

Colleen A. Sheehan



*James  
Madison*

*and the Spirit of  
Republican Self-Government*

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## James Madison and the Spirit of Republican Self-Government

In the first study that combines an in-depth examination of James Madison's *National Gazette* essays of 1791–92 with a study of *The Federalist*, Colleen A. Sheehan traces the evolution of Madison's conception of the politics of communication and public opinion throughout the Founding period, demonstrating how “the sovereign public” would form and rule in America.

Contrary to those scholars who claim that Madison dispensed with the need to form an active and virtuous citizenry, Sheehan argues that Madison's vision for the new nation was informed by the idea of republican self-government, whose manifestation he sought to bring about in the spirit and way of life of the American people. Madison's story is “the story of an idea” – the idea of America.

Colleen A. Sheehan is Professor of Political Science at Villanova University and has served in the Pennsylvania House of Representatives. She is the coeditor of *Friends of the Constitution: Writings of the Other Federalists, 1787–1788*, and author of numerous articles on the American Founding and eighteenth-century political and moral thought; these have appeared in journals such as the *William and Mary Quarterly*, *American Political Science Review*, *Review of Politics*, and *Persuasions: The Jane Austen Journal*.

*For Jack*

# James Madison and the Spirit of Republican Self-Government

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**CAMBRIDGE**  
UNIVERSITY PRESS

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press

The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9780521898744](http://www.cambridge.org/9780521898744)

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First published in print format 2009

ISBN-13 978-0-511-47466-8 eBook (Adobe Reader)

ISBN-13 978-0-521-89874-4 hardback

ISBN-13 978-0-521-72733-4 paperback

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## Acknowledgments

This book has been a long time in the making, and I have incurred a great many debts along the way to its completion. The Earhart Foundation, the James Madison Program in American Ideals and Institutions of Princeton University, the National Endowment for the Humanities, and Villanova University generously supported various stages of my research. I particularly wish to thank David Kennedy, Ingrid A. Gregg, Robby George, Bruce Cole, and Michael Poliakoff for their encouragement and support of this project.

Bente Polites, Special Collections Librarian of the Falvey Memorial Library of Villanova University, was critical to the progress of this book. Only with Bente's advice and assistance was I able to advance my research on French Enlightenment thinkers, especially Jacques Peuchet and Jean Jacques Barthélemy. I am also grateful to Andrew Bausch, Laura Butterfield, and Clyde Ray for their able research assistance, and to Douglas Rice and Luke Perez for their kind help in proofreading the manuscript.

John Doody, Lance Banning, William Allen, Michael McGiffert, Henry Olsen, Michael Fiore, Michelle Gorman, Wight Martindale, and Darren Staloff read portions of the manuscript and kindly offered recommendations for improvement. I am especially grateful to Alan Gibson, Ralph Lerner, and Paul Rahe, who reviewed the entire manuscript and offered many perceptive and immensely helpful comments and suggestions. I am deeply appreciative of the time they so generously gave and the knowledge they freely shared to make this a better work.

Over the many years that I have studied the American Founding, I owe the most to two scholars and friends: William B. Allen and Lance Banning. While Bill Allen did not introduce me to the study of the early Republic, he is a large part of the reason that I continued to pursue my interest in Madison and the American Founding so many years ago. Bill is an excellent

scholar and a superb teacher and mentor; our conversations over the years are really one conversation, for each time we talk we seem simply to pick up from where we left off, as if no time had elapsed. My debt to him is ongoing, and it is one that, try as I might, I am not able to repay.

Because of our mutual interest in the American Founding and especially in Madison, Lance Banning and I became colleagues and ultimately good friends. His work on Madison is unrivaled among scholars and will continue indefinitely to influence the way we understand the man from Montpelier. Since he cared more about advancing a sound understanding of Madison and the American Founding than he did about the accolades he personally deserved, Lance took the time to converse with me and other more junior scholars and unselfishly supported our work. Two years ago the still-young Lance Banning passed away unexpectedly, and we are poorer now that he is gone. Lance's legacy lives on, however, not only in the first-rate scholarship he left behind but also in the genuine community of interdisciplinary scholars on the Founding that he contributed so much to creating.

