too quick to reject the relevance of classical liberalism for understanding the public sphere. It is certainly worth noting that at a time when many in academia dismiss liberalism as an utterly failed ideology, in the real public sphere traditional liberalism stands utterly triumphant. Traditional liberalism, a

philosophy embracing representative democracy, limited government, protection of human rights, especially the right to self-expression, and a reliance on the marketplace both in the economic sphere and also the realm of public knowledge, is clearly the dominant ideology in the world today. Given this situation, it seems sensible to consider what a liberal theory of the public sphere would look like.

In order to begin to build a liberal theory of the public sphere, I will focus on the implicit theories of the public sphere found in the writings of two of the foremost liberal theorists, James Madison and John Stuart Mill. Madison, the primary author of both the United States Constitution and the Bill of Rights, is the theorist upon whom “we unavoidably depend to comprehend its [the Constitution’s] intellectual foundations” (Banning, 1995, 2). Madison more than any other single individual shaped the debate that created the system of limited government and representative democracy in the United States. He was, as Matthews has argued, the “quintessential liberal” (1995, 21). If Madison is important both as a practical politician and also a democratic theorist, Mill can be seen as the supreme theorist of liberalism. Writing at the very beginning of modernity, Mill expressed the liberal vision of society more clearly than any writer before or since. It is for this reason that in a collection of Mill’s works on politics and society, Geraint L. Williams labeled him as “the philosopher of liberalism” (1976, 9) and Graeme Duncan chose to pair Mill against Marx as “the creators of the classical communist and liberal theories” (1973, 1).

In the remainder of this essay, I will develop the implicit theory of the public sphere in the political writings of Madison and Mill. In order to reveal their liberal theories about the public sphere, I will sketch the goals that they identified for public deliberation, assumptions they made about society, problems that they identified in achieving the goals, and their diagnosis of the best means of overcoming those difficulties. In the conclusion, I will draw implications for contemporary studies of the public sphere.

### *1. Goals of Public Deliberation*

Both Madison and Mill were advocates of representative democracy. For proponents of participatory democracy, the goal of the public sphere is simply to enable the members of the public to deliberate and make a decision so that the majority gets its way. While both Madison and Mill were strong advocates of democracy, they did not favor representative democracy and, in fact, have been strongly attacked by some for supporting only limited democracy (Cranston, 1958; Matthews, 1995). It is therefore unsurprising that both Madison and Mill

were concerned with achieving practical policy ends, including justice for all citizens and efficient public policy, as well as popular democracy.

Madison made his commitment to truly representative democracy quite clear in the debates at the convention that drafted the U.S. Constitution in Philadelphia. One of the key issues faced at that convention was state representation in the new government. Representatives of small states, such as Delaware and Rhode Island, supported equal representation for each state, regardless of population, at least in the proposed Senate. Against that perspective, Madison strongly endorsed proportional representation, noting "Representation was an expedient by which the meeting of the people themselves was rendered unnecessary; and that the representatives ought therefore to bear a proportion to the votes which their constitutions if convened, would respectively have" (1999, 124). Here, Madison strongly endorsed representative democracy and implicitly argued for the fair and equal representation of all citizens.

While Madison embraced representative democracy in opposing equality in state representation in the Senate, in other contexts he supported limitations on democracy. In Federalist Number 10, arguably the single most influential essay about politics written by an American, Madison noted that "it may well happen that the public voice pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves convened for that purpose (1999, 165). Immediately following this statement, however, Madison commented that "On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people" (1999, 165). The larger point is that Madison was concerned with both representation of and also protection of the "interests of the people." In Federalist Number 37, Madison noted the importance of producing a government structure "combining the requisite stability and energy in government with the inviolable attention due to liberty, and to the republican form" (1999, 196). Madison made the point very clear that he was concerned not just with democratic representation, but also with producing stable and just public policy in Federalist No. 51, when he stated "Justice is the end of government. It is the end of civil society" (1999, 298).

