

JAMES MADISON

1751 - 1836

“Eloquence has been defined to be the art of persuasion. If it included persuasion by convincing, Mr. Madison was the most eloquent man I ever heard.”

Patrick Henry, letter to an unidentified correspondent

November 12, 1790

JAMES MADISON

Born

March 16, 1751, Port Conway, King George County, Virginia; son of James Madison Sr. (family emigrated to Virginia in 1653) and Nelly Conway [Madison].

Education

Studied under private tutors and was graduated from the College of New Jersey, now Princeton) in 1771.

Religion

Episcopalian

Family

At the age of 43 married Dolley Payne Todd on September 15, 1794; they had no children.

Accomplishments

Committee of Safety for Orange County, Virginia (1774)

General Assembly of Virginia (1776)

Virginia Council of State (1778-79)

Continental Congress (1780-83; 87-88)

Virginia House of Delegates (1784-86)

Annapolis Convention (1786)

Constitutional Convention (1787)

Co-author, the *Federalist Papers* (1787-88)

United States House of Representatives (1789-97)

Secretary of State (1801-09)

President of the United States (1809-17)

Rector of the University of Virginia (1826-36)

Died

June 28, 1836, at his home, Montpelier, in Virginia, where he is buried.

Last Words

"Nothing more than a change of mind, my dear."

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FATHER OF THE CONSTITUTION

James Madison is generally regarded as the Father of the United States Constitution. No other delegate was better prepared for the Federal Convention of 1787, and no one contributed more than Madison to shaping the ideas and contours of the document or to explaining its meaning. In 1787 and 1788 Madison authored, with Alexander Hamilton and John Jay, the *Federalist Papers*, a penetrating commentary on the principles and processes of the proposed Constitution. In 1789, as a member and leading voice in the House of Representatives in the new Republic, Madison introduced a series of constitutional amendments that would form the basis of the Bill of Rights. A few years later, he and Thomas Jefferson organized the opposition to Alexander Hamilton's administrative policies, thereby founding the first political party in America.

Winston Churchill once said that a man must choose either a life of words or a life of action. Like Churchill, Madison demonstrated that rare individuals could be both scholars and statesmen. His scholarly quest to discover the means by which popular government could also be just government was not merely academic; his dedication to finding a "republican remedy" to the problems that had always plagued popular government was meant to answer the "sighs of humanity" throughout the ages. Madison believed that he and his generation of American Founders had discovered the way to rescue popular government from its past failures, but that its ultimate success depended on the great experiment in self-government

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entrusted to the hands of future generations. The destiny of republican government, Madison believed, is staked on the vigilance of the American people to tend “the sacred fire of liberty.”

The Life of Madison

JAMES MADISON JR. WAS BORN IN 1751 in Port Conway, Virginia. At the age of 18 he entered the College of New Jersey, now Princeton University, where he studied history, classics, moral philosophy, politics, and law. Called by some of his friends “Jemmy,” he was five foot six, of slight build, quiet voice, serious demeanor, and scholarly habits. He was, unfortunately, plagued with ill health in his youth and intermittently throughout his life. This notwithstanding, on more than one occasion Madison worked himself to exhaustion despite the protests of his dearest friends.

During the revolutionary years Madison served in the general assembly of Virginia, the Continental Congress, and the Congress under the Articles of Confederation. In the mid 1780s he served in the Virginia House of Delegates, and in 1786 he attended the Annapolis Convention, the precursor to the Federal Convention. Soon thereafter he began preparing for the Federal Convention, to be held in Philadelphia the following summer, by combing ancient and modern texts that might contribute to an understanding of stable and effective federal government and to solutions to the problems faced by popular government over the ages.