This book draws freely from some articles and essays that have appeared in somewhat different form in earlier publications. A small portion of Chapter 1 is based on "Madison's Party Press Essays," *Interpretation: A Journal in Political Philosophy* 7:3 (1990), 355–77. Portions of Chapters 2, 4, 5, and the Epilogue draw from "Madison v. Hamilton: The Battle over Republicanism and the Role of Public Opinion," originally published in the *American Political Science Review* 98:3 (2004), 405–24, and subsequently published in Douglas Ambrose and Robert W. T. Martin, eds., *The Many Faces of Alexander Hamilton: The Life and Legacy of America's Most Elusive Founding Father* (New York: New York University Press, 2006), 165–208. Chapter 3 is based largely on "Madison and the French Enlightenment: The Authority of Public Opinion," *William and Mary Quarterly* 49:3 (2002), 925–56. "The Commerce of Ideas and Cultivation of Character in Madison's Republic," in Bradley C. Watson, ed., *Civic Education and Culture* (Wilmington, Del.: ISI Books, 2006), 49–72, served as a preliminary draft for Chapter 4; parts of this essay are also blended into Chapters 1 and the Epilogue. A portion of Chapter 7 is taken from "The Politics of Public Opinion: James Madison's 'Notes on Government,'" *William and Mary Quarterly* 49:3 (1992), 609–27. I am grateful to the publishers of these journals and books for allowing me to reprint this material.

Throughout this undertaking, the constant support I have received from my family and friends has meant much to me. My best friend, Jack Doody, has been by my side through the thick and thin of this scholarly endeavor. He put up with me for all the times that we had to say "no" to a kind

invitation because I was working on “Madison.” I am fortunate to have as my husband a scholar and a critic who encourages me in my work and who is not satisfied unless I am. He has willingly devoted endless hours to our conversations on the Founding, most of them marked by patience and all of them by a great deal of cheerful encouragement. To him I dedicate this book.



## Abbreviations for Sources

- CSW Condorcet, Marie Jean Antoine Nicolas de Caritat. *Selected Writings*. Edited by Keith Michael Baker. Indianapolis: Bobbs-Merrill, 1976.
- Federalist* Hamilton, Alexander, James Madison, and John Jay. *The Federalist Papers*. Edited by Clinton Rossiter. Introduction and notes by Charles R. Kesler. New York: Mentor Books, [1788] 1999.
- PAH Syrett, Harold C. and Jacob E. Cooke, eds. *The Papers of Alexander Hamilton*, 26 vols. New York: Columbia University Press, 1961-79.
- PJM Hutchinson, William T. et al., eds. *The Papers of James Madison*. Chicago and Charlottesville: University of Chicago Press and University Press of Virginia, 1962-.
- PTJ Boyd, Julian P. et al., eds. *The Papers of Thomas Jefferson*. Princeton, N.J.: Princeton University Press, 1950-.
- SOL Montesquieu, Charles-Louis de Secondat, Baron de La Brède et de. *The Spirit of the Laws*. Translated and edited by Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone. Cambridge: Cambridge University Press, 1989.
- Voyage Barthélemy, Jean Jacques. *Voyage du jeune Anacharsis en Grèce dans le Milieu du Quatrième Siècle avant l'ère vulgaire*, 8 vols. Paris, 1788. The English translation used herein is Jean Jacques Barthélemy. *Travels of Anacharsis the Younger in Greece during the Middle of the Fourth Century before the Christian Aera*, 4th ed., 8 vols. London, 1806.

- WJA Adams, Charles Francis, ed. *The Works of John Adams*, 6 vols. Freeport, N.Y.: Books for Libraries Press, 1850-56.
- WJM Hunt, Gaillard, ed. *The Writings of James Madison*, 9 vols. New York: G. P. Putnam's Sons, 1900-10.
- WTJ Lipscomb, Andrew A. and Albert Ellery Bergh, eds. *The Writings of Thomas Jefferson*, Memorial edition, 20 vols. Washington, D.C.: The Thomas Jefferson Memorial Association, 1903-4.