Madison was a committed democrat, but he also was concerned with the ends of government and therefore supported limitations on democracy to protect the

liberty of citizens. Madison was concerned that the democratic system might be used to enact laws that unjustly restricted liberty or seized property. Based on his experience in Virginia and his observation of other legislatures, Madison became convinced that “reason often failed to persuade others to act correctly; that short-run economic self-interest was an especially powerful motivating factor, particularly for those in a political superior, but economically inferior position” (Matthews, 1995, 131). Thus, Madison supported representative democracy, but also a system that avoided the danger of “majority abuses” (Banning, 1995, 128) and produced just and efficient public policy.

Mill’s view of the aims of the public sphere is very similar to that of Madison. Mill’s most important writing on the public sphere is found in *Considerations on Representative Government*, originally published in 1861. At the beginning of this book, Mill focused on the kinds of policies that should be implemented by an effective government. He noted that the overall test of government policy should be based on “the aggregate interests of society” (1910, 185) and then argued for the importance of Order as a “means of preservation of the peace” and of Progress as a means “to promote the increase” of social good (1910, 187).

While Mill was concerned with rational and efficient policy making, he did not see that aim as inconsistent with the goal of giving the people a strong voice in a representative democracy. In fact, he argued that “A completely popular government is the only polity which can make out any claim to this character [as the ideal form of government]” (1910, 208). On the other hand, while Mill supported “popular” government, he also suggested that there should be many limitations on that form because the “principal” factor determining whether good government occurs is the quality “of the human beings composing the society over which the government is exercised” (1910, 192). Therefore, in order to make certain that government both represented the people and also produced efficient and just policy, he supported giving the highly educated and other elites multiple votes in a given election (1910, 284-286). His aim was to give the “competent minority” “slightly more political power than that to which their numbers would entitle them” in order to give them enough influence to effectively educate other citizens through “rational deliberation” (Thompson, 1976, 90). Like Madison, Mill wanted government to be efficient and rational, but also representative of the views of the people. Unlike Madison, Mill was willing to embrace governmental structures that explicitly gave elites more voting power than the masses.

## 2. Assumptions About Society

On first glance, Madison and Mill shared few assumptions about society. Each focused upon the societal structure of his time. This led Madison to worry about problems of faction and majority tyranny. Mill built a much broader theory of the good society than did Madison, concluding in *On Liberty* that utility should be “the ultimate appeal on all ethical questions” (1910, 74), although in *Utilitarianism* he made it clear that, rather than simple pleasure for the individual, the ultimate standard was the greatest happiness for the society as a whole (1910, 11). Mill also was concerned with a much wider array of issues than was Madison. For example, Mill was one of the foremost early advocates of women’s rights in *The Subjection of Women* (1983, originally published 1869). He also advocated a “steady-state” economic theory (1970), and late in his life in 1879 (1969, 705-753) attacked the growing socialist movement.

Despite the differences between Mill and Madison, on three fundamental assumptions at the heart of liberalism their views were perfectly consistent. Mill and Madison saw liberty as both one of the primary ends of representative government and as a means to protecting that government. Both saw competition as a means of protecting society from abuses of power and discovering what they unashamedly called the truth. And both believed in the power of human reason.

Mill’s defense of the protection of liberty as one of the key aims of government is well-known. In *Mill On Liberty*, C.L. Ten labels Mill’s essay *On Liberty* “as the most eloquent expression of the liberal theory of the open society” (1980, 1). What is less recognized is that Mill saw the protection of liberty as more than the proper “end” for government in a good society (*On Liberty*, 1910, 72-73), but also as a crucial means of producing that society. Mill believed that only in free and open debate could truth be discovered. He wrote in *On Liberty*, “Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurances of being right” (1910, 81).

Madison had a similar view of liberty, although he expressed that view in the context of practical politics. One way that Madison demonstrated his concern with liberty was as the primary author of the Bill of Rights. It is important to recognize that while Madison was very concerned with protecting “property,” he defined the term in a much broader way than is common today. In an essay originally published in the *National Gazette* on 29 March 1792, Madison used language strikingly similar to that which Mill would use more than a half century later to argue that the right of the individual to his/her property “embraces every thing to

which a man may attach a value and have a right; and *which leaves to every one else the like advantage*" (emphasis in original, 1999, 515). It is also clear that Madison saw liberty as one of the primary means of moving government toward the truth. Writing in Federalist Number 41, he argued that "A bad cause seldom fails to betray itself. Of this truth, the management of the opposition to the federal government is an unvaried exemplification" (1999, 231). Although Madison's advocacy of what is often called the "free marketplace of ideas" is less explicit than that of Mill, it is definitely present.

