

James Madison's Political and Constitutional
Thought Reconsidered
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The Political Philosophy of James Madison. By GARRETT WARD SHELDON. (Baltimore: The Johns Hopkins University Press, 2001. Pp. xvi, 141. \$32.00.)

The Papers of James Madison, Secretary of State Series, vols. 4–5, *October 1802–October 1803*. Edited by J.C.A. STAGG et al. (Charlottesville and London: The University Press of Virginia, 1998; 2000. Pp. xlv, 673; xxxviii, 643. \$65.00; \$67.50.)

The Papers of James Madison, Presidential Series, vols. 2–4, *October 1809–July 1812*. Edited by J.C.A. STAGG et al. (Charlottesville and London: The University Press of Virginia, 1992; 1996; 1999. Pp. xlvi, 647; xlv, 584; xlv, 675. \$50.00; \$55.00; \$65.00.)

As early as the eighteenth century among Federalists and until as recently as the 1980s among scholars, conventional wisdom held that James Madison pursued an erratic course through the early national period, waffling from strident nationalism in the 1780s to states' rights in the 1790s and back to nationalism in the early nineteenth century. The publication during the past three decades of twenty-six volumes of *The Papers of James Madison*, running through the year 1803 (plus most of the first term of his presidency), has prepared the ground for a reassessment of this all-important founder. Drawing on this treasure trove of source material, a number of historians, most notably Lance Banning and Drew McCoy, have shifted the consensus in Madison's favor, persuasively arguing that Madison did adhere rather consistently to fundamental political and constitutional principles. These principles include Madison's scrupulous commitment to personal rights, to the republican form of government, and to the Constitution as understood by the American people when they ratified it in 1788. Debate still rages, however, as to whether Madison was influenced more heavily by Lockean liberalism or by classical republicanism.

Like other recent works, Garrett Ward Sheldon's *The Political Philosophy of James Madison* searches for "underlying coherence" (p. xi) in the founder's thought. Sheldon, John Morton Beatty Professor of Political and Social Science at the University of Virginia's College at Wise, attempts to synthesize and reconcile much of the new Madison scholarship and also provides new insights into Madison's thinking. Sheldon's thesis is that throughout his career, Madison oscillated between nationalist liberalism and states' rights republicanism depending on

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whether the states or the federal government at the time posed the greater threat to American liberty. Underlying these two shifting strains in Madison's thought Sheldon discerns a bedrock ideology: a Calvinist belief in the fundamental sinfulness of human beings. Owing to man's flawed and imperfect nature, government was essential, and to be effective, it must check, balance, and neutralize the human proclivity to sin.

In the most original part of the book, Sheldon discusses the heavy impact of the evangelical Calvinism of the Great Awakening on Madison. Attending John Witherspoon's lectures at the College of New Jersey shaped the young Virginian's worldview. Under Witherspoon's tutelage, Madison became much more religious than is commonly recognized, absorbing Presbyterian doctrines of human depravity and the necessity of balanced government. Sheldon maintains that Madison's "political theory cannot be understood apart from his theology" (p. 23) learned at Princeton. After completing his studies and returning to his native state, Madison found to his disgust a worldly and uninspired Anglican establishment persecuting adherents of the Baptist and Presbyterian faiths. His ensuing crusade for freedom of religion, contends Sheldon, was driven not by religious impartiality but by sympathy for oppressed evangelicals. In an environment of free expression, Madison expected his own favorite version of Christianity to flourish.

The rest of the work is less original but does an excellent job of synthesizing and reconciling recent scholarship on Madison. Sheldon argues that the 1780s were years of Federalist nationalism for Madison, during which a Lockean-liberal concern for individual rights dominated his thinking. Witnessing the states' jealous refusal to grant Congress powers vital to the Confederation's survival as well as majority violations of the rights of minorities in the states, Madison became convinced of the need to strengthen the national government at the states' expense. At the 1787 Federal Convention, Madison favored a regime that would divide, check, and balance political power to neutralize man's selfish instincts. Thus Madison sought to split authority between the state and federal levels of government and between the three co-equal branches of the federal government. Madison also made what would become his famous Tenth Federalist argument that in a large republic, self-interested factions would cancel one another, allowing the public good to prevail.

While the 1780s were nationalist, Lockean-liberal years for Madison, the 1790s constituted a classical republican decade. Perceiving a new threat to liberty not from the states but from an all-mighty federal government threatening to consolidate political power in the executive branch, Madison turned to states' rights as his weapon. In resisting what he regarded as President John Adams's drive toward monarchy,

Madison now employed the language of classical republicanism: "power" and "corruption" were poised to overwhelm "liberty." Madison's counterattack, culminating in the 1798 Virginia Resolutions and the subsequent report clarifying those resolutions, called for "state interposition," not to nullify but to overturn through constitutional means available to the states the administration's unconstitutional Alien and Sedition Acts.