## Preface

About two years ago I was flying from Burlington, Vermont, to the Midwest. Across the aisle an older gentleman in jeans and a crisp plaid shirt, with weathered skin and hands not afraid of hard work, slowly turned the pages of a thick tome that rested on his lap. When we landed and stood to collect our belongings, I saw that the book he had been reading was David McCullough's *John Adams*. When I asked what he thought of it, he told me that he found it to be a fascinating account of a man and an age he previously hadn't known a lot about. He mentioned that he found in the character of John Adams a man worth getting to know. I nodded ever so slightly and returned the gentle, friendly smile of, I supposed, a New England farmer as we turned to exit the plane and go our separate ways.

At the time, I was working night and day on the manuscript that would become this book. My goal then, as now, was to come to know Madison as well as I could and to try to convey that understanding to others. I realized then that I also hoped one day a New England farmer would read my book and remark that James Madison was a man worth getting to know. The difficulty was that I was not writing a biography but a work of political theory, which does not easily make for a good story, unless, of course, one is as talented as Plato, which I certainly am not. Another stiff challenge, even for the biographer, is that Madison was a quiet, reserved man whose life was not, like Alexander Hamilton's, for example, "so tumultuous" and "stuffed with high drama . . . that only an audacious novelist could have dreamed it up."<sup>1</sup> Madison was not born a bastard son of a Scotch peddler on a remote Caribbean island, nor was he mortally wounded in a duel of honor in the prime of his life. He was not brazen or impetuous or dashing. He had no

<sup>1</sup> Ron Chernow, *Alexander Hamilton* (New York: Penguin Books, 2004), 4.

love affair that would threaten public disgrace, in the face of which he would stand tall and accept full responsibility.

Madison was an unimposing and somewhat frail fellow who often had to be asked to speak up so that he could be heard. His sense of himself was marked by a plain solidity rather than the pained puritanical labors of John Adams or the Continental ease of Thomas Jefferson. He was neither condescending nor competitive for fame, but content to leave the glory to others, or better yet, to America.<sup>2</sup> Although he left behind a prolific set of writings, his correspondence was not crafted to be an open window upon his life and character. He did little if anything to construct a myth of himself for history.

In sum, Madison's modesty, steadiness of character, and scholarly habits do not lend themselves to the storyteller's penchant to display the eccentric and colorfully vivid moments of the human persona and drama. This is not to say, however, that Madison lacked passion or spiritedness. His relationships with his dearest friends, whether William Bradford in his college days or Thomas Jefferson throughout his life, show that it would be a grave mistake to dismiss him as a man without heart or chest.<sup>3</sup> In his mature years, he was as shy and standoffish at a formal dance as he was playful and loving with the nieces and nephews whom he adored. But openness of manner was for him the exception and not the rule; Madison was respected by virtually all of his contemporaries and intimately known by only a few. As a keen student of human nature once observed, though, the most "acute and retentive" human feelings seldom belong to one who makes a parade of speeches and emotions. They are more at home in the soul of "quiet grandeur."<sup>4</sup>

The period 1776–1800 is one of the most remarkable and engrossing stories of a nation's founding. Unlike the legendary foundings of the republics of antiquity, there was no single lawgiver who, after completing his work, retired to a distant land. Instead, the period following the establishment of the new American Constitution was stamped by the dramatic interplay among the diverse characters of the Founding generation and the force of their ideas. Despite his unassuming nature, Madison played as large a part in the drama of the early American republic as any of the Founders and a larger role than most of them. He served in many elected positions in Virginia and

<sup>2</sup> "Spirit of Governments," *PJM* 14:234.

<sup>3</sup> See C. S. Lewis's chapter, "Men Without Chests," in *The Abolition of Man* (New York: HarperCollins, 2001).