Both Mill and Madison also valued competition as a means of protecting government from dangers posed by faction and special interest. Mill put this point quite succinctly in *Considerations on Representative Government* when he argued that "the antagonism of influences... is the only real security for continued progress" (1910, 201). Mill believed that through competition humans would push themselves to attain greater intellectual heights and also limit the evil that others in the society might do. Robson summarizes Mill's views on competition, "Without a permanent provision for antagonism, no government and no society can remain strong and progressive; only conflict can prevent degeneration and decay" (1968, 199).

If anything, Madison valued competition even more highly than did Mill. Although, he later wrote the first draft of what became the Bill of Rights, during the debate over ratification of the Constitution, Madison expressed skepticism that "mere demarcation on parchment... [is] sufficient guard" against tyranny (Federalist Number 48, 1999, 285). The answer to this problem, Madison argued, was to create a system in which competition among interests protected the rights of the people. In Federalist Number 51, he noted that government would not be necessary "If men were angels" (1999, 295). But since humans are not angels, "Ambition must be made to counteract ambition" (1999, 295), producing a system in which "the defect of better motives" is supplied "by opposite and rival interests" (1999, 295). The complex system of checks and balances contained in the U.S. Constitution embraces this principle.

The final assumption shared by both Mill and Madison was that a good society should be dominated by reason. Mill's entire philosophical system was based on the assumption that over time the best ideas would win out in free and open debate. In *Considerations on Representative Democracy*, he focused heavily on the importance of educating the common people and on giving special power to

the elites. Both of these perspectives were based on faith in what we now call “instrumental reason.”

A similar faith in reason is evident in Madison’s writings on representative democracy. In Federalist Number 49, he wrote that “it is the reason of the public alone that ought to control and regulate the government” (1999, 290). Writing in the *National Gazette* on December 5, 1791, he argued that “the various authorities established by our complicated system, each in its respective constitutional sphere” could create “one paramount Empire of reason” (1999, 500). Madison’s faith in reason was so strong that according to Matthews “If Madison worshipped a deity, it would be reason” (1995, 22).

The assumptions of the implicit theories of the public sphere found in Madison and Mill undergird their approach to the public sphere. Both Madison and Mill believed that the only possible means of answering the threats that exist to public deliberation was by creating governmental structures that are shaped by the three key assumptions I have identified. In order to make this point clear, the next step is to identify the threats that exist to effective public deliberation.

### *3. Problems Facing A Liberal Public Sphere*

Madison and Mill identify two essential problems threatening public deliberation: failure of reason brought on by incapacity or lack of education and passion or self-interest that overcomes reason. In *Considerations on Representative Government*, Mill focused heavily on the danger posed by “general ignorance and incapacity, or, to speak more moderately, insufficient mental qualifications, in the controlling body” (1910, 243). Implicitly, much of the focus of *Considerations on Representative Government* was on how to deal with public incapacity, either through education or a voting scheme that rewards the educated elites with additional influence. Mill also feared the dominance of special interests. He wrote of the “danger of its [the government] being under the influence of interests not identical with the general welfare of the community” (1910, 243). In his essay on Coleridge (1963, originally published 1849), Mill argued that Coleridge saw the dangers inherent in government controlled by incompetent and uneducated citizens and developed a theory of the educated elite in response, while Bentham saw the dangers posed by rule by a single self-interested class and consequently favored democracy as the solution to the conflict. Mill believed that both Bentham and Coleridge were correct, but that each saw only a portion of the problem. The good society could be achieved only through government institutions that dealt with both the problem of incompetence and the problem of special interest.