Sheldon suggests that as secretary of state under President Thomas Jefferson and later as president himself, Madison combined liberal and republican elements into a political philosophy that emphasized state control of internal affairs and centralized national authority over foreign affairs. Thus Madison saw no constitutional inconsistency in purchasing Louisiana or enforcing the Embargo and then vetoing internal improvements legislation. Sheldon portrays Madison in retirement as still trying to walk a narrow line between states' rights republicanism and nationalist liberalism. On the one hand, Madison condemned the federal government for blurring the distinctions between its three branches, while on the other hand, he rejected the doctrine of nullification and upheld the perpetuity of the Union.

To distill Madison's essential political philosophy succinctly and to trace it across a long and diverse career is a challenging undertaking Sheldon performs most admirably. There are inevitably areas that receive inadequate space, such as Madison's personal and public struggles over a bill of rights. In general, the first half of the 1790s draws almost no attention, producing the misleading impression that John Adams rather than Alexander Hamilton initiated the constitutional doctrines Madison so detested. The real *bête noire* was Hamilton's attempt to find implied powers in the Constitution to fashion a more energetic national government. Sheldon fails to make sufficiently clear that it was not the extent of federal power sought by Hamilton that troubled Madison so much as the unconstitutional manner in which the Treasury secretary tried to obtain it.

It is one thing to uphold constitutional principle when out of power, as did Madison during the 1790s, quite another to hew the line of strict construction when in control of the executive branch. That was the challenge facing Madison during his tenure as secretary of state for the eight years of Jefferson's administration and during his own subsequent presidency. The latest volumes of *The Papers of James Madison* provide opportunities both to test Sheldon's thesis and to see how well Madison adhered to his philosophies in office. Volumes 4 and 5 of the Secretary of State Series, running from October 1802 to October 1803, cover thirteen critical months of early nineteenth-century diplomacy. As France and Great Britain once again prepared for war, the rival powers

jockeyed for military and diplomatic advantage, and the repercussions were felt thousands of miles away in the Mississippi Valley of North America. Spain returned Louisiana, acquired in the 1763 peace treaty that ended the Seven Years' War, to Napoleon's France; the Spanish intendant in New Orleans closed the port to American trade; and the ensuing crisis for the United States resulted, to American diplomats' surprise, in the Louisiana Purchase. These matters demanded Madison's attention, though he possessed few hard facts about either the retrocession of Louisiana or the intendant's actions at New Orleans. In fact, Madison wrongly hypothesized that the Spanish official acted on his own rather than on royal instructions.

Overshadowing such details was the fundamental danger to American interests posed by the new situation. Of that Madison was certain: the foreign actions posed such a grave threat to western commerce that they had to be satisfactorily settled once and for all. Despite outrage in the west and hawkishness from francophobic Federalists in Congress, the administration pursued a peaceful resolution by sending James Monroe to join Robert R. Livingston in Paris, with authority to offer two million dollars for the purchase of New Orleans and West Florida. Napoleon surprised the negotiators by offering them all of Louisiana for fifteen million dollars, a deal Monroe and Livingston readily accepted. The result owed much to hard-nosed diplomacy, in which the United States made clear that it would protect its vital interests at all costs. Yet several additional factors account for this smashing diplomatic success, including France's inability to suppress the Haitian Revolution and its imminent war with Great Britain. France simply could not afford to drive the United States into the arms of its traditional enemy, who would likely seize Louisiana in a war. The militant response of westerners and Federalists lent credence to the administration's veiled threats. Madison himself conceded that a favorable outcome hinged on outside circumstances; "political management," he observed in June 1803, "consists rather in taking advantage of events as they occur, than in precisely foreseeing or inviting them" (State, 5:112).

The Secretary of State volumes show the difficulties of conducting foreign policy in an age of slow and irregular communications. Writing instructions that he knew would not be received for weeks, Madison tried to anticipate changing circumstances and granted considerable discretion to overseas diplomats. It was nevertheless difficult for Madison not to offer vague and inadequate directions that often did not address very fluid circumstances abroad. Letters to Madison from the key American ministers abroad, notably, Livingston in Paris and Charles Pinckney in Madrid, convey the frustrations of having either impa-

tiently to await instructions that were often months in coming while favorable opportunities to negotiate beckoned or to proceed on their own best judgment and hope their actions would not be disavowed later by their government. With packet ships not yet in service, Madison and his ministers abroad amazingly often had to ask private travelers to hand deliver diplomatic letters and sent several copies by different carriers in hopes one might reach its destination quickly. One of the keys to Madison's successful diplomacy as secretary of state was having talented negotiators, such as Monroe, in whose discretionary judgment he could confide. While in some respects Madison possessed brilliant qualifications to conduct foreign policy (his knowledge of history, international law, and the French language, for example), in other respects he was something of a novice, because he had never journeyed outside the country, let alone engaged in diplomacy at a foreign court.