<sup>4</sup> See Jane Austen, *Emma*, in *The Complete Novels of Jane Austen*, 2 vols. (New York: Modern Library, 1992), 2:101; Leo Strauss, *What Is Political Philosophy?* (Westport, Conn.: Greenwood Press, 1959), 103–4.

the United States, including in the United States House of Representatives, as Jefferson's secretary of state, and, of course, as the fourth president of the United States. He was the leading man of ideas at the Constitutional Convention of 1787 and coauthored with Alexander Hamilton (and a minimal contribution from John Jay) *The Federalist*, which Jefferson called "the best commentary on the principles of government which ever was written."<sup>5</sup>

Only a short time later, however, he and Hamilton would be on the political outs, with Madison acting as the leading voice of the republican opposition to the Hamiltonian-led Federalist political and economic program. As a result of the party battles of the 1790s and Hamilton's influence with President Washington, Madison would ultimately find himself estranged from the president for whom he had previously acted as penman of his most important official addresses and speeches, including the First Inaugural Address.<sup>6</sup> The rupture would be a matter of some sadness for Madison, for Washington was a man he deeply esteemed. Despite his fundamental disagreements with Hamilton, he never ceased to respect him as well, particularly for the power of his mind. The same could not be said of his opinion of John Adams – one of the few men whose ideas as well as character Madison criticized quite harshly, albeit privately. Madison's early affiliation with Jefferson in Virginia politics grew into a deep and abiding personal friendship and political alliance that lasted throughout their lives.

Except for a hiatus during the late 1790s and early 1800s, the very different personalities and political views of Jefferson and John Adams did not stand in the way of a long and ultimately enduring friendship between them. Indeed, their work together on the committee that drafted the Declaration of Independence in 1776 came full circle on July 4, 1826, when the revolutionary collaborators died within hours of each other. If Jefferson and Adams were political enemies but personal friends, Adams and Hamilton shared many of the same political views and most of the same political opponents, but they were never friends; on more than one occasion, they were intraparty enemies. Madison's regard for Hamilton's intellect was paralleled by Jefferson's appreciation of Adams's revolutionary principles; Madison's dislike of Adams found common but harsher ground in Jefferson's detestation of Hamilton, which Hamilton returned in kind. The description of the relationships among the dramatis personae in the 1790s' political playbook reads a bit like a variation on the theme of *A Midsummer Night's Dream*,

<sup>5</sup> Jefferson to Madison, November 18, 1788, *PJM* 11:353.

<sup>6</sup> For an excellent treatment of the friendship between Washington and Madison see Stuart Leibiger, *Founding Friendship* (Charlottesville: University of Virginia Press, 2001).

though Washington, try as he might, was not able to conjure up Puck's power of the honest neighbor who makes them all friends.

Still, Madison's role in the drama of the American Founding is one thing, but what about Madison the man? The itch to come to know the Founders is, for many of us, the desire to come to know them personally. As in the case of great artists, we are often not satisfied with knowing them through their chosen form of self-revelation; we want to know them directly, to see into their souls.<sup>7</sup> But this is not always possible. In the case of the philosopher and writer, for example, often we come to know them better in the stories they told than in the stories that can be told about them. This, I think, is the way it is with Madison. Madison made a significant contribution in all of the political posts he held, but it is in the capacity of political thinker that he made the deepest and most indelible impression on our nation. As much as and perhaps more than any of the Founders, he thought through the original vision of the new republic and transformed it into reality. In a sense, his story is the story of an idea – the idea of America.