Madison arrived early at Philadelphia and used the time before the Convention commenced to meet with fellow delegates from Virginia and Pennsylvania to formulate the opening agenda. Though introduced by Madison’s friend and then governor of Virginia, Edmund Randolph, the “Virginia Plan” was largely the brain child of James Madison. Calling for a stronger central government and a bicameral legislature, the Virginia Plan became the basis for subsequent discussions and debate at the Convention and laid the groundwork for the Constitution of 1787. Throughout the long, hot summer at Philadelphia, Madison took exten-

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sive notes on the proceedings, and it is primarily this record that has provided us with a knowledge of the speeches and debates of that propitious gathering. During the New York ratification debates he collaborated with Hamilton and Jay on a series of essays in support of the proposed Constitution. Their combined efforts produced the *Federalist Papers*, which is generally considered the most definitive exposition of the tenets of American republicanism.

In the late 1780s and 1790s Madison served four terms in the House of Representatives, and then served as secretary of state under President Thomas Jefferson. Madison succeeded Jefferson in the office of the chief executive, serving two terms as the fourth president of the United States. During the War of 1812, sometimes called “Mr. Madison’s War,” he and his wife Dolley were forced to flee the White House in Washington, D.C., as the British destroyed it and its contents in a devastating fire.

Following his presidency, Madison retired to his family estate at Montpelier, only a partial day’s ride from his closest friend’s residence at Monticello. The road between the homes of James Madison and Thomas Jefferson is today fittingly named “Constitution Way,” linking the two friends and their greatest achievements in an uninterrupted ribbon leading from the ideas of the Declaration of Independence to the principles of the American Constitution. Together Jefferson and Madison worked on founding the University of Virginia, where, they hoped, the “true doctrines of liberty” might be inculcated into future statesmen.

During his twilight years, in which he was “the last of the founders” remaining on the American scene, Madison became increasingly disturbed by the secessionist theories of Senator John C. Calhoun of South Carolina. Though Calhoun attempted to defend his theories with the political thought and writings of Jefferson and Madison, Madison clarified his position that the union of the states was justly founded on the consent of the people of the several states, and as such can only be altered through the prescribed constitutional processes. There is no constitutional basis, he argued, for the right of secession in the compact of a free

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A Bill of Rights

The Constitutional Convention unanimously defeated a motion to draw up a bill of rights for the new Constitution. Why did the framers reject this added protection?

First, the Constitution did contain numerous guarantees, such as trial by jury and habeas corpus, and prohibitions, such as those against religious tests and the impairment of contracts. Second, a national bill of rights was thought to be unnecessary because a bill of rights was already included in most state constitutions. Third, and most important, the framers created a government of specific, limited powers. “Why declare that things shall not be done,” Alexander Hamilton asked, “which there is no power to do?”

Nevertheless, the lack of a formal bill of rights became a rallying cry during the ratification debate and the advocates of the Constitution agreed to add one.

When the First Congress convened in March 1789, Representative James Madison took charge of the process and quickly got 17 amendments passed through the House of Representatives, a list that was trimmed to 12 in the Senate. President Washington sent each of the states a copy of the 12 amendments adopted by the Congress. The

first two proposed amendments, concerning the number of constituents for each Representative and the compensation of congressmen, were not ratified. (The second proposed amendment was eventually ratified as the 27th Amendment in 1992.) By December 15, 1791, three-fourths of the states had ratified the 10 amendments now known as the Bill of Rights.

Based largely on George Mason’s “Declaration of Rights” written for the Virginia Constitution of 1776, but framed in its final form by Madison, the clear purpose of the Bill of Rights was to restrict the federal government. The First Amendment guarantees substantive rights involving religion, speech, press, assembly and petition, while the next seven deal with more procedural rights, such as protections against searches and seizures and double jeopardy and the guarantees of due process and the right to bear arms. The Ninth Amendment notes that the listing of rights in the Constitution does not deny or disparage others retained by the people, and the 10th Amendment notes that the powers of the national government are limited to only those delegated to it by the Constitution on behalf of the people.

—MS



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people. Madison's last public writing—the “advice to my country” nearest to his heart and deepest in his convictions — was that the American union be cherished and perpetuated.

