

The Papers of James Madison. Volume 9: 9 April 1786–24 May 1787 with Supplement 1781–1784. Edited by Robert A. Rutland, William M. E. Rachal, and others. (Chicago and London: University of Chicago Press, 1975. Pp. xxvi, 447. \$18.50.)

This volume of the Madison Papers begins the record of Madison's four years of greatness, when he prepared for the convention of 1787, took the lead in its proceedings, engaged strenuously and successfully in ratification, and served at Washington's side and in the House of Representatives to set the new government in motion. From the spring of 1786, when, as this volume documents, Madison compiled his "Notes on Ancient and Modern Confederacies," until the winter of 1790, when his dissent from Hamilton's fiscal plans marked the beginning of party divisions, Madison was the intellectual and political leader in establishing government under the new Constitution. Thus, his papers, including letters to him from important or strategically placed correspondents, may be the single most important source for discerning the state of mind undergirding the Constitution and the Bill of Rights.

Lawyers and political scientists will be especially interested in such a context, of course. For example, though Madison had a keen sense of the weakness of government under the Articles of Confederation, including deficiencies in taxing power, regulation of interstate commerce, power to enforce treaties, and foreign relations, his main concern was with the derelictions of the state governments. State laws, Madison complained, were deficient in their multiplicity ("a nuisance of the most pestilent kind" [p. 353]), their "mutability," and their injustice. This latter was worst of all "because it brings . . . into question the fundamental principle of republican Government, that the majority who rule in such Governments, are the safest Guardians both of public Good and of private rights" (p. 354). Thus, in proposing a stronger federal government Madison had in mind, explicitly and preeminently, the need to refine or modulate what to him were the excesses of majority rule in precisely the places where it acted most unrestrainedly, in the state legislatures. His intent is clear, too, to establish both "the public Good" and "private rights" as higher principles than mere majority will. But he maintained fidelity to government by consent by arguing that an enlarged republic will "lessen the insecurity

of private rights . . . not because the impulse of a common interest or passion is less predominant in this case . . . but because . . . a greater variety of interests, of pursuits, of passions . . . [would] check each other . . . (pp. 356-57). Madison's concern, then, is *not* primarily with enlarging federal power in order to broker conflicting interests on a national scale but rather with *neutralizing* those interests in order that private rights and the public good can be maintained. This understanding, properly recognized, sets critical guidelines for Presidents, congressmen, judges, state legislators, and lawyers.

As we have come to expect now, the editors have done their work meticulously, helpfully, and on the whole unobtrusively. Editorial notes on Madison's service in the Virginia Assembly and in the dissolving Continental Congress continue to afford the best analyses available of the dynamics and accomplishments of those bodies. Only the editors' narrowly literal interpretation, which denies Madison's agency in promoting the Annapolis convention, seems dubious. They are doubtless right as to specific motions and resolves, but this misses the more important point that Madison moved adroitly if covertly in the Virginia Assembly to enhance and use the Annapolis convention as part of his campaign for stronger federal powers. Altogether, though, this volume is an enticing start for what will be the most valuable part of *The Papers of James Madison*.

Syracuse University

RALPH L. KETCHAM