Americans are a people with a distinctive way of life that sets them apart from other peoples. With the French, or Chinese, or Iraqis, or Somalis, we share a common humanity and many of the same miseries and hopes. But we do not all love or hate the same things. We do not have all of the same principles or prejudices. Like individuals, each nation has a particular character and a unique story. To tell the story of a nation well, there must be a narrator who is able to see through the events and the details on the surface to the spirit that moves it and gives it its character. In *The Mind of the Maker*, Dorothy L. Sayers brilliantly captures the forces at work behind the creation of a story. In the art of writing, as in Christianity, she argues, there is a trinitarian structure that underlies the work. This consists of the idea, the activity, and the power. Behind the finished work (and the activity that produced it) is a creative idea that has the potential power to set all else in motion. The power proceeds from the idea and the activity together and is the means by which the work is communicated to others. It is the link that connects the immaterial idea to its material manifestation and brings the work to life.<sup>8</sup> “The Power – the Spirit – is . . . a social power, working to bring all minds into its own unity. . . .”<sup>9</sup> This same structure,

<sup>7</sup> See Dorothy L. Sayers, *The Mind of the Maker* (San Francisco: Harcourt, Brace and Company, 1941), 57.

<sup>8</sup> In Christianity the idea, the activity, and the power are indicative of the Father, the Son, and the Holy Spirit or the Word, the Flesh, and the Holy Spirit. The Word is made Flesh (the incarnation) by the power of the Holy Spirit. See John 1:14; cf. the Apostle's Creed.

<sup>9</sup> Sayers, *Mind of the Maker*, 131.

Sayers argues, is present in all forms of artistic creation and in fact in the mind of man. There is, for example, a trinitarian structure in human sight, consisting of the form seen, the act of seeing it, and the mental attention or power that correlates the two. These things are as separable in theory as they are inseparably present in the experience of sight.

I would argue that this same threefold pattern is at work in political life, particularly in the creative act of founding a new nation. What Sayers designates “idea,” “activity,” and “power” (or “spirit”), Aristotle called “principle,” “ethos,” and “spirit.” To understand a given political order, Aristotle taught, we must look beyond the political surface of the laws and see that there is a distinctive ethos that characterizes it. This activity, or way of life, is informed by a particular principle or idea. Between the principle and the activity there is a bridge that links them together, which we might call the “spirit” of the community. In free societies, this spirit finds expression in public opinion. This notion has been explored in our time by scholars such as Edward S. Corwin and A. D. Lindsay, who have argued for the importance of attending to the operative opinion that informs the political order and gives it life and force. According to Corwin, the regime, or constitution in the formal sense, is the “nucleus of a set of ideas.”<sup>10</sup> To understand a nation, Lindsay argued, one must primarily concern oneself “with the ideals which are actually operative – operative enough in men’s minds to make them go on obeying a particular form of government or, at times, to make them break up the government they are accustomed to and try to construct a new one.”<sup>11</sup>

This dynamic conception of politics marked the mind of Madison. To know him, we must come to understand his vision of America and the story he wrote in his mind before it was written upon the land. Madison’s narrative was informed by the idea of republican self-government, whose manifestation he sought to bring about in the way of life of the American people. He believed that this could not be accomplished without the link that connects the idea of self-government to the ethos of republicanism. He called

<sup>10</sup> Edward S. Corwin, *American Constitutional History* (New York: Harper and Row, 1954), 101.

<sup>11</sup> A. D. Lindsay, *The Modern Democratic State* (New York: Oxford University Press, 1962), 37. It is interesting to note that Lindsay edited a reissue of William Ellis’s renowned translation of Aristotle’s *A Treatise on Government*, an earlier edition of which was owned and studied by James Madison. In his introduction to this work, Lindsay argued that in the view of Plato and Aristotle, “no private education can hold out against the irresistible force of public opinion and the ordinary moral standards of society. But that makes it all the more essential that public opinion and social environment should not be left to grow up at haphazard as they ordinarily do. . . .”

this link the “spirit” of republican government. When released, this spirit is communicated to others through public opinion and results in certain intellectual and moral habits; it is the means by which the idea becomes an active energy that generates a process of republican self-renewal.