Having served his country for more than forty years and taken part in the founding “epochs of its destiny,” Madison had throughout his life dedicated himself “to the cause of liberty.” He died “as quietly as the snuff of a candle goes out” on the morning of June 28, 1836, at the age of 85.

The Extended Republic and Representation

MADISON BELIEVED ALONG WITH his contemporaries that the great danger to popular government is faction. A faction, Madison explained in Federalist No. 10, is a number of citizens “united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.” In a free society, factions that consist of a minority of the citizens are not constitutionally dangerous because, given the principle of majority rule, they cannot legally gain their ends. However, if a majority composes a faction, might pretends to determine right and the very purpose of government and the fabric of freedom are threatened with destruction. The problem is that the causes of faction and injustice are “sown in the nature of man.”

Factions stem from self-interest and prejudice, which in turn tend to influence people's opinions and views. Since the causes of a faction cannot be removed without coercing people's minds and destroying liberty, Madison advocated a system of government that could control the effects of faction and deter the formation of an unjust majority. His proposed remedy included establishing a popular government over a large territory and instituting the principle of representation.

The size of the territory matters, Madison argued, because in a small republic it is easy for a majority to communicate and unite on the basis of selfish interest or prejudice and thereby oppress the minority. In an exten-

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sive republic, however, there will be more people, a greater diversity of interests and views, and a greater distance over which their views must be communicated. This will make it more difficult for a majority to form on the basis of a narrow interest or harmful passion. In a large society a *coalition* of the majority will be necessary in order to achieve an authoritative status, and its demands will have to pass muster with a great variety of economic, geographical, religious, and other groups in society. In effect, Madison was the first in America to celebrate the benefits of a diverse population, welcoming the differences that freedom of conscience, freedom of thought, freedom of choice of occupation, and display of talents bring forth.

This did not mean for Madison, however, that the American people have no need to be guided by a common purpose. Dedication to the principles of freedom also meant a common commitment to the idea of responsibility and the practice of self-government. As we shall see, this is the cornerstone of Madison's vision of the "new and more noble course" of free government in the modern world. The purpose of the principle of representation, Madison argued, is to "refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations." Like the effects of the extended republic, representation is another crucial factor intended to prevent narrow interests and unjust views from determining public decisions. The job of the representative is not to follow daily polls or raise a finger to the wind to decide how to vote; sudden breezes in popular opinion, Madison taught, are too often the result of prejudice and partial interests. Rather, the task of the representative is to promote a consensus grounded in justice and the common good.

The achievement of this consensus requires deliberation within the legislature as well as a two-way process of communication between the representatives and their constituents. When the people are "stimulated by

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some irregular passion, or some illicit advantage,” the good representative will place duty above personal ambition. Rather than flattering the people’s prejudices in order to curry their immediate favor, he will check their misguided demands, so that “reason, justice, and truth, can regain their authority over the public mind.” The goal, Madison argued, is to achieve public decisions based on the “cool and deliberate sense of the community.” Accordingly, the duty of the representative is both to listen to the concerns of his constituents and to promote among them an enlarged view of the public interest. Within this milieu of public communication and deliberation a kind of civic education takes place. It contributes to forming and settling public opinion on the basis of right, and it justifies “the respect due from the government to the sentiments of the people.”

The Madisonian process of refinement and enlargement of the public views can be seen throughout the broad workings of the legislative process today, from public hearings on political matters in home districts to the deliberative proceedings on the House or Senate floor; from the contest and compromise of interests in legislative committees to the representatives’ open newsletters to their constituents; from the necessity to defend their public stances and votes during re-election campaigns to the honor felt by those representatives whose “faithful discharge of their trust shall have established their title to a renewal of it.”

