

The Papers of James Madison, Vol. 9, 9 April 1786 — 24 May 1787 with supplement 1781–1784. Edited by ROBERT A. RUTLAND and WILLIAM M. E. RACHAL. (Chicago: The University of Chicago Press, 1975. Pp. xxv, 447. \$18.50.)

Like its predecessors, this volume presents the papers of Madison in a readable format with extensive notes. It covers what the editors rightly regard as "perhaps the most creative and productive year of James Madison's career as a political thinker." Madison's preoccupation during this period was with the future of the Articles of Confederation. Evidence indicates, he wrote, "that the existing Confederacy is tottering to its foundation." As a member of both the Virginia House of Delegates and Congress, as well as the Annapolis Convention, Madison had first-hand experience of its failures.

His most comprehensive reflections on the subject are contained in an essay, "Vices of the Political System of the United States," written in the spring of 1787 as a preparation for the Philadelphia Convention and as a companion piece to the "Ancient and Modern Confederacies" prepared a year earlier. In an argument that was to be developed *in extenso* in *The Federalist*, Madison wrote that the vices of the present Confederation "result so naturally from the number and independent authority of the States and [have] been so uniformly exemplified in every similar Confederacy" that they must be considered as "permanently inherent" in that form of government. No reform, however extensive, that adhered to the Confederal principle could possibly succeed.

The maladministration and mutability of state laws, Madison wrote, brings "into question the fundamental principle of republican Government, that the majority who rule such Governments, are the safest Guardians both of public Good and private rights." Without a resolution of the problem of majority faction, Madison felt that no republican government which truly deserved the name could ever exist. Madison's solution, as is well known, was the extended commercial republic, one which would entail "such a modification of the Sovereignty as will render it sufficiently neutral between the different interests and factions, to controul one part of the Society from invading the rights of another."

The burning question in 1786–87 was how much an alteration of the Articles this solution would require. In a letter to Washington in April 1787 Madison was explicit: "I have sought for some middle ground, which may at once support a due supremacy of the national authority, and not exclude the local authorities whenever they can be subordinately useful." He was adamant that the new Constitution must be a creation of the people, not the states: "To give a new System its proper validity and energy, a ratification must be obtained from the people, and not merely from the ordinary authority of the Legislatures. This will be the more essential as inroads on the existing Constitutions of the States will be unavoidable."

To buttress the power of the national authority Madison proposed "a negative in all cases whatsoever on the legislative acts of the States." This, he continued, "appears to me to be absolutely necessary." Madison did not carry the latter point, but he was able to put his opponents at the Philadelphia Convention on the defensive by presenting the Virginia Plan almost as a *fait accompli*. Evidence of this is the fact that the New Jersey Plan, submitted as a counter proposal to the Virginia Plan, contained a supremacy clause. Even the most "confederal" delegates to the Convention had come to regard some form of national supremacy as the

sine qua non of republican government. This volume is an indispensable source of Madison's thought on the eve of the Convention.

EDWARD J. ERLER

California State College, San Bernardino