Such an approach to understanding the human arts, whether that of writing or music or sculpture or politics, is grounded in a view of human nature and human life that is dynamic and in which the phenomenon cannot be properly treated by a purely scientific, mechanical approach that merely devises a “solution” to a “problem.” “We can see St. Paul’s Cathedral purely in terms of the problems solved by the architect,” Sayers contends,

[in] the calculations of stress and strain imposed by the requirements of the site. But there is nothing there that will tell us why men were willing to risk death to save St. Paul’s from destruction; or why the bomb that crashed through its roof was felt by millions like a blow over the heart.<sup>12</sup>

One need only recall the well-known photograph of St. Paul’s Cathedral during the December 1940 bombing of London to know what Sayers means. Or perhaps the image of the twin towers of New York, now no longer standing but indelibly burnt upon the American mind, furnishes our generation the picture Sayers painted in words for an earlier one. Not every challenge that we are faced with in life is a problem to be solved. Sometimes what is before us is the challenge of a work to be made.<sup>13</sup> If we fail to recognize the potential power of an idea or a principle to inspire the souls and actions of human beings, we will not be able to understand the mind of Madison, any more than we would be able to understand a Washington or a Lincoln or a Churchill, or the citizens who gave their lives in the wars over which they presided.

This power is rooted in the freedom of the human mind and will. The nature of human freedom is precisely what allows for, indeed calls for, a creative idea that has the power to inspire and guide it. This is the task of the creator, but it is one that has certain natural laws and limits. A parent creates a child, a writer creates a character. A Founder creates a nation – a people. But like the parent or literary artist, the Founder can have only partial control over what he has created. He must recognize the essential freedom of mind and will of the characters he has formed. His own freedom consists in applying his energy to the form and limits of the medium within which he works so that it is not wrenched from the process of development

<sup>12</sup> Sayers, *Mind of the Maker*, 193–94.

<sup>13</sup> *Ibid.*, 181–216.

that is natural to it. “The business of the creator is not to escape from his material medium or to bully it,” Sayers argues, “but to serve it,” and “to serve it he must love it.”<sup>14</sup>

In the first of his *Federalist* essays devoted to the character of the new government, Madison described the medium in which the Framers worked and the cause they served, as he understood it. “The genius of the people of America” and “the fundamental principles of the Revolution,” he said, demand republican government. Only a genuine republic is reconcilable “with that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government.”<sup>15</sup> For James Madison, to serve the cause of America meant to respect the freedom that cannot be taken from human beings without doing violence to their natures. To love the land and its people meant to cherish what they stood for and to trust in what they would become. This is the drama of self-government that Madison envisioned unfolding and wrapping around the minds and spirit of the American people. It is the story of the power of an idea.

<sup>14</sup> Ibid., 66.

<sup>15</sup> *Federalist* 39:208.



## Introduction

### *Madison's Legacy*

The land was ours before we were the land's,  
She was our land more than a hundred years  
Before we were her people. She was ours  
In Massachusetts, in Virginia,  
But we were England's, still colonials,  
Possessing what we still were unpossessed by,  
Possessed by what we now no more possessed.  
Something we were withholding made us weak  
Until we found out that it was ourselves  
We were withholding from our land of living,  
And forthwith found salvation in surrender.  
Such as we were we gave ourselves outright  
(The deed of gift was many deeds of war)  
To the land vaguely realizing westward,  
But still unstoried, artless, unenhanced,  
Such as she was, such as she would become.

Robert Frost, "The Gift Outright"

At President John F. Kennedy's inauguration in 1961, the capital blanketed with freshly fallen snow and capped by a glaring winter's sun, Robert Frost was scheduled to read his newly composed poem "Dedication." The conditions made it impossible for him to see the pages, so instead he delivered from memory an older verse about the birth of America – a poem, he once said, "about what Madison may have thought."<sup>1</sup> "The land was ours before

<sup>1</sup> Robert Frost, "An Extemporaneous Talk for Students," Sarah Lawrence College, June 7, 1956, in K. L. Knickbocker and H. Willard Reninger, eds., *Preliminaries to Literary Judgment: Interpreting Literature*, 5th ed. (New York: Holt Rinehart & Winston, 1974), 808. During this talk Frost remarked: "Now I thought I would say a poem to you – a poem about what Madison may have thought. This is called 'The Gift Outright' and it is my story of the