Separation of Powers and Checks and Balances

THOUGH MADISON HOPED the representatives of America would be wise and virtuous, he was not naive about the temptations of power and the charms of ambition that accompany political office. He well knew that “enlightened statesmen will not always be at the helm.” Some representatives will be weak of mind or lacking in backbone. Some may possess the ambition and political skills of a demagogue, and be able to work their wiles on less clever and weaker colleagues. Even the most philosophic and patriotic representatives, Madison warned, should not be given a blind

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trust, for the political scenes in which they must operate often distract their reasoning “and expose it to the influence of the passions.” In essence, Madison advised his fellow citizens to be wary of the heat generated by politics and the allurements of political power.

“The accumulation of all powers [of government] ... in the same hands ... [is] the very definition of tyranny,” Madison wrote in the *Federalist Papers*. To guard against the danger of governmental tyranny, Madison endorsed a system of prudential devices, including separation of powers, checks and balances, bicameralism, and federalism, which are intended to divide and channel the self-interest and ambitions of office holders and enable government to control itself. Accordingly, the Constitution separates the government into three distinct branches: legislative, executive, and judicial. However, Madison argues, it is not sufficient to establish separation of powers on parchment only. Because men are not angels — because they are so often actuated by private interest and ambition — these very motives themselves must be employed to keep the departments of government within their limited, constitutional boundaries. “Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place.”

Madison thus proposed a system of checks and balances that would incorporate the less than sterling side of human nature into the very workings of government. To accomplish this, the powers of the three branches of government are partially blended, enabling each branch to guard against usurpations of power by the others and safeguard its own constitutional province. Examples of constitutional checks and balances include the executive veto of legislative bills, the legislative override of the executive veto, the required Senate confirmation of presidential appointments to the Supreme Court, and judicial review. In essence, Madison wanted the different branches of government, as well as the two houses of Congress, and the national and the state governments, to check each other in the exercise of power, thereby guaranteeing the diffusion of governmental power and the protection of the people’s rights and liberties.

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Madison termed these safeguards against governmental tyranny “auxiliary precautions.” The primary control on the government, he emphasized, remains always with the people. In the final analysis, governmental decisions depend on the will of the society. If liberty is to be preserved, the will of the people must be grounded in the principles of justice and informed by the precepts of moral responsibility. In arguing for constitutional and institutional safeguards for liberty, Madison never lost sight of the fact that the preservation of freedom ultimately depends on the citizens and their exercise of personal and political responsibility.

Freedom and Responsibility

MADISON’S CONTRIBUTIONS TO THE American Republic are best summarized by his lifelong dedication to the principles of freedom and responsibility. These principles go hand in hand and constitute the cornerstone of republican self-government. Together they protect the citizens in the free exercise of their faculties. The individual’s free exercise of his or her mind and talents is the most basic of all rights, from which all our civil rights and liberties are derived. These include freedom of conscience, freedom of speech, freedom of assembly, freedom of the press, and the rights of property.

A staunch supporter of the separation of church and state, Madison argued that the religion of every person must be left to his own conscience and cannot rightly be forced by the dictates of other human beings. In promoting the doctrine of religious freedom, his intent was not to privilege the secular over the religious or in any way to diminish the realm of the latter, but rather to protect men’s religious convictions against the intrusion of the state. The obligation of every human being to God, Madison argued, is higher than his duty to country. Freedom of conscience is an inalienable right because “what is here a right towards men, is a duty towards the Creator.”

Before human beings are members of civil society, they are subjects of

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the “Governor of the Universe,” and not even a majority in society has the legitimate right to interfere with a man’s allegiance to divine authority. Madison’s claim for religious freedom is thus an aspect of his understanding of the hierarchy of obligations and responsibilities of human beings. “A just government,” Madison wrote, will protect “every citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property.”