Madison's diagnosis of the problems confronting a democratic society that sought both representation and just decisions made through deliberation involving the public was similar to that of Mill, although Madison placed far more emphasis upon the danger posed by special interests (what he called factions) than did Mill. Madison implicitly got at the problem of lack of public knowledge in Federalist Number 37, when he mildly remarked that "public measures are rarely investigated with that spirit of moderation which is essential to a just estimate of their real tendency to advance or obstruct the public good" (1999, 194). Matthews notes that Madison believed that "individual and collective tendencies toward the irrational were... multifaceted and powerful" (1995, 23). Like Mill, Madison was all too aware of the incapacity of the people on questions of policy, but Madison emphasized that many of the representatives of the people also lacked that capacity. For example in debate about the Senate at the Constitutional Convention, Madison argued that "The use of the Senate is to consist in its proceeding with more coolness, with more system, & with more wisdom, than the popular branch (the House of Representatives)" (1999, 98). While Madison recognized that the people and their representatives often lacked either great knowledge on the issues of the day or great wisdom, he was more concerned with the power of special interests. In Federalist Number 10, he argued that the problems of "unsteadiness and injustice" in government had been caused by a "factious spirit" that "tainted our public administration" (1999, 160, 161). Madison went on to define a faction as "a number of citizens" "united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens" (1999, 161). In Federalist Number 10, Madison primarily focused on the problem of majority tyranny, a danger that he argued would be reduced by the size of the American state. According to Madison in a large democracy "you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens" (1999, 166). Here, Madison reflected on his experience during the period of the Articles of Confederation in which legislatures influenced by the passions of the majority took actions that unjustly harmed some minority of the people (such as arbitrarily canceling debts).

In the period leading up to the Constitutional Convention and its immediate aftermath, Madison was most concerned with the danger of majority tyranny from the legislative branch. This led him to downplay the danger of tyranny coming from other places. At the Constitutional Convention, for example, he noted that



“Experience had proved a tendency in our governments to throw all power into the Legislative vortex. The Executives of the States are in general little more than Cyphers; the legislatures omnipotent” (1999, 127). Only five years later, in a series of essays published in the *National Gazette* including “Who Are the Best Keepers of the People’s Liberties?” Madison saw the danger that minority factions could pervert “the natural order” by making “*power* the primary and central object of the social system” (1999, 533).

In “A Candid State of the Parties,” published in the *National Gazette* on 26 September 1792, Madison argued that the “antirepublican” party “will be induced by the most obvious motives to strengthen themselves with the men of influence, particularly of the moneyed, which is the most active and insinuating influence” (1999, 531). A little more than five years later in the Virginia Resolutions, Madison strongly attacked the Federalists for threatening the liberty of the nation with the Alien and Sedition Acts (1999, 608-662). Madison’s experience with the Articles of Confederation led him to fear majority tyranny expressed through the legislative branch. But Madison’s theory of the danger posed by what he called factions and what we would call special interests was broad enough to account for other threats to the public sphere. He very quickly saw that he had been wrong when he suggested at the Constitutional Convention that the primary threat to liberty was majority tyranny. Within a decade he had recognized that rule by special interest and presidential usurpation of power also could pose threats.

Although Madison and Mill made similar diagnoses of the dangers threatening representative democracy, their emphasis was somewhat different. While Mill emphasized to a greater degree than Madison that lack of knowledge and lack of ability could threaten democratic decision making, Madison focused more than Mill on the danger posed by special interests.

#### *4. Methods of Protecting the Public Sphere*

To this point, I have argued that the implicit theories of Madison and Mill concerning the public sphere are almost completely compatible. In relation to their solution to the problems that I have identified, their approaches diverge somewhat. Both Madison and Mill agreed that competition within society can provide an effective check on the dangers threatening representative democracy and that some provision should be made to bring expertise to bear on the problems facing the society. But Mill believed that education and reform of basic institutions also can play an important role in strengthening the public sphere. Madison was either more cynical or more realistic, depending upon your

perspective, than Mill and believed that only raw competition and expert decision making can protect the public and produce effective decisions.

Mill believed that the combination of liberty with the principle of competition could go a long way toward protecting the public sphere from the dangers of irrational decision-making and special interest domination. In *Considerations on Representative Government*, he noted that “In all human affairs conflicting influences are required to keep one another alive and efficient even for their own proper uses” (1910, 247). Mill believed that the interplay of interests within a representative democracy could protect the society from tyranny since “the rights and interests of every or any person are only secure from being disregarded when the person interested is himself able, and habitually disposed to stand up for them” (*Considerations on Representative Democracy*, 1910, 208). Mill also thought that in the long term the truth would emerge in free and open debate and that the public eventually would see that truth and embrace it.