The Louisiana Purchase offers an interesting study in Madison's constitutional thought. Madison's papers make no mention of the constitutionality of enlarging the United States through the purchase of land from a foreign nation until the Louisiana treaty arrived from Paris in July 1803. As early as January 1803, it had been the administration's intent to buy land, although not quite so much of it, but only at the last minute did the constitutionality of purchase become an issue. Once the treaty reached him, Madison suddenly took the constitutional issue seriously enough to draft a possible amendment legalizing the transaction. The three-sentence draft annexes to the United States the territory of Louisiana and "other adjacent territories which shall be justly acquired" (State, 5:156). If, as Sheldon argues, Madison believed in vast federal foreign policy powers, why did he draft the amendment? Out of deference to Jefferson's constitutional scruples? Because of the enormity of the Purchase? To stave off political attacks? In the end, the administration abandoned the idea because it did not want to jeopardize such a beneficial treaty. Madison's actions suggest that perhaps he did not favor quite as large a federal foreign policy power as Sheldon suggests. Yet his behavior can hardly be dismissed as hypocritical abandonment of principle in favor of expediency. Rather, Madison sincerely attempted to reconcile his political theory with reality, as he did on so many other occasions in his career. Madison's genuine concern for the Constitution during the Louisiana crisis can be seen not only in his indecision over an amendment but also in his worries that the Federalists would try to use the crisis to overstep the Constitution through a military buildup, war, and executive despotism.

Madison enjoyed far less success in foreign affairs during his tenure as president. Volumes 2, 3, and 4 of the Presidential Series, running from October 1809 to July 1812, document Madison's frustrating experience

managing the United States' painfully slow descent into the War of 1812 with Great Britain over the impressment of American sailors and the seizures of American merchant vessels. Why did Madison's diplomacy succeed so brilliantly early on as secretary of state but fail so miserably in the first years of his presidency? The documents in these volumes suggest at least three possible explanations. First, while international circumstances worked to Madison's advantage in 1803, they conspired against him in 1809–1812. Both France and Great Britain simply refused to respect America's commercial rights in the midst of the Napoleonic Wars, in which each belligerent fought for national survival. Second, the Madison administration lacked the talent that the Jefferson administration possessed. Whereas President Jefferson could confidently delegate diplomatic correspondence to the gifted Madison, President Madison unwisely saddled himself with the incompetent Robert R. Smith as secretary of state. Smith proved so incapable of handling correspondence that the already overworked Madison had little choice but to compose it himself. Eventually, in March 1811, Madison found it necessary to demand Smith's resignation.

Third and most important, Madison's executive philosophy virtually guaranteed that he would not provide strong enough leadership during a national crisis. Madison's messages to Congress are rather passive documents suggesting matters, such as military preparedness, for legislative consideration. After submitting messages to Congress, Madison vainly awaited results rather than applying pressure and twisting arms to get action. To explain this characteristic, much has been made of Madison's mild personality and temperament, but further attention should be given to the influence of his political thought. To a large extent, Madison's executive governance was a product of his commitment to the Constitution as he believed it to have been understood by the American people when they ratified it in 1788. Madison's leadership also reflected his belief that the Federalists had tried to undermine the Constitution through executive aggrandizement in the 1790s. As the first American president to take the nation into a declared war, Madison, like George Washington before him, was very wary of executive precedents. Madison's popularity among his contemporaries indicates that most Americans shared his values. His philosophy of limited executive leadership is one important area of his political thinking that Sheldon's *Political Philosophy of James Madison* does not address. Whatever Madison's executive shortcomings, these volumes make abundantly clear that he has been judged too harshly by generations of historians. Even a president with a twentieth-century notion of presidential power would probably have been overwhelmed by the problems Madison faced.

Scholars have neglected Madison's presidency, in part because of the difficulty of researching it. Because Madison did not retain many of his presidential letters, only about one-half of his executive papers can be found at the Library of Congress. The full collection, gathered from more than 250 repositories and printed in this definitive letterpress edition, shows the breadth and scope of Madison's executive functions. These volumes will be invaluable not just to Madison enthusiasts but to anyone interested in the early republic. True, there is not much on Madison the husband, step-father, planter, and slaveholder (Madison weeded out and destroyed his private correspondence), but there are many letters to the president from all ranks of Americans on a host of topics.

The documents in these volumes pose challenges that the editors have judiciously handled. The documents appear in chronological order, transcribed as literally as possible, followed by careful annotation that is useful but not overbearing. In selecting among the voluminous papers, the editors omitted several categories of routine administrative items and many letters from office seekers. In the interest of economy, approximately one-half the documents in the Secretary of State volumes and a smaller amount in the Presidential volumes have been abstracted rather than transcribed in full. Abstracted items tend to be lengthy incoming letters, many from consuls stationed overseas. The editors have transcribed foreign language letters in the original followed by a condensed translation. Editorial notes on topics such as the West Florida Crisis of 1810 and the marquis de Lafayette's Louisiana lands provide essential background and context. By reassembling long-dispersed nineteenth-century papers, a task that Madison himself began in retirement but did not come close to completing, these volumes make it possible to discern consistent constitutional principles undergirding an ostensibly tortuous public career.