When government interferes with the freedom to derive the fruits of one’s talents and labors, it violates the principle of human equality by subjecting some to peculiar burdens and others to particular exemptions. When government dictates arbitrary taxation or the taking of property from one class of citizens to benefit another, freedom is assailed. This is because the right of property is simply the natural and necessary extension of the free use of one’s faculties. A just government, Madison teaches, will protect the citizens in both their rights of property and their property in rights. A person’s “opinions and the free communication of them” is a no less sacred form of property, from which freedom of speech, assembly and press are derived. “Government is instituted to protect property of every sort,” Madison asserts, “as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government, which *impartially* secures to every man, whatever is his *own*.”

We are all familiar with the Bill of Rights as a document listing our protected freedoms. Madison hoped it would in time become much more than a parchment barrier against oppressive acts. Over time a bill of rights becomes sanctified and incorporated in public opinion, and its principles exert an influence on the actual views and sentiments of the people. The guardianship of our constitutional rights is immeasurably strengthened when those rights, and the responsibilities that flow from them, are written not just on paper, but on the minds and hearts of the citizens.

In all free governments, Madison claimed, public opinion is sovereign. Public opinion is the authority that ultimately determines govern-

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mental measures; it is the spirit behind the laws. The arena of public opinion is the sphere in which a coalition of the majority takes place on any given issue. Majority opinion in a republican polity is constantly in the process of constructing itself within an intellectual, moral, and psychological milieu larger than itself. Consequently, the things that influence public opinion are of critical importance to those concerned with the stability, character, and future of the political order. To foster the formation of a citizenry who will respect the rights of others and exercise the responsibilities that come with freedom, Madison promoted a national bill of rights, a free press circulating throughout the land, educational establishments to encourage learning and cultivate public manners, and representatives who take seriously their duty to encourage the enlargement of the public viewpoint. His aim was to construct a society in which the people are truly capable of governing themselves.

Madison's advocacy of the formation of a deliberative and just public opinion was his sustained attempt to solve the problem of majority opinion in a manner fully consistent with the form and spirit of popular government. Three quarters of a century later Abraham Lincoln would echo Madison's republican convictions. On the brink of civil war Lincoln reminded the American people that "a majority, held in restraint by constitutional checks, and limitations, and always changing easily, with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people."

Self-Control

Robert Frost, perhaps the greatest of American poets, captured in homely phrases the simple charms of the American countryside. His poems are landscapes of snowy lanes and winter's quiet, of uncharted paths through amber woods, of fences of privacy that promote neighborly bonds and mutual respect. Even more than the actual land Americans inhabit, Frost's words capture the tenor and timbre of the American way of life. They are

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quiescent reminders of the resounding majesty of the American dream. “I wonder what the dream is, or why... I wonder who dreamed it,” Frost once wrote. “Did Tom Paine dream it, did Thomas Jefferson dream it, did George Washington dream it? Gouverneur Morris?” After putting the question down, and then picking it up again, and leaving it and returning to it yet again and again, Frost thought he had come to understand the dream. He decided, “the best dreamer of it was Madison.” “Now I know — I think I know ... — what Madison’s dream was,” Frost wrote. “It was just a dream of a new land to fulfill with people in self-control. That is all through his thinking To fulfill this land — a new land — with people in self-control.”

Frost’s plain words, used to capture the vision behind Madison’s complex system of government, could not have been better chosen. Self-control, by the individual citizen and by the majority, is the essence of Madison’s dream of republican self-government. Like Madison, Frost understood that in the end, after all has been done to institute a system of institutional checks and safeguards, to establish formal laws protecting this or preventing that, the destiny of the American Republic would be decided by the people’s willingness and ability to cherish their own rights as well as respect the rights of others. The “new and more noble course” of freedom, Madison taught, is a road worthy of our choosing. Its path is marked out and lit for us by our very humanity and the eternal challenge of self-government.

Robert Frost had the acuteness to hear Madison’s gentle plea. He has reminded us that the Father of the Constitution, in his soft and quiet voice, speaks to each of us across the ages: “*You* are the tender at the sacred hearth of liberty, and of the noble aspirations that are the American dream.”

—COLLEEN SHEEHAN