However, while Mill strongly embraced free and open clash among competing interests, he also saw the need for actions to confront the problems of incapacity. In addition to arguing for education of the masses, he endorsed several efforts that would have given power to educated elites. As I noted earlier, he supported a form of plural voting in which voters who had education, training, or experience would be given more votes than other citizens. Mill also embraced the “Hare” proposal for proportional representation, under which voters would have been able to list on their ballots a rank order of preferences for a given position. Without going into the complex details of how the system works, Hare’s proposal would have guaranteed proportional representation of candidates with different views, rather than a winner take all system which tends to discourage minority parties from participating in government (Thompson, 1976, 102-103).

Mill also argued that the administration of government and the drafting of legislation should be carried out by a highly trained and well educated professional civil service made up of people like Mill himself. According to Mill, “Instead of the function of governing, for which it is radically unfit, the proper office of a representative assembly is to watch and control the government” (*Consideration on Representative Government*, 1910, 239). Mill believed that an expert commission should be in charge of drafting laws and that a reformed civil service should administer the laws.

Like Mill, Madison believed that that some provision should be made to guarantee that policy was based on appropriate expertise, government should be strictly

limited, and competition should be used to produce effective representative government. In regard to the problem of lack of expertise, Madison favored the creation of a "'standing committee' of 'a few select and skillful individuals' to draft all legislation" (qtd. in Banning, 1995, 135). Madison also favored strict limits on the actions of government. He was, of course, the primary author of the Bill of Rights.

While Madison favored limitations on government, he believed that the primary mechanism for safeguarding the public sphere was competition among factions about ideas. Earlier I cited Madison's view that "parchment" (a protection written into law) was not worth very much by itself. That "parchment" would only protect the people if it were combined with a system that placed different interests in competition with each other. Competition among interests is at the core of Madisonian representative democracy. The Constitution of the United States is based on the principle that competition between parts of the government is the best check on tyranny, a principle that lies behind the separation of powers among three independent branches of government. It also lies behind the separation of the legislative branch into the House and the Senate. Additionally, it is important to recognize that Madison believed that only the House directly should be elected by the people. He opposed direct election of either the Senate or the President as a check on the danger of majority tyranny.

In addition to the safeguards built into the system because of the separation and independence of the different branches of government, Madison believed that competition among factions would protect the new nation. With words that sound very much like Mill's defense of the free marketplace of ideas, Madison proposed "a republican remedy for the diseases most incident to republican government" (Federalist Number 10, 1999, 167). In an extraordinary essay published in the *National Gazette* on December 19, 1791, Madison laid out the case for public debate as a means of producing effective government decision-making. He began the very brief essay by defining the function of the public sphere: "Public opinion sets bounds to every government, and is the real sovereign in every free one" (1999, 500). Madison then noted the danger that what he called "counterfeit" public opinion could be produced in a society by special interests or the central government. In reaction to this danger, he argued for actions to increase public discussion and debate. According to Madison, "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 every part of them... is favorable to liberty*" (emphasis in original, 1999, 501). Here, Madison implicitly laid out the case for free and open debate carried out and facilitated by a free press. The point was clarified in later essays when he more clearly defined the role that the public should take. In "Government," published in the *National Gazette* on January 2, 1792, he argued that "every good citizen will be at once a centinel over the rights of the people; over the authorities of the con-federal government; and over both the rights and the authorities of the intermediate governments" (1999, 502). As Matthews notes, Madison believed that "If well-informed by the press, the people could form a defensive protection against tyranny" (1995, 158). Madison himself played such a role when he anonymously authored numerous editorials in the *National Gazette*. For Madison, "Counterpressure and balance contained the keys to freedom" (Matthews, 1995, 159).

The key idea at the core of Madison's conception of the public sphere was competition among interests about ideas. Madison believed that competition protected the people by making it less likely that any single interest could impose its will on the government. He also believed that in free and open debate in the long-term the best ideas were likely to win out. Matthews commented that "over the long run, Madison always believed that cool and calculated rational argument would win out over passion and hyperbole" (1995, 144). While Matthews was speaking of Madison's debate with Patrick Henry about ratification of the Constitution, the conclusion applies to the implicit theory of the public sphere in Madison's writings.

Madison and Mill both believed that free and open debate would produce competition among factions and ideas and both protect a society from tyrannical action and also make it more likely that sensible policies would be chosen. They also both believed that it was important to establish procedures to encourage expert consultation. They parted company over attempts to improve the public sphere either through education or by tinkering with the structure of democracy. On that topic, Mill was much more hopeful than Madison, who implicitly argued that only competition among interests can protect the public from the power of special interests.

##### *5. Conclusion: A Classically Liberal Approach to the Public Sphere*

The foregoing analysis of the implicit theories of the public sphere found in the

writings of Mill and Madison has important implications for a contemporary theory of the public sphere. A close reading of Mill and Madison indicates that the structures of government are in a sense merely means to an end. That end is to produce a public sphere that achieves two closely related aims: democratic decision making and effective decision making that confronts social problems, without infringing on basic rights. Some argue that the aim of democracy should be only to enable the people to rule and that any focus on effective problem solving is profoundly anti-democratic. Richard Matthews makes this claim, labeling Madison's vision of democracy as a "nightmare" and arguing for "the alternate dream of Jefferson," a form of participatory democracy (1995, 279). Yet, there is something very powerful in vision of Madison and Mill. Madison and Mill both recognized that the people are not always wise and that they are subject to passions of the moment. Surely this has been amply illustrated in U.S. history and that of other democracies as well. For most of U.S. history, people of color were denied all substantive rights because of the passions of what Madison would have called the dominant faction. Many examples of similar abuses or of irrational policy actions initiated by democratic bodies could be cited.

Madison and Mill believed to their very core in democratic principles, but also that certain basic rights must be protected in such a way that they are not easily altered. The principles that Mill discussed in *On Liberty* and that Madison wrote into the Bill of Rights are examples of this point. Both of them, especially Madison, also understood that something stronger than "parchment" is needed to both protect rights and produce effective decisions. That something, they both believed, is free and open debate informed by the best information available.

The foregoing suggests that a liberal theory of the public sphere should recognize that there are four key actors involved in public deliberation, each of which must fulfill a particular function in order for the democratic and the effective policy making functions to be fulfilled. The first actor is the public. For the public sphere to function effectively the public must at some minimal level attend to public debate. And the public also must possess enough knowledge to weigh whatever issue is under dispute. But the public cannot achieve these ends without assistance. The dream of a modern technological town-meeting of the air (or internet) is nonsense. For the public sphere to function, the representatives of the public must present all sides of whatever issue is being debated. If the representatives of the public are controlled by special interests then the public will not be exposed to the competing ideas and special interests will control

society. Madison saw this problem 215 years ago when he wrote in Federalist Number 10 that “Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption or by other means... betray the interests of the people” (1991, 165). It seems clear that the manipulations of an Enron or an Arthur Anderson would have been no surprise to Madison or Mill.

It is not enough, however that the representatives of the public sphere represent their views to the public. For the public sphere to function, those views must be informed by specialized knowledge that only experts can provide. Madison put this beautifully in Federalist Number 53, “No man can be a competent legislator who does not add to an upright intention and a sound judgment, a certain degree of knowledge of the subjects on which he is to legislate” (1999, 306). What was true in 1788 is far more true today. One can decry the dominance of technical reason, but on a host of topics it is simply not possible to take a sensible position without consulting experts in the field. Thus, for the liberal public sphere to function, the views of appropriate experts must be represented in public debate.

The final actor that must be present in the liberal public sphere is the media. For the public sphere to function, the views of the representatives of the public (and the expert community) must be easily available to the public. And competing views must be presented in juxtaposition or members of the public may simply consume perspectives consistent with their own prejudices. The media also play a crucial role in testing the views of the representatives of the public, oftentimes by comparing them to those of experts.

In summary, the analysis of the implicit theories of the public sphere present in Madison and Mill indicates that for the contemporary liberal public sphere to function effectively, four actors must each carry out specific duties. The public must in some minimal way attend to the debate. The representatives of the public must present the competing views on the issue. The knowledge of the expert community must be communicated accurately to both the representatives of the public and the public themselves. And all aspects of this debate must be presented to the public by the media in an accessible way. The foregoing analysis surely indicates the continuing relevance of Madison and Mill for examining public deliberation and debate.

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